

**As Reported by the Committee of Conference**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. Sub. H. B. No. 64**

**Representative Smith, R.**

**Cosponsors: Representatives Amstutz, Anielski, Baker, Blessing, Boose,  
Brown, Buchy, Burkley, Dovilla, Ginter, Green, Hackett, Hagan, Hambley, Hill,  
Kraus, Maag, McClain, Perales, Reineke, Romanchuk, Scherer, Sears,  
Sprague, Speaker Rosenberger  
Senators Oelslager, Balderson, Beagle, Burke, Coley, Eklund, Faber, Hite,  
Lehner, Manning, Peterson, Uecker, Widener**

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221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 316  
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amended, to amend Section 2 of Am. Sub. S.B. 1 of 320  
the 130th General Assembly, to amend Section 9 of 321  
Am. Sub. H.B. 386 of the 129th General Assembly, 322  
as subsequently amended, to amend Section 7 of 323  
Sub. H.B. 532 of the 129th General Assembly, to 324  
amend Section 5 of Am. Sub. S.B. 314 of the 129th 325  
General Assembly, to amend Section 4 of Sub. S.B. 326  
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amended, and to amend Section 20.15 of H.B. 215 of 328  
the 122nd General Assembly; to repeal Sections 329  
701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th 330  
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the 130th General Assembly, Sections 551.10 and 332  
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130th General Assembly, and Section 13 of Am. Sub. 335  
H.B. 487 of the 130th General Assembly; to amend 336  
section 118.023 of the Revised Code as amended by 337  
this act to terminate certain of its amendments by 338  
this act two years after their effective date; to 339  
amend the versions of sections 340.01, 340.03, 340  
340.15, and 5119.21 of the Revised Code that are 341  
scheduled to take effect September 15, 2016, to 342  
continue the provisions of this act on and after 343  
the effective date, to amend the version of 344  
section 4501.01 of the Revised Code that is 345  
scheduled to take effect January 1, 2017, to 346  
continue the provisions of this act on and after 347  
the effective date, to make operating 348

appropriations for the biennium beginning July 1, 349  
2015, and ending June 30, 2017, to provide 350  
authorization and conditions for the operation of 351  
state programs, to amend section 102.01 and to 352  
repeal sections 103.61, 103.62, 103.63, 103.64, 353  
103.65, 103.66, and 103.67 of the Revised Code on 354  
January 1, 2018, to terminate those laws on that 355  
date, and to provide that the amendments by this 356  
act to section 5124.67 of the Revised Code 357  
terminate on July 1, 2018, when section 5124.67 of 358  
the Revised Code is repealed on that date. 359

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

**Section 101.01.** That sections 1.05, 9.312, 9.333, 9.83, 360  
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5747.502, 5913.12, 5913.13, 5913.14, 6111.051, 6117.021, 6301.16, 567  
and 6301.17 of the Revised Code be enacted to read as follows: 568

**Sec. 1.05.** (A) As used in the Revised Code, unless the 569

context otherwise requires, "imprisoned" or "imprisonment" means 570  
being imprisoned under a sentence imposed for an offense or 571  
serving a term of imprisonment, prison term, jail term, term of 572  
local incarceration, or other term under a sentence imposed for an 573  
offense in an institution under the control of the department of 574  
rehabilitation and correction, a county, multicounty, municipal, 575  
municipal-county, or multicounty-municipal jail or workhouse, a 576  
minimum security jail, a community-based correctional facility, a 577  
~~halfway house, an alternative residential facility,~~ or another 578  
facility described or referred to in section 2929.34 of the 579  
Revised Code for the type of criminal offense and under the 580  
circumstances specified or referred to in that section. 581

(B) As used in division (A) of this section, "community-based 582  
correctional facility," ~~"halfway house," and "alternative~~ 583  
~~residential facility"~~ have has the same ~~meanings~~ meaning as in 584  
section 2929.01 of the Revised Code. 585

Sec. 5.2298. The month of April is designated as "Eastern 586  
European Month." The people of Ohio are called upon to observe 587  
this month with appropriate educational opportunities, ceremonies, 588  
and activities. 589

**Sec. 9.312.** (A) If a state agency or political subdivision is 590  
required by law or by an ordinance or resolution adopted under 591  
division (C) of this section to award a contract to the lowest 592  
responsive and responsible bidder, a bidder on the contract shall 593  
be considered responsive if the bidder's proposal responds to bid 594  
specifications in all material respects and contains no 595  
irregularities or deviations from the specifications which would 596  
affect the amount of the bid or otherwise give the bidder a 597  
competitive advantage. The factors that the state agency or 598  
political subdivision shall consider in determining whether a 599

bidder on the contract is responsible include the experience of 600  
the bidder, the bidder's financial condition, conduct and 601  
performance on previous contracts, facilities, management skills, 602  
and ability to execute the contract properly. 603

For purposes of this division, the provision of a bid 604  
guaranty in accordance with divisions (A)(1) and (B) of section 605  
153.54 of the Revised Code issued by a surety licensed to do 606  
business in this state is evidence of financial responsibility, 607  
but a state agency or political subdivision may request additional 608  
financial information for review from an apparent low bidder after 609  
it opens all submitted bids. A state agency or political 610  
subdivision shall keep additional financial information it 611  
receives pursuant to a request under this division confidential, 612  
except under proper order of a court. The additional financial 613  
information is not a public record under section 149.43 of the 614  
Revised Code. 615

An apparent low bidder found not to be responsive and 616  
responsible shall be notified by the state agency or political 617  
subdivision of that finding and the reasons for it. Except for 618  
contracts awarded by the department of administrative services 619  
pursuant to section 125.11 of the Revised Code, the notification 620  
shall be given in writing and by certified mail. When awarding 621  
contracts pursuant to section 125.11 of the Revised Code, the 622  
department may send such notice in writing by first class mail or 623  
by electronic means. 624

(B) Where a state agency or a political subdivision that has 625  
adopted an ordinance or resolution under division (C) of this 626  
section determines to award a contract to a bidder other than the 627  
apparent low bidder or bidders for the construction, 628  
reconstruction, improvement, enlargement, alteration, repair, 629  
painting, or decoration of a public improvement, it shall meet 630  
with the apparent low bidder or bidders upon a filing of a timely 631

written protest. The protest must be received within five days of 632  
the notification required in division (A) of this section. No 633  
final award shall be made until the state agency or political 634  
subdivision either affirms or reverses its earlier determination. 635  
Notwithstanding any other provisions of the Revised Code, the 636  
procedure described in this division is not subject to Chapter 637  
119. of the Revised Code. 638

(C) A municipal corporation, township, school district, board 639  
of county commissioners, any other county board or commission, or 640  
any other political subdivision required by law to award contracts 641  
by competitive bidding may by ordinance or resolution adopt a 642  
policy of requiring each competitively bid contract it awards to 643  
be awarded to the lowest responsive and responsible bidder in 644  
accordance with this section. 645

**Sec. 9.318.** (A) As used in this section: 646

"Armed forces" means the armed forces of the United States, 647  
including the army, navy, air force, marine corps, coast guard, or 648  
any reserve component of those forces; the national guard of any 649  
state; the commissioned corps of the United States public health 650  
service; the merchant marine service during wartime; such other 651  
service as may be designated by congress; and the Ohio organized 652  
militia when engaged in full-time national guard duty for a period 653  
of more than thirty days. 654

"State agency" has the meaning defined in section 1.60 of the 655  
Revised Code. 656

"Veteran" means any person who has completed service in the 657  
armed forces, including the national guard of any state, or a 658  
reserve component of the armed forces, who has been honorably 659  
discharged or discharged under honorable conditions from the armed 660  
forces or who has been transferred to the reserve with evidence of 661  
satisfactory service. 662

"Veteran-friendly business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture that meets veteran employment standards established by the director of administrative services and the director of transportation under this section. 663  
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(B) The director of administrative services and the director of transportation shall establish and maintain the veteran-friendly business procurement program. The director of administrative services shall adopt rules to administer the program for all state agencies except the department of transportation, and the director of transportation shall adopt rules to administer the program for the department of transportation. The rules shall be adopted under Chapter 119. of the Revised Code. The rules, as adopted separately by but with the greatest degree of consistency possible between the two directors, shall do all of the following: 668  
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(1) Establish criteria, based on the percentage of an applicant's employees who are veterans, that qualifies an applicant for certification as a veteran-friendly business enterprise; 679  
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(2) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture may apply for certification as a veteran-friendly business enterprise; 683  
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(3) Establish procedures for certifying a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture as a veteran-friendly business enterprise; 687  
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(4) Establish standards for determining when a veteran-friendly business enterprise no longer qualifies for certification as a veteran-friendly business enterprise; 691  
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(5) Establish procedures, to be used by state agencies or the department of transportation, for the evaluation and ranking of proposals, which provide preference or bonus points to each certified veteran-friendly business enterprise that submits a bid or other proposal for a contract with the state or an agency of the state other than the department of transportation, or with the department of transportation, for the rendering of services, or the supplying of materials, or for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, highway, or other improvement;

(6) Implement an outreach program to educate potential participants about the veteran-friendly business procurement program; and

(7) Establish a process for monitoring overall performance of the veteran-friendly business procurement program.

**Sec. 9.333.** (A) No public authority shall enter into a construction management contract with a construction manager unless the construction manager provides a letter of credit pursuant to Chapter 1305. of the Revised Code, a surety bond pursuant to sections 153.54 and 153.57 of the Revised Code, a certified check or cashier's check in an amount equal to the value of the construction management contract for the project, or provides other reasonable financial assurance of a nature and in an amount satisfactory to the public authority. The public authority may waive this requirement for good cause.

(B) Before construction begins pursuant to a construction management contract with a construction manager at risk, the construction manager at risk shall provide a surety bond to the public authority in accordance with rules adopted by the executive director of ~~administrative services~~ the Ohio facilities construction commission under Chapter 119. of the Revised Code.

Sec. 9.483. Notwithstanding limitations imposed by the 725  
Revised Code to the contrary, a political subdivision may enter 726  
into a sale and leaseback agreement under which the legislative 727  
authority agrees to convey a building owned by the political 728  
subdivision to a purchaser who is obligated, immediately upon 729  
closing, to lease all or portions of the building back to the 730  
legislative authority. The sale and leaseback agreement shall 731  
obligate the lessor to make public improvements to all or portions 732  
of the building subject to the lease, including renovations, 733  
energy conservation measures, and other measures that are 734  
necessary to improve the functionality and reduce the operating 735  
costs of the portions of the building that are subject to the 736  
lease. 737

**Sec. 9.83.** (A) The state and any political subdivision may 738  
procure a policy or policies of insurance insuring its officers 739  
and employees against liability for injury, death, or loss to 740  
person or property that arises out of the operation of an 741  
automobile, truck, motor vehicle with auxiliary equipment, 742  
self-propelling equipment or trailer, aircraft, or watercraft by 743  
the officers or employees while engaged in the course of their 744  
employment or official responsibilities for the state or the 745  
political subdivision. The state is authorized to expend funds to 746  
pay judgments that are rendered in any court against its officers 747  
or employees and that result from such operation, and is 748  
authorized to expend funds to compromise claims for liability 749  
against its officers or employees that result from such operation. 750  
No insurer shall deny coverage under such a policy, and the state 751  
shall not refuse to pay judgments or compromise claims, on the 752  
ground that an automobile, truck, motor vehicle with auxiliary 753  
equipment, self-propelling equipment or trailer, aircraft, or 754  
watercraft was not being used in the course of an officer's or 755



employee's employment or official responsibilities for the state 756  
or a political subdivision unless the officer or employee who was 757  
operating an automobile, truck, motor vehicle with auxiliary 758  
equipment, or self-propelling equipment or trailer is convicted of 759  
a violation of section 124.71 of the Revised Code as a result of 760  
the same events. 761

(B) Funds shall be reserved as necessary, in the exercise of 762  
sound and prudent actuarial judgment, to cover potential expense, 763  
fees, damage, loss, or other liability. The office of risk 764  
management may recommend or, if the state requests of the office 765  
of risk management, shall recommend a specific amount for any 766  
period of time that, in the opinion of the office of risk 767  
management, represents such a judgment. 768

(C) Nothing in this section shall be construed to require the 769  
department of administrative services to purchase liability 770  
insurance for all state vehicles in a single policy of insurance 771  
or to cover all state vehicles under a single plan of 772  
self-insurance. 773

(D) Insurance procured by the state pursuant to this section 774  
shall be procured as provided in division (G) of section ~~125.03~~ 775  
125.02 of the Revised Code. 776

(E) For purposes of liability insurance procured under this 777  
section to cover the operation of a motor vehicle by a prisoner 778  
for whom the insurance is procured, "employee" includes a prisoner 779  
in the custody of the department of rehabilitation and correction 780  
who is enrolled in a work program that is established by the 781  
department pursuant to section 5145.16 of the Revised Code and in 782  
which the prisoner is required to operate a motor vehicle, as 783  
defined in section 4509.01 of the Revised Code, and who is engaged 784  
in the operation of a motor vehicle in the course of the work 785  
program. 786

(F) All contributions collected by the director of 787  
administrative services under division (H) of this section shall 788  
be deposited into the risk management reserve fund created in 789  
section 9.823 of the Revised Code to the credit of the vehicle 790  
liability program. 791

(G) Reserves shall be maintained in the risk management 792  
reserve fund to the credit of the vehicle liability program in any 793  
amount that is necessary and adequate, in the exercise of sound 794  
and prudent actuarial judgment, to cover potential liability 795  
claims, expenses, fees, or damages. Money in the fund may be 796  
applied to the payment of liability claims that are filed against 797  
the state in the court of claims and determined in the manner 798  
provided in Chapter 2743. of the Revised Code. The director of 799  
administrative services may procure the services of a qualified 800  
actuarial firm for the purpose of recommending the specific amount 801  
of money that is required to maintain adequate reserves for a 802  
specified period of time. 803

(H) The director of administrative services shall collect 804  
from each state agency or any participating state body its 805  
contribution to the vehicle liability program for the purpose of 806  
purchasing insurance or administering self-insurance programs for 807  
coverage authorized under this section. The amount of the 808  
contribution shall be determined by the director, with the 809  
approval of the director of budget and management. It shall be 810  
based upon actuarial assumptions and the relative risk and loss 811  
experience of each state agency or participating state body. The 812  
amount of the contribution also shall include a reasonable sum to 813  
cover administrative costs of the department of administrative 814  
services. The amounts collected pursuant to this division shall be 815  
deposited in the risk management reserve fund to the credit of the 816  
vehicle liability program. 817

Sec. 9.833. (A) As used in this section, "political 818  
subdivision" has the meaning defined in sections 2744.01 and 819  
3905.36 of the Revised Code. For purposes of this section, 820  
"political subdivision" includes municipal corporations as defined 821  
in section 5705.01 of the Revised Code. 822

(B) Political subdivisions that provide health care benefits 823  
for their officers or employees may do any of the following: 824

(1) Establish and maintain an individual self-insurance 825  
program with public moneys to provide authorized health care 826  
benefits, including but not limited to, health care, prescription 827  
drugs, dental care, and vision care, in accordance with division 828  
(C) of this section; 829

(2) Establish and maintain a health savings account program 830  
whereby employees or officers may establish and maintain health 831  
savings accounts in accordance with section 223 of the Internal 832  
Revenue Code. Public moneys may be used to pay for or fund 833  
federally qualified high deductible health plans that are linked 834  
to health savings accounts or to make contributions to health 835  
savings accounts. A health savings account program may be a part 836  
of a self-insurance program. 837

(3) After establishing an individual self-insurance program, 838  
agree with other political subdivisions that have established 839  
individual self-insurance programs for health care benefits, that 840  
their programs will be jointly administered in a manner specified 841  
in the agreement; 842

(4) Pursuant to a written agreement and in accordance with 843  
division (C) of this section, join in any combination with other 844  
political subdivisions to establish and maintain a joint 845  
self-insurance program to provide health care benefits; 846

(5) Pursuant to a written agreement, join in any combination 847

with other political subdivisions to procure or contract for 848  
policies, contracts, or plans of insurance to provide health care 849  
benefits, which may include a health savings account program for 850  
their officers and employees subject to the agreement; 851

(6) Use in any combination any of the policies, contracts, 852  
plans, or programs authorized under this division. 853

(7) Any agreement made under division (B)(3), (4), (5), or 854  
(6) of this section shall be in writing, comply with division (C) 855  
of this section, and contain best practices established in 856  
consultation with and approved by the department of administrative 857  
services. The best practices may be reviewed and amended at the 858  
discretion of the political subdivisions in consultation with the 859  
department. Detailed information regarding the best practices 860  
shall be made available to any employee upon that employee's 861  
request. 862

(8) Purchase plans containing best practices established 863  
identified by the department of administrative services under 864  
section 9.901 of the Revised Code. 865

(C) Except as otherwise provided in division (E) of this 866  
section, the following apply to individual or joint self-insurance 867  
programs established pursuant to this section: 868

(1) Such funds shall be reserved as are necessary, in the 869  
exercise of sound and prudent actuarial judgment, to cover 870  
potential cost of health care benefits for the officers and 871  
employees of the political subdivision. A certified audited 872  
financial statement and a report of aggregate amounts so reserved 873  
and aggregate disbursements made from such funds, together with a 874  
written report of a member of the American academy of actuaries 875  
certifying whether the amounts reserved conform to the 876  
requirements of this division, are computed in accordance with 877  
accepted loss reserving standards, and are fairly stated in 878

accordance with sound loss reserving principles, shall be prepared 879  
and maintained, within ninety days after the last day of the 880  
fiscal year of the entity for which the report is provided for 881  
that fiscal year, in the office of the program administrator 882  
described in division (C)(3) of this section. 883

The report required by division (C)(1) of this section shall 884  
include, but not be limited to, the aggregate of disbursements 885  
made for the administration of the program, including claims paid, 886  
costs of the legal representation of political subdivisions and 887  
employees, and fees paid to consultants. 888

The program administrator described in division (C)(3) of 889  
this section shall make the report required by this division 890  
available for inspection by any person at all reasonable times 891  
during regular business hours, and, upon the request of such 892  
person, shall make copies of the report available at cost within a 893  
reasonable period of time. The program administrator shall further 894  
provide the report to the auditor of state under Chapter 117. of 895  
the Revised Code. The report required by this division is in lieu 896  
of the records required by division (A) of section 149.431 of the 897  
Revised Code. 898

(2) Each political subdivision shall reserve funds necessary 899  
for an individual or joint self-insurance program in a special 900  
fund that may be established for political subdivisions other than 901  
an agency or instrumentality pursuant to an ordinance or 902  
resolution of the political subdivision and not subject to section 903  
5705.12 of the Revised Code. An agency or instrumentality shall 904  
reserve the funds necessary for an individual or joint 905  
self-insurance program in a special fund established pursuant to a 906  
resolution duly adopted by the agency's or instrumentality's 907  
governing board. The political subdivision may allocate the costs 908  
of insurance or any self-insurance program, or both, among the 909  
funds or accounts established under this division on the basis of 910

relative exposure and loss experience. 911

(3) A contract may be awarded, without the necessity of 912  
competitive bidding, to any person, political subdivision, 913  
nonprofit corporation organized under Chapter 1702. of the Revised 914  
Code, or regional council of governments created under Chapter 915  
167. of the Revised Code for purposes of administration of an 916  
individual or joint self-insurance program. No such contract shall 917  
be entered into without full, prior, public disclosure of all 918  
terms and conditions. The disclosure shall include, at a minimum, 919  
a statement listing all representations made in connection with 920  
any possible savings and losses resulting from the contract, and 921  
potential liability of any political subdivision or employee. The 922  
proposed contract and statement shall be disclosed and presented 923  
at a meeting of the political subdivision not less than one week 924  
prior to the meeting at which the political subdivision authorizes 925  
the contract. 926

A contract awarded to a nonprofit corporation or a regional 927  
council of governments under this division may provide that all 928  
employees of the nonprofit corporation or regional council of 929  
governments, the employees of all entities related to the 930  
nonprofit corporation or regional council of governments, and the 931  
employees of other nonprofit corporations that have fifty or fewer 932  
employees and have been organized for the primary purpose of 933  
representing the interests of political subdivisions, may be 934  
covered by the individual or joint self-insurance program under 935  
the terms and conditions set forth in the contract. 936

(4) The individual or joint self-insurance program shall 937  
include a contract with a certified public accountant and a member 938  
of the American academy of actuaries for the preparation of the 939  
written evaluations required under division (C)(1) of this 940  
section. 941

(5) A joint self-insurance program may allocate the costs of 942

funding the program among the funds or accounts established under 943  
this division to the participating political subdivisions on the 944  
basis of their relative exposure and loss experience. 945

(6) An individual self-insurance program may allocate the 946  
costs of funding the program among the funds or accounts 947  
established under this division to the political subdivision that 948  
established the program. 949

(7) Two or more political subdivisions may also authorize the 950  
establishment and maintenance of a joint health care cost 951  
containment program, including, but not limited to, the employment 952  
of risk managers, health care cost containment specialists, and 953  
consultants, for the purpose of preventing and reducing health 954  
care costs covered by insurance, individual self-insurance, or 955  
joint self-insurance programs. 956

(8) A political subdivision is not liable under a joint 957  
self-insurance program for any amount in excess of amounts payable 958  
pursuant to the written agreement for the participation of the 959  
political subdivision in the joint self-insurance program. Under a 960  
joint self-insurance program agreement, a political subdivision 961  
may, to the extent permitted under the written agreement, assume 962  
the risks of any other political subdivision. A joint 963  
self-insurance program established under this section is deemed a 964  
separate legal entity for the public purpose of enabling the 965  
members of the joint self-insurance program to obtain insurance or 966  
to provide for a formalized, jointly administered self-insurance 967  
fund for its members. An entity created pursuant to this section 968  
is exempt from all state and local taxes. 969

(9) Any political subdivision, other than an agency or 970  
instrumentality, may issue general obligation bonds, or special 971  
obligation bonds that are not payable from real or personal 972  
property taxes, and may also issue notes in anticipation of such 973  
bonds, pursuant to an ordinance or resolution of its legislative 974

authority or other governing body for the purpose of providing 975  
funds to pay expenses associated with the settlement of claims, 976  
whether by way of a reserve or otherwise, and to pay the political 977  
subdivision's portion of the cost of establishing and maintaining 978  
an individual or joint self-insurance program or to provide for 979  
the reserve in the special fund authorized by division (C)(2) of 980  
this section. 981

In its ordinance or resolution authorizing bonds or notes 982  
under this section, a political subdivision may elect to issue 983  
such bonds or notes under the procedures set forth in Chapter 133. 984  
of the Revised Code. In the event of such an election, 985  
notwithstanding Chapter 133. of the Revised Code, the maturity of 986  
the bonds may be for any period authorized in the ordinance or 987  
resolution not exceeding twenty years, which period shall be the 988  
maximum maturity of the bonds for purposes of section 133.22 of 989  
the Revised Code. 990

Bonds and notes issued under this section shall not be 991  
considered in calculating the net indebtedness of the political 992  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 993  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 994  
hereby made applicable to bonds or notes authorized under this 995  
section. 996

(10) A joint self-insurance program is not an insurance 997  
company. Its operation does not constitute doing an insurance 998  
business and is not subject to the insurance laws of this state. 999

(11) A joint self-insurance program shall pay the run-off 1000  
expenses of a participating political subdivision that terminates 1001  
its participation in the program if the political subdivision has 1002  
accumulated funds in the reserves for incurred but not reported 1003  
claims. The run-off payment, at minimum, shall be limited to an 1004  
actuarially determined cap or sixty days, whichever is reached 1005  
first. This provision shall not apply during the term of a 1006



specific, separate agreement with a political subdivision to 1007  
maintain enrollment for a specified period, not to exceed three 1008  
years. 1009

(D) A political subdivision may procure group life insurance 1010  
for its employees in conjunction with an individual or joint 1011  
self-insurance program authorized by this section, provided that 1012  
the policy of group life insurance is not self-insured. 1013

(E) This section does not apply to individual self-insurance 1014  
programs created solely by municipal corporations as defined in 1015  
section 5705.01 of the Revised Code. 1016

(F) A public official or employee of a political subdivision 1017  
who is or becomes a member of the governing body of the program 1018  
administrator of a joint self-insurance program in which the 1019  
political subdivision participates is not in violation of division 1020  
(D) or (E) of section 102.03, division (C) of section 102.04, or 1021  
section 2921.42 of the Revised Code as a result of either of the 1022  
following: 1023

(1) The political subdivision's entering under this section 1024  
into the written agreement to participate in the joint 1025  
self-insurance program; 1026

(2) The political subdivision's entering under this section 1027  
into any other contract with the joint self-insurance program. 1028

**Sec. 9.90.** (A) The board of trustees or other governing body 1029  
of a state institution of higher education, as defined in section 1030  
3345.011 of the Revised Code, board of education of a school 1031  
district, or governing board of an educational service center may, 1032  
in addition to all other powers provided in the Revised Code: 1033

(1) Contract for, purchase, or otherwise procure from an 1034  
insurer or insurers licensed to do business by the state of Ohio 1035  
for or on behalf of such of its employees as it may determine, 1036

life insurance, or sickness, accident, annuity, endowment, health, 1037  
medical, hospital, dental, or surgical coverage and benefits, or 1038  
any combination thereof, by means of insurance plans or other 1039  
types of coverage, family, group or otherwise, and may pay from 1040  
funds under its control and available for such purpose all or any 1041  
portion of the cost, premium, or charge for such insurance, 1042  
coverage, or benefits. However, the governing board, in addition 1043  
to or as an alternative to the authority otherwise granted by 1044  
division (A)(1) of this section, may elect to procure coverage for 1045  
health care services, for or on behalf of such of its employees as 1046  
it may determine, by means of policies, contracts, certificates, 1047  
or agreements issued by at least two health insuring corporations 1048  
holding a certificate of authority under Chapter 1751. of the 1049  
Revised Code and may pay from funds under the governing board's 1050  
control and available for such purpose all or any portion of the 1051  
cost of such coverage. 1052

(2) Make payments to a custodial account for investment in 1053  
regulated investment company stock that is treated as an annuity 1054  
under Internal Revenue Code section 403(b). 1055

Any income of an employee deferred under divisions (A)(1) and 1056  
(2) of this section in a deferred compensation program eligible 1057  
for favorable tax treatment under the Internal Revenue Code shall 1058  
continue to be included as regular compensation for the purpose of 1059  
computing the contributions to and benefits from the retirement 1060  
system of such employee. Any sum so deferred shall not be included 1061  
in the computation of any federal and state income taxes withheld 1062  
on behalf of any such employee. 1063

(B) All or any portion of the cost, premium, or charge 1064  
therefor may be paid in such other manner or combination of 1065  
manner as the board or governing body may determine, including 1066  
direct payment by the employee in cases under division (A)(1) of 1067  
this section, and, if authorized in writing by the employee in 1068

cases under division (A)(1) or (2) of this section, by the board 1069  
or governing body with moneys made available by deduction from or 1070  
reduction in salary or wages or by the foregoing of a salary or 1071  
wage increase. Nothing in section 3917.01 or section 3917.06 of 1072  
the Revised Code shall prohibit the issuance or purchase of group 1073  
life insurance authorized by this section by reason of payment of 1074  
premiums therefor by the board or governing body from its funds, 1075  
and such group life insurance may be so issued and purchased if 1076  
otherwise consistent with the provisions of sections 3917.01 to 1077  
3917.07 of the Revised Code. 1078

(C) The board of education of any school district may 1079  
exercise any of the powers granted to the governing boards of 1080  
public institutions of higher education under divisions (A) and 1081  
(B) of this section. All health care benefits provided to persons 1082  
employed by the public schools of this state shall be through 1083  
health care plans that contain best practices ~~established~~ 1084  
identified by the department of administrative services ~~pursuant~~ 1085  
~~to~~ under section 9.901 of the Revised Code. 1086

**Sec. 9.901.** (A)(1) ~~All health~~ Health care plans that provide 1087  
benefits ~~provided~~ to persons employed by public employers as 1088  
defined by this section ~~shall be provided by health care plans~~ 1089  
~~that contain~~ may consider best practices established by the former 1090  
school employees health care board or identified by the department 1091  
of administrative services. All policies or contracts for health 1092  
care benefits that are issued or renewed after the expiration of 1093  
any applicable collective bargaining agreement ~~must contain all~~ 1094  
may consider any best practices ~~established pursuant to~~ identified 1095  
under this section at the time of renewal. Health care plans that 1096  
contain the best practices may be self-insured. 1097

(2) ~~Upon consulting with the department of administrative~~ 1098  
~~services, a political subdivision may adopt a delivery system of~~ 1099

~~benefits that is not in accordance with the department's adopted 1100  
best practices if it is considered by the department to be most 1101  
financially advantageous to the political subdivision. 1102~~

~~(3) As used in this section: 1103~~

(a) "Public employer" means political subdivisions, public 1104  
school districts, or state institutions of higher education. 1105

(b) "Public school district" means a city, local, exempted 1106  
village, or joint vocational school district; a STEM school 1107  
established under Chapter 3326. of the Revised Code; or an 1108  
educational service center. "Public school district" does not mean 1109  
a community school established under Chapter 3314. of the Revised 1110  
Code. 1111

(c) "State institution of higher education" or "state 1112  
institution" means a state institution of higher education as 1113  
defined in section 3345.011 of the Revised Code. 1114

(d) "Political subdivision" has the same meaning as defined 1115  
in section 9.833 of the Revised Code. 1116

(e) A "health care plan" includes group policies, contracts, 1117  
and agreements that provide hospital, surgical, or medical expense 1118  
coverage, including self-insured plans. A "health care plan" does 1119  
not include an individual plan offered to the employees of a 1120  
political subdivision, public school district, or state 1121  
institution, or a plan that provides coverage only for specific 1122  
disease or accidents, or a hospital indemnity, medicare 1123  
supplement, or other plan that provides only supplemental 1124  
benefits, paid for by the employees of a political subdivision, 1125  
public school district, or state institution. 1126

(f) A "health plan sponsor" means a political subdivision, 1127  
public school district, a state institution of higher education, a 1128  
consortium of political subdivisions, public school districts, or 1129  
state institutions, or a council of governments. 1130

~~(4) The public employees health care fund is hereby created 1131  
in the state treasury. The department shall use all funds in the 1132  
public employees health care fund solely to carry out the 1133  
provisions of this section and related administrative costs. 1134~~

(B) The department of administrative services shall do all of 1135  
the following: 1136

(1) Identify strategies to manage health care costs; 1137

(2) Study the potential benefits of state or regional 1138  
consortiums of public employers' health care plans; 1139

(3) ~~Publish~~ Study information regarding the health care plans 1140  
offered by political subdivisions, public school districts, state 1141  
institutions, and existing consortiums; 1142

(4) ~~Assist in the design~~ Provide representative cost 1143  
estimates of options for health care plans for political 1144  
subdivisions, public school districts, and state institutions of 1145  
higher education in accordance with division (A) of this section 1146  
separate from the plans for state agencies; 1147

(5) ~~Adopt~~ Study and release ~~a set of~~ standards that ~~shall~~ may 1148  
be considered the best practices for health care plans offered to 1149  
employees of political subdivisions, public school districts, and 1150  
state institutions; 1151

(6) Require that plans the health plan sponsors administer 1152  
make readily available to the public all cost and design elements 1153  
of the plan; 1154

(7) Promote cooperation among all organizations affected by 1155  
this section in identifying the elements for successful 1156  
implementation of this section; and 1157

(8) Promote cost containment measures aligned with patient, 1158  
plan, and provider management strategies in developing and 1159  
managing health care plans; ~~and~~ 1160

~~(9) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in complying with best practices and making progress to reduce the rate of increase in insurance premiums and employee out of pocket expenses, as well as progress in improving the health status of employees and their families.~~

(C) The director of administrative services may convene a public health care advisory committee to assist in studying the issues discussed in this section. ~~The committee shall make recommendations to the director of administrative services or the director's designee on the development and adoption of best practices under this section. The committee shall consist of fifteen members: five members appointed by the speaker of the house of representatives; five members appointed by the president of the senate; and five members appointed by the governor and shall include representatives from state and local government employers, state and local government employees, insurance agents, health insurance companies, and joint purchasing arrangements currently in existence. Members shall serve without compensation.~~

(D) ~~The department may adopt rules for the enforcement of health plan sponsors' compliance with the best practices standards adopted by the department pursuant to this section.~~

~~(E)~~ Any health care plan providing coverage for the employees of political subdivisions, public school districts, or state institutions of higher education, or that have provided coverage within two years before the effective date of this amendment June 30, 2011, shall provide nonidentifiable aggregate claims and administrative data for the coverage provided as required by the department, without charge, within thirty days after receiving a written request from the department. The claims data shall include data relating to employee group benefit sets, demographics, and claims experience.

~~(F)~~(E) The department may work with other state agencies to 1193  
obtain services as the department deems necessary for the 1194  
implementation and operation of this section, based on 1195  
demonstrated experience and expertise in administration, 1196  
management, data handling, actuarial studies, quality assurance, 1197  
or for other needed services. 1198

~~(G)~~(F) The department shall hire staff as necessary to 1199  
provide administrative support to the department and the public 1200  
employee health care plan program established by this section. 1201

~~(H)~~(G) Nothing in this section shall be construed as 1202  
prohibiting political subdivisions, public school districts, or 1203  
state institutions from consulting with and compensating insurance 1204  
agents and brokers for professional services or from establishing 1205  
a self-insurance program. 1206

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 1207  
auditor of state shall conduct all necessary and required audits 1208  
of the department. The auditor of state, upon request, also shall 1209  
furnish to the department copies of audits of political 1210  
subdivisions, public school districts, or consortia performed by 1211  
the auditor of state. 1212

**Sec. 101.60. A state agency, its officers, employees, and** 1213  
**contractors, shall recognize the state identification card of an** 1214  
**individual who is a member, officer who is not a member, or** 1215  
**employee of the general assembly as a form of identification at** 1216  
**all entry points and check points within the state agency's** 1217  
**building or office and may not require any additional credential** 1218  
**or photograph.** 1219

**Sec. 102.02. (A)(1)** Except as otherwise provided in division 1220  
(H) of this section, all of the following shall file with the 1221  
appropriate ethics commission the disclosure statement described 1222

in this division on a form prescribed by the appropriate 1223  
commission: every person who is elected to or is a candidate for a 1224  
state, county, or city office and every person who is appointed to 1225  
fill a vacancy for an unexpired term in such an elective office; 1226  
all members of the state board of education; the director, 1227  
assistant directors, deputy directors, division chiefs, or persons 1228  
of equivalent rank of any administrative department of the state; 1229  
the president or other chief administrative officer of every state 1230  
institution of higher education as defined in section 3345.011 of 1231  
the Revised Code; the executive director and the members of the 1232  
capitol square review and advisory board appointed or employed 1233  
pursuant to section 105.41 of the Revised Code; all members of the 1234  
Ohio casino control commission, the executive director of the 1235  
commission, all professional employees of the commission, and all 1236  
technical employees of the commission who perform an internal 1237  
audit function; the individuals set forth in division (B)(2) of 1238  
section 187.03 of the Revised Code; the chief executive officer 1239  
and the members of the board of each state retirement system; each 1240  
employee of a state retirement board who is a state retirement 1241  
system investment officer licensed pursuant to section 1707.163 of 1242  
the Revised Code; the members of the Ohio retirement study council 1243  
appointed pursuant to division (C) of section 171.01 of the 1244  
Revised Code; employees of the Ohio retirement study council, 1245  
other than employees who perform purely administrative or clerical 1246  
functions; the administrator of workers' compensation and each 1247  
member of the bureau of workers' compensation board of directors; 1248  
the bureau of workers' compensation director of investments; the 1249  
chief investment officer of the bureau of workers' compensation; 1250  
all members of the board of commissioners on grievances and 1251  
discipline of the supreme court and the ethics commission created 1252  
under section 102.05 of the Revised Code; every business manager, 1253  
treasurer, or superintendent of a city, local, exempted village, 1254  
joint vocational, or cooperative education school district or an 1255



educational service center; every person who is elected to or is a 1256  
candidate for the office of member of a board of education of a 1257  
city, local, exempted village, joint vocational, or cooperative 1258  
education school district or of a governing board of an 1259  
educational service center that has a total student count of 1260  
twelve thousand or more as most recently determined by the 1261  
department of education pursuant to section 3317.03 of the Revised 1262  
Code; every person who is appointed to the board of education of a 1263  
municipal school district pursuant to division (B) or (F) of 1264  
section 3311.71 of the Revised Code; all members of the board of 1265  
directors of a sanitary district that is established under Chapter 1266  
6115. of the Revised Code and organized wholly for the purpose of 1267  
providing a water supply for domestic, municipal, and public use, 1268  
and that includes two municipal corporations in two counties; 1269  
every public official or employee who is paid a salary or wage in 1270  
accordance with schedule C of section 124.15 or schedule E-2 of 1271  
section 124.152 of the Revised Code; members of the board of 1272  
trustees and the executive director of the southern Ohio 1273  
agricultural and community development foundation; all members 1274  
appointed to the Ohio livestock care standards board under section 1275  
904.02 of the Revised Code; all entrepreneurs in residence 1276  
assigned by the LeanOhio office in the department of 1277  
administrative services under section 125.65 of the Revised Code 1278  
and every other public official or employee who is designated by 1279  
the appropriate ethics commission pursuant to division (B) of this 1280  
section. 1281

(2) The disclosure statement shall include all of the 1282  
following: 1283

~~(1)~~(a) The name of the person filing the statement and each 1284  
member of the person's immediate family and all names under which 1285  
the person or members of the person's immediate family do 1286  
business; 1287

~~(2)(a)(b)(i)~~ Subject to divisions (A)(2)(b)(ii) and ~~(e)(iii)~~ 1288  
of this section and except as otherwise provided in section 1289  
102.022 of the Revised Code, identification of every source of 1290  
income, other than income from a legislative agent identified in 1291  
division (A)(2)(b)(ii) of this section, received during the 1292  
preceding calendar year, in the person's own name or by any other 1293  
person for the person's use or benefit, by the person filing the 1294  
statement, and a brief description of the nature of the services 1295  
for which the income was received. If the person filing the 1296  
statement is a member of the general assembly, the statement shall 1297  
identify the amount of every source of income received in 1298  
accordance with the following ranges of amounts: zero or more, but 1299  
less than one thousand dollars; one thousand dollars or more, but 1300  
less than ten thousand dollars; ten thousand dollars or more, but 1301  
less than twenty-five thousand dollars; twenty-five thousand 1302  
dollars or more, but less than fifty thousand dollars; fifty 1303  
thousand dollars or more, but less than one hundred thousand 1304  
dollars; and one hundred thousand dollars or more. Division 1305  
(A)(2)~~(a)(b)(i)~~ of this section shall not be construed to require 1306  
a person filing the statement who derives income from a business 1307  
or profession to disclose the individual items of income that 1308  
constitute the gross income of that business or profession, except 1309  
for those individual items of income that are attributable to the 1310  
person's or, if the income is shared with the person, the 1311  
partner's, solicitation of services or goods or performance, 1312  
arrangement, or facilitation of services or provision of goods on 1313  
behalf of the business or profession of clients, including 1314  
corporate clients, who are legislative agents. A person who files 1315  
the statement under this section shall disclose the identity of 1316  
and the amount of income received from a person who the public 1317  
official or employee knows or has reason to know is doing or 1318  
seeking to do business of any kind with the public official's or 1319  
employee's agency. 1320

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

~~(e)~~(iii) Except as otherwise provided in division  
(A)(2)~~(e)~~(b)(iii) of this section, division (A)(2)~~(a)~~(b)(i) of  
this section applies to attorneys, physicians, and other persons  
who engage in the practice of a profession and who, pursuant to a  
section of the Revised Code, the common law of this state, a code  
of ethics applicable to the profession, or otherwise, generally  
are required not to reveal, disclose, or use confidences of  
clients, patients, or other recipients of professional services  
except under specified circumstances or generally are required to  
maintain those types of confidences as privileged communications  
except under specified circumstances. Division (A)(2)~~(a)~~(b)(i) of  
this section does not require an attorney, physician, or other  
professional subject to a confidentiality requirement as described  
in division (A)(2)~~(e)~~(b)(iii) of this section to disclose the  
name, other identity, or address of a client, patient, or other  
recipient of professional services if the disclosure would  
threaten the client, patient, or other recipient of professional

services, would reveal details of the subject matter for which 1354  
legal, medical, or professional advice or other services were 1355  
sought, or would reveal an otherwise privileged communication 1356  
involving the client, patient, or other recipient of professional 1357  
services. Division (A)(2)~~(a)~~(b)(i) of this section does not 1358  
require an attorney, physician, or other professional subject to a 1359  
confidentiality requirement as described in division 1360  
(A)(2)~~(e)~~(b)(iii) of this section to disclose in the brief 1361  
description of the nature of services required by division 1362  
(A)(2)~~(a)~~(b)(i) of this section any information pertaining to 1363  
specific professional services rendered for a client, patient, or 1364  
other recipient of professional services that would reveal details 1365  
of the subject matter for which legal, medical, or professional 1366  
advice was sought or would reveal an otherwise privileged 1367  
communication involving the client, patient, or other recipient of 1368  
professional services. 1369

~~(3)~~(c) The name of every corporation on file with the 1370  
secretary of state that is incorporated in this state or holds a 1371  
certificate of compliance authorizing it to do business in this 1372  
state, trust, business trust, partnership, or association that 1373  
transacts business in this state in which the person filing the 1374  
statement or any other person for the person's use and benefit had 1375  
during the preceding calendar year an investment of over one 1376  
thousand dollars at fair market value as of the thirty-first day 1377  
of December of the preceding calendar year, or the date of 1378  
disposition, whichever is earlier, or in which the person holds 1379  
any office or has a fiduciary relationship, and a description of 1380  
the nature of the investment, office, or relationship. Division 1381  
(A)~~(3)~~(2)(c) of this section does not require disclosure of the 1382  
name of any bank, savings and loan association, credit union, or 1383  
building and loan association with which the person filing the 1384  
statement has a deposit or a withdrawable share account. 1385

~~(4)~~(d) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

~~(5)~~(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)~~(5)~~(2)~~(e)~~ of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

~~(6)~~(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)~~(3)~~(2)~~(c)~~ of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)~~(6)~~(2)~~(f)~~ of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised

Code, nor the disclosure of debts owed to the person resulting 1418  
from the ordinary conduct of a business or profession. 1419

~~(7)~~(g) Except as otherwise provided in section 102.022 of the 1420  
Revised Code, the source of each gift of over seventy-five 1421  
dollars, or of each gift of over twenty-five dollars received by a 1422  
member of the general assembly from a legislative agent, received 1423  
by the person in the person's own name or by any other person for 1424  
the person's use or benefit during the preceding calendar year, 1425  
except gifts received by will or by virtue of section 2105.06 of 1426  
the Revised Code, or received from spouses, parents, grandparents, 1427  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1428  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1429  
fathers-in-law, mothers-in-law, or any person to whom the person 1430  
filing the statement stands in loco parentis, or received by way 1431  
of distribution from any inter vivos or testamentary trust 1432  
established by a spouse or by an ancestor; 1433

~~(8)~~(h) Except as otherwise provided in section 102.022 of the 1434  
Revised Code, identification of the source and amount of every 1435  
payment of expenses incurred for travel to destinations inside or 1436  
outside this state that is received by the person in the person's 1437  
own name or by any other person for the person's use or benefit 1438  
and that is incurred in connection with the person's official 1439  
duties, except for expenses for travel to meetings or conventions 1440  
of a national or state organization to which any state agency, 1441  
including, but not limited to, any legislative agency or state 1442  
institution of higher education as defined in section 3345.011 of 1443  
the Revised Code, pays membership dues, or any political 1444  
subdivision or any office or agency of a political subdivision 1445  
pays membership dues; 1446

~~(9)~~(i) Except as otherwise provided in section 102.022 of the 1447  
Revised Code, identification of the source of payment of expenses 1448  
for meals and other food and beverages, other than for meals and 1449

other food and beverages provided at a meeting at which the person 1450  
participated in a panel, seminar, or speaking engagement or at a 1451  
meeting or convention of a national or state organization to which 1452  
any state agency, including, but not limited to, any legislative 1453  
agency or state institution of higher education as defined in 1454  
section 3345.011 of the Revised Code, pays membership dues, or any 1455  
political subdivision or any office or agency of a political 1456  
subdivision pays membership dues, that are incurred in connection 1457  
with the person's official duties and that exceed one hundred 1458  
dollars aggregated per calendar year; 1459

~~(10)~~(j) If the disclosure statement is filed by a public 1460  
official or employee described in division (B)(2) of section 1461  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 1462  
the Revised Code who receives a statement from a legislative 1463  
agent, executive agency lobbyist, or employer that contains the 1464  
information described in division (F)(2) of section 101.73 of the 1465  
Revised Code or division (G)(2) of section 121.63 of the Revised 1466  
Code, all of the nondisputed information contained in the 1467  
statement delivered to that public official or employee by the 1468  
legislative agent, executive agency lobbyist, or employer under 1469  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1470  
the Revised Code. 1471

(3) A person may file a statement required by this section in 1472  
person, by mail, or by electronic means. A 1473

(4) A person who is required to file a statement under this 1474  
section shall file that statement according to the following 1475  
deadlines, as applicable: 1476

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1477  
and (d) of this section, the person shall file the statement not 1478  
later than the fifteenth day of May of each year. 1479

(b) A person who is a candidate for elective office shall 1480

file the statement no later than the thirtieth day before the 1481  
primary, special, or general election at which the candidacy is to 1482  
be voted on, whichever election occurs soonest, except that a 1483  
person who is a write-in candidate shall file the statement no 1484  
later than the twentieth day before the earliest election at which 1485  
the person's candidacy is to be voted on. ~~A person who holds~~ 1486  
~~elective office shall file the statement on or before the~~ 1487  
~~fifteenth day of April of each year unless the person is a~~ 1488  
~~candidate for office. A~~ 1489

(c) A person who is appointed to fill a vacancy for an 1490  
unexpired term in an elective office shall file the statement 1491  
within fifteen days after the person qualifies for office. ~~Other~~ 1492  
~~persons~~ 1493

(d) A person who is appointed or employed after the fifteenth 1494  
day of May, other than a person described in division (A)(4)(c) of 1495  
this section, shall file an annual statement ~~on or before the~~ 1496  
~~fifteenth day of April or, if appointed or employed after that~~ 1497  
~~date,~~ within ninety days after appointment or employment. ~~No~~ 1498

(5) No person shall be required to file with the appropriate 1499  
ethics commission more than one statement or pay more than one 1500  
filing fee for any one calendar year. 1501

(6) The appropriate ethics commission, for good cause, may 1502  
extend for a reasonable time the deadline for filing a statement 1503  
under this section. 1504

(7) A statement filed under this section is subject to public 1505  
inspection at locations designated by the appropriate ethics 1506  
commission except as otherwise provided in this section. 1507

(B) The Ohio ethics commission, the joint legislative ethics 1508  
committee, and the board of commissioners on grievances and 1509  
discipline of the supreme court, using the rule-making procedures 1510  
of Chapter 119. of the Revised Code, may require any class of 1511



public officials or employees under its jurisdiction and not 1512  
specifically excluded by this section whose positions involve a 1513  
substantial and material exercise of administrative discretion in 1514  
the formulation of public policy, expenditure of public funds, 1515  
enforcement of laws and rules of the state or a county or city, or 1516  
the execution of other public trusts, to file an annual statement 1517  
~~on or before the fifteenth day of April~~ under division (A) of this 1518  
section. The appropriate ethics commission shall send the public 1519  
officials or employees written notice of the requirement ~~by the~~ 1520  
~~fifteenth day of February of each year~~ not less than thirty days 1521  
before the applicable filing is required deadline unless the 1522  
public official or employee is appointed after that date, in which 1523  
case the notice shall be sent within thirty days after 1524  
appointment, and the filing shall be made not later than ninety 1525  
days after appointment. 1526

~~Except for disclosure statements filed by members of the~~ 1527  
~~board of trustees and the executive director of the southern Ohio~~ 1528  
~~agricultural and community development foundation, disclosure~~ 1529  
Disclosure statements filed under this division with the Ohio 1530  
ethics commission by members of boards, commissions, or bureaus of 1531  
the state for which no compensation is received other than 1532  
reasonable and necessary expenses shall be kept confidential. 1533  
Disclosure statements filed with the Ohio ethics commission under 1534  
division (A) of this section by business managers, treasurers, and 1535  
superintendents of city, local, exempted village, joint 1536  
vocational, or cooperative education school districts or 1537  
educational service centers shall be kept confidential, except 1538  
that any person conducting an audit of any such school district or 1539  
educational service center pursuant to section 115.56 or Chapter 1540  
117. of the Revised Code may examine the disclosure statement of 1541  
any business manager, treasurer, or superintendent of that school 1542  
district or educational service center. Disclosure statements 1543  
filed with the Ohio ethics commission under division (A) of this 1544

section by the individuals set forth in division (B)(2) of section 1545  
187.03 of the Revised Code shall be kept confidential. The Ohio 1546  
ethics commission shall examine each disclosure statement required 1547  
to be kept confidential to determine whether a potential conflict 1548  
of interest exists for the person who filed the disclosure 1549  
statement. A potential conflict of interest exists if the private 1550  
interests of the person, as indicated by the person's disclosure 1551  
statement, might interfere with the public interests the person is 1552  
required to serve in the exercise of the person's authority and 1553  
duties in the person's office or position of employment. If the 1554  
commission determines that a potential conflict of interest 1555  
exists, it shall notify the person who filed the disclosure 1556  
statement and shall make the portions of the disclosure statement 1557  
that indicate a potential conflict of interest subject to public 1558  
inspection in the same manner as is provided for other disclosure 1559  
statements. Any portion of the disclosure statement that the 1560  
commission determines does not indicate a potential conflict of 1561  
interest shall be kept confidential by the commission and shall 1562  
not be made subject to public inspection, except as is necessary 1563  
for the enforcement of Chapters 102. and 2921. of the Revised Code 1564  
and except as otherwise provided in this division. 1565

(C) No person shall knowingly fail to file, on or before the 1566  
applicable filing deadline established under this section, a 1567  
statement that is required by this section. 1568

(D) No person shall knowingly file a false statement that is 1569  
required to be filed under this section. 1570

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1571  
section, the statement required by division (A) or (B) of this 1572  
section shall be accompanied by a filing fee of sixty dollars. 1573

(2) The statement required by division (A) of this section 1574  
shall be accompanied by the following filing fee to be paid by the 1575  
person who is elected or appointed to, or is a candidate for, any 1576

of the following offices:		1577
For state office, except member of the		1578
state board of education	\$95	1579
For office of member of general assembly	\$40	1580
For county office	\$60	1581
For city office	\$35	1582
For office of member of the state board		1583
of education	\$35	1584
For office of member of a city, local,		1585
exempted village, or cooperative		1586
education board of		1587
education or educational service		1588
center governing board	\$30	1589
For position of business manager,		1590
treasurer, or superintendent of a		1591
city, local, exempted village, joint		1592
vocational, or cooperative education		1593
school district or		1594
educational service center	\$30	1595
(3) No judge of a court of record or candidate for judge of a		1596
court of record, and no referee or magistrate serving a court of		1597
record, shall be required to pay the fee required under division		1598
(E)(1) or (2) or (F) of this section.		1599
(4) For any public official who is appointed to a nonelective		1600
office of the state and for any employee who holds a nonelective		1601
position in a public agency of the state, the state agency that is		1602
the primary employer of the state official or employee shall pay		1603
the fee required under division (E)(1) or (F) of this section.		1604
(F) If a statement required to be filed under this section is		1605
not filed by the date on which it is required to be filed, the		1606
appropriate ethics commission shall assess the person required to		1607
file the statement a late filing fee of ten dollars for each day		1608

the statement is not filed, except that the total amount of the 1609  
late filing fee shall not exceed two hundred fifty dollars. 1610

(G)(1) The appropriate ethics commission other than the Ohio 1611  
ethics commission and the joint legislative ethics committee shall 1612  
deposit all fees it receives under divisions (E) and (F) of this 1613  
section into the general revenue fund of the state. 1614

(2) The Ohio ethics commission shall deposit all receipts, 1615  
including, but not limited to, fees it receives under divisions 1616  
(E) and (F) of this section, investigative or other fees, costs, 1617  
or other funds it receives as a result of court orders, and all 1618  
moneys it receives from settlements under division (G) of section 1619  
102.06 of the Revised Code, into the Ohio ethics commission fund, 1620  
which is hereby created in the state treasury. All moneys credited 1621  
to the fund shall be used solely for expenses related to the 1622  
operation and statutory functions of the commission. 1623

(3) The joint legislative ethics committee shall deposit all 1624  
receipts it receives from the payment of financial disclosure 1625  
statement filing fees under divisions (E) and (F) of this section 1626  
into the joint legislative ethics committee investigative fund. 1627

(H) Division (A) of this section does not apply to a person 1628  
elected or appointed to the office of precinct, ward, or district 1629  
committee member under Chapter 3517. of the Revised Code; a 1630  
presidential elector; a delegate to a national convention; village 1631  
or township officials and employees; any physician or psychiatrist 1632  
who is paid a salary or wage in accordance with schedule C of 1633  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1634  
Code and whose primary duties do not require the exercise of 1635  
administrative discretion; or any member of a board, commission, 1636  
or bureau of any county or city who receives less than one 1637  
thousand dollars per year for serving in that position. 1638

**Sec. 102.022.** Each person who is an officer or employee of a 1639

political subdivision, who receives compensation of less than 1640  
sixteen thousand dollars a year for holding an office or position 1641  
of employment with that political subdivision, and who is required 1642  
to file a statement under section 102.02 of the Revised Code; each 1643  
member of the board of trustees of a state institution of higher 1644  
education as defined in section 3345.011 of the Revised Code who 1645  
is required to file a statement under section 102.02 of the 1646  
Revised Code; and each individual set forth in division (B)(2) of 1647  
section 187.03 of the Revised Code who is required to file a 1648  
statement under section 102.02 of the Revised Code, shall include 1649  
in that statement, in place of the information required by 1650  
divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, 1651  
the following information: 1652

(A) Exclusive of reasonable expenses, identification of every 1653  
source of income over five hundred dollars received during the 1654  
preceding calendar year, in the officer's or employee's own name 1655  
or by any other person for the officer's or employee's use or 1656  
benefit, by the person filing the statement, and a brief 1657  
description of the nature of the services for which the income was 1658  
received. This division shall not be construed to require the 1659  
disclosure of clients of attorneys or persons licensed under 1660  
section 4732.12 of the Revised Code or patients of persons 1661  
certified under section 4731.14 of the Revised Code. This division 1662  
shall not be construed to require a person filing the statement 1663  
who derives income from a business or profession to disclose the 1664  
individual items of income that constitute the gross income of the 1665  
business or profession. 1666

(B) The source of each gift of over five hundred dollars 1667  
received by the person in the officer's or employee's own name or 1668  
by any other person for the officer's or employee's use or benefit 1669  
during the preceding calendar year, except gifts received by will 1670  
or by virtue of section 2105.06 of the Revised Code, received from 1671

parents, grandparents, children, grandchildren, siblings, nephews, 1672  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1673  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1674  
any person to whom the person filing the statement stands in loco 1675  
parentis, or received by way of distribution from any inter vivos 1676  
or testamentary trust established by a spouse or by an ancestor. 1677

**Sec. 103.412.** (A) JMOC shall oversee the medicaid program on 1678  
a continuing basis. As part of its oversight, JMOC shall do all of 1679  
the following: 1680

(1) Review how the medicaid program relates to the public and 1681  
private provision of health care coverage in this state and the 1682  
United States; 1683

(2) Review the reforms implemented under section 5162.70 of 1684  
the Revised Code and evaluate the reforms' successes in achieving 1685  
their objectives; 1686

(3) Recommend policies and strategies to encourage both of 1687  
the following: 1688

(a) Medicaid recipients being physically and mentally able to 1689  
join and stay in the workforce and ultimately becoming 1690  
self-sufficient; 1691

(b) Less use of the medicaid program. 1692

(4) Recommend, to the extent JMOC determines appropriate, 1693  
improvements in statutes and rules concerning the medicaid 1694  
program; 1695

(5) Develop a plan of action for the future of the medicaid 1696  
program; 1697

(6) Receive and consider reports submitted by ~~county~~ local 1698  
healthier buckeye councils under section 355.04 of the Revised 1699  
Code. 1700

(B) JMOC may do all of the following:	1701
(1) Plan, advertise, organize, and conduct forums, conferences, and other meetings at which representatives of state agencies and other individuals having expertise in the medicaid program may participate to increase knowledge and understanding of, and to develop and propose improvements in, the medicaid program;	1702 1703 1704 1705 1706 1707
(2) Prepare and issue reports on the medicaid program;	1708
(3) Solicit written comments on, and conduct public hearings at which persons may offer verbal comments on, drafts of its reports.	1709 1710 1711
<u>Sec. 103.42. (A) During the period beginning July 1, 2015, and ending June 30, 2018, the joint medicaid oversight committee on a quarterly basis shall monitor the actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement and implementing inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.</u>	1712 1713 1714 1715 1716 1717 1718 1719
<u>(B)(1) The committee shall review any proposal by the department to include all or part of the services in all or part of the system before January 1, 2018. In conducting its review, the committee shall consider all of the following for each service to be included:</u>	1720 1721 1722 1723 1724
<u>(a) The proposed timeline for including the service;</u>	1725
<u>(b) Any issues related to medicaid recipients' access to the service;</u>	1726 1727
<u>(c) The adequacy of the network of providers of the service;</u>	1728
<u>(d) Payment levels for the service.</u>	1729

(2) The committee shall vote on whether to approve or 1730  
disapprove the proposal. If a majority of the committee members 1731  
approve the proposal, the committee shall notify the department 1732  
and the proposal may be implemented. 1733

(C) Beginning July 1, 2018, the committee on a periodic basis 1734  
shall monitor the department's inclusion of the services in the 1735  
system. 1736

**Sec. 103.44.** As used in sections 103.45 to 103.50 of the 1737  
Revised Code: 1738

"Other public schools" includes the state school for the 1739  
deaf, the state school for the blind, community schools 1740  
established under Chapter 3314. of the Revised Code, STEM schools 1741  
established under Chapter 3326. of the Revised Code, and 1742  
college-preparatory boarding schools established under Chapter 1743  
3328. of the Revised Code. 1744

"State institution of higher education" has the same meaning 1745  
as in section 3345.011 of the Revised Code. 1746

**Sec. 103.45.** The joint education oversight committee of the 1747  
house of representatives and senate is hereby created. The 1748  
committee shall select, for review and evaluation, education 1749  
programs at school districts, other public schools, and state 1750  
institutions of higher education that receive state financial 1751  
assistance in any form. The reviews and evaluations may include 1752  
any of the following: 1753

(A) Assessment of the uses school districts, other public 1754  
schools, and state institutions of higher education make of state 1755  
money they receive, and a determination of the extent to which 1756  
that money improves district, school, or institutional performance 1757  
in the areas for which the money was intended to be used; 1758

(B) Determination of whether an education program meets its 1759



intended goals, has adequate operating or administrative 1760  
procedures and fiscal controls, encompasses only authorized 1761  
activities, has any undesirable or unintended effects, and is 1762  
efficiently managed; and 1763

(C) Examination of pilot programs developed and initiated in 1764  
school districts, at other public schools, and at state 1765  
institutions of higher education to determine whether the programs 1766  
suggest innovative, effective ways to deal with problems that may 1767  
exist in other districts, schools, or institutions of higher 1768  
education, and to assess the fiscal costs and likely impact of 1769  
adopting the programs throughout the state. 1770

The committee shall prepare a report of the results of each 1771  
review and evaluation it conducts, and shall transmit the report 1772  
to the general assembly under section 101.68 of the Revised Code. 1773

If the general assembly directs the joint education oversight 1774  
committee to submit a study to the general assembly by a 1775  
particular date, the committee, upon a majority vote of its 1776  
members, may modify the scope and due date of the study to 1777  
accommodate the availability of data and resources. 1778

**Sec. 103.46.** The joint education oversight committee may 1779  
review bills and resolutions regarding education that are 1780  
introduced or offered in the general assembly, and may prepare a 1781  
report of its review. The committee shall transmit its report to 1782  
the general assembly under section 101.68 of the Revised Code. The 1783  
report may include the committee's determination regarding the 1784  
bill's or resolution's desirability as a matter of public policy. 1785

The committee's decision on whether and when to review a bill 1786  
or resolution has no effect on the general assembly's authority to 1787  
act on the bill or resolution. 1788

**Sec. 103.47.** The joint education oversight committee may 1789

employ professional, technical, and clerical employees as are 1790  
necessary for the committee to be able successfully and 1791  
efficiently to perform its duties. All the employees are in the 1792  
unclassified service and serve at the committee's pleasure. The 1793  
committee may contract for the services of persons who are 1794  
qualified by education and experience to advise, consult with, or 1795  
otherwise assist the committee in the performance of its duties. 1796

Sec. 103.48. The chairperson of the joint education oversight 1797  
committee may request that the superintendent of public 1798  
instruction or the director of higher education appear before the 1799  
committee. If so requested, the superintendent or the director 1800  
shall appear before the committee at the time and place specified 1801  
in the request. 1802

Sec. 103.49. (A) The joint education oversight committee and 1803  
its employees may investigate any school district, other public 1804  
school, or state institution of higher education for the purposes 1805  
of fulfilling its duties. All of the following apply to an 1806  
investigation: 1807

(1) The joint education oversight committee and its employees 1808  
may enter and inspect a school district, other public school, or 1809  
state institution of higher education for the conduct of the 1810  
investigation; 1811

(2) A member or employee of the joint education oversight 1812  
committee is not required to give advance notice of, or to make 1813  
prior arrangements before, an inspection; and 1814

(3) No person shall deny a member or employee of the joint 1815  
education oversight committee access to office when access is 1816  
needed for an inspection. 1817

(B) A member or employee of the joint education oversight 1818  
committee shall not conduct an inspection under this section 1819

unless the joint education oversight committee chairperson grants 1820  
prior approval for the inspection. The chairperson shall not grant 1821  
approval unless the committee, the president of the senate, and 1822  
the speaker of the house of representatives authorize the 1823  
chairperson to grant the approval. Each inspection shall be 1824  
conducted during the normal business hours of the office being 1825  
inspected, unless the chairperson determines that the inspection 1826  
must be conducted outside of normal business hours. The 1827  
chairperson may make such a determination only because of an 1828  
emergency circumstance or other justifiable cause that furthers 1829  
the committee's mission. If the chairperson makes such a 1830  
determination, the chairperson shall specify the reason for the 1831  
determination in the grant of prior approval for the inspection. 1832

Sec. 103.50. The joint education oversight committee shall 1833  
consist of the following members: 1834

(A) Five members of the house of representatives appointed by 1835  
the speaker of the house of representatives, three of whom are 1836  
members of the majority party and two of whom are members of the 1837  
minority party; and 1838

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

The term of each member begins on the day of appointment to 1842  
the committee and ends on expiration or other termination of the 1843  
member's term as a member of the house of representatives or 1844  
senate. The speaker and president shall make subsequent 1845  
appointments not later than fifteen days after the commencement of 1846  
the first regular session of each general assembly. Members may be 1847  
reappointed. A vacancy on the committee shall be filled in the 1848  
same manner as the original appointment. 1849

In odd-numbered years, the speaker shall designate one of the 1850

majority members from the house of representatives as chairperson 1851  
and the president shall designate one of the minority members from 1852  
the senate as the ranking minority member. In even-numbered years, 1853  
the president shall designate one of the majority members from the 1854  
senate as the chairperson and the speaker shall designate one of 1855  
the minority members from the house of representatives as the 1856  
ranking minority member. 1857

In appointing members from the minority, and in designating 1858  
ranking minority members, the president and speaker shall consult 1859  
with the minority leader of their respective houses. 1860

The committee shall meet at the call of the chairperson. The 1861  
chairperson shall meet not less often than once each calendar 1862  
month, unless the chairperson and ranking minority member agree 1863  
that the chairperson should not call the committee to meet for a 1864  
particular month. 1865

Notwithstanding section 101.26 of the Revised Code, the 1866  
members, when engaged in their duties as members of the committee 1867  
on days when there is not a voting session of the member's house 1868  
of the general assembly, shall be paid at the per diem rate of one 1869  
hundred fifty dollars, and their necessary traveling expenses. 1870  
These amounts shall be paid from the funds appropriated for the 1871  
payment of expenses of legislative committees. 1872

The chairperson, when authorized by the committee and the 1873  
president and speaker, may issue subpoenas and subpoenas duces 1874  
tecum in aid of the committee's performance of its duties. A 1875  
subpoena may require a witness in any part of the state to appear 1876  
before the committee at a time and place designated in the 1877  
subpoena to testify. A subpoena duces tecum may require witnesses 1878  
or other persons in any part of the state to produce books, 1879  
papers, records, and other tangible evidence before the committee 1880  
at a time and place designated in the subpoena duces tecum. A 1881  
subpoena or subpoena duces tecum shall be issued, served, and 1882

returned, and has consequences, as specified in sections 101.41 to 1883  
101.45 of the Revised Code. 1884

The chairperson may administer oaths to witnesses appearing 1885  
before the committee. 1886

**Sec. 105.41.** (A) There is hereby created in the legislative 1887  
branch of government the capitol square review and advisory board, 1888  
consisting of twelve members as follows: 1889

(1) Two members of the senate, appointed by the president of 1890  
the senate, both of whom shall not be members of the same 1891  
political party; 1892

(2) Two members of the house of representatives, appointed by 1893  
the speaker of the house of representatives, both of whom shall 1894  
not be members of the same political party; 1895

(3) Four members appointed by the governor, with the advice 1896  
and consent of the senate, not more than three of whom shall be 1897  
members of the same political party, one of whom shall be the 1898  
chief of staff of the governor's office, one of whom shall 1899  
represent the Ohio arts council, one of whom shall represent the 1900  
Ohio historical society, and one of whom shall represent the 1901  
public at large; 1902

(4) One member, who shall be a former president of the 1903  
senate, appointed by the current president of the senate. If the 1904  
current president of the senate, in the current president's 1905  
discretion, decides for any reason not to make the appointment or 1906  
if no person is eligible or available to serve, the seat shall 1907  
remain vacant. 1908

(5) One member, who shall be a former speaker of the house of 1909  
representatives, appointed by the current speaker of the house of 1910  
representatives. If the current speaker of the house of 1911  
representatives, in the current speaker's discretion, decides for 1912

any reason not to make the appointment or if no person is eligible 1913  
or available to serve, the seat shall remain vacant. 1914

(6) The clerk of the senate and the clerk of the house of 1915  
representatives. 1916

(B) Terms of office of each appointed member of the board 1917  
shall be for three years, except that members of the general 1918  
assembly appointed to the board shall be members of the board only 1919  
so long as they are members of the general assembly and the chief 1920  
of staff of the governor's office shall be a member of the board 1921  
only so long as the appointing governor remains in office. Each 1922  
member shall hold office from the date of the member's appointment 1923  
until the end of the term for which the member was appointed. In 1924  
case of a vacancy occurring on the board, the president of the 1925  
senate, the speaker of the house of representatives, or the 1926  
governor, as the case may be, shall in the same manner prescribed 1927  
for the regular appointment to the commission, fill the vacancy by 1928  
appointing a member. Any member appointed to fill a vacancy 1929  
occurring prior to the expiration of the term for which the 1930  
member's predecessor was appointed shall hold office for the 1931  
remainder of the term. Any appointed member shall continue in 1932  
office subsequent to the expiration date of the member's term 1933  
until the member's successor takes office, or until a period of 1934  
sixty days has elapsed, whichever occurs first. 1935

(C) The board shall hold meetings in a manner and at times 1936  
prescribed by the rules adopted by the board. A majority of the 1937  
board constitutes a quorum, and no action shall be taken by the 1938  
board unless approved by at least six members or by at least seven 1939  
members if a person is appointed under division (A)(4) or (5) of 1940  
this section. At its first meeting, the board shall adopt rules 1941  
for the conduct of its business and the election of its officers, 1942  
and shall organize by selecting ~~a chairperson and other~~ officers 1943  
other than a chairperson as it considers necessary. In 1944

odd-numbered years, the majority member from the senate shall 1945  
serve as chairperson; in even-numbered years, the majority member 1946  
from the house of representatives shall serve as chairperson. 1947

Board members shall serve without compensation but shall be 1948  
reimbursed for actual and necessary expenses incurred in the 1949  
performance of their duties. 1950

(D) The board may do any of the following: 1951

(1) Employ or hire on a consulting basis professional, 1952  
technical, and clerical employees as are necessary for the 1953  
performance of its duties. All employees of the board are in the 1954  
unclassified service and serve at the pleasure of the board. For 1955  
purposes of section 4117.01 of the Revised Code, employees of the 1956  
board shall be considered employees of the general assembly, 1957  
except that employees who are covered by a collective bargaining 1958  
agreement on September 29, 2011, shall remain subject to the 1959  
agreement until the agreement expires on its terms, and the 1960  
agreement shall not be extended or renewed. Upon expiration of the 1961  
agreement, the employees are considered employees of the general 1962  
assembly for purposes of section 4117.01 of the Revised Code and 1963  
are in the unclassified service and serve at the pleasure of the 1964  
board. 1965

(2) Hold public hearings at times and places as determined by 1966  
the board; 1967

(3) Adopt, amend, or rescind rules necessary to accomplish 1968  
the duties of the board as set forth in this section; 1969

(4) Sponsor, conduct, and support such social events as the 1970  
board may authorize and consider appropriate for the employees of 1971  
the board, employees and members of the general assembly, 1972  
employees of persons under contract with the board or otherwise 1973  
engaged to perform services on the premises of capitol square, or 1974  
other persons as the board may consider appropriate. Subject to 1975

the requirements of Chapter 4303. of the Revised Code, the board 1976  
may provide beer, wine, and intoxicating liquor, with or without 1977  
charge, for those events and may use funds only from the sale of 1978  
goods and services fund to purchase the beer, wine, and 1979  
intoxicating liquor the board provides; 1980

(5) Purchase a warehouse in which to store items of the 1981  
capitol collection trust and, whenever necessary, equipment or 1982  
other property of the board. 1983

(E) The board shall do all of the following: 1984

(1) Have sole authority to coordinate and approve any 1985  
improvements, additions, and renovations that are made to the 1986  
capitol square. The improvements shall include, but not be limited 1987  
to, the placement of monuments and sculpture on the capitol 1988  
grounds. 1989

(2) Subject to section 3353.07 of the Revised Code, operate 1990  
the capitol square, and have sole authority to regulate all uses 1991  
of the capitol square. The uses shall include, but not be limited 1992  
to, the casual and recreational use of the capitol square. 1993

(3) Employ, fix the compensation of, and prescribe the duties 1994  
of the executive director of the board and other employees the 1995  
board considers necessary for the performance of its powers and 1996  
duties; 1997

(4) Establish and maintain the capitol collection trust. The 1998  
capitol collection trust shall consist of furniture, antiques, and 1999  
other items of personal property that the board shall store in 2000  
suitable facilities until they are ready to be displayed in the 2001  
capitol square. 2002

(5) Perform repair, construction, contracting, purchasing, 2003  
maintenance, supervisory, and operating activities the board 2004  
determines are necessary for the operation and maintenance of the 2005  
capitol square; 2006



(6) Maintain and preserve the capitol square, in accordance 2007  
with guidelines issued by the United States secretary of the 2008  
interior for application of the secretary's standards for 2009  
rehabilitation adopted in 36 C.F.R. part 67; 2010

(7) Plan and develop a center at the capitol building for the 2011  
purpose of educating visitors about the history of Ohio, including 2012  
its political, economic, and social development and the design and 2013  
erection of the capitol building and its grounds. 2014

(F)(1) The board shall lease capital facilities improved by 2015  
the department of administrative services or financed by the 2016  
treasurer of state pursuant to Chapter 154. of the Revised Code 2017  
for the use of the board, and may enter into any other agreements 2018  
with the department, the Ohio public facilities commission, or any 2019  
other authorized governmental agency ancillary to improvement, 2020  
financing, or leasing of those capital facilities, including, but 2021  
not limited to, any agreement required by the applicable bond 2022  
proceedings authorized by Chapter 154. of the Revised Code. Any 2023  
lease of capital facilities authorized by this section shall be 2024  
governed by Chapter 154. of the Revised Code. 2025

(2) Fees, receipts, and revenues received by the board from 2026  
the state underground parking garage constitute available receipts 2027  
as defined in section 154.24 of the Revised Code, and may be 2028  
pledged to the payment of bond service charges on obligations 2029  
issued by the treasurer of state pursuant to Chapter 154. of the 2030  
Revised Code to improve, finance, or purchase capital facilities 2031  
useful to the board. The treasurer of state may, with the consent 2032  
of the board, provide in the bond proceedings for a pledge of all 2033  
or a portion of those fees, receipts, and revenues as the 2034  
treasurer of state determines. The treasurer of state may provide 2035  
in the bond proceedings or by separate agreement with the board 2036  
for the transfer of those fees, receipts, and revenues to the 2037  
appropriate bond service fund or bond service reserve fund as 2038

required to pay the bond service charges when due, and any such 2039  
provision for the transfer of those fees, receipts, and revenues 2040  
shall be controlling notwithstanding any other provision of law 2041  
pertaining to those fees, receipts, and revenues. 2042

(3) All moneys received by the treasurer of state on account 2043  
of the board and required by the applicable bond proceedings or by 2044  
separate agreement with the board to be deposited, transferred, or 2045  
credited to the bond service fund or bond service reserve fund 2046  
established by the bond proceedings shall be transferred by the 2047  
treasurer of state to such fund, whether or not it is in the 2048  
custody of the treasurer of state, without necessity for further 2049  
appropriation. 2050

(G)(1) Except as otherwise provided in division (G)(2) of 2051  
this section, all fees, receipts, and revenues received by the 2052  
board from the state underground parking garage shall be deposited 2053  
into the state treasury to the credit of the underground parking 2054  
garage operating fund, which is hereby created, to be used for the 2055  
purposes specified in division (F) of this section and for the 2056  
operation and maintenance of the garage. All investment earnings 2057  
of the fund shall be credited to the fund. 2058

(2) There is hereby created the parking garage automated 2059  
equipment fund, which shall be in the custody of the treasurer of 2060  
state but shall not be part of the state treasury. Money in the 2061  
fund shall be used to purchase the automated teller machine 2062  
quality dollar bills needed for operation of the parking garage 2063  
automated equipment. The fund shall consist of fees, receipts, or 2064  
revenues received by the board from the state underground parking 2065  
garage; provided, however, that the total amount deposited into 2066  
the fund at any one time shall not exceed ten thousand dollars. 2067  
All investment earnings of the fund shall be credited to the fund. 2068

(H) All donations received by the board shall be deposited 2069  
into the state treasury to the credit of the capitol square 2070

renovation gift fund, which is hereby created. The fund shall be 2071  
used by the board as follows: 2072

(1) To provide part or all of the funding related to 2073  
construction, goods, or services for the renovation of the capitol 2074  
square; 2075

(2) To purchase art, antiques, and artifacts for display at 2076  
the capitol square; 2077

(3) To award contracts or make grants to organizations for 2078  
educating the public regarding the historical background and 2079  
governmental functions of the capitol square. Chapters 125., 127., 2080  
and 153. and section 3517.13 of the Revised Code do not apply to 2081  
purchases made exclusively from the fund, notwithstanding anything 2082  
to the contrary in those chapters or that section. All investment 2083  
earnings of the fund shall be credited to the fund. 2084

(I) Except as provided in divisions (G), (H), and (J) of this 2085  
section, all fees, receipts, and revenues received by the board 2086  
shall be deposited into the state treasury to the credit of the 2087  
sale of goods and services fund, which is hereby created. Money 2088  
credited to the fund shall be used solely to pay costs of the 2089  
board other than those specified in divisions (F) and (G) of this 2090  
section. All investment earnings of the fund shall be credited to 2091  
the fund. 2092

(J) There is hereby created in the state treasury the capitol 2093  
square improvement fund, to be used by the board to pay 2094  
construction, renovation, and other costs related to the capitol 2095  
square for which money is not otherwise available to the board. 2096  
Whenever the board determines that there is a need to incur those 2097  
costs and that the unencumbered, unobligated balance to the credit 2098  
of the underground parking garage operating fund exceeds the 2099  
amount needed for the purposes specified in division (F) of this 2100  
section and for the operation and maintenance of the garage, the 2101

board may request the director of budget and management to 2102  
transfer from the underground parking garage operating fund to the 2103  
capitol square improvement fund the amount needed to pay such 2104  
construction, renovation, or other costs. The director then shall 2105  
transfer the amount needed from the excess balance of the 2106  
underground parking garage operating fund. 2107

(K) As the operation and maintenance of the capitol square 2108  
constitute essential government functions of a public purpose, the 2109  
board shall not be required to pay taxes or assessments upon the 2110  
square, upon any property acquired or used by the board under this 2111  
section, or upon any income generated by the operation of the 2112  
square. 2113

(L) As used in this section, "capitol square" means the 2114  
capitol building, senate building, capitol atrium, capitol 2115  
grounds, the state underground parking garage, and the warehouse 2116  
owned by the board. 2117

(M) The capitol annex shall be known as the senate building. 2118

(N) Any person may possess a firearm in a motor vehicle in 2119  
the state underground parking garage at the state capitol 2120  
building, if the person's possession of the firearm in the motor 2121  
vehicle is not in violation of section 2923.16 of the Revised Code 2122  
or any other provision of the Revised Code. Any person may store 2123  
or leave a firearm in a locked motor vehicle that is parked in the 2124  
state underground parking garage at the state capitol building, if 2125  
the person's transportation and possession of the firearm in the 2126  
motor vehicle while traveling to the garage was not in violation 2127  
of section 2923.16 of the Revised Code or any other provision of 2128  
the Revised Code. 2129

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 2130  
criminal identification and investigation shall procure from 2131  
wherever procurable and file for record photographs, pictures, 2132

descriptions, fingerprints, measurements, and other information 2133  
that may be pertinent of all persons who have been convicted of 2134  
committing within this state a felony, any crime constituting a 2135  
misdemeanor on the first offense and a felony on subsequent 2136  
offenses, or any misdemeanor described in division (A)(1)(a), 2137  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 2138  
all children under eighteen years of age who have been adjudicated 2139  
delinquent children for committing within this state an act that 2140  
would be a felony or an offense of violence if committed by an 2141  
adult or who have been convicted of or pleaded guilty to 2142  
committing within this state a felony or an offense of violence, 2143  
and of all well-known and habitual criminals. The person in charge 2144  
of any county, multicounty, municipal, municipal-county, or 2145  
multicounty-municipal jail or workhouse, community-based 2146  
correctional facility, halfway house, alternative residential 2147  
facility, or state correctional institution and the person in 2148  
charge of any state institution having custody of a person 2149  
suspected of having committed a felony, any crime constituting a 2150  
misdemeanor on the first offense and a felony on subsequent 2151  
offenses, or any misdemeanor described in division (A)(1)(a), 2152  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 2153  
having custody of a child under eighteen years of age with respect 2154  
to whom there is probable cause to believe that the child may have 2155  
committed an act that would be a felony or an offense of violence 2156  
if committed by an adult shall furnish such material to the 2157  
superintendent of the bureau. Fingerprints, photographs, or other 2158  
descriptive information of a child who is under eighteen years of 2159  
age, has not been arrested or otherwise taken into custody for 2160  
committing an act that would be a felony or an offense of violence 2161  
who is not in any other category of child specified in this 2162  
division, if committed by an adult, has not been adjudicated a 2163  
delinquent child for committing an act that would be a felony or 2164

an offense of violence if committed by an adult, has not been 2165  
convicted of or pleaded guilty to committing a felony or an 2166  
offense of violence, and is not a child with respect to whom there 2167  
is probable cause to believe that the child may have committed an 2168  
act that would be a felony or an offense of violence if committed 2169  
by an adult shall not be procured by the superintendent or 2170  
furnished by any person in charge of any county, multicounty, 2171  
municipal, municipal-county, or multicounty-municipal jail or 2172  
workhouse, community-based correctional facility, halfway house, 2173  
alternative residential facility, or state correctional 2174  
institution, except as authorized in section 2151.313 of the 2175  
Revised Code. 2176

(2) Every clerk of a court of record in this state, other 2177  
than the supreme court or a court of appeals, shall send to the 2178  
superintendent of the bureau a weekly report containing a summary 2179  
of each case involving a felony, involving any crime constituting 2180  
a misdemeanor on the first offense and a felony on subsequent 2181  
offenses, involving a misdemeanor described in division (A)(1)(a), 2182  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 2183  
involving an adjudication in a case in which a child under 2184  
eighteen years of age was alleged to be a delinquent child for 2185  
committing an act that would be a felony or an offense of violence 2186  
if committed by an adult. The clerk of the court of common pleas 2187  
shall include in the report and summary the clerk sends under this 2188  
division all information described in divisions (A)(2)(a) to (f) 2189  
of this section regarding a case before the court of appeals that 2190  
is served by that clerk. The summary shall be written on the 2191  
standard forms furnished by the superintendent pursuant to 2192  
division (B) of this section and shall include the following 2193  
information: 2194

(a) The incident tracking number contained on the standard 2195  
forms furnished by the superintendent pursuant to division (B) of 2196

this section;	2197
(b) The style and number of the case;	2198
(c) The date of arrest, offense, summons, or arraignment;	2199
(d) The date that the person was convicted of or pleaded	2200
guilty to the offense, adjudicated a delinquent child for	2201
committing the act that would be a felony or an offense of	2202
violence if committed by an adult, found not guilty of the	2203
offense, or found not to be a delinquent child for committing an	2204
act that would be a felony or an offense of violence if committed	2205
by an adult, the date of an entry dismissing the charge, an entry	2206
declaring a mistrial of the offense in which the person is	2207
discharged, an entry finding that the person or child is not	2208
competent to stand trial, or an entry of a nolle prosequi, or the	2209
date of any other determination that constitutes final resolution	2210
of the case;	2211
(e) A statement of the original charge with the section of	2212
the Revised Code that was alleged to be violated;	2213
(f) If the person or child was convicted, pleaded guilty, or	2214
was adjudicated a delinquent child, the sentence or terms of	2215
probation imposed or any other disposition of the offender or the	2216
delinquent child.	2217
If the offense involved the disarming of a law enforcement	2218
officer or an attempt to disarm a law enforcement officer, the	2219
clerk shall clearly state that fact in the summary, and the	2220
superintendent shall ensure that a clear statement of that fact is	2221
placed in the bureau's records.	2222
(3) The superintendent shall cooperate with and assist	2223
sheriffs, chiefs of police, and other law enforcement officers in	2224
the establishment of a complete system of criminal identification	2225
and in obtaining fingerprints and other means of identification of	2226
all persons arrested on a charge of a felony, any crime	2227

constituting a misdemeanor on the first offense and a felony on 2228  
subsequent offenses, or a misdemeanor described in division 2229  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 2230  
Revised Code and of all children under eighteen years of age 2231  
arrested or otherwise taken into custody for committing an act 2232  
that would be a felony or an offense of violence if committed by 2233  
an adult. The superintendent also shall file for record the 2234  
fingerprint impressions of all persons confined in a county, 2235  
multicounty, municipal, municipal-county, or multicounty-municipal 2236  
jail or workhouse, community-based correctional facility, halfway 2237  
house, alternative residential facility, or state correctional 2238  
institution for the violation of state laws and of all children 2239  
under eighteen years of age who are confined in a county, 2240  
multicounty, municipal, municipal-county, or multicounty-municipal 2241  
jail or workhouse, community-based correctional facility, halfway 2242  
house, alternative residential facility, or state correctional 2243  
institution or in any facility for delinquent children for 2244  
committing an act that would be a felony or an offense of violence 2245  
if committed by an adult, and any other information that the 2246  
superintendent may receive from law enforcement officials of the 2247  
state and its political subdivisions. 2248

(4) The superintendent shall carry out Chapter 2950. of the 2249  
Revised Code with respect to the registration of persons who are 2250  
convicted of or plead guilty to a sexually oriented offense or a 2251  
child-victim oriented offense and with respect to all other duties 2252  
imposed on the bureau under that chapter. 2253

(5) The bureau shall perform centralized recordkeeping 2254  
functions for criminal history records and services in this state 2255  
for purposes of the national crime prevention and privacy compact 2256  
set forth in section 109.571 of the Revised Code and is the 2257  
criminal history record repository as defined in that section for 2258  
purposes of that compact. The superintendent or the 2259



superintendent's designee is the compact officer for purposes of 2260  
that compact and shall carry out the responsibilities of the 2261  
compact officer specified in that compact. 2262

(B) The superintendent shall prepare and furnish to every 2263  
county, multicounty, municipal, municipal-county, or 2264  
multicounty-municipal jail or workhouse, community-based 2265  
correctional facility, halfway house, alternative residential 2266  
facility, or state correctional institution and to every clerk of 2267  
a court in this state specified in division (A)(2) of this section 2268  
standard forms for reporting the information required under 2269  
division (A) of this section. The standard forms that the 2270  
superintendent prepares pursuant to this division may be in a 2271  
tangible format, in an electronic format, or in both tangible 2272  
formats and electronic formats. 2273

(C)(1) The superintendent may operate a center for 2274  
electronic, automated, or other data processing for the storage 2275  
and retrieval of information, data, and statistics pertaining to 2276  
criminals and to children under eighteen years of age who are 2277  
adjudicated delinquent children for committing an act that would 2278  
be a felony or an offense of violence if committed by an adult, 2279  
criminal activity, crime prevention, law enforcement, and criminal 2280  
justice, and may establish and operate a statewide communications 2281  
network to be known as the Ohio law enforcement gateway to gather 2282  
and disseminate information, data, and statistics for the use of 2283  
law enforcement agencies and for other uses specified in this 2284  
division. The superintendent may gather, store, retrieve, and 2285  
disseminate information, data, and statistics that pertain to 2286  
children who are under eighteen years of age and that are gathered 2287  
pursuant to sections 109.57 to 109.61 of the Revised Code together 2288  
with information, data, and statistics that pertain to adults and 2289  
that are gathered pursuant to those sections. 2290

(2) The superintendent or the superintendent's designee shall 2291

gather information of the nature described in division (C)(1) of 2292  
this section that pertains to the offense and delinquency history 2293  
of a person who has been convicted of, pleaded guilty to, or been 2294  
adjudicated a delinquent child for committing a sexually oriented 2295  
offense or a child-victim oriented offense for inclusion in the 2296  
state registry of sex offenders and child-victim offenders 2297  
maintained pursuant to division (A)(1) of section 2950.13 of the 2298  
Revised Code and in the internet database operated pursuant to 2299  
division (A)(13) of that section and for possible inclusion in the 2300  
internet database operated pursuant to division (A)(11) of that 2301  
section. 2302

(3) In addition to any other authorized use of information, 2303  
data, and statistics of the nature described in division (C)(1) of 2304  
this section, the superintendent or the superintendent's designee 2305  
may provide and exchange the information, data, and statistics 2306  
pursuant to the national crime prevention and privacy compact as 2307  
described in division (A)(5) of this section. 2308

(4) The attorney general may adopt rules under Chapter 119. 2309  
of the Revised Code establishing guidelines for the operation of 2310  
and participation in the Ohio law enforcement gateway. The rules 2311  
may include criteria for granting and restricting access to 2312  
information gathered and disseminated through the Ohio law 2313  
enforcement gateway. The attorney general shall permit the state 2314  
medical board and board of nursing to access and view, but not 2315  
alter, information gathered and disseminated through the Ohio law 2316  
enforcement gateway. 2317

The attorney general may appoint a steering committee to 2318  
advise the attorney general in the operation of the Ohio law 2319  
enforcement gateway that is comprised of persons who are 2320  
representatives of the criminal justice agencies in this state 2321  
that use the Ohio law enforcement gateway and is chaired by the 2322  
superintendent or the superintendent's designee. 2323

(D)(1) The following are not public records under section	2324
149.43 of the Revised Code:	2325
(a) Information and materials furnished to the superintendent	2326
pursuant to division (A) of this section;	2327
(b) Information, data, and statistics gathered or	2328
disseminated through the Ohio law enforcement gateway pursuant to	2329
division (C)(1) of this section;	2330
(c) Information and materials furnished to any board or	2331
person under division (F) or (G) of this section.	2332
(2) The superintendent or the superintendent's designee shall	2333
gather and retain information so furnished under division (A) of	2334
this section that pertains to the offense and delinquency history	2335
of a person who has been convicted of, pleaded guilty to, or been	2336
adjudicated a delinquent child for committing a sexually oriented	2337
offense or a child-victim oriented offense for the purposes	2338
described in division (C)(2) of this section.	2339
(E)(1) The attorney general shall adopt rules, in accordance	2340
with Chapter 119. of the Revised Code and subject to division	2341
(E)(2) of this section, setting forth the procedure by which a	2342
person may receive or release information gathered by the	2343
superintendent pursuant to division (A) of this section. A	2344
reasonable fee may be charged for this service. If a temporary	2345
employment service submits a request for a determination of	2346
whether a person the service plans to refer to an employment	2347
position has been convicted of or pleaded guilty to an offense	2348
listed or described in division (A)(1), (2), or (3) of section	2349
109.572 of the Revised Code, the request shall be treated as a	2350
single request and only one fee shall be charged.	2351
(2) Except as otherwise provided in this division or division	2352
(E)(3) or (4) of this section, a rule adopted under division	2353
(E)(1) of this section may provide only for the release of	2354

information gathered pursuant to division (A) of this section that 2355  
relates to the conviction of a person, or a person's plea of 2356  
guilty to, a criminal offense or to the arrest of a person as 2357  
provided in division (E)(3) of this section. The superintendent 2358  
shall not release, and the attorney general shall not adopt any 2359  
rule under division (E)(1) of this section that permits the 2360  
release of, any information gathered pursuant to division (A) of 2361  
this section that relates to an adjudication of a child as a 2362  
delinquent child, or that relates to a criminal conviction of a 2363  
person under eighteen years of age if the person's case was 2364  
transferred back to a juvenile court under division (B)(2) or (3) 2365  
of section 2152.121 of the Revised Code and the juvenile court 2366  
imposed a disposition or serious youthful offender disposition 2367  
upon the person under either division, unless either of the 2368  
following applies with respect to the adjudication or conviction: 2369

(a) The adjudication or conviction was for a violation of 2370  
section 2903.01 or 2903.02 of the Revised Code. 2371

(b) The adjudication or conviction was for a sexually 2372  
oriented offense, the juvenile court was required to classify the 2373  
child a juvenile offender registrant for that offense under 2374  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 2375  
classification has not been removed, and the records of the 2376  
adjudication or conviction have not been sealed or expunged 2377  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 2378  
section 2952.32 of the Revised Code. 2379

(3) A rule adopted under division (E)(1) of this section may 2380  
provide for the release of information gathered pursuant to 2381  
division (A) of this section that relates to the arrest of a 2382  
person who is eighteen years of age or older when the person has 2383  
not been convicted as a result of that arrest if any of the 2384  
following applies: 2385

(a) The arrest was made outside of this state. 2386

(b) A criminal action resulting from the arrest is pending, 2387  
and the superintendent confirms that the criminal action has not 2388  
been resolved at the time the criminal records check is performed. 2389

(c) The bureau cannot reasonably determine whether a criminal 2390  
action resulting from the arrest is pending, and not more than one 2391  
year has elapsed since the date of the arrest. 2392

(4) A rule adopted under division (E)(1) of this section may 2393  
provide for the release of information gathered pursuant to 2394  
division (A) of this section that relates to an adjudication of a 2395  
child as a delinquent child if not more than five years have 2396  
elapsed since the date of the adjudication, the adjudication was 2397  
for an act that would have been a felony if committed by an adult, 2398  
the records of the adjudication have not been sealed or expunged 2399  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 2400  
the request for information is made under division (F) of this 2401  
section or under section 109.572 of the Revised Code. In the case 2402  
of an adjudication for a violation of the terms of community 2403  
control or supervised release, the five-year period shall be 2404  
calculated from the date of the adjudication to which the 2405  
community control or supervised release pertains. 2406

(F)(1) As used in division (F)(2) of this section, "head 2407  
start agency" means an entity in this state that has been approved 2408  
to be an agency for purposes of subchapter II of the "Community 2409  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2410  
as amended. 2411

(2)(a) In addition to or in conjunction with any request that 2412  
is required to be made under section 109.572, 2151.86, 3301.32, 2413  
3301.541, division (C) of section 3310.58, or section 3319.39, 2414  
3319.391, 3327.10, 3701.881, ~~5104.012~~, 5104.013, 5123.081, or 2415  
5153.111 of the Revised Code or that is made under section 2416  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2417  
board of education of any school district; the director of 2418

developmental disabilities; any county board of developmental 2419  
disabilities; any provider or subcontractor as defined in section 2420  
5123.081 of the Revised Code; the chief administrator of any 2421  
chartered nonpublic school; the chief administrator of a 2422  
registered private provider that is not also a chartered nonpublic 2423  
school; the chief administrator of any home health agency; the 2424  
chief administrator of or person operating any child day-care 2425  
center, type A family day-care home, or type B family day-care 2426  
home licensed under Chapter 5104. of the Revised Code; the chief 2427  
administrator of any head start agency; the executive director of 2428  
a public children services agency; a private company described in 2429  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2430  
Code; or an employer described in division (J)(2) of section 2431  
3327.10 of the Revised Code may request that the superintendent of 2432  
the bureau investigate and determine, with respect to any 2433  
individual who has applied for employment in any position after 2434  
October 2, 1989, or any individual wishing to apply for employment 2435  
with a board of education may request, with regard to the 2436  
individual, whether the bureau has any information gathered under 2437  
division (A) of this section that pertains to that individual. On 2438  
receipt of the request, subject to division (E)(2) of this 2439  
section, the superintendent shall determine whether that 2440  
information exists and, upon request of the person, board, or 2441  
entity requesting information, also shall request from the federal 2442  
bureau of investigation any criminal records it has pertaining to 2443  
that individual. The superintendent or the superintendent's 2444  
designee also may request criminal history records from other 2445  
states or the federal government pursuant to the national crime 2446  
prevention and privacy compact set forth in section 109.571 of the 2447  
Revised Code. Within thirty days of the date that the 2448  
superintendent receives a request, subject to division (E)(2) of 2449  
this section, the superintendent shall send to the board, entity, 2450  
or person a report of any information that the superintendent 2451

determines exists, including information contained in records that 2452  
have been sealed under section 2953.32 of the Revised Code, and, 2453  
within thirty days of its receipt, subject to division (E)(2) of 2454  
this section, shall send the board, entity, or person a report of 2455  
any information received from the federal bureau of investigation, 2456  
other than information the dissemination of which is prohibited by 2457  
federal law. 2458

(b) When a board of education or a registered private 2459  
provider is required to receive information under this section as 2460  
a prerequisite to employment of an individual pursuant to division 2461  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2462  
may accept a certified copy of records that were issued by the 2463  
bureau of criminal identification and investigation and that are 2464  
presented by an individual applying for employment with the 2465  
district in lieu of requesting that information itself. In such a 2466  
case, the board shall accept the certified copy issued by the 2467  
bureau in order to make a photocopy of it for that individual's 2468  
employment application documents and shall return the certified 2469  
copy to the individual. In a case of that nature, a district or 2470  
provider only shall accept a certified copy of records of that 2471  
nature within one year after the date of their issuance by the 2472  
bureau. 2473

(c) Notwithstanding division (F)(2)(a) of this section, in 2474  
the case of a request under section 3319.39, 3319.391, or 3327.10 2475  
of the Revised Code only for criminal records maintained by the 2476  
federal bureau of investigation, the superintendent shall not 2477  
determine whether any information gathered under division (A) of 2478  
this section exists on the person for whom the request is made. 2479

(3) The state board of education may request, with respect to 2480  
any individual who has applied for employment after October 2, 2481  
1989, in any position with the state board or the department of 2482  
education, any information that a school district board of 2483

education is authorized to request under division (F)(2) of this 2484  
section, and the superintendent of the bureau shall proceed as if 2485  
the request has been received from a school district board of 2486  
education under division (F)(2) of this section. 2487

(4) When the superintendent of the bureau receives a request 2488  
for information under section 3319.291 of the Revised Code, the 2489  
superintendent shall proceed as if the request has been received 2490  
from a school district board of education and shall comply with 2491  
divisions (F)(2)(a) and (c) of this section. 2492

(5) When a recipient of a classroom reading improvement grant 2493  
paid under section 3301.86 of the Revised Code requests, with 2494  
respect to any individual who applies to participate in providing 2495  
any program or service funded in whole or in part by the grant, 2496  
the information that a school district board of education is 2497  
authorized to request under division (F)(2)(a) of this section, 2498  
the superintendent of the bureau shall proceed as if the request 2499  
has been received from a school district board of education under 2500  
division (F)(2)(a) of this section. 2501

(G) In addition to or in conjunction with any request that is 2502  
required to be made under section 3701.881, 3712.09, or 3721.121 2503  
of the Revised Code with respect to an individual who has applied 2504  
for employment in a position that involves providing direct care 2505  
to an older adult or adult resident, the chief administrator of a 2506  
home health agency, hospice care program, home licensed under 2507  
Chapter 3721. of the Revised Code, or adult day-care program 2508  
operated pursuant to rules adopted under section 3721.04 of the 2509  
Revised Code may request that the superintendent of the bureau 2510  
investigate and determine, with respect to any individual who has 2511  
applied after January 27, 1997, for employment in a position that 2512  
does not involve providing direct care to an older adult or adult 2513  
resident, whether the bureau has any information gathered under 2514  
division (A) of this section that pertains to that individual. 2515



In addition to or in conjunction with any request that is 2516  
required to be made under section 173.27 of the Revised Code with 2517  
respect to an individual who has applied for employment in a 2518  
position that involves providing ombudsman services to residents 2519  
of long-term care facilities or recipients of community-based 2520  
long-term care services, the state long-term care ombudsman, the 2521  
director of aging, a regional long-term care ombudsman program, or 2522  
the designee of the ombudsman, director, or program may request 2523  
that the superintendent investigate and determine, with respect to 2524  
any individual who has applied for employment in a position that 2525  
does not involve providing such ombudsman services, whether the 2526  
bureau has any information gathered under division (A) of this 2527  
section that pertains to that applicant. 2528

In addition to or in conjunction with any request that is 2529  
required to be made under section 173.38 of the Revised Code with 2530  
respect to an individual who has applied for employment in a 2531  
direct-care position, the chief administrator of a provider, as 2532  
defined in section 173.39 of the Revised Code, may request that 2533  
the superintendent investigate and determine, with respect to any 2534  
individual who has applied for employment in a position that is 2535  
not a direct-care position, whether the bureau has any information 2536  
gathered under division (A) of this section that pertains to that 2537  
applicant. 2538

In addition to or in conjunction with any request that is 2539  
required to be made under section 3712.09 of the Revised Code with 2540  
respect to an individual who has applied for employment in a 2541  
position that involves providing direct care to a pediatric 2542  
respite care patient, the chief administrator of a pediatric 2543  
respite care program may request that the superintendent of the 2544  
bureau investigate and determine, with respect to any individual 2545  
who has applied for employment in a position that does not involve 2546  
providing direct care to a pediatric respite care patient, whether 2547

the bureau has any information gathered under division (A) of this 2548  
section that pertains to that individual. 2549

On receipt of a request under this division, the 2550  
superintendent shall determine whether that information exists 2551  
and, on request of the individual requesting information, shall 2552  
also request from the federal bureau of investigation any criminal 2553  
records it has pertaining to the applicant. The superintendent or 2554  
the superintendent's designee also may request criminal history 2555  
records from other states or the federal government pursuant to 2556  
the national crime prevention and privacy compact set forth in 2557  
section 109.571 of the Revised Code. Within thirty days of the 2558  
date a request is received, subject to division (E)(2) of this 2559  
section, the superintendent shall send to the requester a report 2560  
of any information determined to exist, including information 2561  
contained in records that have been sealed under section 2953.32 2562  
of the Revised Code, and, within thirty days of its receipt, shall 2563  
send the requester a report of any information received from the 2564  
federal bureau of investigation, other than information the 2565  
dissemination of which is prohibited by federal law. 2566

(H) Information obtained by a government entity or person 2567  
under this section is confidential and shall not be released or 2568  
disseminated. 2569

(I) The superintendent may charge a reasonable fee for 2570  
providing information or criminal records under division (F)(2) or 2571  
(G) of this section. 2572

(J) As used in this section: 2573

(1) "Pediatric respite care program" and "pediatric care 2574  
patient" have the same meanings as in section 3712.01 of the 2575  
Revised Code. 2576

(2) "Sexually oriented offense" and "child-victim oriented 2577  
offense" have the same meanings as in section 2950.01 of the 2578

Revised Code. 2579

(3) "Registered private provider" means a nonpublic school or 2580  
entity registered with the superintendent of public instruction 2581  
under section 3310.41 of the Revised Code to participate in the 2582  
autism scholarship program or section 3310.58 of the Revised Code 2583  
to participate in the Jon Peterson special needs scholarship 2584  
program. 2585

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 2586  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2587  
a completed form prescribed pursuant to division (C)(1) of this 2588  
section, and a set of fingerprint impressions obtained in the 2589  
manner described in division (C)(2) of this section, the 2590  
superintendent of the bureau of criminal identification and 2591  
investigation shall conduct a criminal records check in the manner 2592  
described in division (B) of this section to determine whether any 2593  
information exists that indicates that the person who is the 2594  
subject of the request previously has been convicted of or pleaded 2595  
guilty to any of the following: 2596

(a) A violation of section 2903.01, 2903.02, 2903.03, 2597  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2598  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2599  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2600  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2601  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2602  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2603  
2925.06, or 3716.11 of the Revised Code, felonious sexual 2604  
penetration in violation of former section 2907.12 of the Revised 2605  
Code, a violation of section 2905.04 of the Revised Code as it 2606  
existed prior to July 1, 1996, a violation of section 2919.23 of 2607  
the Revised Code that would have been a violation of section 2608  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2609

had the violation been committed prior to that date, or a 2610  
violation of section 2925.11 of the Revised Code that is not a 2611  
minor drug possession offense; 2612

(b) A violation of an existing or former law of this state, 2613  
any other state, or the United States that is substantially 2614  
equivalent to any of the offenses listed in division (A)(1)(a) of 2615  
this section; 2616

(c) If the request is made pursuant to section 3319.39 of the 2617  
Revised Code for an applicant who is a teacher, any offense 2618  
specified in section 3319.31 of the Revised Code. 2619

(2) On receipt of a request pursuant to section 3712.09 or 2620  
3721.121 of the Revised Code, a completed form prescribed pursuant 2621  
to division (C)(1) of this section, and a set of fingerprint 2622  
impressions obtained in the manner described in division (C)(2) of 2623  
this section, the superintendent of the bureau of criminal 2624  
identification and investigation shall conduct a criminal records 2625  
check with respect to any person who has applied for employment in 2626  
a position for which a criminal records check is required by those 2627  
sections. The superintendent shall conduct the criminal records 2628  
check in the manner described in division (B) of this section to 2629  
determine whether any information exists that indicates that the 2630  
person who is the subject of the request previously has been 2631  
convicted of or pleaded guilty to any of the following: 2632

(a) A violation of section 2903.01, 2903.02, 2903.03, 2633  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2634  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2635  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2636  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2637  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2638  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2639  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2640  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2641

(b) An existing or former law of this state, any other state, 2642  
or the United States that is substantially equivalent to any of 2643  
the offenses listed in division (A)(2)(a) of this section. 2644

(3) On receipt of a request pursuant to section 173.27, 2645  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2646  
or 5123.169 of the Revised Code, a completed form prescribed 2647  
pursuant to division (C)(1) of this section, and a set of 2648  
fingerprint impressions obtained in the manner described in 2649  
division (C)(2) of this section, the superintendent of the bureau 2650  
of criminal identification and investigation shall conduct a 2651  
criminal records check of the person for whom the request is made. 2652  
The superintendent shall conduct the criminal records check in the 2653  
manner described in division (B) of this section to determine 2654  
whether any information exists that indicates that the person who 2655  
is the subject of the request previously has been convicted of, 2656  
has pleaded guilty to, or (except in the case of a request 2657  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2658  
Code) has been found eligible for intervention in lieu of 2659  
conviction for any of the following, regardless of the date of the 2660  
conviction, the date of entry of the guilty plea, or (except in 2661  
the case of a request pursuant to section 5164.34, 5164.341, or 2662  
5164.342 of the Revised Code) the date the person was found 2663  
eligible for intervention in lieu of conviction: 2664

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2665  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2666  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2667  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2668  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2669  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2670  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2671  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2672  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2673

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2674  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2675  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2676  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2677  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2678  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2679  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2680  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2681  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2682  
2927.12, or 3716.11 of the Revised Code; 2683

(b) Felonious sexual penetration in violation of former 2684  
section 2907.12 of the Revised Code; 2685

(c) A violation of section 2905.04 of the Revised Code as it 2686  
existed prior to July 1, 1996; 2687

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2688  
the Revised Code when the underlying offense that is the object of 2689  
the conspiracy, attempt, or complicity is one of the offenses 2690  
listed in divisions (A)(3)(a) to (c) of this section; 2691

(e) A violation of an existing or former municipal ordinance 2692  
or law of this state, any other state, or the United States that 2693  
is substantially equivalent to any of the offenses listed in 2694  
divisions (A)(3)(a) to (d) of this section. 2695

(4) On receipt of a request pursuant to section 2151.86 of 2696  
the Revised Code, a completed form prescribed pursuant to division 2697  
(C)(1) of this section, and a set of fingerprint impressions 2698  
obtained in the manner described in division (C)(2) of this 2699  
section, the superintendent of the bureau of criminal 2700  
identification and investigation shall conduct a criminal records 2701  
check in the manner described in division (B) of this section to 2702  
determine whether any information exists that indicates that the 2703  
person who is the subject of the request previously has been 2704

convicted of or pleaded guilty to any of the following: 2705

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2706  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2707  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2708  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2709  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2710  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2711  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2712  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2713  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2714  
of the Revised Code, a violation of section 2905.04 of the Revised 2715  
Code as it existed prior to July 1, 1996, a violation of section 2716  
2919.23 of the Revised Code that would have been a violation of 2717  
section 2905.04 of the Revised Code as it existed prior to July 1, 2718  
1996, had the violation been committed prior to that date, a 2719  
violation of section 2925.11 of the Revised Code that is not a 2720  
minor drug possession offense, two or more OVI or OVUAC violations 2721  
committed within the three years immediately preceding the 2722  
submission of the application or petition that is the basis of the 2723  
request, or felonious sexual penetration in violation of former 2724  
section 2907.12 of the Revised Code; 2725

(b) A violation of an existing or former law of this state, 2726  
any other state, or the United States that is substantially 2727  
equivalent to any of the offenses listed in division (A)(4)(a) of 2728  
this section. 2729

(5) Upon receipt of a request pursuant to section ~~5104.012~~ or 2730  
5104.013 of the Revised Code, a completed form prescribed pursuant 2731  
to division (C)(1) of this section, and a set of fingerprint 2732  
impressions obtained in the manner described in division (C)(2) of 2733  
this section, the superintendent of the bureau of criminal 2734  
identification and investigation shall conduct a criminal records 2735  
check in the manner described in division (B) of this section to 2736

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

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

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



division (A)(5)(a) of this section. 2769

(6) Upon receipt of a request pursuant to section 5153.111 of 2770  
the Revised Code, a completed form prescribed pursuant to division 2771  
(C)(1) of this section, and a set of fingerprint impressions 2772  
obtained in the manner described in division (C)(2) of this 2773  
section, the superintendent of the bureau of criminal 2774  
identification and investigation shall conduct a criminal records 2775  
check in the manner described in division (B) of this section to 2776  
determine whether any information exists that indicates that the 2777  
person who is the subject of the request previously has been 2778  
convicted of or pleaded guilty to any of the following: 2779

(a) A violation of section 2903.01, 2903.02, 2903.03, 2780  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2781  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2782  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2783  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2784  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2785  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2786  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2787  
felonious sexual penetration in violation of former section 2788  
2907.12 of the Revised Code, a violation of section 2905.04 of the 2789  
Revised Code as it existed prior to July 1, 1996, a violation of 2790  
section 2919.23 of the Revised Code that would have been a 2791  
violation of section 2905.04 of the Revised Code as it existed 2792  
prior to July 1, 1996, had the violation been committed prior to 2793  
that date, or a violation of section 2925.11 of the Revised Code 2794  
that is not a minor drug possession offense; 2795

(b) A violation of an existing or former law of this state, 2796  
any other state, or the United States that is substantially 2797  
equivalent to any of the offenses listed in division (A)(6)(a) of 2798  
this section. 2799

(7) On receipt of a request for a criminal records check from 2800

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

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

theft, receiving stolen property, embezzlement, forgery, fraud, 2834  
passing bad checks, money laundering, or drug trafficking, or any 2835  
criminal offense involving money or securities, as set forth in 2836  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2837  
the Revised Code; or any existing or former law of this state, any 2838  
other state, or the United States that is substantially equivalent 2839  
to those offenses. 2840

(9) On receipt of a request for a criminal records check from 2841  
the treasurer of state under section 113.041 of the Revised Code 2842  
or from an individual under section 4701.08, 4715.101, 4717.061, 2843  
4725.121, ~~4725.501~~ 4725.46, 4729.071, 4730.101, 4730.14, 4730.28, 2844  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2845  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2846  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2847  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 2848  
accompanied by a completed form prescribed under division (C)(1) 2849  
of this section and a set of fingerprint impressions obtained in 2850  
the manner described in division (C)(2) of this section, the 2851  
superintendent of the bureau of criminal identification and 2852  
investigation shall conduct a criminal records check in the manner 2853  
described in division (B) of this section to determine whether any 2854  
information exists that indicates that the person who is the 2855  
subject of the request has been convicted of or pleaded guilty to 2856  
any criminal offense in this state or any other state. Subject to 2857  
division (F) of this section, the superintendent shall send the 2858  
results of a check requested under section 113.041 of the Revised 2859  
Code to the treasurer of state and shall send the results of a 2860  
check requested under any of the other listed sections to the 2861  
licensing board specified by the individual in the request. 2862

(10) On receipt of a request pursuant to section 1121.23, 2863  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2864  
Code, a completed form prescribed pursuant to division (C)(1) of 2865

this section, and a set of fingerprint impressions obtained in the 2866  
manner described in division (C)(2) of this section, the 2867  
superintendent of the bureau of criminal identification and 2868  
investigation shall conduct a criminal records check in the manner 2869  
described in division (B) of this section to determine whether any 2870  
information exists that indicates that the person who is the 2871  
subject of the request previously has been convicted of or pleaded 2872  
guilty to any criminal offense under any existing or former law of 2873  
this state, any other state, or the United States. 2874

(11) On receipt of a request for a criminal records check 2875  
from an appointing or licensing authority under section 3772.07 of 2876  
the Revised Code, a completed form prescribed under division 2877  
(C)(1) of this section, and a set of fingerprint impressions 2878  
obtained in the manner prescribed in division (C)(2) of this 2879  
section, the superintendent of the bureau of criminal 2880  
identification and investigation shall conduct a criminal records 2881  
check in the manner described in division (B) of this section to 2882  
determine whether any information exists that indicates that the 2883  
person who is the subject of the request previously has been 2884  
convicted of or pleaded guilty or no contest to any offense under 2885  
any existing or former law of this state, any other state, or the 2886  
United States that is a disqualifying offense as defined in 2887  
section 3772.07 of the Revised Code or substantially equivalent to 2888  
such an offense. 2889

(12) On receipt of a request pursuant to section 2151.33 or 2890  
2151.412 of the Revised Code, a completed form prescribed pursuant 2891  
to division (C)(1) of this section, and a set of fingerprint 2892  
impressions obtained in the manner described in division (C)(2) of 2893  
this section, the superintendent of the bureau of criminal 2894  
identification and investigation shall conduct a criminal records 2895  
check with respect to any person for whom a criminal records check 2896  
is required by that section. The superintendent shall conduct the 2897

criminal records check in the manner described in division (B) of 2898  
this section to determine whether any information exists that 2899  
indicates that the person who is the subject of the request 2900  
previously has been convicted of or pleaded guilty to any of the 2901  
following: 2902

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2904  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2905  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2906  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2907  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2908  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2909  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2910  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2911

(b) An existing or former law of this state, any other state, 2912  
or the United States that is substantially equivalent to any of 2913  
the offenses listed in division (A)(12)(a) of this section. 2914

(B) Subject to division (F) of this section, the 2915  
superintendent shall conduct any criminal records check to be 2916  
conducted under this section as follows: 2917

(1) The superintendent shall review or cause to be reviewed 2918  
any relevant information gathered and compiled by the bureau under 2919  
division (A) of section 109.57 of the Revised Code that relates to 2920  
the person who is the subject of the criminal records check, 2921  
including, if the criminal records check was requested under 2922  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2923  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2924  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2925  
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 2926  
~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2927  
5123.169, or 5153.111 of the Revised Code, any relevant 2928  
information contained in records that have been sealed under 2929

section 2953.32 of the Revised Code; 2930

(2) If the request received by the superintendent asks for 2931  
information from the federal bureau of investigation, the 2932  
superintendent shall request from the federal bureau of 2933  
investigation any information it has with respect to the person 2934  
who is the subject of the criminal records check, including 2935  
fingerprint-based checks of national crime information databases 2936  
as described in 42 U.S.C. 671 if the request is made pursuant to 2937  
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 2938  
any other Revised Code section requires fingerprint-based checks 2939  
of that nature, and shall review or cause to be reviewed any 2940  
information the superintendent receives from that bureau. If a 2941  
request under section 3319.39 of the Revised Code asks only for 2942  
information from the federal bureau of investigation, the 2943  
superintendent shall not conduct the review prescribed by division 2944  
(B)(1) of this section. 2945

(3) The superintendent or the superintendent's designee may 2946  
request criminal history records from other states or the federal 2947  
government pursuant to the national crime prevention and privacy 2948  
compact set forth in section 109.571 of the Revised Code. 2949

(4) The superintendent shall include in the results of the 2950  
criminal records check a list or description of the offenses 2951  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2952  
(7), (8), (9), (10), (11), or (12) of this section, whichever 2953  
division requires the superintendent to conduct the criminal 2954  
records check. The superintendent shall exclude from the results 2955  
any information the dissemination of which is prohibited by 2956  
federal law. 2957

(5) The superintendent shall send the results of the criminal 2958  
records check to the person to whom it is to be sent not later 2959  
than the following number of days after the date the 2960  
superintendent receives the request for the criminal records 2961

check, the completed form prescribed under division (C)(1) of this 2962  
section, and the set of fingerprint impressions obtained in the 2963  
manner described in division (C)(2) of this section: 2964

(a) If the superintendent is required by division (A) of this 2965  
section (other than division (A)(3) of this section) to conduct 2966  
the criminal records check, thirty; 2967

(b) If the superintendent is required by division (A)(3) of 2968  
this section to conduct the criminal records check, sixty. 2969

(C)(1) The superintendent shall prescribe a form to obtain 2970  
the information necessary to conduct a criminal records check from 2971  
any person for whom a criminal records check is to be conducted 2972  
under this section. The form that the superintendent prescribes 2973  
pursuant to this division may be in a tangible format, in an 2974  
electronic format, or in both tangible and electronic formats. 2975

(2) The superintendent shall prescribe standard impression 2976  
sheets to obtain the fingerprint impressions of any person for 2977  
whom a criminal records check is to be conducted under this 2978  
section. Any person for whom a records check is to be conducted 2979  
under this section shall obtain the fingerprint impressions at a 2980  
county sheriff's office, municipal police department, or any other 2981  
entity with the ability to make fingerprint impressions on the 2982  
standard impression sheets prescribed by the superintendent. The 2983  
office, department, or entity may charge the person a reasonable 2984  
fee for making the impressions. The standard impression sheets the 2985  
superintendent prescribes pursuant to this division may be in a 2986  
tangible format, in an electronic format, or in both tangible and 2987  
electronic formats. 2988

(3) Subject to division (D) of this section, the 2989  
superintendent shall prescribe and charge a reasonable fee for 2990  
providing a criminal records check under this section. The person 2991  
requesting the criminal records check shall pay the fee prescribed 2992

pursuant to this division. In the case of a request under section 2993  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2994  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2995  
the manner specified in that section. 2996

(4) The superintendent of the bureau of criminal 2997  
identification and investigation may prescribe methods of 2998  
forwarding fingerprint impressions and information necessary to 2999  
conduct a criminal records check, which methods shall include, but 3000  
not be limited to, an electronic method. 3001

(D) The results of a criminal records check conducted under 3002  
this section, other than a criminal records check specified in 3003  
division (A)(7) of this section, are valid for the person who is 3004  
the subject of the criminal records check for a period of one year 3005  
from the date upon which the superintendent completes the criminal 3006  
records check. If during that period the superintendent receives 3007  
another request for a criminal records check to be conducted under 3008  
this section for that person, the superintendent shall provide the 3009  
results from the previous criminal records check of the person at 3010  
a lower fee than the fee prescribed for the initial criminal 3011  
records check. 3012

(E) When the superintendent receives a request for 3013  
information from a registered private provider, the superintendent 3014  
shall proceed as if the request was received from a school 3015  
district board of education under section 3319.39 of the Revised 3016  
Code. The superintendent shall apply division (A)(1)(c) of this 3017  
section to any such request for an applicant who is a teacher. 3018

(F)(1) All information regarding the results of a criminal 3019  
records check conducted under this section that the superintendent 3020  
reports or sends under division (A)(7) or (9) of this section to 3021  
the director of public safety, the treasurer of state, or the 3022  
person, board, or entity that made the request for the criminal 3023  
records check shall relate to the conviction of the subject 3024



person, or the subject person's plea of guilty to, a criminal 3025  
offense. 3026

(2) Division (F)(1) of this section does not limit, restrict, 3027  
or preclude the superintendent's release of information that 3028  
relates to the arrest of a person who is eighteen years of age or 3029  
older, to an adjudication of a child as a delinquent child, or to 3030  
a criminal conviction of a person under eighteen years of age in 3031  
circumstances in which a release of that nature is authorized 3032  
under division (E)(2), (3), or (4) of section 109.57 of the 3033  
Revised Code pursuant to a rule adopted under division (E)(1) of 3034  
that section. 3035

(G) As used in this section: 3036

(1) "Criminal records check" means any criminal records check 3037  
conducted by the superintendent of the bureau of criminal 3038  
identification and investigation in accordance with division (B) 3039  
of this section. 3040

(2) "Minor drug possession offense" has the same meaning as 3041  
in section 2925.01 of the Revised Code. 3042

(3) "OVI or OVUAC violation" means a violation of section 3043  
4511.19 of the Revised Code or a violation of an existing or 3044  
former law of this state, any other state, or the United States 3045  
that is substantially equivalent to section 4511.19 of the Revised 3046  
Code. 3047

(4) "Registered private provider" means a nonpublic school or 3048  
entity registered with the superintendent of public instruction 3049  
under section 3310.41 of the Revised Code to participate in the 3050  
autism scholarship program or section 3310.58 of the Revised Code 3051  
to participate in the Jon Peterson special needs scholarship 3052  
program. 3053

**Sec. 109.747.** The attorney general shall adopt, in accordance 3054

with Chapter 119. of the Revised Code or pursuant to section 3055  
109.74 of the Revised Code, rules governing the training of peace 3056  
officers on companion animal encounters and companion animal 3057  
behavior. The provisions of the rules shall include all of the 3058  
following: 3059

(A) A specified amount of training that is necessary for 3060  
satisfactory completion of basic training programs at approved 3061  
peace officer training schools, other than the Ohio peace officer 3062  
training academy; 3063

(B) The time within which a peace officer is required to 3064  
receive that training, if the peace officer is appointed as a 3065  
peace officer before receiving that training; 3066

(C) A requirement that the training include training in all 3067  
of the following: 3068

(1) Handling companion animal-related calls or unplanned 3069  
encounters with companion animals, with an emphasis on 3070  
canine-related incidents and the use of nonlethal methods and 3071  
tools in handling an encounter with a canine; 3072

(2) Identifying and understanding companion animal behavior; 3073

(3) State laws and municipal ordinances related to companion 3074  
animals; 3075

(4) Avoiding a companion animal attack; 3076

(5) Using nonlethal methods to defend against a companion 3077  
animal attack. 3078

(D) As used in this section, "companion animal" has the same 3079  
meaning as in section 959.131 of the Revised Code. 3080

**Sec. 109.77.** (A) As used in this section, "~~felony~~": 3081

(1) "Felony" has the same meaning as in section 109.511 of 3082  
the Revised Code. 3083

<u>(2) "Companion animal" has the same meaning as in section</u>	3084
<u>959.131 of the Revised Code.</u>	3085
(B)(1) Notwithstanding any general, special, or local law or	3086
charter to the contrary, and except as otherwise provided in this	3087
section, no person shall receive an original appointment on a	3088
permanent basis as any of the following unless the person	3089
previously has been awarded a certificate by the executive	3090
director of the Ohio peace officer training commission attesting	3091
to the person's satisfactory completion of an approved state,	3092
county, municipal, or department of natural resources peace	3093
officer basic training program:	3094
(a) A peace officer of any county, township, municipal	3095
corporation, regional transit authority, or metropolitan housing	3096
authority;	3097
(b) A natural resources law enforcement staff officer, park	3098
officer, forest officer, preserve officer, wildlife officer, or	3099
state watercraft officer of the department of natural resources;	3100
(c) An employee of a park district under section 511.232 or	3101
1545.13 of the Revised Code;	3102
(d) An employee of a conservancy district who is designated	3103
pursuant to section 6101.75 of the Revised Code;	3104
(e) A state university law enforcement officer;	3105
(f) A special police officer employed by the department of	3106
mental health and addiction services pursuant to section 5119.08	3107
of the Revised Code or the department of developmental	3108
disabilities pursuant to section 5123.13 of the Revised Code;	3109
(g) An enforcement agent of the department of public safety	3110
whom the director of public safety designates under section	3111
5502.14 of the Revised Code;	3112
(h) A special police officer employed by a port authority	3113

under section 4582.04 or 4582.28 of the Revised Code;	3114
(i) A special police officer employed by a municipal	3115
corporation at a municipal airport, or other municipal air	3116
navigation facility, that has scheduled operations, as defined in	3117
section 119.3 of Title 14 of the Code of Federal Regulations, 14	3118
C.F.R. 119.3, as amended, and that is required to be under a	3119
security program and is governed by aviation security rules of the	3120
transportation security administration of the United States	3121
department of transportation as provided in Parts 1542. and 1544.	3122
of Title 49 of the Code of Federal Regulations, as amended;	3123
(j) A gaming agent employed under section 3772.03 of the	3124
Revised Code.	3125
(2) Every person who is appointed on a temporary basis or for	3126
a probationary term or on other than a permanent basis as any of	3127
the following shall forfeit the appointed position unless the	3128
person previously has completed satisfactorily or, within the time	3129
prescribed by rules adopted by the attorney general pursuant to	3130
section 109.74 of the Revised Code, satisfactorily completes a	3131
state, county, municipal, or department of natural resources peace	3132
officer basic training program for temporary or probationary	3133
officers and is awarded a certificate by the director attesting to	3134
the satisfactory completion of the program:	3135
(a) A peace officer of any county, township, municipal	3136
corporation, regional transit authority, or metropolitan housing	3137
authority;	3138
(b) A natural resources law enforcement staff officer, park	3139
officer, forest officer, preserve officer, wildlife officer, or	3140
state watercraft officer of the department of natural resources;	3141
(c) An employee of a park district under section 511.232 or	3142
1545.13 of the Revised Code;	3143
(d) An employee of a conservancy district who is designated	3144

pursuant to section 6101.75 of the Revised Code; 3145

(e) A special police officer employed by the department of 3146  
mental health and addiction services pursuant to section 5119.08 3147  
of the Revised Code or the department of developmental 3148  
disabilities pursuant to section 5123.13 of the Revised Code; 3149

(f) An enforcement agent of the department of public safety 3150  
whom the director of public safety designates under section 3151  
5502.14 of the Revised Code; 3152

(g) A special police officer employed by a port authority 3153  
under section 4582.04 or 4582.28 of the Revised Code; 3154

(h) A special police officer employed by a municipal 3155  
corporation at a municipal airport, or other municipal air 3156  
navigation facility, that has scheduled operations, as defined in 3157  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3158  
C.F.R. 119.3, as amended, and that is required to be under a 3159  
security program and is governed by aviation security rules of the 3160  
transportation security administration of the United States 3161  
department of transportation as provided in Parts 1542. and 1544. 3162  
of Title 49 of the Code of Federal Regulations, as amended. 3163

(3) For purposes of division (B) of this section, a state, 3164  
county, municipal, or department of natural resources peace 3165  
officer basic training program, regardless of whether the program 3166  
is to be completed by peace officers appointed on a permanent or 3167  
temporary, probationary, or other nonpermanent basis, shall 3168  
include training in the handling of the offense of domestic 3169  
violence, other types of domestic violence-related offenses and 3170  
incidents, ~~and~~ protection orders and consent agreements issued or 3171  
approved under section 2919.26 or 3113.31 of the Revised Code ~~and~~, 3172  
crisis intervention training, and training on companion animal 3173  
encounters and companion animal behavior. The requirement to 3174  
complete training in the handling of the offense of domestic 3175

violence, other types of domestic violence-related offenses and 3176  
incidents, and protection orders and consent agreements issued or 3177  
approved under section 2919.26 or 3113.31 of the Revised Code does 3178  
not apply to any person serving as a peace officer on March 27, 3179  
1979, and the requirement to complete training in crisis 3180  
intervention does not apply to any person serving as a peace 3181  
officer on April 4, 1985. Any person who is serving as a peace 3182  
officer on April 4, 1985, who terminates that employment after 3183  
that date, and who subsequently is hired as a peace officer by the 3184  
same or another law enforcement agency shall complete training in 3185  
crisis intervention as prescribed by rules adopted by the attorney 3186  
general pursuant to section 109.742 of the Revised Code. No peace 3187  
officer shall have employment as a peace officer terminated and 3188  
then be reinstated with intent to circumvent this section. 3189

(4) Division (B) of this section does not apply to any person 3190  
serving on a permanent basis on March 28, 1985, as a park officer, 3191  
forest officer, preserve officer, wildlife officer, or state 3192  
watercraft officer of the department of natural resources or as an 3193  
employee of a park district under section 511.232 or 1545.13 of 3194  
the Revised Code, to any person serving on a permanent basis on 3195  
March 6, 1986, as an employee of a conservancy district designated 3196  
pursuant to section 6101.75 of the Revised Code, to any person 3197  
serving on a permanent basis on January 10, 1991, as a preserve 3198  
officer of the department of natural resources, to any person 3199  
employed on a permanent basis on July 2, 1992, as a special police 3200  
officer by the department of mental health and addiction services 3201  
pursuant to section 5119.08 of the Revised Code or by the 3202  
department of developmental disabilities pursuant to section 3203  
5123.13 of the Revised Code, to any person serving on a permanent 3204  
basis on May 17, 2000, as a special police officer employed by a 3205  
port authority under section 4582.04 or 4582.28 of the Revised 3206  
Code, to any person serving on a permanent basis on March 19, 3207  
2003, as a special police officer employed by a municipal 3208

corporation at a municipal airport or other municipal air 3209  
navigation facility described in division (A)(19) of section 3210  
109.71 of the Revised Code, to any person serving on a permanent 3211  
basis on June 19, 1978, as a state university law enforcement 3212  
officer pursuant to section 3345.04 of the Revised Code and who, 3213  
immediately prior to June 19, 1978, was serving as a special 3214  
police officer designated under authority of that section, or to 3215  
any person serving on a permanent basis on September 20, 1984, as 3216  
a liquor control investigator, known after June 30, 1999, as an 3217  
enforcement agent of the department of public safety, engaged in 3218  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 3219

(5) Division (B) of this section does not apply to any person 3220  
who is appointed as a regional transit authority police officer 3221  
pursuant to division (Y) of section 306.35 of the Revised Code if, 3222  
on or before July 1, 1996, the person has completed satisfactorily 3223  
an approved state, county, municipal, or department of natural 3224  
resources peace officer basic training program and has been 3225  
awarded a certificate by the executive director of the Ohio peace 3226  
officer training commission attesting to the person's satisfactory 3227  
completion of such an approved program and if, on July 1, 1996, 3228  
the person is performing peace officer functions for a regional 3229  
transit authority. 3230

(C) No person, after September 20, 1984, shall receive an 3231  
original appointment on a permanent basis as a veterans' home 3232  
police officer designated under section 5907.02 of the Revised 3233  
Code unless the person previously has been awarded a certificate 3234  
by the executive director of the Ohio peace officer training 3235  
commission attesting to the person's satisfactory completion of an 3236  
approved police officer basic training program. Every person who 3237  
is appointed on a temporary basis or for a probationary term or on 3238  
other than a permanent basis as a veterans' home police officer 3239  
designated under section 5907.02 of the Revised Code shall forfeit 3240

that position unless the person previously has completed 3241  
satisfactorily or, within one year from the time of appointment, 3242  
satisfactorily completes an approved police officer basic training 3243  
program. 3244

(D) No bailiff or deputy bailiff of a court of record of this 3245  
state and no criminal investigator who is employed by the state 3246  
public defender shall carry a firearm, as defined in section 3247  
2923.11 of the Revised Code, while on duty unless the bailiff, 3248  
deputy bailiff, or criminal investigator has done or received one 3249  
of the following: 3250

(1) Has been awarded a certificate by the executive director 3251  
of the Ohio peace officer training commission, which certificate 3252  
attests to satisfactory completion of an approved state, county, 3253  
or municipal basic training program for bailiffs and deputy 3254  
bailiffs of courts of record and for criminal investigators 3255  
employed by the state public defender that has been recommended by 3256  
the Ohio peace officer training commission; 3257

(2) Has successfully completed a firearms training program 3258  
approved by the Ohio peace officer training commission prior to 3259  
employment as a bailiff, deputy bailiff, or criminal investigator; 3260

(3) Prior to June 6, 1986, was authorized to carry a firearm 3261  
by the court that employed the bailiff or deputy bailiff or, in 3262  
the case of a criminal investigator, by the state public defender 3263  
and has received training in the use of firearms that the Ohio 3264  
peace officer training commission determines is equivalent to the 3265  
training that otherwise is required by division (D) of this 3266  
section. 3267

(E)(1) Before a person seeking a certificate completes an 3268  
approved peace officer basic training program, the executive 3269  
director of the Ohio peace officer training commission shall 3270  
request the person to disclose, and the person shall disclose, any 3271



previous criminal conviction of or plea of guilty of that person 3272  
to a felony. 3273

(2) Before a person seeking a certificate completes an 3274  
approved peace officer basic training program, the executive 3275  
director shall request a criminal history records check on the 3276  
person. The executive director shall submit the person's 3277  
fingerprints to the bureau of criminal identification and 3278  
investigation, which shall submit the fingerprints to the federal 3279  
bureau of investigation for a national criminal history records 3280  
check. 3281

Upon receipt of the executive director's request, the bureau 3282  
of criminal identification and investigation and the federal 3283  
bureau of investigation shall conduct a criminal history records 3284  
check on the person and, upon completion of the check, shall 3285  
provide a copy of the criminal history records check to the 3286  
executive director. The executive director shall not award any 3287  
certificate prescribed in this section unless the executive 3288  
director has received a copy of the criminal history records check 3289  
on the person to whom the certificate is to be awarded. 3290

(3) The executive director of the commission shall not award 3291  
a certificate prescribed in this section to a person who has been 3292  
convicted of or has pleaded guilty to a felony or who fails to 3293  
disclose any previous criminal conviction of or plea of guilty to 3294  
a felony as required under division (E)(1) of this section. 3295

(4) The executive director of the commission shall revoke the 3296  
certificate awarded to a person as prescribed in this section, and 3297  
that person shall forfeit all of the benefits derived from being 3298  
certified as a peace officer under this section, if the person, 3299  
before completion of an approved peace officer basic training 3300  
program, failed to disclose any previous criminal conviction of or 3301  
plea of guilty to a felony as required under division (E)(1) of 3302  
this section. 3303

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction of the felony and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this section and the certificate is revoked pursuant to division (E)(4)

or (F) of this section, the person shall not be eligible to 3336  
receive, at any time, a certificate attesting to the person's 3337  
satisfactory completion of a peace officer basic training program. 3338

(2) The revocation or suspension of a certificate under 3339  
division (E)(4) or (F) of this section shall be in accordance with 3340  
Chapter 119. of the Revised Code. 3341

(H)(1) A person who was employed as a peace officer of a 3342  
county, township, or municipal corporation of the state on January 3343  
1, 1966, and who has completed at least sixteen years of full-time 3344  
active service as such a peace officer, or equivalent service as 3345  
determined by the executive director of the Ohio peace officer 3346  
training commission, may receive an original appointment on a 3347  
permanent basis and serve as a peace officer of a county, 3348  
township, or municipal corporation, or as a state university law 3349  
enforcement officer, without complying with the requirements of 3350  
division (B) of this section. 3351

(2) Any person who held an appointment as a state highway 3352  
trooper on January 1, 1966, may receive an original appointment on 3353  
a permanent basis and serve as a peace officer of a county, 3354  
township, or municipal corporation, or as a state university law 3355  
enforcement officer, without complying with the requirements of 3356  
division (B) of this section. 3357

(I) No person who is appointed as a peace officer of a 3358  
county, township, or municipal corporation on or after April 9, 3359  
1985, shall serve as a peace officer of that county, township, or 3360  
municipal corporation unless the person has received training in 3361  
the handling of missing children and child abuse and neglect cases 3362  
from an approved state, county, township, or municipal police 3363  
officer basic training program or receives the training within the 3364  
time prescribed by rules adopted by the attorney general pursuant 3365  
to section 109.741 of the Revised Code. 3366

(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace officer basic training program that the peace officer is required by this section to complete satisfactorily.

(K) This section does not apply to any member of the police department of a municipal corporation in an adjoining state serving in this state under a contract pursuant to section 737.04 of the Revised Code.

**Sec. 109.79.** (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no criminal investigator employed by the state public defender shall be permitted to attend the academy for training unless the employing court of the bailiff or deputy bailiff or the state public defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the academy.

The Ohio peace officer training commission shall develop the training program, which shall include courses in both the civil and criminal functions of law enforcement officers, a course in crisis intervention with six or more hours of training, ~~and~~ training in the handling of missing children and child abuse and neglect cases, and training on companion animal encounters and companion animal behavior, and shall establish rules governing

qualifications for admission to the academy. The commission may 3398  
require competitive examinations to determine fitness of 3399  
prospective trainees, so long as the examinations or other 3400  
criteria for admission to the academy are consistent with the 3401  
provisions of Chapter 124. of the Revised Code. 3402

The Ohio peace officer training commission shall determine 3403  
tuition costs sufficient in the aggregate to pay the costs of 3404  
operating the academy. The costs of acquiring and equipping the 3405  
academy shall be paid from appropriations made by the general 3406  
assembly to the Ohio peace officer training commission for that 3407  
purpose, from gifts or grants received for that purpose, or from 3408  
fees for goods related to the academy. 3409

The Ohio peace officer training commission shall create a 3410  
gaming-related curriculum for gaming agents. The Ohio peace 3411  
officer training commission shall use money distributed to the 3412  
Ohio peace officer training academy from the Ohio law enforcement 3413  
training fund to first support the academy's training programs for 3414  
gaming agents and gaming-related curriculum. The Ohio peace 3415  
officer training commission may utilize existing training programs 3416  
in other states that specialize in training gaming agents. 3417

The law enforcement officers, during the period of their 3418  
training, shall receive compensation as determined by the 3419  
political subdivision that sponsors them or, if the officer is a 3420  
criminal investigator employed by the state public defender, as 3421  
determined by the state public defender. The political subdivision 3422  
may pay the tuition costs of the law enforcement officers they 3423  
sponsor and the state public defender may pay the tuition costs of 3424  
criminal investigators of that office who attend the academy. 3425

If trainee vacancies exist, the academy may train and issue 3426  
certificates of satisfactory completion to peace officers who are 3427  
employed by a campus police department pursuant to section 1713.50 3428  
of the Revised Code, by a qualified nonprofit corporation police 3429

department pursuant to section 1702.80 of the Revised Code, or by 3430  
a railroad company, who are amusement park police officers 3431  
appointed and commissioned by a judge of the appropriate municipal 3432  
court or county court pursuant to section 4973.17 of the Revised 3433  
Code, or who are bank, savings and loan association, savings bank, 3434  
credit union, or association of banks, savings and loan 3435  
associations, savings banks, or credit unions, or hospital police 3436  
officers appointed and commissioned by the secretary of state 3437  
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 3438  
provided that no such officer shall be trained at the academy 3439  
unless the officer meets the qualifications established for 3440  
admission to the academy and the qualified nonprofit corporation 3441  
police department; bank, savings and loan association, savings 3442  
bank, credit union, or association of banks, savings and loan 3443  
associations, savings banks, or credit unions; railroad company; 3444  
hospital; or amusement park or the private college or university 3445  
that established the campus police department prepays the entire 3446  
cost of the training. A qualified nonprofit corporation police 3447  
department; bank, savings and loan association, savings bank, 3448  
credit union, or association of banks, savings and loan 3449  
associations, savings banks, or credit unions; railroad company; 3450  
hospital; or amusement park or a private college or university 3451  
that has established a campus police department is not entitled to 3452  
reimbursement from the state for any amount paid for the cost of 3453  
training the bank, savings and loan association, savings bank, 3454  
credit union, or association of banks, savings and loan 3455  
associations, savings banks, or credit unions peace officers; the 3456  
railroad company's peace officers; or the peace officers of the 3457  
qualified nonprofit corporation police department, campus police 3458  
department, hospital, or amusement park. 3459

The academy shall permit investigators employed by the state 3460  
medical board to take selected courses that the board determines 3461  
are consistent with its responsibilities for initial and 3462

continuing training of investigators as required under sections 3463  
4730.26 and 4731.05 of the Revised Code. The board shall pay the 3464  
entire cost of training that investigators receive at the academy. 3465

(B) As used in this section: 3466

(1) "Law enforcement officers" include any undercover drug 3467  
agent, any bailiff or deputy bailiff of a court of record, and any 3468  
criminal investigator who is employed by the state public 3469  
defender. 3470

(2) "Undercover drug agent" means any person who: 3471

(a) Is employed by a county, township, or municipal 3472  
corporation for the purposes set forth in division (B)(2)(b) of 3473  
this section but who is not an employee of a county sheriff's 3474  
department, of a township constable, or of the police department 3475  
of a municipal corporation or township; 3476

(b) In the course of the person's employment by a county, 3477  
township, or municipal corporation, investigates and gathers 3478  
information pertaining to persons who are suspected of violating 3479  
Chapter 2925. or 3719. of the Revised Code, and generally does not 3480  
wear a uniform in the performance of the person's duties. 3481

(3) "Crisis intervention training" has the same meaning as in 3482  
section 109.71 of the Revised Code. 3483

(4) "Missing children" has the same meaning as in section 3484  
2901.30 of the Revised Code. 3485

(5) "Companion animal" has the same meaning as in section 3486  
959.131 of the Revised Code. 3487

Sec. 111.31. (A) There is hereby created in the state 3488  
treasury the absent voter's ballot application mailing fund. The 3489  
secretary of state shall use the fund to pay the cost of printing 3490  
and mailing unsolicited applications for absent voter's ballots in 3491  
accordance with section 3501.05 of the Revised Code if the general 3492

assembly has appropriated funds to the controlling board for such 3493  
a mailing. 3494

(B) The fund shall consist of moneys transferred to it by the 3495  
controlling board upon the request of the secretary of state. The 3496  
controlling board shall transfer any unused moneys in the fund to 3497  
the proper appropriation item. 3498

**Sec. 113.06.** (A) Subject to the provisions of this section, 3499  
the treasurer of state may open as many receiving offices as are 3500  
necessary for the expedient collection of taxes and fees. The 3501  
treasurer of state or ~~his~~ the treasurer of state's deputies may 3502  
attend at such offices and receive payment of all taxes and fees 3503  
or, if adequate security protection is afforded all funds 3504  
involved, ~~he~~ the treasurer of state may appoint a financial 3505  
institution or a cashier thereof as ~~his~~ the treasurer of state's 3506  
agent or deputy for the collection of taxes and fees. The 3507  
treasurer of state may fix the time and place at which taxes and 3508  
fees will be received in such receiving offices. Except for 3509  
financial institutions or cashiers thereof appointed as agents or 3510  
deputies for the collection of taxes and fees, the treasurer of 3511  
state may operate receiving offices only in counties exceeding one 3512  
million in population. 3513

(B) The reasonable and necessary expenses incurred by the 3514  
treasurer of state in the collection of taxes and fees at such 3515  
receiving offices may be paid as other expenses of the treasurer 3516  
of state's office from funds appropriated for such purposes. 3517

(C) The treasurer of state may deposit in any financial 3518  
institution located at a place of collection any money received in 3519  
the payment of taxes and fees, as provided in division (A) of this 3520  
section. A financial institution receiving any such deposits shall 3521  
deposit with or pledge to the treasurer of state such securities 3522  
as ~~he~~ the treasurer of state considers sufficient to meet the 3523



requirements of section 135.18 ~~or~~, 135.181, or 135.182 of the 3524  
Revised Code. The liability of the treasurer of state for any 3525  
losses of money so collected or deposited shall be the same as 3526  
provided in section 135.19 of the Revised Code. 3527

**Sec. 113.07.** The treasurer of state may enter into a contract 3528  
with any financial institution under which the financial 3529  
institution, in accordance with the terms of the contract, 3530  
receives tax and fee payments at a post office box, opens the mail 3531  
delivered to that box, processes the checks and other payments 3532  
received in such mail and deposits them into the treasurer of 3533  
state's account, and provides the treasurer of state daily receipt 3534  
information with respect to such payments. The contract shall not 3535  
be entered into unless: 3536

(A) There is attached to the contract a certification by the 3537  
auditor of state that the financial institution and the treasurer 3538  
of state have given assurances satisfactory to the auditor of 3539  
state that the records of the financial institution which relate 3540  
to tax and fee payments covered by the contract, and only such 3541  
records, shall be subject to audit by the auditor of state to the 3542  
same extent as if the services which the financial institution has 3543  
agreed to perform were being performed by the treasurer of state; 3544

(B) The contract is awarded in accordance with ~~section 125.07~~ 3545  
Chapter 125. of the Revised Code; 3546

(C) The treasurer of state's surety bond includes within its 3547  
coverage any loss that may occur as the result of the contract; 3548

(D) The contract does not conflict with the requirements for 3549  
accounting and financial reporting for public offices prescribed 3550  
by the auditor of state. 3551

**Sec. 117.54.** There is in the state treasury the auditor of 3552  
state investigation and forfeiture trust fund. The fund shall 3553

consist of moneys received under sections 2981.13 and 2981.14 and 3554  
division (B)(3) of section 2923.32 of the Revised Code, and the 3555  
auditor of state shall use those moneys in accordance with those 3556  
sections. Interest earned on moneys in the fund shall be credited 3557  
to the fund. 3558

**Sec. 118.023.** (A) Upon determining that one or more of the 3559  
conditions described in section 118.022 of the Revised Code are 3560  
present, the auditor of state shall issue a written declaration of 3561  
the existence of a fiscal watch to the municipal corporation, 3562  
county, or township and the county budget commission. The fiscal 3563  
watch shall be in effect until the auditor of state determines 3564  
that none of the conditions are any longer present and cancels the 3565  
watch, or until the auditor of state determines that a state of 3566  
fiscal emergency exists. The auditor of state, or a designee, 3567  
shall provide such technical and support services to the municipal 3568  
corporation, county, or township after a fiscal watch has been 3569  
declared to exist as the auditor of state considers necessary. 3570

(B) Within ~~one hundred twenty~~ ninety days after the day a 3571  
written declaration of the existence of a fiscal watch is issued 3572  
under division (A) of this section, the mayor of the municipal 3573  
corporation, the board of county commissioners of the county, or 3574  
the board of township trustees of the township for which a fiscal 3575  
watch was declared shall submit to the auditor of state a 3576  
financial recovery plan that shall identify actions to be taken to 3577  
eliminate all of the conditions described in section 118.022 of 3578  
the Revised Code, and shall include a schedule detailing the 3579  
approximate dates for beginning and completing the actions and a 3580  
five-year forecast reflecting the effects of the actions. The 3581  
financial recovery plan also shall evaluate the feasibility of 3582  
entering into shared services agreements with other political 3583  
subdivisions for the joint exercise of any power, performance of 3584  
any function, or rendering of any service, if so authorized by 3585

statute. The financial recovery plan is subject to review and 3586  
approval by the auditor of state. The auditor of state may extend 3587  
the amount of time by which a financial recovery plan is required 3588  
to be filed, for good cause shown. 3589

~~(C) If a feasible financial recovery plan for a municipal 3590  
corporation, county, or township for which a fiscal watch was 3591  
declared is not submitted within the time period prescribed by 3592  
division (B) of this section, or within any extension of time 3593  
thereof, the~~ The auditor of state shall declare that a fiscal 3594  
emergency condition exists under section 118.04 of the Revised 3595  
Code in the municipal corporation, county, or township if either 3596  
of the following applies: 3597

(1) A feasible financial recovery plan for a municipal 3598  
corporation, county, or township for which a fiscal watch was 3599  
declared is not submitted within the time period prescribed by 3600  
division (B) of this section, or within any extension of time 3601  
thereof; or 3602

(2) The auditor of state finds that a municipal corporation, 3603  
county, or township for which a fiscal watch has been declared has 3604  
not made reasonable proposals or otherwise taken action to 3605  
discontinue or correct the fiscal practices or budgetary 3606  
conditions that prompted the declaration of fiscal watch, and the 3607  
auditor determines a fiscal emergency declaration is necessary to 3608  
prevent further decline. 3609

**Sec. 118.04.** (A) The existence of a fiscal emergency 3610  
condition constitutes a fiscal emergency. The existence of fiscal 3611  
emergency conditions shall be determined by the auditor of state. 3612  
Such determination, for purposes of this chapter, may be made only 3613  
upon the filing with the auditor of state of a written request for 3614  
such a determination by the governor, by the county budget 3615  
commission, by the mayor of the municipal corporation, or by the 3616

presiding officer of the legislative authority of the municipal 3617  
corporation when authorized by a majority of the members of such 3618  
legislative authority, by the board of county commissioners, or by 3619  
the board of township trustees, or upon initiation by the auditor 3620  
of state. The request may designate in general or specific terms, 3621  
but without thereby limiting the determination thereto, the 3622  
condition or conditions to be examined to determine whether they 3623  
constitute fiscal emergency conditions. Promptly upon receipt of 3624  
such written request, or upon initiation by the auditor of state, 3625  
the auditor of state shall transmit copies of such request or a 3626  
written notice of such initiation to the mayor and the presiding 3627  
officer of the legislative authority of the municipal corporation 3628  
or to the board of county commissioners or the board of township 3629  
trustees by personal service or certified mail. Such 3630  
determinations shall be set forth in written reports and 3631  
supplemental reports, which shall be filed with the mayor, fiscal 3632  
officer, and presiding officer of the legislative authority of the 3633  
municipal corporation, or with the board of county commissioners 3634  
or the board of township trustees, and with the treasurer of 3635  
state, secretary of state, governor, director of budget and 3636  
management, and county budget commission, within thirty days after 3637  
the request. The auditor of state shall so file an initial report 3638  
immediately upon determining the existence of any fiscal emergency 3639  
condition. 3640

(B) In making such determination, the auditor of state may 3641  
rely on reports or other information filed or otherwise made 3642  
available by the municipal corporation, county, or township, 3643  
accountants' reports, or other sources and data the auditor of 3644  
state considers reliable for such purpose. As to the status of 3645  
funds or accounts, a determination that the amounts stated in 3646  
section 118.03 of the Revised Code are exceeded may be made 3647  
without need for determination of the specific amount of the 3648  
excess. The auditor of state may engage the services of 3649

independent certified or registered public accountants, including 3650  
public accountants engaged or previously engaged by the municipal 3651  
corporation, county, or township, to conduct audits or make 3652  
reports or render such opinions as the auditor of state considers 3653  
desirable with respect to any aspect of the determinations to be 3654  
made by the auditor of state. 3655

(C) A determination by the auditor of state under this 3656  
section that a fiscal emergency condition does not exist is final 3657  
and conclusive and not appealable. A determination by the auditor 3658  
of state under this section that a fiscal emergency exists is 3659  
final, except that the mayor of any municipal corporation affected 3660  
by a determination of the existence of a fiscal emergency 3661  
condition under this section, when authorized by a majority of the 3662  
members of the legislative authority, or the board of county 3663  
commissioners or board of township trustees, may appeal the 3664  
determination of the existence of a fiscal emergency condition to 3665  
the court of appeals having territorial jurisdiction over the 3666  
municipal corporation, county, or township. The appeal shall be 3667  
heard expeditiously by the court of appeals and for good cause 3668  
shown shall take precedence over all other civil matters except 3669  
earlier matters of the same character. Notice of such appeal must 3670  
be filed with the auditor of state and such court within thirty 3671  
days after certification by the auditor of state to the mayor and 3672  
presiding officer of the legislative authority of the municipal 3673  
corporation or to the board of county commissioners or board of 3674  
township trustees as provided for in division (A) of this section. 3675  
In such appeal, determinations of the auditor of state shall be 3676  
presumed to be valid and the municipal corporation, county, or 3677  
township shall have the burden of proving, by clear and convincing 3678  
evidence, that each of the determinations made by the auditor of 3679  
state as to the existence of a fiscal emergency condition under 3680  
section 118.03 of the Revised Code was in error. If the municipal 3681  
corporation, county, or township fails, upon presentation of its 3682

case, to prove by clear and convincing evidence that each such 3683  
determination by the auditor of state was in error, the court 3684  
shall dismiss the appeal. The municipal corporation, county, or 3685  
township and the auditor of state may introduce any evidence 3686  
relevant to the existence or nonexistence of such fiscal emergency 3687  
conditions at the times indicated in the applicable provisions of 3688  
divisions (A) and (B) of section 118.03 of the Revised Code. The 3689  
pendency of any such appeal shall not affect or impede the 3690  
operations of this chapter; no restraining order, temporary 3691  
injunction, or other similar restraint upon actions consistent 3692  
with this chapter shall be imposed by the court or any court 3693  
pending determination of such appeal; and all things may be done 3694  
under this chapter that may be done regardless of the pendency of 3695  
any such appeal. Any action taken or contract executed pursuant to 3696  
this chapter during the pendency of such appeal is valid and 3697  
enforceable among all parties, notwithstanding the decision in 3698  
such appeal. If the court of appeals reverses the determination of 3699  
the existence of a fiscal emergency condition by the auditor of 3700  
state, the determination no longer has any effect, and any 3701  
procedures undertaken as a result of the determination shall be 3702  
terminated. 3703

(D) All expenses incurred by the auditor of state relating to 3704  
a determination or termination of a fiscal emergency under this 3705  
section, a fiscal watch under section 118.021 of the Revised Code, 3706  
or a fiscal caution under section 118.025 of the Revised Code, 3707  
including providing technical and support services, or for 3708  
conducting a performance audit under section 118.041 of the 3709  
Revised Code, shall be reimbursed from an appropriation for that 3710  
purpose. If necessary, the controlling board may provide 3711  
sufficient funds for these purposes. 3712

**Sec. 118.041.** The auditor of state, on the auditor of state's 3713  
initiative, may conduct a performance audit of a municipal 3714

corporation, county, or township that is under a fiscal caution, a 3715  
fiscal watch, or a fiscal emergency. 3716

**Sec. 119.04.** (A)(1) Any rule adopted by any agency shall be 3717  
effective on the tenth day after the day on which the rule in 3718  
final form and in compliance with division (A)(2) of this section 3719  
is filed as follows: 3720

(a) The rule shall be filed in electronic form with both the 3721  
secretary of state and the director of the legislative service 3722  
commission; 3723

(b) The rule shall be filed in electronic form with the joint 3724  
committee on agency rule review. Division (A)(1)(b) of this 3725  
section does not apply to any rule to which division (C) of 3726  
section 119.03 of the Revised Code does not apply. 3727

If an agency in adopting a rule designates an effective date 3728  
that is later than the effective date provided for by this 3729  
division, the rule if filed as required by this division shall 3730  
become effective on the later date designated by the agency. 3731

An agency that adopts or amends a rule that is subject to 3732  
section 106.03 of the Revised Code shall assign a review date to 3733  
the rule that is not later than five years after its effective 3734  
date. If a review date assigned to a rule exceeds the five-year 3735  
maximum, the review date for the rule is five years after its 3736  
effective date. A rule with a review date is subject to review 3737  
under section 106.03 of the Revised Code. ~~This paragraph does not~~ 3738  
~~apply to the department of taxation.~~ 3739

(2) The agency shall file the rule in compliance with the 3740  
following standards and procedures: 3741

(a) The rule shall be numbered in accordance with the 3742  
numbering system devised by the director for the Ohio 3743  
administrative code. 3744

(b) The rule shall be prepared and submitted in compliance 3745  
with the rules of the legislative service commission. 3746

(c) The rule shall clearly state the date on which it is to 3747  
be effective and the date on which it will expire, if known. 3748

(d) Each rule that amends or rescinds another rule shall 3749  
clearly refer to the rule that is amended or rescinded. Each 3750  
amendment shall fully restate the rule as amended. 3751

If the director of the legislative service commission or the 3752  
director's designee gives an agency notice pursuant to section 3753  
103.05 of the Revised Code that a rule filed by the agency is not 3754  
in compliance with the rules of the commission, the agency shall 3755  
within thirty days after receipt of the notice conform the rule to 3756  
the rules of the commission as directed in the notice. 3757

(3) As used in this section, "rule" includes an amendment or 3758  
rescission of a rule. 3759

(B) The secretary of state and the director shall preserve 3760  
the rules filed under division (A)(1)(a) of this section in an 3761  
accessible manner. Each such rule shall be a public record open to 3762  
public inspection and may be transmitted to any law publishing 3763  
company that wishes to reproduce it. 3764

**Sec. 119.12.** Any party adversely affected by any order of an 3765  
agency issued pursuant to an adjudication denying an applicant 3766  
admission to an examination, or denying the issuance or renewal of 3767  
a license or registration of a licensee, or revoking or suspending 3768  
a license, or allowing the payment of a forfeiture under section 3769  
4301.252 of the Revised Code may appeal from the order of the 3770  
agency to the court of common pleas of the county in which the 3771  
place of business of the licensee is located or the county in 3772  
which the licensee is a resident, except that appeals from 3773  
decisions of the liquor control commission, the Ohio casino 3774



control commission, the state medical board, the state 3775  
chiropractic board, and the board of nursing shall be to the court 3776  
of common pleas of Franklin county. If any party appealing from 3777  
the order is not a resident of and has no place of business in 3778  
this state, the party may appeal to the court of common pleas of 3779  
Franklin county. 3780

Any party adversely affected by any order of an agency issued 3781  
pursuant to any other adjudication may appeal to the court of 3782  
common pleas of Franklin county, except that appeals from orders 3783  
of the fire marshal issued under Chapter 3737. of the Revised Code 3784  
may be to the court of common pleas of the county in which the 3785  
building of the aggrieved person is located and except that 3786  
appeals under division (B) of section 124.34 of the Revised Code 3787  
from a decision of the state personnel board of review or a 3788  
municipal or civil service township civil service commission shall 3789  
be taken to the court of common pleas of the county in which the 3790  
appointing authority is located or, in the case of an appeal by 3791  
the department of rehabilitation and correction, to the court of 3792  
common pleas of Franklin county. 3793

This section does not apply to appeals from the department of 3794  
taxation. 3795

Any party desiring to appeal shall file a notice of appeal 3796  
with the agency setting forth the order appealed from and stating 3797  
that the agency's order is not supported by reliable, probative, 3798  
and substantial evidence and is not in accordance with law. The 3799  
notice of appeal may, but need not, set forth the specific grounds 3800  
of the party's appeal beyond the statement that the agency's order 3801  
is not supported by reliable, probative, and substantial evidence 3802  
and is not in accordance with law. The notice of appeal shall also 3803  
be filed by the appellant with the court. In filing a notice of 3804  
appeal with the agency or court, the notice that is filed may be 3805  
either the original notice or a copy of the original notice. 3806

Unless otherwise provided by law relating to a particular agency, 3807  
notices of appeal shall be filed within fifteen days after the 3808  
mailing of the notice of the agency's order as provided in this 3809  
section. For purposes of this paragraph, an order includes a 3810  
determination appealed pursuant to division (C) of section 119.092 3811  
of the Revised Code. The amendments made to this paragraph by Sub. 3812  
H.B. 215 of the 128th general assembly are procedural, and this 3813  
paragraph as amended by those amendments shall be applied 3814  
retrospectively to all appeals pursuant to this paragraph filed 3815  
before ~~the effective date of those amendments~~ September 13, 2010, 3816  
but not earlier than May 7, 2009, which was the date the supreme 3817  
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 3818  
*v. Ohio Dep't. of Job and Family Servs.* (2009), 121 Ohio St.3d 3819  
622. 3820

The filing of a notice of appeal shall not automatically 3821  
operate as a suspension of the order of an agency. If it appears 3822  
to the court that an unusual hardship to the appellant will result 3823  
from the execution of the agency's order pending determination of 3824  
the appeal, the court may grant a suspension and fix its terms. If 3825  
an appeal is taken from the judgment of the court and the court 3826  
has previously granted a suspension of the agency's order as 3827  
provided in this section, the suspension of the agency's order 3828  
shall not be vacated and shall be given full force and effect 3829  
until the matter is finally adjudicated. No renewal of a license 3830  
or permit shall be denied by reason of the suspended order during 3831  
the period of the appeal from the decision of the court of common 3832  
pleas. In the case of an appeal from the Ohio casino control 3833  
commission, the state medical board, or the state chiropractic 3834  
board, the court may grant a suspension and fix its terms if it 3835  
appears to the court that an unusual hardship to the appellant 3836  
will result from the execution of the agency's order pending 3837  
determination of the appeal and the health, safety, and welfare of 3838  
the public will not be threatened by suspension of the order. This 3839

provision shall not be construed to limit the factors the court 3840  
may consider in determining whether to suspend an order of any 3841  
other agency pending determination of an appeal. 3842

The final order of adjudication may apply to any renewal of a 3843  
license or permit which has been granted during the period of the 3844  
appeal. 3845

Notwithstanding any other provision of this section, any 3846  
order issued by a court of common pleas or a court of appeals 3847  
suspending the effect of an order of the liquor control commission 3848  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3849  
suspends, revokes, or cancels a permit issued under Chapter 4303. 3850  
of the Revised Code or that allows the payment of a forfeiture 3851  
under section 4301.252 of the Revised Code shall terminate not 3852  
more than six months after the date of the filing of the record of 3853  
the liquor control commission with the clerk of the court of 3854  
common pleas and shall not be extended. The court of common pleas, 3855  
or the court of appeals on appeal, shall render a judgment in that 3856  
matter within six months after the date of the filing of the 3857  
record of the liquor control commission with the clerk of the 3858  
court of common pleas. A court of appeals shall not issue an order 3859  
suspending the effect of an order of the liquor control commission 3860  
that extends beyond six months after the date on which the record 3861  
of the liquor control commission is filed with a court of common 3862  
pleas. 3863

Notwithstanding any other provision of this section, any 3864  
order issued by a court of common pleas or a court of appeals 3865  
suspending the effect of an order of the Ohio casino control 3866  
commission issued under Chapter 3772. of the Revised Code that 3867  
limits, conditions, restricts, suspends, revokes, denies, not 3868  
renews, fines, or otherwise penalizes an applicant, licensee, or 3869  
person excluded or ejected from a casino facility in accordance 3870  
with section 3772.031 of the Revised Code shall terminate not more 3871

than six months after the date of the filing of the record of the 3872  
Ohio casino control commission with the clerk of the court of 3873  
common pleas and shall not be extended. The court of common pleas, 3874  
or the court of appeals on appeal, shall render a judgment in that 3875  
matter within six months after the date of the filing of the 3876  
record of the Ohio casino control commission with the clerk of the 3877  
court of common pleas. A court of appeals shall not issue an order 3878  
suspending the effect of an order of the Ohio casino control 3879  
commission that extends beyond six months after the date on which 3880  
the record of the Ohio casino control commission is filed with the 3881  
clerk of a court of common pleas. 3882

Notwithstanding any other provision of this section, any 3883  
order issued by a court of common pleas suspending the effect of 3884  
an order of the state medical board or state chiropractic board 3885  
that limits, revokes, suspends, places on probation, or refuses to 3886  
register or reinstate a certificate issued by the board or 3887  
reprimands the holder of the certificate shall terminate not more 3888  
than fifteen months after the date of the filing of a notice of 3889  
appeal in the court of common pleas, or upon the rendering of a 3890  
final decision or order in the appeal by the court of common 3891  
pleas, whichever occurs first. 3892

Within thirty days after receipt of a notice of appeal from 3893  
an order in any case in which a hearing is required by sections 3894  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3895  
certify to the court a complete record of the proceedings in the 3896  
case. Failure of the agency to comply within the time allowed, 3897  
upon motion, shall cause the court to enter a finding in favor of 3898  
the party adversely affected. Additional time, however, may be 3899  
granted by the court, not to exceed thirty days, when it is shown 3900  
that the agency has made substantial effort to comply. The record 3901  
shall be prepared and transcribed, and the expense of it shall be 3902  
taxed as a part of the costs on the appeal. The appellant shall 3903

provide security for costs satisfactory to the court of common 3904  
pleas. Upon demand by any interested party, the agency shall 3905  
furnish at the cost of the party requesting it a copy of the 3906  
stenographic report of testimony offered and evidence submitted at 3907  
any hearing and a copy of the complete record. 3908

Notwithstanding any other provision of this section, any 3909  
party desiring to appeal an order or decision of the state 3910  
personnel board of review shall, at the time of filing a notice of 3911  
appeal with the board, provide a security deposit in an amount and 3912  
manner prescribed in rules that the board shall adopt in 3913  
accordance with this chapter. In addition, the board is not 3914  
required to prepare or transcribe the record of any of its 3915  
proceedings unless the appellant has provided the deposit 3916  
described above. The failure of the board to prepare or transcribe 3917  
a record for an appellant who has not provided a security deposit 3918  
shall not cause a court to enter a finding adverse to the board. 3919

Unless otherwise provided by law, in the hearing of the 3920  
appeal, the court is confined to the record as certified to it by 3921  
the agency. Unless otherwise provided by law, the court may grant 3922  
a request for the admission of additional evidence when satisfied 3923  
that the additional evidence is newly discovered and could not 3924  
with reasonable diligence have been ascertained prior to the 3925  
hearing before the agency. 3926

The court shall conduct a hearing on the appeal and shall 3927  
give preference to all proceedings under sections 119.01 to 119.13 3928  
of the Revised Code, over all other civil cases, irrespective of 3929  
the position of the proceedings on the calendar of the court. An 3930  
appeal from an order of the state medical board issued pursuant to 3931  
division (G) of either section 4730.25 or 4731.22 of the Revised 3932  
Code, ~~or~~ the state chiropractic board issued pursuant to section 3933  
4734.37 of the Revised Code, ~~or~~ the liquor control commission 3934  
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 3935

the Ohio casino control commission issued pursuant to Chapter 3936  
3772. of the Revised Code shall be set down for hearing at the 3937  
earliest possible time and takes precedence over all other 3938  
actions. The hearing in the court of common pleas shall proceed as 3939  
in the trial of a civil action, and the court shall determine the 3940  
rights of the parties in accordance with the laws applicable to a 3941  
civil action. At the hearing, counsel may be heard on oral 3942  
argument, briefs may be submitted, and evidence may be introduced 3943  
if the court has granted a request for the presentation of 3944  
additional evidence. 3945

The court may affirm the order of the agency complained of in 3946  
the appeal if it finds, upon consideration of the entire record 3947  
and any additional evidence the court has admitted, that the order 3948  
is supported by reliable, probative, and substantial evidence and 3949  
is in accordance with law. In the absence of this finding, it may 3950  
reverse, vacate, or modify the order or make such other ruling as 3951  
is supported by reliable, probative, and substantial evidence and 3952  
is in accordance with law. The court shall award compensation for 3953  
fees in accordance with section 2335.39 of the Revised Code to a 3954  
prevailing party, other than an agency, in an appeal filed 3955  
pursuant to this section. 3956

The judgment of the court shall be final and conclusive 3957  
unless reversed, vacated, or modified on appeal. These appeals may 3958  
be taken either by the party or the agency, shall proceed as in 3959  
the case of appeals in civil actions, and shall be pursuant to the 3960  
Rules of Appellate Procedure and, to the extent not in conflict 3961  
with those rules, Chapter 2505. of the Revised Code. An appeal by 3962  
the agency shall be taken on questions of law relating to the 3963  
constitutionality, construction, or interpretation of statutes and 3964  
rules of the agency, and, in the appeal, the court may also review 3965  
and determine the correctness of the judgment of the court of 3966  
common pleas that the order of the agency is not supported by any 3967

reliable, probative, and substantial evidence in the entire 3968  
record. 3969

The court shall certify its judgment to the agency or take 3970  
any other action necessary to give its judgment effect. 3971

**Sec. 121.03.** The following administrative department heads 3972  
shall be appointed by the governor, with the advice and consent of 3973  
the senate, and shall hold their offices during the term of the 3974  
appointing governor, and are subject to removal at the pleasure of 3975  
the governor. 3976

(A) The director of budget and management; 3977

(B) The director of commerce; 3978

(C) The director of transportation; 3979

(D) The director of agriculture; 3980

(E) The director of job and family services; 3981

(F) Until July 1, 1997, the director of liquor control; 3982

(G) The director of public safety; 3983

(H) The superintendent of insurance; 3984

(I) The director of development services; 3985

(J) The tax commissioner; 3986

(K) The director of administrative services; 3987

(L) The director of natural resources; 3988

(M) The director of mental health and addiction services; 3989

(N) The director of developmental disabilities; 3990

(O) The director of health; 3991

(P) The director of youth services; 3992

(Q) The director of rehabilitation and correction; 3993

(R) The director of environmental protection;	3994
(S) The director of aging;	3995
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3996 3997 3998
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3999 4000
(V) The chancellor of <del>the Ohio board of regents</del> <u>higher education</u> ;	4001 4002
(W) The medicaid director.	4003
<b>Sec. 121.04.</b> Offices are created within the several departments as follows:	4004 4005
In the department of commerce:	4006
Commissioner of securities;	4007
Superintendent of real estate and professional licensing;	4008
Superintendent of financial institutions;	4009
State fire marshal;	4010
Superintendent of industrial compliance;	4011
Superintendent of liquor control;	4012
Superintendent of unclaimed funds.	4013
In the department of administrative services:	4014
Equal employment opportunity coordinator.	4015
In the department of agriculture:	4016
Chiefs of divisions as follows:	4017
Administration;	4018
Animal health;	4019
Livestock environmental permitting;	4020
<u>Soil and water conservation</u> ;	4021



Dairy;	4022
Food safety;	4023
Plant health;	4024
Markets;	4025
Meat inspection;	4026
Consumer protection laboratory;	4027
Amusement ride safety;	4028
Enforcement;	4029
Weights and measures.	4030
In the department of natural resources:	4031
Chiefs of divisions as follows:	4032
Mineral resources management;	4033
Oil and gas resources management;	4034
Forestry;	4035
Natural areas and preserves;	4036
Wildlife;	4037
Geological survey;	4038
Parks and recreation;	4039
Watercraft;	4040
<del>Soil and water</del> <u>Water</u> resources;	4041
Engineering.	4042
In the department of insurance:	4043
Deputy superintendent of insurance;	4044
Assistant superintendent of insurance, technical;	4045
Assistant superintendent of insurance, administrative;	4046
Assistant superintendent of insurance, research.	4047
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to	4048
require public officials to take official action and to conduct	4049
all deliberations upon official business only in open meetings	4050
unless the subject matter is specifically excepted by law.	4051
(B) As used in this section:	4052

(1) "Public body" means any of the following:	4053
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	4054 4055 4056 4057 4058 4059
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	4060 4061
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.	4062 4063 4064 4065 4066 4067 4068 4069 4070 4071
(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.	4072 4073
(3) "Regulated individual" means either of the following:	4074
(a) A student in a state or local public educational institution;	4075 4076
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	4077 4078 4079 4080
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	4081 4082

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

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

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

(1) A grand jury;

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

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;

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

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

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

(7) The board of nursing when determining whether to suspend

a license or certificate without a prior hearing pursuant to	4113
division (B) of section 4723.281 of the Revised Code;	4114
(8) The state board of pharmacy when determining whether to	4115
suspend a license without a prior hearing pursuant to division (D)	4116
of section 4729.16 of the Revised Code;	4117
(9) The state chiropractic board when determining whether to	4118
suspend a license without a hearing pursuant to section 4734.37 of	4119
the Revised Code;	4120
(10) The executive committee of the emergency response	4121
commission when determining whether to issue an enforcement order	4122
or request that a civil action, civil penalty action, or criminal	4123
action be brought to enforce Chapter 3750. of the Revised Code;	4124
(11) The board of directors of the nonprofit corporation	4125
formed under section 187.01 of the Revised Code or any committee	4126
thereof, and the board of directors of any subsidiary of that	4127
corporation or a committee thereof;	4128
(12) An audit conference conducted by the audit staff of the	4129
department of job and family services with officials of the public	4130
office that is the subject of that audit under section 5101.37 of	4131
the Revised Code;	4132
(13) The occupational therapy section of the occupational	4133
therapy, physical therapy, and athletic trainers board when	4134
determining whether to suspend a license or limited permit without	4135
a hearing pursuant to division (D) of section 4755.11 of the	4136
Revised Code;	4137
(14) The physical therapy section of the occupational	4138
therapy, physical therapy, and athletic trainers board when	4139
determining whether to suspend a license without a hearing	4140
pursuant to division (E) of section 4755.47 of the Revised Code;	4141
(15) The athletic trainers section of the occupational	4142

therapy, physical therapy, and athletic trainers board when 4143  
determining whether to suspend a license without a hearing 4144  
pursuant to division (D) of section 4755.64 of the Revised Code. 4145

(E) The controlling board, the tax credit authority, or the 4146  
minority development financing advisory board, when meeting to 4147  
consider granting assistance pursuant to Chapter 122. or 166. of 4148  
the Revised Code, in order to protect the interest of the 4149  
applicant or the possible investment of public funds, by unanimous 4150  
vote of all board or authority members present, may close the 4151  
meeting during consideration of the following information 4152  
confidentially received by the authority or board from the 4153  
applicant: 4154

(1) Marketing plans; 4155

(2) Specific business strategy; 4156

(3) Production techniques and trade secrets; 4157

(4) Financial projections; 4158

(5) Personal financial statements of the applicant or members 4159  
of the applicant's immediate family, including, but not limited 4160  
to, tax records or other similar information not open to public 4161  
inspection. 4162

The vote by the authority or board to accept or reject the 4163  
application, as well as all proceedings of the authority or board 4164  
not subject to this division, shall be open to the public and 4165  
governed by this section. 4166

(F) Every public body, by rule, shall establish a reasonable 4167  
method whereby any person may determine the time and place of all 4168  
regularly scheduled meetings and the time, place, and purpose of 4169  
all special meetings. A public body shall not hold a special 4170  
meeting unless it gives at least twenty-four hours' advance notice 4171  
to the news media that have requested notification, except in the 4172

event of an emergency requiring immediate official action. In the 4173  
event of an emergency, the member or members calling the meeting 4174  
shall notify the news media that have requested notification 4175  
immediately of the time, place, and purpose of the meeting. 4176

The rule shall provide that any person, upon request and 4177  
payment of a reasonable fee, may obtain reasonable advance 4178  
notification of all meetings at which any specific type of public 4179  
business is to be discussed. Provisions for advance notification 4180  
may include, but are not limited to, mailing the agenda of 4181  
meetings to all subscribers on a mailing list or mailing notices 4182  
in self-addressed, stamped envelopes provided by the person. 4183

(G) Except as provided in divisions (G)(8) and (J) of this 4184  
section, the members of a public body may hold an executive 4185  
session only after a majority of a quorum of the public body 4186  
determines, by a roll call vote, to hold an executive session and 4187  
only at a regular or special meeting for the sole purpose of the 4188  
consideration of any of the following matters: 4189

(1) To consider the appointment, employment, dismissal, 4190  
discipline, promotion, demotion, or compensation of a public 4191  
employee or official, or the investigation of charges or 4192  
complaints against a public employee, official, licensee, or 4193  
regulated individual, unless the public employee, official, 4194  
licensee, or regulated individual requests a public hearing. 4195  
Except as otherwise provided by law, no public body shall hold an 4196  
executive session for the discipline of an elected official for 4197  
conduct related to the performance of the elected official's 4198  
official duties or for the elected official's removal from office. 4199  
If a public body holds an executive session pursuant to division 4200  
(G)(1) of this section, the motion and vote to hold that executive 4201  
session shall state which one or more of the approved purposes 4202  
listed in division (G)(1) of this section are the purposes for 4203  
which the executive session is to be held, but need not include 4204

the name of any person to be considered at the meeting. 4205

(2) To consider the purchase of property for public purposes, 4206  
or for the sale of property at competitive bidding, if premature 4207  
disclosure of information would give an unfair competitive or 4208  
bargaining advantage to a person whose personal, private interest 4209  
is adverse to the general public interest. No member of a public 4210  
body shall use division (G)(2) of this section as a subterfuge for 4211  
providing covert information to prospective buyers or sellers. A 4212  
purchase or sale of public property is void if the seller or buyer 4213  
of the public property has received covert information from a 4214  
member of a public body that has not been disclosed to the general 4215  
public in sufficient time for other prospective buyers and sellers 4216  
to prepare and submit offers. 4217

If the minutes of the public body show that all meetings and 4218  
deliberations of the public body have been conducted in compliance 4219  
with this section, any instrument executed by the public body 4220  
purporting to convey, lease, or otherwise dispose of any right, 4221  
title, or interest in any public property shall be conclusively 4222  
presumed to have been executed in compliance with this section 4223  
insofar as title or other interest of any bona fide purchasers, 4224  
lessees, or transferees of the property is concerned. 4225

(3) Conferences with an attorney for the public body 4226  
concerning disputes involving the public body that are the subject 4227  
of pending or imminent court action; 4228

(4) Preparing for, conducting, or reviewing negotiations or 4229  
bargaining sessions with public employees concerning their 4230  
compensation or other terms and conditions of their employment; 4231

(5) Matters required to be kept confidential by federal law 4232  
or regulations or state statutes; 4233

(6) Details relative to the security arrangements and 4234  
emergency response protocols for a public body or a public office, 4235

if disclosure of the matters discussed could reasonably be 4236  
expected to jeopardize the security of the public body or public 4237  
office; 4238

(7) In the case of a county hospital operated pursuant to 4239  
Chapter 339. of the Revised Code, a joint township hospital 4240  
operated pursuant to Chapter 513. of the Revised Code, or a 4241  
municipal hospital operated pursuant to Chapter 749. of the 4242  
Revised Code, to consider trade secrets, as defined in section 4243  
1333.61 of the Revised Code; 4244

(8) To consider confidential information related to the 4245  
marketing plans, specific business strategy, production 4246  
techniques, trade secrets, or personal financial statements of an 4247  
applicant for economic development assistance, or to negotiations 4248  
with other political subdivisions respecting requests for economic 4249  
development assistance, provided that both of the following 4250  
conditions apply: 4251

~~(1)~~(a) The information is directly related to a request for 4252  
economic development assistance that is to be provided or 4253  
administered under any provision of Chapter 715., 725., 1724., or 4254  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4255  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4256  
the Revised Code, or that involves public infrastructure 4257  
improvements or the extension of utility services that are 4258  
directly related to an economic development project. 4259

~~(2)~~(b) A unanimous quorum of the public body determines, by a 4260  
roll call vote, that the executive session is necessary to protect 4261  
the interests of the applicant or the possible investment or 4262  
expenditure of public funds to be made in connection with the 4263  
economic development project. 4264

If a public body holds an executive session to consider any 4265  
of the matters listed in divisions (G)(2) to (8) of this section, 4266



the motion and vote to hold that executive session shall state 4267  
which one or more of the approved matters listed in those 4268  
divisions are to be considered at the executive session. 4269

A public body specified in division (B)(1)(c) of this section 4270  
shall not hold an executive session when meeting for the purposes 4271  
specified in that division. 4272

(H) A resolution, rule, or formal action of any kind is 4273  
invalid unless adopted in an open meeting of the public body. A 4274  
resolution, rule, or formal action adopted in an open meeting that 4275  
results from deliberations in a meeting not open to the public is 4276  
invalid unless the deliberations were for a purpose specifically 4277  
authorized in division (G) or (J) of this section and conducted at 4278  
an executive session held in compliance with this section. A 4279  
resolution, rule, or formal action adopted in an open meeting is 4280  
invalid if the public body that adopted the resolution, rule, or 4281  
formal action violated division (F) of this section. 4282

(I)(1) Any person may bring an action to enforce this 4283  
section. An action under division (I)(1) of this section shall be 4284  
brought within two years after the date of the alleged violation 4285  
or threatened violation. Upon proof of a violation or threatened 4286  
violation of this section in an action brought by any person, the 4287  
court of common pleas shall issue an injunction to compel the 4288  
members of the public body to comply with its provisions. 4289

(2)(a) If the court of common pleas issues an injunction 4290  
pursuant to division (I)(1) of this section, the court shall order 4291  
the public body that it enjoins to pay a civil forfeiture of five 4292  
hundred dollars to the party that sought the injunction and shall 4293  
award to that party all court costs and, subject to reduction as 4294  
described in division (I)(2) of this section, reasonable 4295  
attorney's fees. The court, in its discretion, may reduce an award 4296  
of attorney's fees to the party that sought the injunction or not 4297  
award attorney's fees to that party if the court determines both 4298

of the following: 4299

(i) That, based on the ordinary application of statutory law 4300  
and case law as it existed at the time of violation or threatened 4301  
violation that was the basis of the injunction, a well-informed 4302  
public body reasonably would believe that the public body was not 4303  
violating or threatening to violate this section; 4304

(ii) That a well-informed public body reasonably would 4305  
believe that the conduct or threatened conduct that was the basis 4306  
of the injunction would serve the public policy that underlies the 4307  
authority that is asserted as permitting that conduct or 4308  
threatened conduct. 4309

(b) If the court of common pleas does not issue an injunction 4310  
pursuant to division (I)(1) of this section and the court 4311  
determines at that time that the bringing of the action was 4312  
frivolous conduct, as defined in division (A) of section 2323.51 4313  
of the Revised Code, the court shall award to the public body all 4314  
court costs and reasonable attorney's fees, as determined by the 4315  
court. 4316

(3) Irreparable harm and prejudice to the party that sought 4317  
the injunction shall be conclusively and irrebuttably presumed 4318  
upon proof of a violation or threatened violation of this section. 4319

(4) A member of a public body who knowingly violates an 4320  
injunction issued pursuant to division (I)(1) of this section may 4321  
be removed from office by an action brought in the court of common 4322  
pleas for that purpose by the prosecuting attorney or the attorney 4323  
general. 4324

(J)(1) Pursuant to division (C) of section 5901.09 of the 4325  
Revised Code, a veterans service commission shall hold an 4326  
executive session for one or more of the following purposes unless 4327  
an applicant requests a public hearing: 4328

(a) Interviewing an applicant for financial assistance under 4329

sections 5901.01 to 5901.15 of the Revised Code; 4330

(b) Discussing applications, statements, and other documents 4331  
described in division (B) of section 5901.09 of the Revised Code; 4332

(c) Reviewing matters relating to an applicant's request for 4333  
financial assistance under sections 5901.01 to 5901.15 of the 4334  
Revised Code. 4335

(2) A veterans service commission shall not exclude an 4336  
applicant for, recipient of, or former recipient of financial 4337  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 4338  
and shall not exclude representatives selected by the applicant, 4339  
recipient, or former recipient, from a meeting that the commission 4340  
conducts as an executive session that pertains to the applicant's, 4341  
recipient's, or former recipient's application for financial 4342  
assistance. 4343

(3) A veterans service commission shall vote on the grant or 4344  
denial of financial assistance under sections 5901.01 to 5901.15 4345  
of the Revised Code only in an open meeting of the commission. The 4346  
minutes of the meeting shall indicate the name, address, and 4347  
occupation of the applicant, whether the assistance was granted or 4348  
denied, the amount of the assistance if assistance is granted, and 4349  
the votes for and against the granting of assistance. 4350

**Sec. 121.36.** (A) As used in this section, "home care 4351  
dependent adult" means an individual who resides in a private home 4352  
or other noninstitutional and unlicensed living arrangement, 4353  
without the presence of a parent or guardian, but has health and 4354  
safety needs that require the provision of regularly scheduled 4355  
home care services to remain in the home or other living 4356  
arrangement because one of the following is the case: 4357

(1) The individual is at least twenty-one years of age but 4358  
less than sixty years of age and has a physical disability or 4359

mental impairment. 4360

(2) The individual is sixty years of age or older, regardless 4361  
of whether the individual has a physical disability or mental 4362  
impairment. 4363

(B) Except as provided in division (D) of this section, the 4364  
departments of developmental disabilities, aging, job and family 4365  
services, medicaid, and health shall each implement this section 4366  
with respect to all contracts entered into by the department for 4367  
the provision of home care services to home care dependent adults 4368  
that are paid for in whole or in part with federal, state, or 4369  
local funds. Except as provided in division (D) of this section, 4370  
each department shall also require all public and private entities 4371  
that receive money from or through the department to comply with 4372  
this section when entering into contracts for the provision of 4373  
home care services to home care dependent adults that are paid for 4374  
in whole or in part with federal, state, or local funds. Such 4375  
entities may include county boards of developmental disabilities, 4376  
area agencies on aging, county departments of job and family 4377  
services, and boards of health of city and general health 4378  
districts. 4379

(C) ~~Beginning one year after September 26, 2003, each~~ Each 4380  
contract subject to this section shall include terms requiring 4381  
that the provider of home care services to home care dependent 4382  
adults have a system in place that effectively monitors the 4383  
delivery of the services by its employees. To be considered an 4384  
effective monitoring system for purposes of the contract, the 4385  
system established by a provider must include at least the 4386  
following components: 4387

(1) When providing home care services to home care dependent 4388  
adults who have a mental impairment or life-threatening health 4389  
condition, a mechanism to verify whether the provider's employees 4390  
are present at the location where the services are to be provided 4391

and at the time the services are to be provided; 4392

(2) When providing home care services to all other home care 4393  
dependent adults, a system to verify at the end of each working 4394  
day whether the provider's employees have provided the services at 4395  
the proper location and time; 4396

(3) A protocol to be followed in scheduling a substitute 4397  
employee when the monitoring system identifies that an employee 4398  
has failed to provide home care services at the proper location 4399  
and time, including standards for determining the length of time 4400  
that may elapse without jeopardizing the health and safety of the 4401  
home care dependent adult; 4402

(4) Procedures for maintaining records of the information 4403  
obtained through the monitoring system; 4404

(5) Procedures for compiling annual reports of the 4405  
information obtained through the monitoring system, including 4406  
statistics on the rate at which home care services were provided 4407  
at the proper location and time; 4408

(6) Procedures for conducting random checks of the accuracy 4409  
of the monitoring system. For purposes of conducting these checks, 4410  
a random check is considered to be a check of not more than five 4411  
per cent of the home care visits the provider's employees make to 4412  
different home care dependent adults within a particular work 4413  
shift. 4414

(D) In implementing this section, the departments shall 4415  
exempt providers of home care services who are self-employed 4416  
providers with no other employees or are otherwise considered by 4417  
the departments not to be agency providers. The At times selected 4418  
by the departments, the departments shall conduct a study on how 4419  
the exempted providers may be made subject to the requirement of 4420  
effectively monitoring whether home care services are being 4421  
provided and have been provided at the proper location and time. 4422

~~Not later than two years after September 26, 2003, the~~ The 4423  
departments shall prepare a report of their findings and 4424  
recommendations. The report shall be submitted to the president of 4425  
the senate and the speaker of the house of representatives. 4426

(E) The departments of developmental disabilities, aging, job 4427  
and family services, medicaid, and health shall each adopt rules 4428  
as necessary to implement this section. The rules shall be adopted 4429  
in accordance with Chapter 119. of the Revised Code. 4430

**Sec. 121.372.** (A) As used in this section, "substitute care 4431  
provider" means any of the following: 4432

(1) A community addiction services provider ~~subject to~~ 4433  
~~certification under section 5119.36, as defined in section 5119.01~~ 4434  
of the Revised Code; 4435

(2) An institution or association subject to certification 4436  
under section 5103.03 of the Revised Code; 4437

(3) A residential facility subject to licensure under section 4438  
5119.34 of the Revised Code; 4439

(4) A residential facility subject to licensure under section 4440  
5123.19 of the Revised Code. 4441

(B) Not later than ninety days after March 18, 1999, the 4442  
members of the Ohio family and children first cabinet council, 4443  
other than the director of budget and management, shall enter into 4444  
an agreement to establish an office to perform the duties 4445  
prescribed by division (C) of this section. The agreement shall 4446  
specify one of the departments represented on the council as the 4447  
department responsible for housing and supervising the office. The 4448  
agreement shall include the recommendation of the council for 4449  
funding the office. 4450

(C) The office established pursuant to the agreement entered 4451  
into under this section shall review rules governing the 4452

certification and licensure of substitute care providers and 4453  
determine which of the rules can be made substantively identical 4454  
or more similar in order to minimize the number of differing 4455  
certification and licensure standards and simplify the 4456  
certification or licensure process for substitute care providers 4457  
seeking certification or licensure from two or more of the 4458  
departments represented on the council. The office shall provide 4459  
county family and children first councils, substitute care 4460  
providers, and persons interested in substitute care providers the 4461  
opportunity to help the office with the review and determination. 4462  
The office shall report its findings to the council. Each of the 4463  
departments represented on the council that has adopted rules 4464  
governing the certification or licensure of substitute care 4465  
providers shall review the report and amend the rules as that 4466  
department considers appropriate, except that no rule shall be 4467  
amended so as to make it inconsistent with substitute care 4468  
provider certification or licensure procedures and standards 4469  
established by federal or state law. A department shall give 4470  
priority to amendments that will not increase the department's 4471  
administrative costs. In amending a rule, a department shall 4472  
comply with Chapter 119. or section 111.15 of the Revised Code, as 4473  
required by the Revised Code section governing the adoption of the 4474  
particular rule. 4475

(D) In accordance with section 124.27 of the Revised Code, 4476  
the council shall select a coordinator to oversee the office 4477  
established pursuant to the agreement entered into under this 4478  
section. The coordinator shall be in the classified service. In 4479  
addition to overseeing the office, the coordinator shall perform 4480  
any other duties the council assigns to the coordinator. The 4481  
duties the council assigns to the coordinator shall be related to 4482  
the duties of the office under division (C) of this section. 4483

**Sec. 121.40.** (A) There is hereby created the Ohio commission 4484

on service and volunteerism consisting of twenty-one voting 4485  
members including the superintendent of public instruction or the 4486  
superintendent's designee, the chancellor of ~~the Ohio board of~~ 4487  
~~regents~~ higher education or the chancellor's designee, the 4488  
director of youth services or the director's designee, the 4489  
director of aging or the director's designee, the chairperson of 4490  
the committee of the house of representatives dealing with 4491  
education or the chairperson's designee, the chairperson of the 4492  
committee of the senate dealing with education or the 4493  
chairperson's designee, and fifteen members who shall be appointed 4494  
by the governor with the advice and consent of the senate and who 4495  
shall serve terms of office of three years. The appointees shall 4496  
include educators, including teachers and administrators; 4497  
representatives of youth organizations; students and parents; 4498  
representatives of organizations engaged in volunteer program 4499  
development and management throughout the state, including youth 4500  
and conservation programs; and representatives of business, 4501  
government, nonprofit organizations, social service agencies, 4502  
veterans organizations, religious organizations, or philanthropies 4503  
that support or encourage volunteerism within the state. The 4504  
director of the governor's office of faith-based and community 4505  
initiatives shall serve as a nonvoting ex officio member of the 4506  
commission. Members of the commission shall receive no 4507  
compensation, but shall be reimbursed for actual and necessary 4508  
expenses incurred in the performance of their official duties. 4509

(B) The commission shall appoint an executive director for 4510  
the commission, who shall be in the unclassified civil service. 4511  
The governor shall be informed of the appointment of an executive 4512  
director before such an appointment is made. The executive 4513  
director shall supervise the commission's activities and report to 4514  
the commission on the progress of those activities. The executive 4515  
director shall do all things necessary for the efficient and 4516  
effective implementation of the duties of the commission. 4517



The responsibilities assigned to the executive director do 4518  
not relieve the members of the commission from final 4519  
responsibility for the proper performance of the requirements of 4520  
this section. 4521

(C) The commission or its designee shall do all of the 4522  
following: 4523

(1) Employ, promote, supervise, and remove all employees as 4524  
needed in connection with the performance of its duties under this 4525  
section and may assign duties to those employees as necessary to 4526  
achieve the most efficient performance of its functions, and to 4527  
that end may establish, change, or abolish positions, and assign 4528  
and reassign duties and responsibilities of any employee of the 4529  
commission. Personnel employed by the commission who are subject 4530  
to Chapter 4117. of the Revised Code shall retain all of their 4531  
rights and benefits conferred pursuant to that chapter. Nothing in 4532  
this chapter shall be construed as eliminating or interfering with 4533  
Chapter 4117. of the Revised Code or the rights and benefits 4534  
conferred under that chapter to public employees or to any 4535  
bargaining unit. 4536

(2) Maintain its office in Columbus, and may hold sessions at 4537  
any place within the state; 4538

(3) Acquire facilities, equipment, and supplies necessary to 4539  
house the commission, its employees, and files and records under 4540  
its control, and to discharge any duty imposed upon it by law. The 4541  
expense of these acquisitions shall be audited and paid for in the 4542  
same manner as other state expenses. For that purpose, the 4543  
commission shall prepare and submit to the office of budget and 4544  
management a budget for each biennium according to sections 4545  
101.532 and 107.03 of the Revised Code. The budget submitted shall 4546  
cover the costs of the commission and its staff in the discharge 4547  
of any duty imposed upon the commission by law. The commission 4548  
shall not delegate any authority to obligate funds. 4549

(4) Pay its own payroll and other operating expenses from	4550
line items designated by the general assembly;	4551
(5) Retain its fiduciary responsibility as appointing	4552
authority. Any transaction instructions shall be certified by the	4553
appointing authority or its designee.	4554
(6) Establish the overall policy and management of the	4555
commission in accordance with this chapter;	4556
(7) Assist in coordinating and preparing the state	4557
application for funds under sections 101 to 184 of the "National	4558
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	4559
U.S.C.A. 12411 to 12544, as amended, assist in administering and	4560
overseeing the "National and Community Service Trust Act of 1993,"	4561
P.L. 103-82, 107 Stat. 785, and the americorps program in this	4562
state, and assist in developing objectives for a comprehensive	4563
strategy to encourage and expand community service programs	4564
throughout the state;	4565
(8) Assist the state board of education, school districts,	4566
the chancellor of <del>the board of regents</del> <u>higher education</u> , and	4567
institutions of higher education in coordinating community service	4568
education programs through cooperative efforts between	4569
institutions and organizations in the public and private sectors;	4570
(9) Assist the departments of natural resources, youth	4571
services, aging, and job and family services in coordinating	4572
community service programs through cooperative efforts between	4573
institutions and organizations in the public and private sectors;	4574
(10) Suggest individuals and organizations that are available	4575
to assist school districts, institutions of higher education, and	4576
the departments of natural resources, youth services, aging, and	4577
job and family services in the establishment of community service	4578
programs and assist in investigating sources of funding for	4579
implementing these programs;	4580

(11) Assist in evaluating the state's efforts in providing 4581  
community service programs using standards and methods that are 4582  
consistent with any statewide objectives for these programs and 4583  
provide information to the state board of education, school 4584  
districts, the chancellor of ~~the board of regents~~ higher 4585  
education, institutions of higher education, and the departments 4586  
of natural resources, youth services, aging, and job and family 4587  
services to guide them in making decisions about these programs; 4588

(12) Assist the state board of education in complying with 4589  
section 3301.70 of the Revised Code and the chancellor of ~~the~~ 4590  
~~board of regents~~ higher education in complying with division 4591  
(B)(2) of section 3333.043 of the Revised Code. 4592

(D) The commission shall in writing enter into an agreement 4593  
with another state agency to serve as the commission's fiscal 4594  
agent. Before entering into such an agreement, the commission 4595  
shall inform the governor of the terms of the agreement and of the 4596  
state agency designated to serve as the commission's fiscal agent. 4597  
The fiscal agent shall be responsible for all the commission's 4598  
fiscal matters and financial transactions, as specified in the 4599  
agreement. Services to be provided by the fiscal agent include, 4600  
but are not limited to, the following: 4601

(1) Preparing and processing payroll and other personnel 4602  
documents that the commission executes as the appointing 4603  
authority; 4604

(2) Maintaining ledgers of accounts and reports of account 4605  
balances, and monitoring budgets and allotment plans in 4606  
consultation with the commission; and 4607

(3) Performing other routine support services that the fiscal 4608  
agent considers appropriate to achieve efficiency. 4609

(E)(1) The commission, in conjunction and consultation with 4610  
the fiscal agent, has the following authority and responsibility 4611

relative to fiscal matters: 4612

(a) Sole authority to draw funds for any and all federal 4613  
programs in which the commission is authorized to participate; 4614

(b) Sole authority to expend funds from their accounts for 4615  
programs and any other necessary expenses the commission may incur 4616  
and its subgrantees may incur; and 4617

(c) Responsibility to cooperate with and inform the fiscal 4618  
agent fully of all financial transactions. 4619

(2) The commission shall follow all state procurement, 4620  
fiscal, human resources, statutory, and administrative rule 4621  
requirements. 4622

(3) The fiscal agent shall determine fees to be charged to 4623  
the commission, which shall be in proportion to the services 4624  
performed for the commission. 4625

(4) The commission shall pay fees owed to the fiscal agent 4626  
from a general revenue fund of the commission or from any other 4627  
fund from which the operating expenses of the commission are paid. 4628  
Any amounts set aside for a fiscal year for the payment of these 4629  
fees shall be used only for the services performed for the 4630  
commission by the fiscal agent in that fiscal year. 4631

(F) The commission may accept and administer grants from any 4632  
source, public or private, to carry out any of the commission's 4633  
functions this section establishes. 4634

**Sec. 122.17.** (A) As used in this section: 4635

(1) "~~Income tax revenue~~ Payroll" means the total ~~amount~~ 4636  
~~withheld under section 5747.06 of the Revised Code~~ taxable income 4637  
paid by the ~~taxpayer~~ employer during the employer's taxable year, 4638  
or during the calendar year that includes the employer's tax 4639  
period, ~~from the compensation of~~ to each employee or each 4640  
home-based employee employed in the project to the extent ~~the~~ 4641

~~employee's withholdings are such payroll is~~ not used to determine 4642  
the credit under section 122.171 of the Revised Code. "~~Income tax~~ 4643  
~~revenue Payroll~~" excludes amounts ~~withheld paid~~ before the day the 4644  
taxpayer becomes eligible for the credit and retirement or other 4645  
benefits paid or contributed by the employer to or on behalf of 4646  
employees. 4647

(2) "~~Baseline income tax revenue payroll~~" means ~~income tax~~ 4648  
~~revenue Ohio employee payroll,~~ except that the applicable 4649  
~~withholding measurement~~ period is the twelve months immediately 4650  
preceding the date the tax credit authority approves the 4651  
taxpayer's application or the date the tax credit authority 4652  
receives the recommendation described in division (C)(2)(a) of 4653  
this section, whichever occurs first, multiplied by the sum of one 4654  
plus an annual pay increase factor to be determined by the tax 4655  
credit authority. 4656

(3) "Ohio employee payroll" means the amount of compensation 4657  
used to determine the withholding obligations in division (A) of 4658  
section 5747.06 of the Revised Code and paid by the employer 4659  
during the employer's taxable year, or during the calendar year 4660  
that includes the employer's tax period, to each employee employed 4661  
in the project who is a resident of this state, as defined in 4662  
section 5747.01 of the Revised Code, to each employee employed at 4663  
the project site who is not a resident and whose compensation is 4664  
not exempt from the tax imposed under section 5747.02 of the 4665  
Revised Code pursuant to a reciprocity agreement with another 4666  
state under division (A)(3) of section 5747.05 of the Revised 4667  
Code, or to each home-based employee employed in the project, to 4668  
the extent such compensation is not used to determine the credit 4669  
under section 122.171 of the Revised Code. "Ohio employee payroll" 4670  
excludes amounts paid before the day the taxpayer becomes eligible 4671  
for the credit. 4672

(4) "~~Excess income tax revenue payroll~~" means ~~income tax~~ 4673

~~revenue~~ Ohio employee payroll minus baseline ~~income tax revenue~~ 4674  
payroll. 4675

~~(4)~~(5) "Home-based employee" means an employee whose services 4676  
are performed primarily from the employee's residence in this 4677  
state exclusively for the benefit of the project and whose rate of 4678  
pay is at least one hundred thirty-one per cent of the federal 4679  
minimum wage under 29 U.S.C. 206. 4680

(6) "Full-time equivalent employees" means the quotient 4681  
obtained by dividing the total number of hours for which employees 4682  
were compensated for employment in the project by two thousand 4683  
eighty. "Full-time equivalent employees" excludes hours that are 4684  
counted for a credit under section 122.171 of the Revised Code. 4685

(7) "Metric evaluation date" means the date by which the 4686  
taxpayer must meet all of the commitments included in the 4687  
agreement. 4688

(B) The tax credit authority may make grants under this 4689  
section to foster job creation in this state. Such a grant shall 4690  
take the form of a refundable credit allowed against the tax 4691  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 4692  
5747.02 or levied under Chapter 5751. of the Revised Code. The 4693  
credit shall be claimed for the taxable years or tax periods 4694  
specified in the taxpayer's agreement with the tax credit 4695  
authority under division (D) of this section. With respect to 4696  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 4697  
Chapter 5751. of the Revised Code, the credit shall be claimed in 4698  
the order required under section 5726.98, 5733.98, 5747.98, or 4699  
5751.98 of the Revised Code. The amount of the credit available 4700  
for a taxable year or for a calendar year that includes a tax 4701  
period equals the excess ~~income tax revenue~~ payroll for that year 4702  
multiplied by the percentage specified in the agreement with the 4703  
tax credit authority. ~~Any credit granted under this section~~ 4704  
~~against the tax imposed by section 5733.06 or 5747.02 of the~~ 4705

~~Revised Code, to the extent not fully utilized against such tax 4706  
for taxable years ending prior to 2008, shall automatically be 4707  
converted without any action taken by the tax credit authority to 4708  
a credit against the tax levied under Chapter 5751. of the Revised 4709  
Code for tax periods beginning on or after July 1, 2008, provided 4710  
that the person to whom the credit was granted is subject to such 4711  
tax. The converted credit shall apply to those calendar years in 4712  
which the remaining taxable years specified in the agreement end. 4713~~

(C)(1) A taxpayer or potential taxpayer who proposes a 4714  
project to create new jobs in this state may apply to the tax 4715  
credit authority to enter into an agreement for a tax credit under 4716  
this section. 4717

An application shall not propose to include both home-based 4718  
employees and employees who are not home-based employees in the 4719  
computation of ~~income tax revenue~~ Ohio employee payroll for the 4720  
purposes of the same tax credit agreement. If a taxpayer or 4721  
potential taxpayer employs both home-based employees and employees 4722  
who are not home-based employees in a project, the taxpayer shall 4723  
submit separate applications for separate tax credit agreements 4724  
for the project, one of which shall include home-based employees 4725  
in the computation of ~~income tax revenue~~ Ohio employee payroll and 4726  
one of which shall include all other employees in the computation 4727  
of ~~income tax revenue~~ Ohio employee payroll. 4728

The director of development services shall prescribe the form 4729  
of the application. After receipt of an application, the authority 4730  
may enter into an agreement with the taxpayer for a credit under 4731  
this section if it determines all of the following: 4732

(a) The taxpayer's project will increase payroll ~~and income~~ 4733  
~~tax revenue;~~ 4734

(b) The taxpayer's project is economically sound and will 4735  
benefit the people of this state by increasing opportunities for 4736

employment and strengthening the economy of this state; 4737

(c) Receiving the tax credit is a major factor in the 4738  
taxpayer's decision to go forward with the project. 4739

(2)(a) A taxpayer that chooses to begin the project prior to 4740  
receiving the determination of the authority may, upon submitting 4741  
the taxpayer's application to the authority, request that the 4742  
chief investment officer of the nonprofit corporation formed under 4743  
section 187.01 of the Revised Code and the director review the 4744  
taxpayer's application and recommend to the authority that the 4745  
taxpayer's application be considered. As soon as possible after 4746  
receiving such a request, the chief investment officer and the 4747  
director shall review the taxpayer's application and, if they 4748  
determine that the application warrants consideration by the 4749  
authority, make that recommendation to the authority not later 4750  
than six months after the application is received by the 4751  
authority. 4752

(b) The authority shall consider any taxpayer's application 4753  
for which it receives a recommendation under division (C)(2)(a) of 4754  
this section. If the authority determines that the taxpayer does 4755  
not meet all of the criteria set forth in division (C)(1) of this 4756  
section, the authority and the development services agency shall 4757  
proceed in accordance with rules adopted by the director pursuant 4758  
to division (I) of this section. 4759

(D) An agreement under this section shall include all of the 4760  
following: 4761

(1) A detailed description of the project that is the subject 4762  
of the agreement; 4763

(2)(a) The term of the tax credit, which, except as provided 4764  
in division (D)(2)(b) of this section, shall not exceed fifteen 4765  
years, and the first taxable year, or first calendar year that 4766  
includes a tax period, for which the credit may be claimed; 4767



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

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

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

(5) The pay increase factor to be applied to the taxpayer's baseline ~~income tax revenue~~ payroll;

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

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

(8) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project location unless the director of

development services determines that the legislative authority of 4799  
the county, township, or municipal corporation from which the 4800  
employment positions would be relocated has been notified by the 4801  
taxpayer of the relocation. 4802

For purposes of this section, the movement of an employment 4803  
position from one political subdivision to another political 4804  
subdivision shall be considered a relocation of an employment 4805  
position unless the employment position in the first political 4806  
subdivision is replaced. 4807

(9) If the tax credit is computed on the basis of home-based 4808  
employees, that the tax credit may not be claimed by the taxpayer 4809  
until the taxable year or tax period in which the taxpayer employs 4810  
at least two hundred employees more than the number of employees 4811  
the taxpayer employed on June 30, 2011. 4812

(E) If a taxpayer fails to meet or comply with any condition 4813  
or requirement set forth in a tax credit agreement, the tax credit 4814  
authority may amend the agreement to reduce the percentage or term 4815  
of the tax credit. The reduction of the percentage or term may 4816  
take effect in the current taxable or calendar year. 4817

(F) Projects that consist solely of point-of-final-purchase 4818  
retail facilities are not eligible for a tax credit under this 4819  
section. If a project consists of both point-of-final-purchase 4820  
retail facilities and nonretail facilities, only the portion of 4821  
the project consisting of the nonretail facilities is eligible for 4822  
a tax credit and only the excess ~~income tax revenue~~ payroll from 4823  
the nonretail facilities shall be considered when computing the 4824  
amount of the tax credit. If a warehouse facility is part of a 4825  
point-of-final-purchase retail facility and supplies only that 4826  
facility, the warehouse facility is not eligible for a tax credit. 4827  
Catalog distribution centers are not considered 4828  
point-of-final-purchase retail facilities for the purposes of this 4829  
division, and are eligible for tax credits under this section. 4830

(G) Financial statements and other information submitted to 4831  
the development services agency or the tax credit authority by an 4832  
applicant or recipient of a tax credit under this section, and any 4833  
information taken for any purpose from such statements or 4834  
information, are not public records subject to section 149.43 of 4835  
the Revised Code. However, the chairperson of the authority may 4836  
make use of the statements and other information for purposes of 4837  
issuing public reports or in connection with court proceedings 4838  
concerning tax credit agreements under this section. Upon the 4839  
request of the tax commissioner or, if the applicant or recipient 4840  
is an insurance company, upon the request of the superintendent of 4841  
insurance, the chairperson of the authority shall provide to the 4842  
commissioner or superintendent any statement or information 4843  
submitted by an applicant or recipient of a tax credit in 4844  
connection with the credit. The commissioner or superintendent 4845  
shall preserve the confidentiality of the statement or 4846  
information. 4847

(H) A taxpayer claiming a credit under this section shall 4848  
submit to the tax commissioner or, if the taxpayer is an insurance 4849  
company, to the superintendent of insurance, a copy of the 4850  
director of development services' certificate of verification 4851  
under division (D)(7) of this section with the taxpayer's tax 4852  
report or return for the taxable year or for the calendar year 4853  
that includes the tax period. Failure to submit a copy of the 4854  
certificate with the report or return does not invalidate a claim 4855  
for a credit if the taxpayer submits a copy of the certificate to 4856  
the commissioner or superintendent within ~~sixty~~ thirty days after 4857  
the commissioner or superintendent requests it. 4858

(I) The director of development services, after consultation 4859  
with the tax commissioner and the superintendent of insurance and 4860  
in accordance with Chapter 119. of the Revised Code, shall adopt 4861  
rules necessary to implement this section, including rules that 4862

establish a procedure to be followed by the tax credit authority 4863  
and the development services agency in the event the authority 4864  
considers a taxpayer's application for which it receives a 4865  
recommendation under division (C)(2)(a) of this section but does 4866  
not approve it. The rules may provide for recipients of tax 4867  
credits under this section to be charged fees to cover 4868  
administrative costs of the tax credit program. The fees collected 4869  
shall be credited to the business assistance fund created in 4870  
section 122.174 of the Revised Code. At the time the director 4871  
gives public notice under division (A) of section 119.03 of the 4872  
Revised Code of the adoption of the rules, the director shall 4873  
submit copies of the proposed rules to the chairpersons of the 4874  
standing committees on economic development in the senate and the 4875  
house of representatives. 4876

(J) For the purposes of this section, a taxpayer may include 4877  
a partnership, a corporation that has made an election under 4878  
subchapter S of chapter one of subtitle A of the Internal Revenue 4879  
Code, or any other business entity through which income flows as a 4880  
distributive share to its owners. A partnership, S-corporation, or 4881  
other such business entity may elect to pass the credit received 4882  
under this section through to the persons to whom the income or 4883  
profit of the partnership, S-corporation, or other entity is 4884  
distributed. The election shall be made on the annual report 4885  
required under division (D)(6) of this section. The election 4886  
applies to and is irrevocable for the credit for which the report 4887  
is submitted. If the election is made, the credit shall be 4888  
apportioned among those persons in the same proportions as those 4889  
in which the income or profit is distributed. 4890

(K)(1) If the director of development services determines 4891  
that a taxpayer who has received a credit under this section is 4892  
not complying with the ~~requirement under division (D)(3) of this~~ 4893  
~~section~~ requirements of the agreement, the director shall notify 4894

the tax credit authority of the noncompliance. After receiving 4895  
such a notice, and after giving the taxpayer an opportunity to 4896  
explain the noncompliance, the tax credit authority may require 4897  
the taxpayer to refund to this state a portion of the credit in 4898  
accordance with the following: 4899

~~(1)~~(a) If the taxpayer fails to comply with the requirement 4900  
under division (D)(3) of this section, an amount determined in 4901  
accordance with the following: 4902

(i) If the taxpayer maintained operations at the project 4903  
location for a period less than or equal to the term of the 4904  
credit, an amount not exceeding one hundred per cent of the sum of 4905  
any credits allowed and received under this section; 4906

~~(2)~~(ii) If the taxpayer maintained operations at the project 4907  
location for a period longer than the term of the credit, but less 4908  
than the greater of seven years or the term of the credit plus 4909  
three years, an amount not exceeding seventy-five per cent of the 4910  
sum of any credits allowed and received under this section. 4911

(b) If, on the metric evaluation date, the taxpayer fails to 4912  
substantially meet the job creation, payroll, or investment 4913  
requirements included in the agreement, an amount determined at 4914  
the discretion of the authority; 4915

(c) If the taxpayer fails to substantially maintain the 4916  
number of new full-time equivalent employees or amount of payroll 4917  
required under the agreement at any time during the term of the 4918  
agreement after the metric evaluation date, an amount determined 4919  
at the discretion of the authority. 4920

(2) If a taxpayer files for bankruptcy and fails as described 4921  
in division (K)(1)(a), (b), or (c) of this section, the director 4922  
may immediately commence an action to recoup an amount not 4923  
exceeding one hundred per cent of the sum of any credits received 4924  
by the taxpayer under this section. 4925

(3) In determining the portion of the tax credit to be 4926  
refunded to this state, the tax credit authority shall consider 4927  
the effect of market conditions on the taxpayer's project and 4928  
whether the taxpayer continues to maintain other operations in 4929  
this state. After making the determination, the authority shall 4930  
certify the amount to be refunded to the tax commissioner or 4931  
superintendent of insurance, as appropriate. If the amount is 4932  
certified to the commissioner, the commissioner shall make an 4933  
assessment for that amount against the taxpayer under Chapter 4934  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 4935  
amount is certified to the superintendent, the superintendent 4936  
shall make an assessment for that amount against the taxpayer 4937  
under Chapter 5725. or 5729. of the Revised Code. The time 4938  
limitations on assessments under those chapters do not apply to an 4939  
assessment under this division, but the commissioner or 4940  
superintendent, as appropriate, shall make the assessment within 4941  
one year after the date the authority certifies to the 4942  
commissioner or superintendent the amount to be refunded. 4943

(L) On or before the first day of August each year, the 4944  
director of development services shall submit a report to the 4945  
governor, the president of the senate, and the speaker of the 4946  
house of representatives on the tax credit program under this 4947  
section. The report shall include information on the number of 4948  
agreements that were entered into under this section during the 4949  
preceding calendar year, a description of the project that is the 4950  
subject of each such agreement, and an update on the status of 4951  
projects under agreements entered into before the preceding 4952  
calendar year. 4953

(M) There is hereby created the tax credit authority, which 4954  
consists of the director of development services and four other 4955  
members appointed as follows: the governor, the president of the 4956  
senate, and the speaker of the house of representatives each shall 4957

appoint one member who shall be a specialist in economic 4958  
development; the governor also shall appoint a member who is a 4959  
specialist in taxation. ~~Of the initial appointees, the members~~ 4960  
~~appointed by the governor shall serve a term of two years; the~~ 4961  
~~members appointed by the president of the senate and the speaker~~ 4962  
~~of the house of representatives shall serve a term of four years.~~ 4963  
~~Thereafter, terms~~ Terms of office shall be for four years. ~~Initial~~ 4964  
~~appointments to the authority shall be made within thirty days~~ 4965  
~~after January 13, 1993.~~ Each member shall serve on the authority 4966  
until the end of the term for which the member was appointed. 4967  
Vacancies shall be filled in the same manner provided for original 4968  
appointments. Any member appointed to fill a vacancy occurring 4969  
prior to the expiration of the term for which the member's 4970  
predecessor was appointed shall hold office for the remainder of 4971  
that term. Members may be reappointed to the authority. Members of 4972  
the authority shall receive their necessary and actual expenses 4973  
while engaged in the business of the authority. The director of 4974  
development services shall serve as chairperson of the authority, 4975  
and the members annually shall elect a vice-chairperson from among 4976  
themselves. Three members of the authority constitute a quorum to 4977  
transact and vote on the business of the authority. The majority 4978  
vote of the membership of the authority is necessary to approve 4979  
any such business, including the election of the vice-chairperson. 4980

The director of development services may appoint a 4981  
professional employee of the development services agency to serve 4982  
as the director's substitute at a meeting of the authority. The 4983  
director shall make the appointment in writing. In the absence of 4984  
the director from a meeting of the authority, the appointed 4985  
substitute shall serve as chairperson. In the absence of both the 4986  
director and the director's substitute from a meeting, the 4987  
vice-chairperson shall serve as chairperson. 4988

(N) For purposes of the credits granted by this section 4989

against the taxes imposed under sections 5725.18 and 5729.03 of 4990  
the Revised Code, "taxable year" means the period covered by the 4991  
taxpayer's annual statement to the superintendent of insurance. 4992

(O) On or before the first day of March of each of the five 4993  
calendar years beginning with 2014, each taxpayer subject to an 4994  
agreement with the tax credit authority under this section on the 4995  
basis of home-based employees shall report the number of 4996  
home-based employees and other employees employed by the taxpayer 4997  
in this state to the development services agency. 4998

(P) On or before the first day of January of 2019, the 4999  
director of development services shall submit a report to the 5000  
governor, the president of the senate, and the speaker of the 5001  
house of representatives on the effect of agreements entered into 5002  
under this section in which the taxpayer included home-based 5003  
employees in the computation of income tax revenue, as that term 5004  
was defined in this section prior to the amendment of this section 5005  
by H.B. 64 of the 131st general assembly. The report shall include 5006  
information on the number of such agreements that were entered 5007  
into in the preceding six years, a description of the projects 5008  
that were the subjects of such agreements, and an analysis of 5009  
nationwide home-based employment trends, including the number of 5010  
home-based jobs created from July 1, 2011, through June 30, 2017, 5011  
and a description of any home-based employment tax incentives 5012  
provided by other states during that time. 5013

(Q) The director of development services may require any 5014  
agreement entered into under this section for a tax credit 5015  
computed on the basis of home-based employees to contain a 5016  
provision that the taxpayer makes available health care benefits 5017  
and tuition reimbursement to all employees. 5018

(R) Original agreements approved by the tax credit authority 5019  
under this section in 2014 or 2015 before the effective date of 5020  
this division may be revised at the request of the taxpayer to 5021



conform with the amendments to this section and sections 5022  
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 5023  
H.B. 64 of the 131st general assembly, upon mutual agreement of 5024  
the taxpayer and the development services agency, and approval by 5025  
the tax credit authority. 5026

(S)(1) As used in division (S) of this section: 5027

(a) "Eligible agreement" means an agreement approved by the 5028  
tax credit authority under this section on or before December 31, 5029  
2013. 5030

(b) "Reporting period" means a period corresponding to the 5031  
annual report required under division (D)(6) of this section. 5032

(c) "Income tax revenue" has the same meaning as under this 5033  
section as it existed before the effective date of the amendment 5034  
of this section by H.B. 64 of the 131st general assembly. 5035

(2) In calendar year 2016 and thereafter, the tax credit 5036  
authority shall annually determine a withholding adjustment factor 5037  
to be used in the computation of income tax revenue for eligible 5038  
agreements. The withholding adjustment factor shall be a numerical 5039  
percentage that equals the percentage that employer income tax 5040  
withholding rates have been increased or decreased as a result of 5041  
changes in the income tax rates prescribed by section 5747.02 of 5042  
the Revised Code by amendment of that section taking effect on or 5043  
after June 29, 2013. 5044

(3) Except as provided in division (S)(4) of this section, 5045  
for reporting periods ending in 2015 and thereafter for taxpayers 5046  
subject to eligible agreements, the tax credit authority shall 5047  
adjust the income tax revenue reported on the taxpayer's annual 5048  
report by multiplying the withholding adjustment factor by the 5049  
taxpayer's income tax revenue and doing one of the following: 5050

(a) If the income tax rates prescribed by section 5747.02 of 5051  
the Revised Code have decreased by amendment of that section 5052

taking effect on or after June 29, 2013, add the product to the 5053  
taxpayer's income tax revenue. 5054

(b) If the income tax rates prescribed by section 5747.02 of 5055  
the Revised Code have increased by amendment of that section 5056  
taking effect on or after June 29, 2013, subtract the product from 5057  
the taxpayer's income tax revenue. 5058

(4) Division (S)(3) of this section shall not apply unless 5059  
all of the following apply for the reporting period with respect 5060  
to the eligible agreement: (a) The taxpayer has achieved one 5061  
hundred per cent of the new employment commitment identified in 5062  
the agreement. 5063

(b) If applicable, the taxpayer has achieved one hundred per 5064  
cent of the new payroll commitment identified in the agreement. 5065

(c) If applicable, the taxpayer has achieved one hundred per 5066  
cent of the investment commitment identified in the agreement. 5067

(5) Failure by a taxpayer to have achieved any of the 5068  
applicable commitments described in divisions (S)(4)(a) to (c) of 5069  
this section in a reporting period does not disqualify the 5070  
taxpayer for the adjustment under division (S) of this section for 5071  
an ensuing reporting period. 5072

**Sec. 122.171.** (A) As used in this section: 5073

(1) "Capital investment project" means a plan of investment 5074  
at a project site for the acquisition, construction, renovation, 5075  
or repair of buildings, machinery, or equipment, or for 5076  
capitalized costs of basic research and new product development 5077  
determined in accordance with generally accepted accounting 5078  
principles, but does not include any of the following: 5079

(a) Payments made for the acquisition of personal property 5080  
through operating leases; 5081

(b) Project costs paid before January 1, 2002; 5082

(c) Payments made to a related member as defined in section 5083  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5084  
or a combined taxpayer as defined in section 5751.01 of the 5085  
Revised Code. 5086

(2) "Eligible business" means a taxpayer and its related 5087  
members with Ohio operations satisfying all of the following: 5088

(a) The taxpayer employs at least five hundred full-time 5089  
equivalent employees or has an annual Ohio employee payroll of at 5090  
least thirty-five million dollars at the time the tax credit 5091  
authority grants the tax credit under this section; 5092

(b) The taxpayer makes or causes to be made payments for the 5093  
capital investment project of one of the following: 5094

(i) If the taxpayer is engaged at the project site primarily 5095  
as a manufacturer, at least fifty million dollars in the aggregate 5096  
at the project site during a period of three consecutive calendar 5097  
years, including the calendar year that includes a day of the 5098  
taxpayer's taxable year or tax period with respect to which the 5099  
credit is granted; 5100

(ii) If the taxpayer is engaged at the project site primarily 5101  
in significant corporate administrative functions, as defined by 5102  
the director of development services by rule, at least twenty 5103  
million dollars in the aggregate at the project site during a 5104  
period of three consecutive calendar years including the calendar 5105  
year that includes a day of the taxpayer's taxable year or tax 5106  
period with respect to which the credit is granted; 5107

~~(iii) If the taxpayer is applying to enter into an agreement 5108  
for a tax credit authorized under division (B)(3) of this section, 5109  
at least five million dollars in the aggregate at the project site 5110  
during a period of three consecutive calendar years, including the 5111  
calendar year that includes a day of the taxpayer's taxable year 5112  
or tax period with respect to which the credit is granted. 5113~~

(c) The taxpayer had a capital investment project reviewed 5114  
and approved by the tax credit authority as provided in divisions 5115  
(C), (D), and (E) of this section. 5116

(3) "Full-time equivalent employees" means the quotient 5117  
obtained by dividing the total number of hours for which employees 5118  
were compensated for employment in the project by two thousand 5119  
eighty. "Full-time equivalent employees" shall exclude hours that 5120  
are counted for a credit under section 122.17 of the Revised Code. 5121

(4) ~~"Income tax revenue Ohio employee payroll" means the~~ 5122  
~~total amount withheld under section 5747.06 of the Revised Code by~~ 5123  
~~the taxpayer during the taxable year, or during the calendar year~~ 5124  
~~that includes the tax period, from the compensation of all~~ 5125  
~~employees employed in the project whose hours of compensation are~~ 5126  
~~included in calculating the number of full-time equivalent~~ 5127  
~~employees has the same meaning as in section 122.17 of the Revised~~ 5128  
~~Code.~~ 5129

(5) "Manufacturer" has the same meaning as in section 5130  
5739.011 of the Revised Code. 5131

(6) "Project site" means an integrated complex of facilities 5132  
in this state, as specified by the tax credit authority under this 5133  
section, within a fifteen-mile radius where a taxpayer is 5134  
primarily operating as an eligible business. 5135

(7) "Related member" has the same meaning as in section 5136  
5733.042 of the Revised Code as that section existed on the 5137  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5138  
general assembly, September 29, 1997. 5139

(8) "Taxable year" includes, in the case of a domestic or 5140  
foreign insurance company, the calendar year ending on the 5141  
thirty-first day of December preceding the day the superintendent 5142  
of insurance is required to certify to the treasurer of state 5143  
under section 5725.20 or 5729.05 of the Revised Code the amount of 5144

taxes due from insurance companies. 5145

(B) The tax credit authority created under section 122.17 of 5146  
the Revised Code may grant a nonrefundable tax credits credit to 5147  
an eligible business under this section for the purpose of 5148  
fostering job retention in this state. Upon application by an 5149  
eligible business and upon consideration of the ~~recommendation~~ 5150  
determination of the director of budget and management, tax 5151  
commissioner, and the superintendent of insurance in the case of 5152  
an insurance company, and the recommendation and determination of 5153  
the director of development services under division (C) of this 5154  
section, the tax credit authority may grant the ~~following credits~~ 5155  
credit against the tax imposed by section 5725.18, 5726.02, 5156  
5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised 5157  
Code: 5158

~~(1) A nonrefundable credit to an eligible business; 5159~~

~~(2) A refundable credit to an eligible business meeting the 5160  
following conditions, provided that the director of budget and 5161  
management, tax commissioner, superintendent of insurance in the 5162  
case of an insurance company, and director of development services 5163  
have recommended the granting of the credit to the tax credit 5164  
authority before July 1, 2011; 5165~~

~~(a) The business retains at least one thousand full-time 5166  
equivalent employees at the project site. 5167~~

~~(b) The business makes or causes to be made payments for a 5168  
capital investment project of at least twenty-five million dollars 5169  
in the aggregate at the project site during a period of three 5170  
consecutive calendar years, including the calendar year that 5171  
includes a day of the business' taxable year or tax period with 5172  
respect to which the credit is granted. 5173~~

~~(c) In 2010, the business received a written offer of 5174  
financial incentives from another state of the United States that 5175~~

~~the director determines to be sufficient inducement for the~~ 5176  
~~business to relocate the business' operations from this state to~~ 5177  
~~that state.~~ 5178

~~(3) A refundable credit to an eligible business with a total~~ 5179  
~~annual payroll of at least twenty million dollars, provided that~~ 5180  
~~the tax credit authority grants the tax credit on or after July 1,~~ 5181  
~~2011, and before January 1, 2014.~~ 5182

The ~~credits~~ credit authorized in divisions ~~(B)(1), (2), and~~ 5183  
~~(3)~~ of this section may be granted for a period up to fifteen 5184  
taxable years or, in the case of the tax levied by section 5736.02 5185  
or 5751.02 of the Revised Code, for a period of up to fifteen 5186  
calendar years. The credit amount for a taxable year or a calendar 5187  
year that includes the tax period for which a credit may be 5188  
claimed equals the ~~income tax revenue~~ Ohio employee payroll for 5189  
that year multiplied by the percentage specified in the agreement 5190  
with the tax credit authority. ~~The percentage may not exceed~~ 5191  
~~seventy five per cent.~~ The credit shall be claimed in the order 5192  
required under section 5725.98, 5726.98, 5729.98, 5733.98, 5193  
5747.98, or 5751.98 of the Revised Code. In determining the 5194  
percentage and term of the credit, the tax credit authority shall 5195  
consider both the number of full-time equivalent employees and the 5196  
value of the capital investment project. The credit amount may not 5197  
be based on the ~~income tax revenue~~ Ohio employee payroll for a 5198  
calendar year before the calendar year in which the tax credit 5199  
authority specifies the tax credit is to begin, and the credit 5200  
shall be claimed only for the taxable years or tax periods 5201  
specified in the eligible business' agreement with the tax credit 5202  
authority. In no event shall the credit be claimed for a taxable 5203  
year or tax period terminating before the date specified in the 5204  
agreement. ~~Any credit granted under this section against the tax~~ 5205  
~~imposed by section 5733.06 or 5747.02 of the Revised Code, to the~~ 5206  
~~extent not fully utilized against such tax for taxable years~~ 5207

~~ending prior to 2008, shall automatically be converted without any 5208  
action taken by the tax credit authority to a credit against the 5209  
tax levied under Chapter 5751. of the Revised Code for tax periods 5210  
beginning on or after July 1, 2008, provided that the person to 5211  
whom the credit was granted is subject to such tax. The converted 5212  
credit shall apply to those calendar years in which the remaining 5213  
taxable years specified in the agreement end. 5214~~

If a nonrefundable credit allowed under ~~division (B)(1) of 5215  
this section for a taxable year or tax period exceeds the 5216  
taxpayer's tax liability for that year or period, the excess may 5217  
be carried forward for the three succeeding taxable or calendar 5218  
years, but the amount of any excess credit allowed in any taxable 5219  
year or tax period shall be deducted from the balance carried 5220  
forward to the succeeding year or period. 5221~~

(C) A taxpayer that proposes a capital investment project to 5222  
retain jobs in this state may apply to the tax credit authority to 5223  
enter into an agreement for a tax credit under this section. The 5224  
director of development services shall prescribe the form of the 5225  
application. After receipt of an application, the authority shall 5226  
forward copies of the application to the director of budget and 5227  
management, the tax commissioner, and the superintendent of 5228  
insurance in the case of an insurance company, ~~and the director of 5229  
development services~~, each of whom shall review the application to 5230  
determine the economic impact the proposed project would have on 5231  
the state and the affected political subdivisions and shall submit 5232  
a summary of their determinations and recommendations to the 5233  
authority. The authority shall also forward a copy of the 5234  
application to the director of development services, who shall 5235  
review the application to determine the economic impact the 5236  
proposed project would have on the state and the affected 5237  
political subdivisions and shall submit a summary of their 5238  
determinations and recommendations to the authority. 5239

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

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

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

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

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

~~(5) If the taxpayer is applying to enter into an agreement for a tax credit authorized under division (B)(3) of this section, the taxpayer's capital investment project will be located in the political subdivision in which the taxpayer maintains its principal place of business or maintains a unit or division with at least four thousand two hundred employees at the project site.~~

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

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

(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each



year, and the first year for which the credit may be claimed. 5270

(3) A requirement that the taxpayer maintain operations at 5271  
the project site for at least the greater of (a) the term of the 5272  
credit plus three years, or (b) seven years. 5273

~~(4)(a) In the case of a credit granted under division (B)(1)~~ 5274  
~~of this section, a~~ A requirement that the taxpayer retain at least 5275  
five hundred full-time equivalent employees at the project site 5276  
and within this state for the entire term of the credit, or a 5277  
requirement that the taxpayer maintain an annual Ohio employee 5278  
payroll of at least thirty-five million dollars for the entire 5279  
term of the credit; 5280

~~(b) In the case of a credit granted under division (B)(2) of~~ 5281  
~~this section, a requirement that the taxpayer retain at least one~~ 5282  
~~thousand full-time equivalent employees at the project site and~~ 5283  
~~within this state for the entire term of the credit;~~ 5284

~~(c) In the case of a credit granted under division (B)(3) of~~ 5285  
~~this section, either of the following:~~ 5286

~~(i) A requirement that the taxpayer retain at least five~~ 5287  
~~hundred full-time equivalent employees at the project site and~~ 5288  
~~within this state for the entire term of the credit and a~~ 5289  
~~requirement that the taxpayer maintain an annual payroll of at~~ 5290  
~~least twenty million dollars for the entire term of the credit;~~ 5291

~~(ii) A requirement that the taxpayer maintain an annual~~ 5292  
~~payroll of at least thirty five million dollars for the entire~~ 5293  
~~term of the credit.~~ 5294

(5) A requirement that the taxpayer annually report to the 5295  
director of development services ~~employment, tax withholding~~ 5296  
full-time equivalent employees, Ohio employee payroll, capital 5297  
investment, and other information the director needs to perform 5298  
the director's duties under this section. 5299

(6) A requirement that the director of development services 5300  
annually review the annual reports of the taxpayer to verify the 5301  
information reported under division (E)(5) of this section and 5302  
compliance with the agreement. Upon verification, the director 5303  
shall issue a certificate to the taxpayer stating that the 5304  
information has been verified and identifying the amount of the 5305  
credit for the taxable year or calendar year that includes the tax 5306  
period. In determining the number of full-time equivalent 5307  
employees, no position shall be counted that is filled by an 5308  
employee who is included in the calculation of a tax credit under 5309  
section 122.17 of the Revised Code. 5310

(7) A provision providing that the taxpayer may not relocate 5311  
a substantial number of employment positions from elsewhere in 5312  
this state to the project site unless the director of development 5313  
services determines that the taxpayer notified the legislative 5314  
authority of the county, township, or municipal corporation from 5315  
which the employment positions would be relocated. 5316

For purposes of this section, the movement of an employment 5317  
position from one political subdivision to another political 5318  
subdivision shall be considered a relocation of an employment 5319  
position unless the movement is confined to the project site. The 5320  
transfer of an employment position from one political subdivision 5321  
to another political subdivision shall not be considered a 5322  
relocation of an employment position if the employment position in 5323  
the first political subdivision is replaced by another employment 5324  
position. 5325

(8) A waiver by the taxpayer of any limitations periods 5326  
relating to assessments or adjustments resulting from the 5327  
taxpayer's failure to comply with the agreement. 5328

(F) If a taxpayer fails to meet or comply with any condition 5329  
or requirement set forth in a tax credit agreement, the tax credit 5330  
authority may amend the agreement to reduce the percentage or term 5331

of the credit. The reduction of the percentage or term may take 5332  
effect in the current taxable or calendar year. 5333

(G) Financial statements and other information submitted to 5334  
the department of development services or the tax credit authority 5335  
by an applicant for or recipient of a tax credit under this 5336  
section, and any information taken for any purpose from such 5337  
statements or information, are not public records subject to 5338  
section 149.43 of the Revised Code. However, the chairperson of 5339  
the authority may make use of the statements and other information 5340  
for purposes of issuing public reports or in connection with court 5341  
proceedings concerning tax credit agreements under this section. 5342  
Upon the request of the tax commissioner, or the superintendent of 5343  
insurance in the case of an insurance company, the chairperson of 5344  
the authority shall provide to the commissioner or superintendent 5345  
any statement or other information submitted by an applicant for 5346  
or recipient of a tax credit in connection with the credit. The 5347  
commissioner or superintendent shall preserve the confidentiality 5348  
of the statement or other information. 5349

(H) A taxpayer claiming a tax credit under this section shall 5350  
submit to the tax commissioner or, in the case of an insurance 5351  
company, to the superintendent of insurance, a copy of the 5352  
director of development services' certificate of verification 5353  
under division (E)(6) of this section with the taxpayer's tax 5354  
report or return for the taxable year or for the calendar year 5355  
that includes the tax period. Failure to submit a copy of the 5356  
certificate with the report or return does not invalidate a claim 5357  
for a credit if the taxpayer submits a copy of the certificate to 5358  
the commissioner or superintendent within ~~sixty~~ thirty days after 5359  
the commissioner or superintendent requests it. 5360

(I) For the purposes of this section, a taxpayer may include 5361  
a partnership, a corporation that has made an election under 5362  
subchapter S of chapter one of subtitle A of the Internal Revenue 5363

Code, or any other business entity through which income flows as a 5364  
distributive share to its owners. A partnership, S-corporation, or 5365  
other such business entity may elect to pass the credit received 5366  
under this section through to the persons to whom the income or 5367  
profit of the partnership, S-corporation, or other entity is 5368  
distributed. The election shall be made on the annual report 5369  
required under division (E)(5) of this section. The election 5370  
applies to and is irrevocable for the credit for which the report 5371  
is submitted. If the election is made, the credit shall be 5372  
apportioned among those persons in the same proportions as those 5373  
in which the income or profit is distributed. 5374

(J)(1) If the director of development services determines 5375  
that a taxpayer that received a certificate under division (E)(6) 5376  
of this section is not complying with the ~~requirement under~~ 5377  
~~division (E)(3) of this section~~ requirements of the agreement, the 5378  
director shall notify the tax credit authority of the 5379  
noncompliance. After receiving such a notice, and after giving the 5380  
taxpayer an opportunity to explain the noncompliance, the 5381  
authority may terminate the agreement and require the taxpayer, or 5382  
any related member or members that claimed the tax credit under 5383  
division (N) of this section, to refund to the state all or a 5384  
portion of the credit claimed in previous years, as follows: 5385

~~(1)~~(a) If the taxpayer fails to comply with the requirement 5386  
under division (E)(3) of this section, an amount determined in 5387  
accordance with the following: 5388

(i) If the taxpayer maintained operations at the project site 5389  
for less than or equal to the term of the credit, an amount not to 5390  
exceed one hundred per cent of the sum of any tax credits allowed 5391  
and received under this section. 5392

~~(2)~~(ii) If the taxpayer maintained operations at the project 5393  
site longer than the term of the credit, but less than the greater 5394  
of ~~(a)~~ seven years or the term of the credit plus three years, ~~or~~ 5395

~~(b) seven years~~, the amount required to be refunded shall not 5396  
exceed seventy-five per cent of the sum of any tax credits allowed 5397  
and received under this section. 5398

(b) If the taxpayer fails to substantially maintain both the 5399  
number of full-time equivalent employees and the amount of Ohio 5400  
employee payroll required under the agreement at any time during 5401  
the term of the agreement or during the post-term reporting 5402  
period, an amount determined at the discretion of the authority. 5403

(2) If a taxpayer files for bankruptcy and fails as described 5404  
in division (J)(1)(a) or (b) of this section, the director may 5405  
immediately commence an action to recoup an amount not exceeding 5406  
one hundred per cent of the sum of any credits received by the 5407  
taxpayer under this section. 5408

(3) In determining the portion of the credit to be refunded 5409  
to this state, the authority shall consider the effect of market 5410  
conditions on the taxpayer's project and whether the taxpayer 5411  
continues to maintain other operations in this state. After making 5412  
the determination, the authority shall certify the amount to be 5413  
refunded to the tax commissioner or the superintendent of 5414  
insurance. If the taxpayer, or any related member or members who 5415  
claimed the tax credit under division (N) of this section, is not 5416  
an insurance company, the commissioner shall make an assessment 5417  
for that amount against the taxpayer under Chapter 5726., 5733., 5418  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5419  
any related member or members that claimed the tax credit under 5420  
division (N) of this section, is an insurance company, the 5421  
superintendent of insurance shall make an assessment under section 5422  
5725.222 or 5729.102 of the Revised Code. The time limitations on 5423  
assessments under those chapters and sections do not apply to an 5424  
assessment under this division, but the commissioner or 5425  
superintendent shall make the assessment within one year after the 5426  
date the authority certifies to the commissioner or superintendent 5427

the amount to be refunded. 5428

(K) The director of development services, after consultation 5429  
with the tax commissioner and the superintendent of insurance and 5430  
in accordance with Chapter 119. of the Revised Code, shall adopt 5431  
rules necessary to implement this section. The rules may provide 5432  
for recipients of tax credits under this section to be charged 5433  
fees to cover administrative costs of the tax credit program. The 5434  
fees collected shall be credited to the business assistance fund 5435  
created in section 122.174 of the Revised Code. At the time the 5436  
director gives public notice under division (A) of section 119.03 5437  
of the Revised Code of the adoption of the rules, the director 5438  
shall submit copies of the proposed rules to the chairpersons of 5439  
the standing committees on economic development in the senate and 5440  
the house of representatives. 5441

(L) On or before the first day of August of each year, the 5442  
director of development services shall submit a report to the 5443  
governor, the president of the senate, and the speaker of the 5444  
house of representatives on the tax credit program under this 5445  
section. The report shall include information on the number of 5446  
agreements that were entered into under this section during the 5447  
preceding calendar year, a description of the project that is the 5448  
subject of each such agreement, and an update on the status of 5449  
projects under agreements entered into before the preceding 5450  
calendar year. 5451

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 5452  
issued under ~~division (B)(1)~~ of this section during any calendar 5453  
year for capital investment projects reviewed and approved by the 5454  
tax credit authority may not exceed the following amounts: 5455

~~(a)(1)~~ For 2010, thirteen million dollars; 5456

~~(b)(2)~~ For 2011 through 2023, the amount of the limit for the 5457  
preceding calendar year plus thirteen million dollars; 5458

~~(e)(3)~~ For 2024 and each year thereafter, one hundred 5459  
ninety-five million dollars. 5460

~~(2) The aggregate amount of tax credits authorized under 5461  
divisions (B)(2) and (3) of this section and allowed to be claimed 5462  
by taxpayers in any calendar year for capital improvement projects 5463  
reviewed and approved by the tax credit authority in 2011, 2012, 5464  
and 2013 combined shall not exceed twenty-five million dollars. An 5465  
amount equal to the aggregate amount of credits first authorized 5466  
in calendar year 2011, 2012, and 2013 may be claimed over the 5467  
ensuing period up to fifteen years, subject to the terms of 5468  
individual tax credit agreements. 5469~~

The limitations in division (M) of this section do not apply 5470  
to credits for capital investment projects approved by the tax 5471  
credit authority before July 1, 2009. 5472

(N) This division applies only to an eligible business that 5473  
is part of an affiliated group that includes a diversified savings 5474  
and loan holding company or a grandfathered unitary savings and 5475  
loan holding company, as those terms are defined in section 5476  
5726.01 of the Revised Code. Notwithstanding any contrary 5477  
provision of the agreement between such an eligible business and 5478  
the tax credit authority, any credit granted under this section 5479  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5480  
5747.02, or 5751.02 of the Revised Code to the eligible business, 5481  
at the election of the eligible business and without any action by 5482  
the tax credit authority, may be shared with any member or members 5483  
of the affiliated group that includes the eligible business, which 5484  
member or members may claim the credit against the taxes imposed 5485  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5486  
of the Revised Code. Credits shall be claimed by the eligible 5487  
business in sequential order, as applicable, first claiming the 5488  
credits to the fullest extent possible against the tax that the 5489  
certificate holder is subject to, then against the tax imposed by, 5490

sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5491  
lastly 5726.02 of the Revised Code. The credits may be allocated 5492  
among the members of the affiliated group in such manner as the 5493  
eligible business elects, but subject to the sequential order 5494  
required under this division. This division applies to credits 5495  
granted before, on, or after March 27, 2013, the effective date of 5496  
H.B. 510 of the 129th general assembly. Credits granted before 5497  
that effective date that are shared and allocated under this 5498  
division may be claimed in those calendar years in which the 5499  
remaining taxable years specified in the agreement end. 5500

As used in this division, "affiliated group" means a group of 5501  
two or more persons with fifty per cent or greater of the value of 5502  
each person's ownership interests owned or controlled directly, 5503  
indirectly, or constructively through related interests by common 5504  
owners during all or any portion of the taxable year, and the 5505  
common owners. "Affiliated group" includes, but is not limited to, 5506  
any person eligible to be included in a consolidated elected 5507  
taxpayer group under section 5751.011 of the Revised Code or a 5508  
combined taxpayer group under section 5751.012 of the Revised 5509  
Code. 5510

(O)(1) As used in division (O) of this section: 5511

(a) "Eligible agreement" means an agreement approved by the 5512  
tax credit authority under this section on or before December 31, 5513  
2013. 5514

(b) "Reporting period" means a period corresponding to the 5515  
annual report required under division (E)(5) of this section. 5516

(c) "Income tax revenue" has the same meaning as under 5517  
division (S) of section 122.17 of the Revised Code. 5518

(2) In calendar year 2016 and thereafter, the tax credit 5519  
authority shall annually determine a withholding adjustment factor 5520  
to be used in the computation of income tax revenue for eligible 5521



agreements. The withholding adjustment factor shall be a numerical 5522  
percentage that equals the percentage that employer income tax 5523  
withholding rates have been increased or decreased as a result of 5524  
changes in the income tax rates prescribed by section 5747.02 of 5525  
the Revised Code by amendment of that section taking effect on or 5526  
after June 29, 2013. 5527

(3) Except as provided in division (O)(4) of this section, 5528  
for reporting periods ending in 2015 and thereafter for taxpayers 5529  
subject to eligible agreements, the tax credit authority shall 5530  
adjust the income tax revenue reported on the taxpayer's annual 5531  
report by multiplying the withholding adjustment factor by the 5532  
taxpayer's income tax revenue and doing one of the following: 5533

(a) If the income tax rates prescribed by section 5747.02 of 5534  
the Revised Code have decreased by amendment of this section 5535  
taking effect on or after June 29, 2013, add the product to the 5536  
taxpayer's income tax revenue. 5537

(b) If the income tax rates prescribed by section 5747.02 of 5538  
the Revised Code have increased by amendment of this section 5539  
taking effect on or after June 29, 2013, subtract the product from 5540  
the taxpayer's income tax revenue. 5541

(4) Division (O)(3) of this section shall not apply unless 5542  
all of the following apply with respect to the eligible agreement: 5543

(a) The taxpayer has achieved one hundred per cent of the job 5544  
retention commitment identified in the agreement. 5545

(b) If applicable, the taxpayer has achieved one hundred per 5546  
cent of the payroll retention commitment identified in the 5547  
agreement. 5548

(c) If applicable, the taxpayer has achieved one hundred per 5549  
cent of the investment commitment identified in the agreement. 5550

(5) Failure by a taxpayer to have achieved any of the 5551

applicable commitments described in divisions (O)(4)(a) to (c) of 5552  
this section in a reporting period does not disqualify the 5553  
taxpayer for the adjustment under division (O) of this section for 5554  
an ensuing reporting period. 5555

**Sec. 122.174.** There is hereby created in the state treasury 5556  
the business assistance fund. The fund shall consist of any 5557  
amounts appropriated to it and money credited to the fund pursuant 5558  
to division (I) of section 121.17, division (K) of section 5559  
122.171, division (K) of section 122.175, division (G)(2) of 5560  
section 122.85, division (C) of section 3735.672, and division (C) 5561  
of section 5709.68 of the Revised Code. The director of 5562  
development services shall use money in the fund to pay expenses 5563  
related to the administration of the business services division of 5564  
the development services agency. 5565

**Sec. 122.175.** (A) As used in this section: 5566

(1) "Capital investment project" means a plan of investment 5567  
at a project site for the acquisition, construction, renovation, 5568  
expansion, replacement, or repair of a computer data center or of 5569  
computer data center equipment, but does not include any of the 5570  
following: 5571

(a) Project costs paid before a date determined by the tax 5572  
credit authority for each capital investment project; 5573

(b) Payments made to a related member as defined in section 5574  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5575  
or a combined taxpayer as defined in section 5751.01 of the 5576  
Revised Code. 5577

(2) "Computer data center" means a facility used or to be 5578  
used primarily to house computer data center equipment used or to 5579  
be used in conducting one or more computer data center businesses, 5580  
as determined by the tax credit authority. 5581

(3) "Computer data center business" means, as may be further 5582  
determined by the tax credit authority, a business that provides 5583  
electronic information services as defined in division (Y)(1)(c) 5584  
of section 5739.01 of the Revised Code, or that leases a facility 5585  
to one or more such businesses. "Computer data center business" 5586  
does not include providing electronic publishing as defined in 5587  
division (LLL) of that section. 5588

(4) "Computer data center equipment" means tangible personal 5589  
property used or to be used for any of the following: 5590

(a) To conduct a computer data center business, including 5591  
equipment cooling systems to manage the performance of computer 5592  
data center equipment; 5593

(b) To generate, transform, transmit, distribute, or manage 5594  
electricity necessary to operate the tangible personal property 5595  
used or to be used in conducting a computer data center business; 5596

(c) As building and construction materials sold to 5597  
construction contractors for incorporation into a computer data 5598  
center. 5599

(5) "Eligible computer data center" means a computer data 5600  
center that satisfies all of the following requirements: 5601

(a) One or more taxpayers operating a computer data center 5602  
business at the project site will, in the aggregate, make payments 5603  
for a capital investment project of at least one hundred million 5604  
dollars at the project site during one of the following cumulative 5605  
periods: 5606

(i) For projects beginning in 2013, five consecutive calendar 5607  
years; 5608

(ii) For projects beginning in 2014, four consecutive 5609  
calendar years; 5610

(iii) For projects beginning in or after 2015, three 5611

consecutive calendar years. 5612

(b) One or more taxpayers operating a computer data center 5613  
business at the project site will, in the aggregate, pay annual 5614  
compensation that is subject to the withholding obligation imposed 5615  
under section 5747.06 of the Revised Code of at least one million 5616  
five hundred thousand dollars to employees employed at the project 5617  
site for each year of the agreement beginning on or after the 5618  
first day of the twenty-fifth month after the agreement was 5619  
entered into under this section. 5620

(6) "Person" has the same meaning as in section 5701.01 of 5621  
the Revised Code. 5622

(7) "Project site," "related member," and "tax credit 5623  
authority" have the same meanings as in sections 122.17 and 5624  
122.171 of the Revised Code. 5625

(8) "Taxpayer" means any person subject to the taxes imposed 5626  
under Chapters 5739. and 5741. of the Revised Code. 5627

(B) The tax credit authority may completely or partially 5628  
exempt from the taxes levied under Chapters 5739. and 5741. of the 5629  
Revised Code the sale, storage, use, or other consumption of 5630  
computer data center equipment used or to be used at an eligible 5631  
computer data center. Any such exemption shall extend to charges 5632  
for the delivery, installation, or repair of the computer data 5633  
center equipment subject to the exemption under this section. 5634

(C) A taxpayer that proposes a capital improvement project 5635  
for an eligible computer data center in this state may apply to 5636  
the tax credit authority to enter into an agreement under this 5637  
section authorizing a complete or partial exemption from the taxes 5638  
imposed under Chapters 5739. and 5741. of the Revised Code on 5639  
computer data center equipment purchased by the applicant or any 5640  
other taxpayer that operates a computer data center business at 5641  
the project site and used or to be used at the eligible computer 5642

data center. The director of development services shall prescribe 5643  
the form of the application. After receipt of an application, the 5644  
authority shall forward copies of the application to the director 5645  
of budget and management, ~~and the tax commissioner, and the~~ 5646  
~~director of development services~~, each of whom shall review the 5647  
application to determine the economic impact that the proposed 5648  
eligible computer data center would have on the state and any 5649  
affected political subdivisions and submit to the authority a 5650  
summary of their determinations ~~and recommendations~~. The authority 5651  
shall also forward a copy of the application to the director of 5652  
development services who shall review the application to determine 5653  
the economic impact that the proposed eligible computer data 5654  
center would have on the state and the affected political 5655  
subdivisions and shall submit a summary of their determinations 5656  
and recommendations to the authority. 5657

(D) Upon review and consideration of such determinations and 5658  
recommendations, the tax credit authority may enter into an 5659  
agreement with the applicant and any other taxpayer that operates 5660  
a computer data center business at the project site for a complete 5661  
or partial exemption from the taxes imposed under Chapters 5739. 5662  
and 5741. of the Revised Code on computer data center equipment 5663  
used or to be used at an eligible computer data center if the 5664  
authority determines all of the following: 5665

(1) The capital investment project for the eligible computer 5666  
data center will increase payroll and the amount of income taxes 5667  
to be withheld from employee compensation pursuant to section 5668  
5747.06 of the Revised Code. 5669

(2) The applicant is economically sound and has the ability 5670  
to complete or effect the completion of the proposed capital 5671  
investment project. 5672

(3) The applicant intends to and has the ability to maintain 5673  
operations at the project site for the term of the agreement. 5674

(4) Receiving the exemption is a major factor in the applicant's decision to begin, continue with, or complete the capital investment project.

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

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

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

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

operations at the eligible computer data center. 5707

(4) A requirement that, for each year of the term of the 5708  
agreement beginning on or after the first day of the twenty-fifth 5709  
month after the date the agreement was entered into, one or more 5710  
taxpayers operating a computer data center business at the project 5711  
site will, in the aggregate, pay annual compensation that is 5712  
subject to the withholding obligation imposed under section 5713  
5747.06 of the Revised Code of at least one million five hundred 5714  
thousand dollars to employees at the eligible computer data 5715  
center. 5716

(5) A requirement that each taxpayer subject to the agreement 5717  
annually report to the director of development services 5718  
employment, tax withholding, capital investment, and other 5719  
information required by the director to perform the director's 5720  
duties under this section. 5721

(6) A requirement that the director of development services 5722  
annually review the annual reports of each taxpayer subject to the 5723  
agreement to verify the information reported under division (E)(5) 5724  
of this section and compliance with the agreement. Upon 5725  
verification, the director shall issue a certificate to each such 5726  
taxpayer stating that the information has been verified and that 5727  
the taxpayer remains eligible for the exemption specified in the 5728  
agreement. 5729

(7) A provision providing that the taxpayers subject to the 5730  
agreement may not relocate a substantial number of employment 5731  
positions from elsewhere in this state to the project site unless 5732  
the director of development services determines that the 5733  
appropriate taxpayer notified the legislative authority of the 5734  
county, township, or municipal corporation from which the 5735  
employment positions would be relocated. For purposes of this 5736  
paragraph, the movement of an employment position from one 5737  
political subdivision to another political subdivision shall be 5738

considered a relocation of an employment position unless the 5739  
movement is confined to the project site. The transfer of an 5740  
employment position from one political subdivision to another 5741  
political subdivision shall not be considered a relocation of an 5742  
employment position if the employment position in the first 5743  
political subdivision is replaced by another employment position. 5744

(8) A waiver by each taxpayer subject to the agreement of any 5745  
limitations periods relating to assessments or adjustments 5746  
resulting from the taxpayer's failure to comply with the 5747  
agreement. 5748

(F) The term of an agreement under this section shall be 5749  
determined by the tax credit authority, and the amount of the 5750  
exemption shall not exceed one hundred per cent of such taxes that 5751  
would otherwise be owed in respect to the exempted computer data 5752  
center equipment. 5753

(G) If any taxpayer subject to an agreement under this 5754  
section fails to meet or comply with any condition or requirement 5755  
set forth in the agreement, the tax credit authority may amend the 5756  
agreement to reduce the percentage of the exemption or term during 5757  
which the exemption applies to the computer data center equipment 5758  
used or to be used by the noncompliant taxpayer at an eligible 5759  
computer data center. The reduction of the percentage or term may 5760  
take effect in the current calendar year. 5761

(H) Financial statements and other information submitted to 5762  
the department of development services or the tax credit authority 5763  
by an applicant for or recipient of an exemption under this 5764  
section, and any information taken for any purpose from such 5765  
statements or information, are not public records subject to 5766  
section 149.43 of the Revised Code. However, the chairperson of 5767  
the authority may make use of the statements and other information 5768  
for purposes of issuing public reports or in connection with court 5769  
proceedings concerning tax exemption agreements under this 5770



section. Upon the request of the tax commissioner, the chairperson 5771  
of the authority shall provide to the tax commissioner any 5772  
statement or other information submitted by an applicant for or 5773  
recipient of an exemption under this section. The tax commissioner 5774  
shall preserve the confidentiality of the statement or other 5775  
information. 5776

(I) The tax commissioner shall issue a direct payment permit 5777  
under section 5739.031 of the Revised Code to each taxpayer 5778  
subject to an agreement under this section. Such direct payment 5779  
permit shall authorize the taxpayer to pay any sales and use taxes 5780  
due on purchases of computer data center equipment used or to be 5781  
used in an eligible computer data center and to pay any sales and 5782  
use taxes due on purchases of tangible personal property or 5783  
taxable services other than computer data center equipment used or 5784  
to be used in an eligible computer data center directly to the tax 5785  
commissioner. Each such taxpayer shall pay pursuant to such direct 5786  
payment permit all sales tax levied on such purchases under 5787  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 5788  
Code and all use tax levied on such purchases under sections 5789  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 5790  
consistent with the terms of the agreement entered into under this 5791  
section. 5792

During the term of an agreement under this section each 5793  
taxpayer subject to the agreement shall submit to the tax 5794  
commissioner a return that shows the amount of computer data 5795  
center equipment purchased for use at the eligible computer data 5796  
center, the amount of tangible personal property and taxable 5797  
services other than computer data center equipment purchased for 5798  
use at the eligible computer data center, the amount of tax under 5799  
Chapter 5739. or 5741. of the Revised Code that would be due in 5800  
the absence of the agreement under this section, the exemption 5801  
percentage for computer data center equipment specified in the 5802

agreement, and the amount of tax due under Chapter 5739. or 5741. 5803  
of the Revised Code as a result of the agreement under this 5804  
section. Each such taxpayer shall pay the tax shown on the return 5805  
to be due in the manner and at the times as may be further 5806  
prescribed by the tax commissioner. Each such taxpayer shall 5807  
include a copy of the director of development services' 5808  
certificate of verification issued under division (E)(6) of this 5809  
section. Failure to submit a copy of the certificate with the 5810  
return does not invalidate the claim for exemption if the taxpayer 5811  
submits a copy of the certificate to the tax commissioner within 5812  
sixty days after the tax commissioner requests it. 5813

(J) If the director of development services determines that 5814  
one or more taxpayers received an exemption from taxes due on the 5815  
purchase of computer data center equipment purchased for use at a 5816  
computer data center that no longer complies with the requirement 5817  
under division (E)(3) of this section, the director shall notify 5818  
the tax credit authority and, if applicable, the taxpayer that 5819  
applied to enter the agreement for the exemption under division 5820  
(C) of this section of the noncompliance. After receiving such a 5821  
notice, and after giving each taxpayer subject to the agreement an 5822  
opportunity to explain the noncompliance, the authority may 5823  
terminate the agreement and require each such taxpayer to pay to 5824  
the state all or a portion of the taxes that would have been owed 5825  
in regards to the exempt equipment in previous years, all as 5826  
determined under rules adopted pursuant to division (K) of this 5827  
section. In determining the portion of the taxes that would have 5828  
been owed on the previously exempted equipment to be paid to this 5829  
state by a taxpayer, the authority shall consider the effect of 5830  
market conditions on the eligible computer data center, whether 5831  
the taxpayer continues to maintain other operations in this state, 5832  
and, with respect to agreements involving multiple taxpayers, the 5833  
taxpayer's level of responsibility for the noncompliance. After 5834  
making the determination, the authority shall certify to the tax 5835

commissioner the amount to be paid by each taxpayer subject to the 5836  
agreement. The tax commissioner shall make an assessment for that 5837  
amount against each such taxpayer under Chapter 5739. or 5741. of 5838  
the Revised Code. The time limitations on assessments under those 5839  
chapters do not apply to an assessment under this division, but 5840  
the tax commissioner shall make the assessment within one year 5841  
after the date the authority certifies to the tax commissioner the 5842  
amount to be paid by the taxpayer. 5843

(K) The director of development services, after consultation 5844  
with the tax commissioner and in accordance with Chapter 119. of 5845  
the Revised Code, shall adopt rules necessary to implement this 5846  
section. The rules may provide for recipients of tax exemptions 5847  
under this section to be charged fees to cover administrative 5848  
costs incurred in the administration of this section. The fees 5849  
collected shall be credited to the business assistance fund 5850  
created in section 122.174 of the Revised Code. At the time the 5851  
director gives public notice under division (A) of section 119.03 5852  
of the Revised Code of the adoption of the rules, the director 5853  
shall submit copies of the proposed rules to the chairpersons of 5854  
the standing committees on economic development in the senate and 5855  
the house of representatives. 5856

(L) On or before the first day of August of each year, the 5857  
director of development services shall submit a report to the 5858  
governor, the president of the senate, and the speaker of the 5859  
house of representatives on the tax exemption authorized under 5860  
this section. The report shall include information on the number 5861  
of agreements that were entered into under this section during the 5862  
preceding calendar year, a description of the eligible computer 5863  
data center that is the subject of each such agreement, and an 5864  
update on the status of eligible computer data centers under 5865  
agreements entered into before the preceding calendar year. 5866

(M) A taxpayer may be made a party to an existing agreement 5867

entered into under this section by the tax credit authority and 5868  
another taxpayer or group of taxpayers. In such a case, the 5869  
taxpayer shall be entitled to all benefits and bound by all 5870  
obligations contained in the agreement and all requirements 5871  
described in this section. When an agreement includes multiple 5872  
taxpayers, each taxpayer shall be entitled to a direct payment 5873  
permit as authorized in division (I) of this section. 5874

**Sec. 122.177.** (A) As used in this section: 5875

(1) "Business" means a sole proprietorship, a corporation for 5876  
profit, or a pass-through entity as defined in section 5733.04 of 5877  
the Revised Code. 5878

(2) "Career exploration internship" means a paid employment 5879  
relationship between a student intern and a business in which the 5880  
student intern acquires education, instruction, and experience 5881  
relevant to the student intern's career aspirations. 5882

(3) "Student intern" means an individual who, at the time the 5883  
business applies for a grant under division (B) of this section, 5884  
meets both of the following criteria: 5885

(a) The individual is entitled to attend school in this 5886  
state. 5887

(b) The individual is either between sixteen and eighteen 5888  
years of age or is enrolled in grade eleven or twelve. 5889

(B) There is hereby created in the development services 5890  
agency the career exploration internship program to award grants 5891  
to businesses that employ a student intern in a career exploration 5892  
internship. To qualify for a grant under the program, the career 5893  
exploration internship shall be at least twenty weeks in duration 5894  
and include at least two hundred hours of paid work and 5895  
instruction in this state. To obtain a grant, the business shall 5896  
apply to the development services agency before the starting date 5897

of the career exploration internship. The application shall 5898  
include all of the following: 5899

(1) A brief description of the career exploration internship; 5900

(2) A signed statement by the student intern briefly 5901  
describing the student intern's career aspirations and how the 5902  
student intern believes this career exploration internship may 5903  
help achieve those aspirations; 5904

(3) A signed statement by a principal or guidance counselor 5905  
at the student intern's school or, in the case of a home schooled 5906  
student, an individual responsible for administering instruction 5907  
to the student intern, acknowledging that the employment 5908  
opportunity qualifies as a career exploration internship and 5909  
expressing intent to advise the student intern as provided in 5910  
division (E) of this section; 5911

(4) The name, address, and telephone number of the business; 5912

(5) Any other information required by the development 5913  
services agency. 5914

(C)(1) The development services agency shall review and make 5915  
a determination with respect to each application submitted under 5916  
division (B) of this section in the order in which the application 5917  
is received. The agency shall not approve any application under 5918  
this section that is received by the agency ~~more than three years~~ 5919  
~~after the effective date of H.B. 107 of the 130th general assembly~~ 5920  
later than June 25, 2017, or that was submitted by a business that 5921  
does not have substantial operations in this state. The agency may 5922  
not otherwise deny an application unless the application is 5923  
incomplete, the proposed employment relationship does not qualify 5924  
as a career exploration internship for which a grant may be 5925  
awarded under this section, the business is ineligible to receive 5926  
a grant under division (D)(1) of this section, or the agency 5927  
determines that approving the application would cause the amount 5928

that could be awarded to exceed the amount of money in the career 5929  
exploration internship fund. 5930

(2) The agency shall send written notice of its determination 5931  
to the applicant within thirty days after receiving the 5932  
application. If the agency determines that the application shall 5933  
not be approved, the notice shall include the reasons for such 5934  
determination. 5935

(3) The agency's determination is final and may not be 5936  
appealed for any reason. A business may submit a new or amended 5937  
application under division (B) of this section at any time before 5938  
or after receiving notice under division (C)(2) of this section. 5939

(D)(1) In any calendar year, the development services agency 5940  
shall not award grants under this section to any business that has 5941  
received grants for three career exploration internships in that 5942  
calendar year. The agency shall not award a grant to a business 5943  
unless the agency receives a report from the business within 5944  
thirty days after the end of the career exploration internship or 5945  
thirteen months after the approval of the application, whichever 5946  
comes first, that includes all of the following: 5947

(a) The date the student intern began the internship; 5948

(b) The date the internship ended or a statement that the 5949  
student will continue to be employed by the business; 5950

(c) The total number of hours during the internship that the 5951  
student intern was employed by the business; 5952

(d) The total wages paid by the business to the student 5953  
intern during the internship; 5954

(e) A signed statement by the student intern briefly 5955  
describing the duties performed during the internship and the 5956  
skills and experiences gained throughout the internship; 5957

(f) Any other information required by the agency. 5958

(2) If the agency receives the report and determines that it contains all of the information and the statement required by division (D)(1) of this section and that the career exploration internship described in the report complies with all the provisions of this section, the agency shall award a grant to the business. The amount of the grant shall equal the lesser of the following:

(a) Fifty per cent of the wages paid by the business to the student intern for the first twelve months following the date the application was approved;

(b) Five thousand dollars.

(E) The student intern and the principal, guidance counselor, or other qualified individual who signed the statement described in division (B)(3) of this section shall meet at least once in the thirty days following the end of the career exploration internship or in the thirteenth month following the start of the career exploration internship, whichever comes first. The purpose of the meeting is to discuss the student intern's experiences during the career exploration internship, consider the practical applications of these experiences to the student intern's career aspirations, and to establish or confirm goals for the student intern. If practicable, the meeting shall be in person. Otherwise, the meeting may be conducted over the telephone.

(F) A business that receives a grant under this section may submit a new application under division (B) of this section for another career exploration internship with the same student intern. Such an application does not have to include the statements otherwise required by divisions (B)(2) and (3) of this section.

(G) Annually, ~~before on the seventh first~~ day of ~~January~~ August until the ~~January of the third year that follows the year~~

~~that includes the effective date of H.B. 107 of the 130th general~~ 5990  
~~assembly August 2017,~~ the development services agency shall 5991  
compile a report indicating the number of career exploration 5992  
internships approved by the agency under this section, the 5993  
statements issued by the student interns under divisions (B)(2) 5994  
and (D)(1)(e) of this section, the number of student interns that 5995  
continued employment with the business after the termination of 5996  
the career exploration internship, and the total amount of grants 5997  
awarded under this section. The report shall not disclose any 5998  
student interns' personally identifiable information. The agency 5999  
shall provide copies of the report to the governor, the speaker 6000  
and minority leader of the house of representatives, and the 6001  
president and minority leader of the senate. 6002

(H) The development services agency may adopt rules necessary 6003  
to administer this section in accordance with Chapter 119. of the 6004  
Revised Code. 6005

(I) The career exploration internship fund is hereby created 6006  
in the state treasury. The fund shall consist of a portion of the 6007  
proceeds from the upfront license fees paid for the casino 6008  
facilities authorized under Section 6(C) of Article XV, Ohio 6009  
Constitution. Money in the fund shall be used by the development 6010  
services agency to provide grants under this section. 6011

**Sec. 122.64.** (A) There is hereby established in the 6012  
development services agency a business services division. The 6013  
division shall be supervised by a deputy director appointed by the 6014  
director of development services. 6015

The division is responsible for the administration of the 6016  
state economic development financing programs established pursuant 6017  
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 6018  
122.62, and Chapter 166. of the Revised Code. 6019

(B) The director of development services shall: 6020



(1) Receive applications for assistance pursuant to sections 122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. The director shall process the applications.

(2) With the approval of the director of administrative services, establish salary schedules for employees of the various positions of employment with the division and assign the various positions to those salary schedules;

(3) Employ and fix the compensation of financial consultants, appraisers, consulting engineers, superintendents, managers, construction and accounting experts, attorneys, and other agents for the assistance programs authorized pursuant to sections 122.17 and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. of the Revised Code as are necessary;

(4) Supervise the administrative operations of the division;

(5) On or before the first day of ~~August~~ October in each year, make an annual report of the activities and operations under assistance programs authorized pursuant to sections 122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code for the preceding fiscal year to the governor and the general assembly. Each such report shall set forth a complete operating and financial statement covering such activities and operations during the year in accordance with generally accepted accounting principles and shall be audited by a certified public accountant. The director of development services shall transmit a copy of the audited financial report to the office of budget and management.

Sec. 122.641. (A)(1) There is hereby created the lakes in economic distress revolving loan program to assist businesses and other entities that are adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the director of natural resources under division (A)(2) of this section. The director of development

services shall administer the program. 6052

(2) The director of natural resources shall do both of the following: 6053  
6054

(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons. 6055  
6056  
6057  
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(b) Subsequently declare a lake as an area no longer under economic distress when the environmental or safety issues, as applicable, have been resolved. 6059  
6060  
6061

(B) There is hereby created in the state treasury the lakes in economic distress revolving loan fund. The fund shall consist of money appropriated to it, all payments of principal and interest on loans made from the fund, and all investment earnings on money in the fund. The director of development services shall use money in the fund to make loans under this section, provided that the loans shall be zero interest loans during the time that an applicable lake has been declared an area under economic distress under division (A)(2)(a) of this section. 6062  
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(C) The director shall adopt rules in accordance with Chapter 119. of the Revised that do both of the following: 6071  
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(1) Establish requirements and procedures for the making of loans under this section, including all of the following: 6073  
6074

(a) Eligibility criteria; 6075

(b) Application procedures; 6076

(c) Criteria for approval or disapproval of loans, including a stipulation that an applicant must demonstrate that the loan will help to achieve long-term economic stability in the area; 6077  
6078  
6079

(d) Criteria for repayment of the loans, including the establishment of an interest rate that does not exceed two points 6080  
6081

less than prime after an applicable lake has been declared as an 6082  
area no longer under economic distress under division (A)(2)(b) of 6083  
this section. 6084

(2) Establish any other provisions necessary to administer 6085  
this section. 6086

(D) In administering the program, the director shall assist 6087  
businesses and other entities in determining the amount of loans 6088  
needed. 6089

**Sec. 122.68.** The community services division shall: 6090

(A) Administer all federal funds appropriated to the state 6091  
from the "Community Services Block Grant Act," 95 Stat. 511, 42 6092  
U.S.C.A. 9901, and comply with requirements imposed by that act in 6093  
its application for, and administration of, the funds; 6094

(B) Designate community action agencies to receive community 6095  
services block grant funds; 6096

(C) ~~Disburse (1) Subject to division (C)(2) of this section,~~ 6097  
~~disburse at least ninety-five ninety-one per cent or such other~~ 6098  
~~higher maximum amount as may from time to time be designated by~~ 6099  
~~congress~~ of the funds received in the state from the "Community 6100  
Services Block Grant Act" to community action agencies that comply 6101  
with the requirements of section 122.69 of the Revised Code and 6102  
migrant and seasonal farm worker organizations that are not 6103  
designated community action agencies but which provide the 6104  
services described in division (B)(1) of section 122.69 of the 6105  
Revised Code; 6106

(2) Disburse at least four and one-half per cent of the funds 6107  
received in the state from the "Community Services Block Grant 6108  
Act" to one or more nonprofit organizations to which both of the 6109  
following apply: 6110

(a) The organization or organizations were incorporated under 6111

<u>the laws of this state before January 1, 2015.</u>	6112
<u>(b) The primary purpose of the organization or organizations</u>	6113
<u>is to provide training and technical assistance to community</u>	6114
<u>action agencies that comply with the requirements of section</u>	6115
<u>122.69 of the Revised Code.</u>	6116
(D) Provide technical assistance to community action agencies	6117
to improve program planning, development, and administration;	6118
(E) Conduct yearly performance assessments, according to	6119
criteria determined by development services agency rule, to	6120
determine whether community action agencies are in compliance with	6121
section 122.69 of the Revised Code;	6122
(F) Annually prepare and submit to the United States	6123
secretary of health and human services, the governor, the	6124
president of the Ohio senate, and the speaker of the Ohio house of	6125
representatives, a comprehensive report that includes:	6126
(1) Certification that all community action agencies	6127
designated to receive funds from the "Community Services Block	6128
Grant Act" are in compliance with section 122.69 of the Revised	6129
Code;	6130
(2) A program plan for the next federal fiscal year that has	6131
been made available for public inspection and that details how	6132
community services block grant funds will be disbursed and used	6133
during that fiscal year;	6134
(3) Information detailing how funds were expended for the	6135
current fiscal year;	6136
(4) An audit of community services block grant expenditures	6137
for the preceding federal fiscal year that is conducted in	6138
accordance with generally accepted accounting principles by an	6139
independent auditing firm that has no connection with any	6140
community action agency receiving community services block grant	6141

funds or with any employee of the division. 6142

(G) Serve as a statewide advocate for social and economic 6143  
opportunities for low-income persons. 6144

**Sec. 122.85.** (A) As used in this section and in sections 6145  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6146

(1) "Tax credit-eligible production" means a motion picture 6147  
production certified by the director of development services under 6148  
division (B) of this section as qualifying the motion picture 6149  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6150  
or 5751.54 of the Revised Code. 6151

(2) "Certificate owner" means a motion picture company to 6152  
which a tax credit certificate is issued. 6153

(3) "Motion picture company" means an individual, 6154  
corporation, partnership, limited liability company, or other form 6155  
of business association producing a motion picture. 6156

(4) "Eligible production expenditures" means expenditures 6157  
made after June 30, 2009, for goods or services purchased and 6158  
consumed in this state by a motion picture company directly for 6159  
the production of a tax credit-eligible production. 6160

"Eligible production expenditures" includes, but is not 6161  
limited to, expenditures for resident and nonresident cast and 6162  
crew wages, accommodations, costs of set construction and 6163  
operations, editing and related services, photography, sound 6164  
synchronization, lighting, wardrobe, makeup and accessories, film 6165  
processing, transfer, sound mixing, special and visual effects, 6166  
music, location fees, and the purchase or rental of facilities and 6167  
equipment. 6168

(5) "Motion picture" means entertainment content created in 6169  
whole or in part within this state for distribution or exhibition 6170  
to the general public, including, but not limited to, 6171

feature-length films; documentaries; long-form, specials, 6172  
miniseries, series, and interstitial television programming; 6173  
interactive web sites; sound recordings; videos; music videos; 6174  
interactive television; interactive games; video games; 6175  
commercials; any format of digital media; and any trailer, pilot, 6176  
video teaser, or demo created primarily to stimulate the sale, 6177  
marketing, promotion, or exploitation of future investment in 6178  
either a product or a motion picture by any means and media in any 6179  
digital media format, film, or videotape, provided the motion 6180  
picture qualifies as a motion picture. "Motion picture" does not 6181  
include any television program created primarily as news, weather, 6182  
or financial market reports, a production featuring current events 6183  
or sporting events, an awards show or other gala event, a 6184  
production whose sole purpose is fundraising, a long-form 6185  
production that primarily markets a product or service or in-house 6186  
corporate advertising or other similar productions, a production 6187  
for purposes of political advocacy, or any production for which 6188  
records are required to be maintained under 18 U.S.C. 2257 with 6189  
respect to sexually explicit content. 6190

(B) For the purpose of encouraging and developing a strong 6191  
film industry in this state, the director of development services 6192  
may certify a motion picture produced by a motion picture company 6193  
as a tax credit-eligible production. In the case of a television 6194  
series, the director may certify the production of each episode of 6195  
the series as a separate tax credit-eligible production. A motion 6196  
picture company shall apply for certification of a motion picture 6197  
as a tax credit-eligible production on a form and in the manner 6198  
prescribed by the director. Each application shall include the 6199  
following information: 6200

(1) The name and telephone number of the motion picture 6201  
production company; 6202

(2) The name and telephone number of the company's contact 6203

person;	6204
(3) A list of the first preproduction date through the last production date in Ohio;	6205 6206
(4) The Ohio production office address and telephone number;	6207
(5) The total production budget of the motion picture;	6208
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	6209 6210 6211
(7) The total percentage of the motion picture being shot in Ohio;	6212 6213
(8) The level of employment of cast and crew who reside in Ohio;	6214 6215
(9) A synopsis of the script;	6216
(10) The shooting script;	6217
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	6218 6219
(12) Documentation of financial ability to undertake and complete the motion picture;	6220 6221
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	6222 6223
(14) Any other information considered necessary by the director.	6224 6225
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the <del>director of development services</del> ' request <u>of the director of development services</u> , the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the	6226 6227 6228 6229 6230 6231 6232

director shall notify the applicant that the certification has 6233  
been rescinded. Nothing in this section prohibits an applicant 6234  
whose tax credit-eligible production certification has been 6235  
rescinded from submitting a subsequent application for 6236  
certification. 6237

(C)(1) A motion picture company whose motion picture has been 6238  
certified as a tax credit-eligible production may apply to the 6239  
director of development services on or after July 1, 2009, for a 6240  
refundable credit against the tax imposed by section 5726.02, 6241  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 6242  
consultation with the tax commissioner shall prescribe the form 6243  
and manner of the application and the information or documentation 6244  
required to be submitted with the application. 6245

The credit is determined as follows: 6246

(a) If the total budgeted eligible production expenditures 6247  
stated in the application submitted under division (B) of this 6248  
section or the actual eligible production expenditures as finally 6249  
determined under division (D) of this section, whichever is least, 6250  
is less than or equal to three hundred thousand dollars, no credit 6251  
is allowed; 6252

(b) If the total budgeted eligible production expenditures 6253  
stated in the application submitted under division (B) of this 6254  
section or the actual eligible production expenditures as finally 6255  
determined under division (D) of this section, whichever is least, 6256  
is greater than three hundred thousand dollars, the credit equals 6257  
the sum of the following, subject to the limitation in division 6258  
(C)(4) of this section: 6259

(i) Twenty-five per cent of the least of such budgeted or 6260  
actual eligible expenditure amounts excluding budgeted or actual 6261  
eligible expenditures for resident cast and crew wages; 6262

(ii) Thirty-five per cent of budgeted or actual eligible 6263



expenditures for resident cast and crew wages. 6264

(2) Except as provided in division (C)(4) of this section, if 6265  
the director of development services approves a motion picture 6266  
company's application for a credit, the director shall issue a tax 6267  
credit certificate to the company. The director in consultation 6268  
with the tax commissioner shall prescribe the form and manner of 6269  
issuing certificates. The director shall assign a unique 6270  
identifying number to each tax credit certificate and shall record 6271  
the certificate in a register devised and maintained by the 6272  
director for that purpose. The certificate shall state the amount 6273  
of the eligible production expenditures on which the credit is 6274  
based and the amount of the credit. Upon the issuance of a 6275  
certificate, the director shall certify to the tax commissioner 6276  
the name of the applicant, the amount of eligible production 6277  
expenditures shown on the certificate, and any other information 6278  
required by the rules adopted to administer this section. 6279

(3) The amount of eligible production expenditures for which 6280  
a tax credit may be claimed is subject to inspection and 6281  
examination by the tax commissioner or employees of the 6282  
commissioner under section 5703.19 of the Revised Code and any 6283  
other applicable law. Once the eligible production expenditures 6284  
are finally determined under section 5703.19 of the Revised Code 6285  
and division (D) of this section, the credit amount is not subject 6286  
to adjustment unless the director determines an error was 6287  
committed in the computation of the credit amount. 6288

(4) No tax credit certificate may be issued before the 6289  
completion of the tax credit-eligible production. Not more than 6290  
forty million dollars of tax credit may be allowed per fiscal 6291  
biennium beginning on or after July 1, 2011, and not more than 6292  
twenty million dollars may be allowed in the first year of the 6293  
biennium. At any time, not more than five million dollars of tax 6294  
credit may be allowed per tax credit-eligible production. 6295

(D) A motion picture company whose motion picture has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production expenditures to identify the expenditures that qualify as eligible production expenditures. The certified public accountant shall issue a report to the company and to the director of development services certifying the company's eligible production expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible production expenditure. If the director disallows an expenditure, the director shall issue a written notice to the motion picture production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures for the purpose of computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production.

(G)(1) The director of development services in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture production is a tax credit-eligible production; activities that constitute the

production of a motion picture; reporting sufficient evidence of 6328  
reviewable progress; expenditures that qualify as eligible 6329  
production expenditures; a competitive process for approving 6330  
credits; and consideration of geographic distribution of credits. 6331  
The rules shall be adopted under Chapter 119. of the Revised Code. 6332

(2) The director may require a reasonable application fee to 6333  
cover administrative costs of the tax credit program. The fees 6334  
collected shall be credited to the ~~motion picture tax credit~~ 6335  
~~program operating~~ business assistance fund, ~~which is hereby~~ 6336  
created in the ~~state treasury~~ section 122.174 of the Revised Code. 6337  
~~The motion picture tax credit program operating fund shall consist~~ 6338  
~~of all~~ All grants, gifts, fees, and contributions made to the 6339  
director for marketing and promotion of the motion picture 6340  
industry within this state shall also be credited to the fund. The 6341  
director shall use money in the fund to pay expenses related to 6342  
the administration of the Ohio film office and the credit 6343  
authorized by this section and sections 5726.55-, 5733.59, 6344  
5747.66, and 5751.54 of the Revised Code. 6345

**Sec. 122.87.** As used in sections 122.87 to 122.90 of the 6346  
Revised Code: 6347

(A) "Surety company" means a company that is authorized by 6348  
the department of insurance to issue bonds as surety. 6349

(B) "Minority business" means any of the following 6350  
occupations: 6351

(1) Minority construction contractor; 6352

(2) Minority seller; 6353

(3) Minority service vendor. 6354

(C) "Minority construction contractor" means a person who is 6355  
both a construction contractor and an owner of a minority business 6356  
enterprise certified under division (B) of section 123.151 of the 6357

Revised Code. 6358

(D) "Minority seller" means a person who is both a seller of 6359  
goods and an owner of a minority business enterprise listed on the 6360  
special minority business enterprise bid notification list under 6361  
~~division (B)~~ of section 125.08 of the Revised Code. 6362

(E) "Minority service vendor" means a person who is both a 6363  
vendor of services and an owner of a minority business enterprise 6364  
listed on the special minority business enterprise bid 6365  
notification list under ~~division (B)~~ of section 125.08 of the 6366  
Revised Code. 6367

(F) "Minority business enterprise" has the meaning given in 6368  
section 122.71 of the Revised Code. 6369

(G) "EDGE business enterprise" means a sole proprietorship, 6370  
association, partnership, corporation, limited liability 6371  
corporation, or joint venture certified as a participant in the 6372  
encouraging diversity, growth, and equity program by the director 6373  
of administrative services under section 123.152 of the Revised 6374  
Code. 6375

**Sec. 122.942.** (A) The director of development services shall, 6376  
with respect to each project for which a loan, grant, tax credit, 6377  
or other state-funded financial assistance is awarded by the 6378  
development services agency, make all of the following information 6379  
available to the public within thirty days after the agency enters 6380  
into a contract with the recipient: 6381

~~(A)~~(1) A summary of the project that includes all of the 6382  
following: 6383

~~(1)~~(a) A breakdown of the sources of the funds for each 6384  
aspect of the project, such as state or federal programs, the 6385  
operating company or entity itself, or any private financing, and 6386  
a complete description of how each type of funds is to be used; 6387

<del>(2)</del> <u>(b)</u> The total amount of assistance awarded;	6388
<del>(3)</del> <u>(c)</u> A brief description of the project;	6389
<del>(4)</del> <u>(d)</u> The following information regarding the project:	6390
<del>(a)</del> <u>(i)</u> The operating company or entity that is awarded the assistance;	6391 6392
<del>(b)</del> <u>(ii)</u> The products or services provided by the operating company or entity;	6393 6394
<del>(e)</del> <u>(iii)</u> The number of new jobs, at-risk jobs, and retained jobs anticipated; the hourly wages and hourly benefits of those jobs; and the dollar amount of assistance per job affected.	6395 6396 6397
<del>(5)</del> <u>(e)</u> The strengths and weaknesses of the project;	6398
<del>(6)</del> <u>(f)</u> The location of the project, the location of the operating company or entity, and whether relocation is involved;	6399 6400
<del>(7)</del> <u>(g)</u> The Ohio house district and Ohio senate district in which the project is located;	6401 6402
<del>(8)</del> <u>(h)</u> The payment terms and conditions of the assistance awarded;	6403 6404
<del>(9)</del> <u>(i)</u> The collateral or security required;	6405
<del>(10)</del> <u>(j)</u> The recommendation of the staff assigned to the project.	6406 6407
<del>(B)</del> <u>(2)</u> A comprehensive report that provides a description of the operating company or entity; all relevant information regarding the project; an analysis of the operating company or entity and the goods or services it provides; the explicit terms of any collateral or security required; and the reasoning behind the staffs' recommendation.	6408 6409 6410 6411 6412 6413
<del>(C)</del> <u>(3)</u> Any other relevant information the controlling board may request, or the director may consider necessary to more fully describe the details of the assistance or the operating company or	6414 6415 6416

entity, that is provided before the controlling board approves the 6417  
assistance. 6418

(B)(1) As used in this division, "tax incentive" means any 6419  
exemption, either in whole or in part, of the income, goods, 6420  
services, or property of a taxpayer from the effect of taxes 6421  
levied by or under the Revised Code. "Tax incentive" includes, but 6422  
is not limited to, tax exemptions, deferrals, exclusions, 6423  
allowances, credits, deductions, reimbursements, and preferential 6424  
tax rates. 6425

(2) The director of development services shall estimate the 6426  
total revenue that will be forgone by the state as a result of 6427  
each tax incentive approved by the tax credit authority created 6428  
under section 122.17 of the Revised Code. The estimate shall be 6429  
based on the monetary value of the tax incentive and not on 6430  
potential economic growth. The director shall make each estimate, 6431  
along with the name and address of the taxpayer that will receive 6432  
the tax incentive, available to the public within thirty days 6433  
after the date the tax incentive is approved by the tax credit 6434  
authority. 6435

Nothing in this division precludes the director of 6436  
development services from making other information regarding tax 6437  
incentives available to the public unless disclosure of such 6438  
information is prohibited by any other section of the Revised 6439  
Code. 6440

(3) The director may adopt rules in accordance with Chapter 6441  
119. of the Revised Code to effectuate this division. 6442

(C) Nothing in this section shall be construed as requiring 6443  
the disclosure of information that is not a public record under 6444  
section 149.43 of the Revised Code. 6445

**Sec. 122.95.** As used in sections ~~122.95 to 122.952~~ this 6446

section and section 122.951 of the Revised Code: 6447

(A) "Commercial or industrial areas" means areas zoned either 6448  
commercial or industrial by the local zoning authority or an area 6449  
not zoned, but in which there is located one or more commercial or 6450  
industrial activities. 6451

(B) "Eligible county" means any of the following: 6452

(1) A county designated as being in the "Appalachian region" 6453  
under the "Appalachian Regional Development Act of 1965," 79 Stat. 6454  
5, 40 U.S.C. App. 403; 6455

(2) A county that is a "distressed area" as defined in 6456  
section 122.16 of the Revised Code; 6457

(3) A county that within the previous calendar year has had a 6458  
job loss numbering two hundred or more of which one hundred or 6459  
more are manufacturing-related as reported in the notices prepared 6460  
by the department of job and family services pursuant to the 6461  
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 6462  
(1988), 29 U.S.C. 2101 et seq., as amended. 6463

**Sec. 122.951.** (A) If the director of development services 6464  
determines that a grant ~~from the industrial site improvement fund~~ 6465  
may create new jobs or preserve existing jobs and employment 6466  
opportunities in an eligible county, the director may grant up to 6467  
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 6468  
county for the purpose of acquiring commercial or industrial land 6469  
or buildings and making improvements to commercial or industrial 6470  
areas within the eligible county, including, but not limited to: 6471

(1) Expanding, remodeling, renovating, and modernizing 6472  
buildings, structures, and other improvements; 6473

(2) Remediating environmentally contaminated property on 6474  
which hazardous substances exist under conditions that have caused 6475

or would cause the property to be identified as contaminated by 6476  
the Ohio or United States environmental protection agency; and 6477

(3) Infrastructure improvements, including, but not limited to, 6478  
site preparation, including building demolition and removal; 6479  
streets, roads, bridges, and traffic control devices; parking lots 6480  
and facilities; water and sewer lines and treatment plants; gas, 6481  
electric, and telecommunications, including broadband, hook-ups; 6482  
and water and railway access improvements. 6483

A grant awarded under this section shall provide not more 6484  
than seventy-five per cent of the estimated total cost of the 6485  
project for which an application is submitted under this section. 6486  
In addition, not more than ten per cent of the amount of the grant 6487  
shall be used to pay the costs of professional services related to 6488  
the project. 6489

(B) An eligible county may apply to the director for a grant 6490  
under this section in the form and manner prescribed by the 6491  
director. The eligible county shall include on the application all 6492  
information required by the director. The application shall 6493  
require the eligible county to provide a detailed description of 6494  
how the eligible county would use a grant to improve commercial or 6495  
industrial areas within the eligible county, and to specify how a 6496  
grant will lead to the creation of new jobs or the preservation of 6497  
existing jobs and employment opportunities in the eligible county. 6498  
The eligible county shall specify in the application the amount of 6499  
the grant for which the eligible county is applying. 6500

~~(C) An eligible county that receives a grant under this 6501  
section is not eligible for any additional grants from the 6502  
industrial site improvement fund in the fiscal year in which the 6503  
grant is received and in the subsequent fiscal year. 6504~~

~~(D)~~ An eligible county may designate a port authority, 6505  
community improvement corporation as defined in section 122.71 of 6506



the Revised Code, or other economic development entity that is 6507  
located in the county to apply for a grant under this section. If 6508  
a port authority, community improvement corporation, or other 6509  
economic development entity is so designated, references to an 6510  
eligible county in this section include references to the 6511  
authority, corporation, or other entity. 6512

**Sec. 123.10.** (A) As used in this section and section 123.11 6513  
of the Revised Code, "public exigency" means an injury or 6514  
obstruction that occurs in any public works of the state 6515  
~~maintained by the director of administrative services~~ and that 6516  
materially impairs its immediate use or places in jeopardy 6517  
property adjacent to it; an immediate danger of such an injury or 6518  
obstruction; or an injury or obstruction, or an immediate danger 6519  
of an injury or obstruction, that occurs in any public works of 6520  
the state ~~maintained by the director of administrative services~~ 6521  
and that materially impairs its immediate use or places in 6522  
jeopardy property adjacent to it. 6523

(B) When a declaration of public exigency is issued pursuant 6524  
to division (C) of this section, the Ohio facilities construction 6525  
commission shall enter into contracts with proper persons for the 6526  
performance of labor, the furnishing of materials, or the 6527  
construction of any structures and buildings necessary to the 6528  
maintenance, control, and management of the public works of the 6529  
state or any part of those public works. Any contracts awarded for 6530  
the work performed pursuant to the declaration of a public 6531  
exigency may be awarded without competitive bidding or selection 6532  
as set forth in Chapter 153. of the Revised Code. 6533

(C) The executive director of the Ohio facilities 6534  
construction commission may issue a declaration of a public 6535  
exigency on the executive director's own initiative or upon the 6536  
request of the director of any state agency, a state institution 6537

of higher education as defined in division (A)(1) of section 6538  
3345.12 of the Revised Code, or any other state instrumentality. 6539  
The executive director's declaration shall identify the specific 6540  
injury, obstruction, or danger that is the subject of the 6541  
declaration and shall set forth a dollar limitation for the 6542  
repair, removal, or prevention of that exigency under the 6543  
declaration. 6544

Before any project to repair, remove, or prevent a public 6545  
exigency under the executive director's declaration may begin, the 6546  
executive director shall send notice of the project, in writing, 6547  
to the director of budget and management and to the members of the 6548  
controlling board. That notice shall detail the project to be 6549  
undertaken to address the public exigency and shall include a copy 6550  
of the executive director's declaration that establishes the 6551  
monetary limitations on that project. 6552

**Sec. 123.28.** As used in this section and in section 123.281 6553  
of the Revised Code: 6554

(A) "Culture" means any of the following: 6555

(1) Visual, musical, dramatic, graphic, design, and other 6556  
arts, including, but not limited to, architecture, dance, 6557  
literature, motion pictures, music, painting, photography, 6558  
sculpture, and theater, and the provision of training or education 6559  
in these arts; 6560

(2) The presentation or making available, in museums or other 6561  
indoor or outdoor facilities, of principles of science and their 6562  
development, use, or application in business, industry, or 6563  
commerce or of the history, heritage, development, presentation, 6564  
and uses of the arts described in division (A)(1) of this section 6565  
and of transportation; 6566

(3) The preservation, presentation, or making available of 6567

features of archaeological, architectural, environmental, or 6568  
historical interest or significance in a state historical facility 6569  
or a local historical facility. 6570

(B) "Cultural organization" means either of the following: 6571

(1) A governmental agency or Ohio nonprofit corporation, 6572  
including the Ohio historical society, that provides programs or 6573  
activities in areas directly concerned with culture; 6574

(2) A regional arts and cultural district as defined in 6575  
section 3381.01 of the Revised Code. 6576

(C) "Cultural project" means all or any portion of an Ohio 6577  
cultural facility for which the general assembly has made an 6578  
appropriation or has specifically authorized the spending of money 6579  
or the making of rental payments relating to the financing of 6580  
construction. 6581

(D) "Cooperative ~~contract~~ use agreement" means a contract 6582  
between the Ohio facilities construction commission and a cultural 6583  
organization providing the terms and conditions of the cooperative 6584  
use of an Ohio cultural facility. 6585

(E) "Costs of operation" means amounts required to manage an 6586  
Ohio cultural facility that are incurred following the completion 6587  
of construction of its cultural project, provided that both of the 6588  
following apply: 6589

(1) Those amounts either: 6590

(a) Have been committed to a fund dedicated to that purpose; 6591

(b) Equal the principal of any endowment fund, the income 6592  
from which is dedicated to that purpose. 6593

(2) The commission and the cultural organization have 6594  
executed an agreement with respect to either of those funds. 6595

(F) "Governmental agency" means a state agency, a state 6596  
institution of higher education as defined in section 3345.12 of 6597

the Revised Code, a municipal corporation, county, township, or 6598  
school district, a port authority created under Chapter 4582. of 6599  
the Revised Code, any other political subdivision or special 6600  
district in this state established by or pursuant to law, or any 6601  
combination of these entities; except where otherwise indicated, 6602  
the United States or any department, division, or agency of the 6603  
United States, or any agency, commission, or authority established 6604  
pursuant to an interstate compact or agreement. 6605

(G) "Local contributions" means the value of an asset 6606  
provided by or on behalf of a cultural organization from sources 6607  
other than the state, the value and nature of which shall be 6608  
approved by the Ohio facilities construction commission, in its 6609  
sole discretion. "Local contributions" may include the value of 6610  
the site where a cultural project is to be constructed. All "local 6611  
contributions," except a contribution attributable to such a site, 6612  
shall be for the costs of construction of a cultural project or 6613  
the creation or expansion of an endowment for the costs of 6614  
operation of a cultural facility. 6615

(H) "Local historical facility" means a site or facility, 6616  
other than a state historical facility, of archaeological, 6617  
architectural, environmental, or historical interest or 6618  
significance, or a facility, including a storage facility, 6619  
appurtenant to the operations of such a site or facility, that is 6620  
owned by a cultural organization and is used for or in connection 6621  
with cultural activities, including the presentation or making 6622  
available of culture to the public. 6623

(I) "Manage," "operate," or "management" means the provision 6624  
of, or the exercise of control over the provision of, activities: 6625

(1) Relating to culture for an Ohio cultural facility, 6626  
including as applicable, but not limited to, providing for 6627  
displays, exhibitions, specimens, and models; booking of artists, 6628  
performances, or presentations; scheduling; and hiring or 6629

contracting for directors, curators, technical and scientific 6630  
staff, ushers, stage managers, and others directly related to the 6631  
cultural activities in the facility; but not including general 6632  
building services; 6633

(2) Relating to sports and athletic events for an Ohio sports 6634  
facility, including as applicable, but not limited to, providing 6635  
for booking of athletes, teams, and events; scheduling; and hiring 6636  
or contracting for staff, ushers, managers, and others directly 6637  
related to the sports and athletic events in the facility; but not 6638  
including general building services. 6639

(J) "Ohio cultural facility" means any of the following: 6640

(1) The theaters located in the state office tower at 77 6641  
South High street in Columbus; 6642

(2) Any cultural facility in this state that is managed 6643  
directly by, or is subject to a cooperative use or management 6644  
~~contract~~ agreement with, the Ohio facilities construction 6645  
commission. 6646

(3) A state historical facility or a local historical 6647  
facility. 6648

(K) "Construction" includes acquisition, including 6649  
acquisition by lease-purchase, demolition, reconstruction, 6650  
alteration, renovation, remodeling, enlargement, improvement, site 6651  
improvements, and related equipping and furnishing. 6652

(L) "State historical facility" means a site or facility that 6653  
has all of the following characteristics: 6654

(1) It is created, supervised, operated, protected, 6655  
maintained, and promoted by the Ohio historical society pursuant 6656  
to the society's performance of public functions under sections 6657  
149.30 and 149.302 of the Revised Code. 6658

(2) Its title must reside wholly or in part with the state, 6659

the society, or both the state and the society. 6660

(3) It is managed directly by or is subject to a cooperative 6661  
use or management ~~contract~~ agreement with the Ohio facilities 6662  
construction commission and is used for or in connection with 6663  
cultural activities, including the presentation or making 6664  
available of culture to the public. 6665

(M) "Ohio sports facility" means all or a portion of a 6666  
stadium, arena, tennis facility, motorsports complex, or other 6667  
capital facility in this state. A primary purpose of the facility 6668  
shall be to provide a site or venue for the presentation to the 6669  
public of motorsports events, professional tennis tournaments, or 6670  
events of one or more major or minor league professional athletic 6671  
or sports teams that are associated with the state or with a city 6672  
or region of the state. The facility shall be, in the case of a 6673  
motorsports complex, owned by the state or governmental agency, or 6674  
in all other instances, owned by or located on real property owned 6675  
by the state or a governmental agency, and includes all parking 6676  
facilities, walkways, and other auxiliary facilities, equipment, 6677  
furnishings, and real and personal property and interests and 6678  
rights therein, that may be appropriate for or used for or in 6679  
connection with the facility or its operation, for capital costs 6680  
of which state funds are spent pursuant to this section and 6681  
section 123.281 of the Revised Code. A facility constructed as an 6682  
Ohio sports facility may be both an Ohio cultural facility and an 6683  
Ohio sports facility. 6684

(N) "Motorsports" means sporting events in which motor 6685  
vehicles are driven on a clearly demarcated tracked surface. 6686

**Sec. 123.281.** (A) The Ohio facilities construction commission 6687  
shall provide for the construction of a cultural project in 6688  
conformity with Chapter 153. of the Revised Code, except for 6689  
construction services provided on behalf of the state by a 6690

governmental agency or a cultural organization in accordance with 6691  
divisions (B) and (C) of this section. 6692

(B) In order for a governmental agency or a cultural 6693  
organization to provide construction services on behalf of the 6694  
state for a cultural project, other than a state historical 6695  
facility, for which the general assembly has made an appropriation 6696  
or specifically authorized the spending of money or the making of 6697  
rental payments relating to the financing of the construction, the 6698  
governmental agency or cultural organization shall submit to the 6699  
Ohio facilities construction commission a cooperative use 6700  
agreement that includes, but is not limited to, provisions that: 6701

(1) Specify how the proposed project will support culture,~~as~~ 6702  
~~defined in section 123.28 of the Revised Code;~~ 6703

(2) Specify that the governmental agency or cultural 6704  
organization has local contributions amounting to not less than 6705  
fifty per cent of the total state funding for the cultural 6706  
project; 6707

(3) Specify that the funds shall be used only for 6708  
construction,~~as defined in section 123.28 of the Revised Code;~~ 6709

(4) Identify the facility to be constructed, renovated, 6710  
remodeled, or improved; 6711

(5) Specify that the project scope meets the intent and 6712  
purpose of the project appropriation and that the project can be 6713  
completed and ready ~~for full occupancy~~ to support culture without 6714  
exceeding appropriated funds; 6715

(6) Specify that the governmental agency or cultural 6716  
organization shall hold the Ohio facilities construction 6717  
commission harmless from all liability for the operation and 6718  
maintenance costs of the facility; 6719

(7) Specify that the agreement or any actions taken under it 6720

are not subject to ~~Chapters~~ Chapter 123. or 153. of the Revised 6721  
Code, except for ~~section~~ sections 123.20, 123.201, 123.21, 123.28, 6722  
123.281, and 153.011 of the Revised Code, and are subject to 6723  
Chapter 4115. of the Revised Code; and 6724

(8) Provide that amendments to the agreement shall require 6725  
the approval of the Ohio facilities construction commission. 6726

(C) In order for a cultural organization to provide 6727  
construction services on behalf of the state for a state 6728  
historical facility for which the general assembly has made an 6729  
appropriation or specifically authorized the spending of money or 6730  
the making of rental payments relating to the financing of the 6731  
construction, the cultural organization shall submit to the Ohio 6732  
facilities construction commission a cooperative use agreement 6733  
that includes, but is not limited to, provisions that: 6734

(1) Specify how the proposed project will support culture, ~~as~~ 6735  
~~defined in section 123.28 of the Revised Code;~~ 6736

(2) Specify that the funds shall be used only for 6737  
~~construction, as defined in section 123.28 of the Revised Code;~~ 6738

(3) Specify that not more than three per cent of the funds 6739  
may be used by the cultural organization to administer the 6740  
project; 6741

(4) Identify the facility to be constructed, renovated, 6742  
remodeled, or improved; 6743

~~(4)~~(5) Specify that the project scope meets the intent and 6744  
purpose of the project appropriation and that the project can be 6745  
completed and ready ~~for full occupancy~~ to support culture without 6746  
exceeding appropriated funds; 6747

~~(5)~~(6) Specify that the cultural organization shall hold the 6748  
Ohio facilities construction commission harmless from all 6749  
liability for the operation and maintenance costs of the facility; 6750



~~(6)~~(7) Specify that the agreement or any actions taken under it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, and 123.281 of the Revised Code; and

~~(7)~~(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.

(D) For an Ohio sports facility that is financed in part by obligations issued under Chapter 154. of the Revised Code, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in a cooperative use agreement between the Ohio facilities construction commission and the governmental agency or nonprofit corporation. The agreement and any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code.

(E) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources

other than the state. 6783

(2) The general assembly has specifically authorized the 6784  
spending of money on, or made an appropriation for, the 6785  
construction of the facility, or for rental payments relating to 6786  
state financing of all or a portion of the costs of constructing 6787  
the facility. Authorization to spend money, or an appropriation, 6788  
for planning or determining the feasibility of or need for the 6789  
facility does not constitute authorization to spend money on, or 6790  
an appropriation for, costs of constructing the facility. 6791

(3) If state bond proceeds are being used for the Ohio sports 6792  
facility, the state or a governmental agency owns or has 6793  
sufficient property interests in the facility or in the site of 6794  
the facility or in the portion or portions of the facility 6795  
financed from proceeds of state bonds, which may include, but is 6796  
not limited to, the right to use or to require the use of the 6797  
facility for the presentation of sport and athletic events to the 6798  
public at the facility. 6799

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of 6800  
this section, no state funds, including any state bond proceeds, 6801  
shall be spent on any Ohio sports facility that is a motorsports 6802  
complex, unless, with respect to that facility, both of the 6803  
following apply: 6804

(1) Motorsports events shall be presented at the facility 6805  
pursuant to a lease entered into with the owner of the facility. 6806  
The term of the lease shall be for a period of not less than the 6807  
greater of the useful life of the portion of the facility financed 6808  
from proceeds of state bonds as determined using the guidelines 6809  
for maximum maturities as provided under divisions (B) and (C) of 6810  
section 133.20 of the Revised Code, or the period of time 6811  
remaining to the date of payment or provision for payment of 6812  
outstanding state bonds allocable to costs of the facility, all as 6813  
determined by the director of budget and management and certified 6814

by the executive director of the Ohio facilities construction 6815  
commission and to the treasurer of state. 6816

(2) Any motorsports organization that commits to using the 6817  
facility for an established period of time shall give the 6818  
political subdivision in which the facility is located not less 6819  
than six months' advance notice if the organization intends to 6820  
cease utilizing the facility prior to the expiration of that 6821  
established period. Such a motorsports organization shall be 6822  
liable to the state for any state funds used on the construction 6823  
costs of the facility. 6824

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 6825  
this section, no state bond proceeds shall be spent on any Ohio 6826  
sports facility that is a tennis facility, unless the owner or 6827  
manager of the facility provides contractual commitments from a 6828  
national or international professional tennis organization in a 6829  
form acceptable to the Ohio facilities construction commission 6830  
that assures that one or more sanctioned professional tennis 6831  
events will be presented at the facility during each year that the 6832  
bonds remain outstanding. 6833

**Sec. 124.11.** The civil service of the state and the several 6834  
counties, cities, civil service townships, city health districts, 6835  
general health districts, and city school districts of the state 6836  
shall be divided into the unclassified service and the classified 6837  
service. 6838

(A) The unclassified service shall comprise the following 6839  
positions, which shall not be included in the classified service, 6840  
and which shall be exempt from all examinations required by this 6841  
chapter: 6842

(1) All officers elected by popular vote or persons appointed 6843  
to fill vacancies in those offices; 6844

(2) All election officers as defined in section 3501.01 of the Revised Code;	6845 6846
(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	6847 6848 6849
(b) The heads of all departments appointed by a board of county commissioners;	6850 6851
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	6852 6853 6854 6855
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	6856 6857 6858 6859
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	6860 6861 6862
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	6863 6864 6865
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	6866 6867 6868
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system,	6869 6870 6871 6872 6873 6874

colleges, and universities; 6875

(b) The library staff of any library in the state supported 6876  
wholly or in part at public expense. 6877

(8) Four clerical and administrative support employees for 6878  
each of the elective state officers, four clerical and 6879  
administrative support employees for each board of county 6880  
commissioners and one such employee for each county commissioner, 6881  
and four clerical and administrative support employees for other 6882  
elective officers and each of the principal appointive executive 6883  
officers, boards, or commissions, except for civil service 6884  
commissions, that are authorized to appoint such clerical and 6885  
administrative support employees; 6886

(9) The deputies and assistants of state agencies authorized 6887  
to act for and on behalf of the agency, or holding a fiduciary or 6888  
administrative relation to that agency and those persons employed 6889  
by and directly responsible to elected county officials or a 6890  
county administrator and holding a fiduciary or administrative 6891  
relationship to such elected county officials or county 6892  
administrator, and the employees of such county officials whose 6893  
fitness would be impracticable to determine by competitive 6894  
examination, provided that division (A)(9) of this section shall 6895  
not affect those persons in county employment in the classified 6896  
service as of September 19, 1961. Nothing in division (A)(9) of 6897  
this section applies to any position in a county department of job 6898  
and family services created pursuant to Chapter 329. of the 6899  
Revised Code. 6900

(10) Bailiffs, constables, official stenographers, and 6901  
commissioners of courts of record, deputies of clerks of the 6902  
courts of common pleas who supervise or who handle public moneys 6903  
or secured documents, and such officers and employees of courts of 6904  
record and such deputies of clerks of the courts of common pleas 6905  
as the appointing authority finds it impracticable to determine 6906

their fitness by competitive examination; 6907

(11) Assistants to the attorney general, special counsel 6908  
appointed or employed by the attorney general, assistants to 6909  
county prosecuting attorneys, and assistants to city directors of 6910  
law; 6911

(12) Such teachers and employees in the agricultural 6912  
experiment stations; such students in normal schools, colleges, 6913  
and universities of the state who are employed by the state or a 6914  
political subdivision of the state in student or intern 6915  
classifications; and such unskilled labor positions as the 6916  
director of administrative services, with respect to positions in 6917  
the service of the state, or any municipal civil service 6918  
commission may find it impracticable to include in the competitive 6919  
classified service; provided such exemptions shall be by order of 6920  
the commission or the director, duly entered on the record of the 6921  
commission or the director with the reasons for each such 6922  
exemption; 6923

(13) Any physician or dentist who is a full-time employee of 6924  
the department of mental health and addiction services, the 6925  
department of developmental disabilities, or an institution under 6926  
the jurisdiction of either department; and physicians who are in 6927  
residency programs at the institutions; 6928

(14) Up to twenty positions at each institution under the 6929  
jurisdiction of the department of mental health and addiction 6930  
services or the department of developmental disabilities that the 6931  
department director determines to be primarily administrative or 6932  
managerial; and up to fifteen positions in any division of either 6933  
department, excluding administrative assistants to the director 6934  
and division chiefs, which are within the immediate staff of a 6935  
division chief and which the director determines to be primarily 6936  
and distinctively administrative and managerial; 6937

(15) Noncitizens of the United States employed by the state,	6938
or its counties or cities, as physicians or nurses who are duly	6939
licensed to practice their respective professions under the laws	6940
of this state, or medical assistants, in mental or chronic disease	6941
hospitals, or institutions;	6942
(16) Employees of the governor's office;	6943
(17) Fire chiefs and chiefs of police in civil service	6944
townships appointed by boards of township trustees under section	6945
505.38 or 505.49 of the Revised Code;	6946
(18) Executive directors, deputy directors, and program	6947
directors employed by boards of alcohol, drug addiction, and	6948
mental health services under Chapter 340. of the Revised Code, and	6949
secretaries of the executive directors, deputy directors, and	6950
program directors;	6951
(19) Superintendents, and management employees as defined in	6952
section 5126.20 of the Revised Code, of county boards of	6953
developmental disabilities;	6954
(20) Physicians, nurses, and other employees of a county	6955
hospital who are appointed pursuant to sections 339.03 and 339.06	6956
of the Revised Code;	6957
(21) The executive director of the state medical board, who	6958
is appointed pursuant to division (B) of section 4731.05 of the	6959
Revised Code;	6960
(22) County directors of job and family services as provided	6961
in section 329.02 of the Revised Code and administrators appointed	6962
under section 329.021 of the Revised Code;	6963
(23) A director of economic development who is hired pursuant	6964
to division (A) of section 307.07 of the Revised Code;	6965
(24) Chiefs of construction and compliance, of operations and	6966
maintenance, of worker protection, and of licensing and	6967

certification in the division of industrial compliance in the 6968  
department of commerce; 6969

(25) The executive director of a county transit system 6970  
appointed under division (A) of section 306.04 of the Revised 6971  
Code; 6972

(26) Up to five positions at each of the administrative 6973  
departments listed in section 121.02 of the Revised Code and at 6974  
the department of taxation, department of the adjutant general, 6975  
department of education, Ohio board of regents, bureau of workers' 6976  
compensation, industrial commission, state lottery commission, 6977  
opportunities for Ohioans with disabilities agency, and public 6978  
utilities commission of Ohio that the head of that administrative 6979  
department or of that other state agency determines to be involved 6980  
in policy development and implementation. The head of the 6981  
administrative department or other state agency shall set the 6982  
compensation for employees in these positions at a rate that is 6983  
not less than the minimum compensation specified in pay range 41 6984  
but not more than the maximum compensation specified in pay range 6985  
47 of salary schedule E-2 in section 124.152 of the Revised Code. 6986  
The authority to establish positions in the unclassified service 6987  
under division (A)(26) of this section is in addition to and does 6988  
not limit any other authority that an administrative department or 6989  
state agency has under the Revised Code to establish positions, 6990  
appoint employees, or set compensation. 6991

(27) Employees of the department of agriculture employed 6992  
under section 901.09 of the Revised Code; 6993

(28) For cities, counties, civil service townships, city 6994  
health districts, general health districts, and city school 6995  
districts, the deputies and assistants of elective or principal 6996  
executive officers authorized to act for and in the place of their 6997  
principals or holding a fiduciary relation to their principals; 6998



(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;	6999 7000 7001
(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;	7002 7003 7004
(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;	7005 7006
(32) Employees placed in the unclassified service by another section of the Revised Code.	7007 7008
(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.	7009 7010 7011 7012 7013 7014 7015 7016 7017 7018 7019 7020
(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or	7021 7022 7023 7024 7025 7026 7027 7028 7029

employment shall be given in, all positions in the competitive 7030  
class that are not filled by promotion, reinstatement, transfer, 7031  
or reduction, as provided in this chapter, and the rules of the 7032  
director of administrative services, by appointment from those 7033  
certified to the appointing officer in accordance with this 7034  
chapter. 7035

(2) The unskilled labor class shall include ordinary 7036  
unskilled laborers. Vacancies in the labor class for positions in 7037  
service of the state shall be filled by appointment from lists of 7038  
applicants registered by the director or the director's designee. 7039  
Vacancies in the labor class for all other positions shall be 7040  
filled by appointment from lists of applicants registered by a 7041  
commission. The director or the commission, as applicable, by 7042  
rule, shall require an applicant for registration in the labor 7043  
class to furnish evidence or take tests as the director or 7044  
commission considers proper with respect to age, residence, 7045  
physical condition, ability to labor, honesty, sobriety, industry, 7046  
capacity, and experience in the work or employment for which 7047  
application is made. Laborers who fulfill the requirements shall 7048  
be placed on the eligible list for the kind of labor or employment 7049  
sought, and preference shall be given in employment in accordance 7050  
with the rating received from that evidence or in those tests. 7051  
Upon the request of an appointing officer, stating the kind of 7052  
labor needed, the pay and probable length of employment, and the 7053  
number to be employed, the director or commission, as applicable, 7054  
shall certify from the highest on the list double the number to be 7055  
employed; from this number, the appointing officer shall appoint 7056  
the number actually needed for the particular work. If more than 7057  
one applicant receives the same rating, priority in time of 7058  
application shall determine the order in which their names shall 7059  
be certified for appointment. 7060

(C) A municipal or civil service township civil service 7061

commission may place volunteer firefighters who are paid on a fee-for-service basis in either the classified or the unclassified civil service.

(D)(1) This division does not apply to persons in the unclassified service who have the right to resume positions in the classified service under sections 4121.121, 5119.18, 5120.38, 5120.381, 5120.382, 5123.08, and 5139.02, ~~and 5501.19~~ of the Revised Code or to cities, counties, or political subdivisions of the state.

(2) A person who holds a position in the classified service of the state and who is appointed to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service and any of the following apply:

(a) That person held a certified position prior to July 1, 2007, in the classified service within the appointing authority's agency; ~~or~~

(b) That person held a permanent position on or after July 1, 2007, in the classified service within the appointing authority's agency, and was appointed to the position in the unclassified service prior to January 1, 2016;

(c) That person held a permanent position on or after January 1, 2016, in the classified service within the appointing authority's agency, and is within five years from the effective

date of the person's appointment in the unclassified service. 7093

(3) An employee forfeits the right to resume a position in 7094  
the classified service when: 7095

(a) The employee is removed from the position in the 7096  
unclassified service due to incompetence, inefficiency, 7097  
dishonesty, drunkenness, immoral conduct, insubordination, 7098  
discourteous treatment of the public, neglect of duty, violation 7099  
of this chapter or the rules of the director of administrative 7100  
services, any other failure of good behavior, any other acts of 7101  
misfeasance, malfeasance, or nonfeasance in office, or conviction 7102  
of a felony; or 7103

(b) Upon transfer to a different agency. 7104

(4) Reinstatement to a position in the classified service 7105  
shall be to a position substantially equal to that position in the 7106  
classified service held previously, as certified by the director 7107  
of administrative services. If the position the person previously 7108  
held in the classified service has been placed in the unclassified 7109  
service or is otherwise unavailable, the person shall be appointed 7110  
to a position in the classified service within the appointing 7111  
authority's agency that the director of administrative services 7112  
certifies is comparable in compensation to the position the person 7113  
previously held in the classified service. Service in the position 7114  
in the unclassified service shall be counted as service in the 7115  
position in the classified service held by the person immediately 7116  
prior to the person's appointment to the position in the 7117  
unclassified service. When a person is reinstated to a position in 7118  
the classified service as provided in this division, the person is 7119  
entitled to all rights, status, and benefits accruing to the 7120  
position in the classified service during the person's time of 7121  
service in the position in the unclassified service. 7122

**Sec. 124.14.** (A)(1) The director of administrative services 7123

shall establish, and may modify or rescind, ~~by rule,~~ a job 7124  
classification plan for all positions, offices, and employments in 7125  
the service of the state. The director shall group jobs within a 7126  
classification so that the positions are similar enough in duties 7127  
and responsibilities to be described by the same title, to have 7128  
the same pay assigned with equity, and to have the same 7129  
qualifications for selection applied. The director shall, ~~by rule,~~ 7130  
assign a classification title to each classification within the 7131  
classification plan. However, the director shall consider in 7132  
establishing classifications, including classifications with 7133  
parenthetical titles, and assigning pay ranges such factors as 7134  
duties performed only on one shift, special skills in short supply 7135  
in the labor market, recruitment problems, separation rates, 7136  
comparative salary rates, the amount of training required, and 7137  
other conditions affecting employment. The director shall describe 7138  
the duties and responsibilities of the class, establish the 7139  
qualifications for being employed in each position in the class, 7140  
and file with the secretary of state a copy of specifications for 7141  
all of the classifications. The director shall file new, 7142  
additional, or revised specifications with the secretary of state 7143  
before they are used. 7144

The director shall, ~~by rule,~~ assign each classification, 7145  
either on a statewide basis or in particular counties or state 7146  
institutions, to a pay range established under section 124.15 or 7147  
section 124.152 of the Revised Code. The director may assign a 7148  
classification to a pay range on a temporary basis for a period of 7149  
six months. The director may establish, ~~by rule adopted under~~ 7150  
~~Chapter 119. of the Revised Code,~~ experimental classification 7151  
plans for some or all employees paid directly by warrant of the 7152  
director of budget and management. ~~The rule~~ Any such experimental 7153  
classification plan shall include specifications for each 7154  
classification within the plan and shall specifically address 7155  
compensation ranges, and methods for advancing within the ranges, 7156

for the classifications, which may be assigned to pay ranges other 7157  
than the pay ranges established under section 124.15 or 124.152 of 7158  
the Revised Code. 7159

(2) The director of administrative services may reassign to a 7160  
proper classification those positions that have been assigned to 7161  
an improper classification. If the compensation of an employee in 7162  
such a reassigned position exceeds the maximum rate of pay for the 7163  
employee's new classification, the employee shall be placed in pay 7164  
step X and shall not receive an increase in compensation until the 7165  
maximum rate of pay for that classification exceeds the employee's 7166  
compensation. 7167

(3) The director may reassign an exempt employee, as defined 7168  
in section 124.152 of the Revised Code, to a bargaining unit 7169  
classification if the director determines that the bargaining unit 7170  
classification is the proper classification for that employee. 7171  
Notwithstanding Chapter 4117. of the Revised Code or instruments 7172  
and contracts negotiated under it, these placements are at the 7173  
director's discretion. 7174

(4) The director shall, ~~by rule,~~ assign related 7175  
classifications, which form a career progression, to a 7176  
classification series. The director shall, ~~by rule,~~ assign each 7177  
classification in the classification plan a five-digit number, the 7178  
first four digits of which shall denote the classification series 7179  
to which the classification is assigned. When a career progression 7180  
encompasses more than ten classifications, the director shall, ~~by~~ 7181  
~~rule,~~ identify the additional classifications belonging to a 7182  
classification series. The additional classifications shall be 7183  
part of the classification series, notwithstanding the fact that 7184  
the first four digits of the number assigned to the additional 7185  
classifications do not correspond to the first four digits of the 7186  
numbers assigned to other classifications in the classification 7187  
series. 7188

(B) Division (A) of this section and sections 124.15 and 7189  
124.152 of the Revised Code do not apply to the following persons, 7190  
positions, offices, and employments: 7191

(1) Elected officials; 7192

(2) Legislative employees, employees of the legislative 7193  
service commission, employees in the office of the governor, 7194  
employees who are in the unclassified civil service and exempt 7195  
from collective bargaining coverage in the office of the secretary 7196  
of state, auditor of state, treasurer of state, and attorney 7197  
general, and employees of the supreme court; 7198

(3) Any position for which the authority to determine 7199  
compensation is given by law to another individual or entity; 7200

(4) Employees of the bureau of workers' compensation whose 7201  
compensation the administrator of workers' compensation 7202  
establishes under division (B) of section 4121.121 of the Revised 7203  
Code. 7204

(C) The director may employ a consulting agency to aid and 7205  
assist the director in carrying out this section. 7206

(D)(1) When the director proposes to modify a classification 7207  
or the assignment of classes to appropriate pay ranges, the 7208  
director shall ~~send written notice of the proposed rule to~~ notify 7209  
the appointing authorities of the affected employees ~~thirty days~~ 7210  
~~before a hearing on implementing the proposed rule modification.~~ 7211  
The director's notice shall include the effective date of the 7212  
modification. The appointing authorities shall notify the affected 7213  
employees regarding the ~~proposed rule modification.~~ The director 7214  
~~also shall send those appointing authorities notice of any final~~ 7215  
~~rule that is adopted within ten days after adoption.~~ 7216

(2) When the director proposes to reclassify any employee in 7217  
the service of the state so that the employee is adversely 7218  
affected, the director shall give to the employee affected and to 7219

the employee's appointing authority a written notice setting forth 7220  
the proposed new classification, pay range, and salary. Upon the 7221  
request of any classified employee in the service of the state who 7222  
is not serving in a probationary period, the director shall 7223  
perform a job audit to review the classification of the employee's 7224  
position to determine whether the position is properly classified. 7225  
The director shall give to the employee affected and to the 7226  
employee's appointing authority a written notice of the director's 7227  
determination whether or not to reclassify the position or to 7228  
reassign the employee to another classification. An employee or 7229  
appointing authority desiring a hearing shall file a written 7230  
request for the hearing with the state personnel board of review 7231  
within thirty days after receiving the notice. The board shall set 7232  
the matter for a hearing and notify the employee and appointing 7233  
authority of the time and place of the hearing. The employee, the 7234  
appointing authority, or any authorized representative of the 7235  
employee who wishes to submit facts for the consideration of the 7236  
board shall be afforded reasonable opportunity to do so. After the 7237  
hearing, the board shall consider anew the reclassification and 7238  
may order the reclassification of the employee and require the 7239  
director to assign the employee to such appropriate classification 7240  
as the facts and evidence warrant. As provided in division (A)(1) 7241  
of section 124.03 of the Revised Code, the board may determine the 7242  
most appropriate classification for the position of any employee 7243  
coming before the board, with or without a job audit. The board 7244  
shall disallow any reclassification or reassignment classification 7245  
of any employee when it finds that changes have been made in the 7246  
duties and responsibilities of any particular employee for 7247  
political, religious, or other unjust reasons. 7248

(E)(1) Employees of each county department of job and family 7249  
services shall be paid a salary or wage established by the board 7250  
of county commissioners. The provisions of section 124.18 of the 7251  
Revised Code concerning the standard work week apply to employees 7252



of county departments of job and family services. A board of 7253  
county commissioners may do either of the following: 7254

(a) Notwithstanding any other section of the Revised Code, 7255  
supplement the sick leave, vacation leave, personal leave, and 7256  
other benefits of any employee of the county department of job and 7257  
family services of that county, if the employee is eligible for 7258  
the supplement under a written policy providing for the 7259  
supplement; 7260

(b) Notwithstanding any other section of the Revised Code, 7261  
establish alternative schedules of sick leave, vacation leave, 7262  
personal leave, or other benefits for employees not inconsistent 7263  
with the provisions of a collective bargaining agreement covering 7264  
the affected employees. 7265

(2) Division (E)(1) of this section does not apply to 7266  
employees for whom the state employment relations board 7267  
establishes appropriate bargaining units pursuant to section 7268  
4117.06 of the Revised Code, except in either of the following 7269  
situations: 7270

(a) The employees for whom the state employment relations 7271  
board establishes appropriate bargaining units elect no 7272  
representative in a board-conducted representation election. 7273

(b) After the state employment relations board establishes 7274  
appropriate bargaining units for such employees, all employee 7275  
organizations withdraw from a representation election. 7276

(F)(1) Notwithstanding any contrary provision of sections 7277  
124.01 to 124.64 of the Revised Code, the board of trustees of 7278  
each state university or college, as defined in section 3345.12 of 7279  
the Revised Code, shall carry out all matters of governance 7280  
involving the officers and employees of the university or college, 7281  
including, but not limited to, the powers, duties, and functions 7282  
of the department of administrative services and the director of 7283

administrative services specified in this chapter. Officers and 7284  
employees of a state university or college shall have the right of 7285  
appeal to the state personnel board of review as provided in this 7286  
chapter. 7287

(2) Each board of trustees shall adopt rules under section 7288  
111.15 of the Revised Code to carry out the matters of governance 7289  
described in division (F)(1) of this section. Until the board of 7290  
trustees adopts those rules, a state university or college shall 7291  
continue to operate pursuant to the applicable rules adopted by 7292  
the director of administrative services under this chapter. 7293

(G)(1) Each board of county commissioners may, by a 7294  
resolution adopted by a majority of its members, establish a 7295  
county personnel department to exercise the powers, duties, and 7296  
functions specified in division (G) of this section. As used in 7297  
division (G) of this section, "county personnel department" means 7298  
a county personnel department established by a board of county 7299  
commissioners under division (G)(1) of this section. 7300

(2)(a) Each board of county commissioners, by a resolution 7301  
adopted by a majority of its members, may designate the county 7302  
personnel department of the county to exercise the powers, duties, 7303  
and functions specified in sections 124.01 to 124.64 and Chapter 7304  
325. of the Revised Code with regard to employees in the service 7305  
of the county, except for the powers and duties of the state 7306  
personnel board of review, which powers and duties shall not be 7307  
construed as having been modified or diminished in any manner by 7308  
division (G)(2) of this section, with respect to the employees for 7309  
whom the board of county commissioners is the appointing authority 7310  
or co-appointing authority. 7311

(b) Nothing in division (G)(2) of this section shall be 7312  
construed to limit the right of any employee who possesses the 7313  
right of appeal to the state personnel board of review to continue 7314  
to possess that right of appeal. 7315

(c) Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services.

(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of that elected official, board, agency, or other appointing authority.

(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department.

(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate.

(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the

county personnel department. 7348

(H) County agencies may contract with the department of 7349  
administrative services for any human resources services, 7350  
including, but not limited to, establishment and modification of 7351  
job classification plans, competitive testing services, and 7352  
periodic audits and reviews of the county's uniform application of 7353  
the powers, duties, and functions specified in sections 124.01 to 7354  
124.64 and Chapter 325. of the Revised Code with regard to 7355  
employees in the service of the county. Nothing in this division 7356  
modifies the powers and duties of the state personnel board of 7357  
review with respect to employees in the service of the county. 7358  
Nothing in this division limits the right of any employee who 7359  
possesses the right of appeal to the state personnel board of 7360  
review to continue to possess that right of appeal. 7361

(I) The director of administrative services shall establish 7362  
the rate and method of compensation for all employees who are paid 7363  
directly by warrant of the director of budget and management and 7364  
who are serving in positions that the director of administrative 7365  
services has determined impracticable to include in the state job 7366  
classification plan. This division does not apply to elected 7367  
officials, legislative employees, employees of the legislative 7368  
service commission, employees who are in the unclassified civil 7369  
service and exempt from collective bargaining coverage in the 7370  
office of the secretary of state, auditor of state, treasurer of 7371  
state, and attorney general, employees of the courts, employees of 7372  
the bureau of workers' compensation whose compensation the 7373  
administrator of workers' compensation establishes under division 7374  
(B) of section 4121.121 of the Revised Code, or employees of an 7375  
appointing authority authorized by law to fix the compensation of 7376  
those employees. 7377

(J) The director of administrative services shall set the 7378  
rate of compensation for all intermittent, seasonal, temporary, 7379

emergency, and casual employees in the service of the state who 7380  
 are not considered public employees under section 4117.01 of the 7381  
 Revised Code. Those employees are not entitled to receive employee 7382  
 benefits, unless otherwise required by law. This rate of 7383  
 compensation shall be equitable in terms of the rate of employees 7384  
 serving in the same or similar classifications. This division does 7385  
 not apply to elected officials, legislative employees, employees 7386  
 of the legislative service commission, employees who are in the 7387  
 unclassified civil service and exempt from collective bargaining 7388  
 coverage in the office of the secretary of state, auditor of 7389  
 state, treasurer of state, and attorney general, employees of the 7390  
 courts, employees of the bureau of workers' compensation whose 7391  
 compensation the administrator establishes under division (B) of 7392  
 section 4121.121 of the Revised Code, or employees of an 7393  
 appointing authority authorized by law to fix the compensation of 7394  
 those employees. 7395

**Sec. 124.15.** (A) Board and commission members appointed prior 7396  
 to July 1, 1991, shall be paid a salary or wage in accordance with 7397  
 the following schedules of rates: 7398

Schedule B 7399

Pay Ranges and Step Values 7400

Range		Step 1	Step 2	Step 3	Step 4	
23	Hourly	5.72	5.91	6.10	6.31	7401
	Annually	11897.60	12292.80	12688.00	13124.80	7402
		Step 5	Step 6			7403
	Hourly	6.52	6.75			7404
	Annually	13561.60	14040.00			7405
		Step 1	Step 2	Step 3	Step 4	7406
24	Hourly	6.00	6.20	6.41	6.63	7407
	Annually	12480.00	12896.00	13332.80	13790.40	7408
		Step 5	Step 6			7409
						7410

	Hourly	6.87	7.10			7411
	Annually	14289.60	14768.00			7412
		Step 1	Step 2	Step 3	Step 4	7413
25	Hourly	6.31	6.52	6.75	6.99	7414
	Annually	13124.80	13561.60	14040.00	14539.20	7415
		Step 5	Step 6			7416
	Hourly	7.23	7.41			7417
	Annually	15038.40	15412.80			7418
		Step 1	Step 2	Step 3	Step 4	7419
26	Hourly	6.63	6.87	7.10	7.32	7420
	Annually	13790.40	14289.60	14768.00	15225.60	7421
		Step 5	Step 6			7422
	Hourly	7.53	7.77			7423
	Annually	15662.40	16161.60			7424
		Step 1	Step 2	Step 3	Step 4	7425
27	Hourly	6.99	7.23	7.41	7.64	7426
	Annually	14534.20	15038.40	15412.80	15891.20	7427
		Step 5	Step 6	Step 7		7428
	Hourly	7.88	8.15	8.46		7429
	Annually	16390.40	16952.00	17596.80		7430
		Step 1	Step 2	Step 3	Step 4	7431
28	Hourly	7.41	7.64	7.88	8.15	7432
	Annually	15412.80	15891.20	16390.40	16952.00	7433
		Step 5	Step 6	Step 7		7434
	Hourly	8.46	8.79	9.15		7435
	Annually	17596.80	18283.20	19032.00		7436
		Step 1	Step 2	Step 3	Step 4	7437
29	Hourly	7.88	8.15	8.46	8.79	7438
	Annually	16390.40	16952.00	17596.80	18283.20	7439
		Step 5	Step 6	Step 7		7440
	Hourly	9.15	9.58	10.01		7441
	Annually	19032.00	19926.40	20820.80		7442
		Step 1	Step 2	Step 3	Step 4	7443

30	Hourly	8.46	8.79	9.15	9.58	7444
	Annually	17596.80	18283.20	19032.00	19926.40	7445
	Step 5		Step 6	Step 7		7446
	Hourly	10.01	10.46	10.99		7447
	Annually	20820.80	21756.80	22859.20		7448
	Step 1		Step 2	Step 3	Step 4	7449
31	Hourly	9.15	9.58	10.01	10.46	7450
	Annually	19032.00	19962.40	20820.80	21756.80	7451
	Step 5		Step 6	Step 7		7452
	Hourly	10.99	11.52	12.09		7453
	Annually	22859.20	23961.60	25147.20		7454
	Step 1		Step 2	Step 3	Step 4	7455
32	Hourly	10.01	10.46	10.99	11.52	7456
	Annually	20820.80	21756.80	22859.20	23961.60	7457
	Step 5		Step 6	Step 7	Step 8	7458
	Hourly	12.09	12.68	13.29	13.94	7459
	Annually	25147.20	26374.40	27643.20	28995.20	7460
	Step 1		Step 2	Step 3	Step 4	7461
33	Hourly	10.99	11.52	12.09	12.68	7462
	Annually	22859.20	23961.60	25147.20	26374.40	7463
	Step 5		Step 6	Step 7	Step 8	7464
	Hourly	13.29	13.94	14.63	15.35	7465
	Annually	27643.20	28995.20	30430.40	31928.00	7466
	Step 1		Step 2	Step 3	Step 4	7467
34	Hourly	12.09	12.68	13.29	13.94	7468
	Annually	25147.20	26374.40	27643.20	28995.20	7469
	Step 5		Step 6	Step 7	Step 8	7470
	Hourly	14.63	15.35	16.11	16.91	7471
	Annually	30430.40	31928.00	33508.80	35172.80	7472
	Step 1		Step 2	Step 3	Step 4	7473
35	Hourly	13.29	13.94	14.63	15.35	7474
	Annually	27643.20	28995.20	30430.40	31928.00	7475
	Step 5		Step 6	Step 7	Step 8	7476

	Hourly	16.11	16.91	17.73	18.62	7477
	Annually	33508.80	35172.80	36878.40	38729.60	7478
		Step 1	Step 2	Step 3	Step 4	7479
36	Hourly	14.63	15.35	16.11	16.91	7480
	Annually	30430.40	31928.00	33508.80	35172.80	7481
		Step 5	Step 6	Step 7	Step 8	7482
	Hourly	17.73	18.62	19.54	20.51	7483
	Annually	36878.40	38729.60	40643.20	42660.80	7484

Schedule C 7485

Pay Range and Values 7486

Range	Minimum	Maximum	
41 Hourly	10.44	15.72	7488
Annually	21715.20	32697.60	7489
42 Hourly	11.51	17.35	7490
Annually	23940.80	36088.00	7491
43 Hourly	12.68	19.12	7492
Annually	26374.40	39769.60	7493
44 Hourly	13.99	20.87	7494
Annually	29099.20	43409.60	7495
45 Hourly	15.44	22.80	7496
Annually	32115.20	47424.00	7497
46 Hourly	17.01	24.90	7498
Annually	35380.80	51792.00	7499
47 Hourly	18.75	27.18	7500
Annually	39000.00	56534.40	7501
48 Hourly	20.67	29.69	7502
Annually	42993.60	61755.20	7503
49 Hourly	22.80	32.06	7504
Annually	47424.00	66684.80	7505

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 7506  
 7507

(C) Part-time employees shall be compensated on an hourly 7508



basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code.

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them.

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all of these employees any payment or benefit, except for salary, contained in such a collective bargaining agreement even if it is similar to a payment or benefit already provided by law

to some or all of these employees. Any payment or benefit so 7541  
provided shall not exceed the highest level for that payment or 7542  
benefit specified in such a collective bargaining agreement. The 7543  
director of administrative services shall not provide, and the 7544  
director of budget and management shall not approve, any payment 7545  
or benefit to such an employee under this division unless the 7546  
payment or benefit is provided pursuant to a collective bargaining 7547  
agreement to a state employee who is in a position with similar 7548  
duties as, is supervised by, or is employed by the same appointing 7549  
authority as, the employee to whom the benefit or payment is to be 7550  
provided. 7551

As used in this division, "payment or benefit already 7552  
provided by law" includes, but is not limited to, bereavement, 7553  
personal, vacation, administrative, and sick leave, disability 7554  
benefits, holiday pay, and pay supplements provided under the 7555  
Revised Code, but does not include wages or salary. 7556

(E) New employees paid in accordance with schedule B of 7557  
division (A) of this section or schedule E-1 of section 124.152 of 7558  
the Revised Code shall be employed at the minimum rate established 7559  
for the range unless otherwise provided. Employees with 7560  
qualifications that are beyond the minimum normally required for 7561  
the position and that are determined by the director to be 7562  
exceptional may be employed in, or may be transferred or promoted 7563  
to, a position at an advanced step of the range. Further, in time 7564  
of a serious labor market condition when it is relatively 7565  
impossible to recruit employees at the minimum rate for a 7566  
particular classification, the entrance rate may be set at an 7567  
advanced step in the range by the director of administrative 7568  
services. This rate may be limited to geographical regions of the 7569  
state. Appointments made to an advanced step under the provision 7570  
regarding exceptional qualifications shall not affect the step 7571  
assignment of employees already serving. However, anytime the 7572

hiring rate of an entire classification is advanced to a higher 7573  
step, all incumbents of that classification being paid at a step 7574  
lower than that being used for hiring, shall be advanced beginning 7575  
at the start of the first pay period thereafter to the new hiring 7576  
rate, and any time accrued at the lower step will be used to 7577  
calculate advancement to a succeeding step. If the hiring rate of 7578  
a classification is increased for only a geographical region of 7579  
the state, only incumbents who work in that geographical region 7580  
shall be advanced to a higher step. When an employee in the 7581  
unclassified service changes from one state position to another or 7582  
is appointed to a position in the classified service, or if an 7583  
employee in the classified service is appointed to a position in 7584  
the unclassified service, the employee's salary or wage in the new 7585  
position shall be determined in the same manner as if the employee 7586  
were an employee in the classified service. When an employee in 7587  
the unclassified service who is not eligible for step increases is 7588  
appointed to a classification in the classified service under 7589  
which step increases are provided, future step increases shall be 7590  
based on the date on which the employee last received a pay 7591  
increase. If the employee has not received an increase during the 7592  
previous year, the date of the appointment to the classified 7593  
service shall be used to determine the employee's annual step 7594  
advancement eligibility date. In reassigning any employee to a 7595  
classification resulting in a pay range increase or to a new pay 7596  
range as a result of a promotion, an increase pay range 7597  
adjustment, or other classification change resulting in a pay 7598  
range increase, the director shall assign such employee to the 7599  
step in the new pay range that will provide an increase of 7600  
approximately four per cent if the new pay range can accommodate 7601  
the increase. When an employee is being assigned to a 7602  
classification or new pay range as the result of a class plan 7603  
change, if the employee has completed a probationary period, the 7604  
employee shall be placed in a step no lower than step two of the 7605

new pay range. If the employee has not completed a probationary 7606  
period, the employee may be placed in step one of the new pay 7607  
range. Such new salary or wage shall become effective on such date 7608  
as the director determines. 7609

(F) If employment conditions and the urgency of the work 7610  
require such action, the director of administrative services may, 7611  
upon the application of a department head, authorize payment at 7612  
any rate established within the range for the class of work, for 7613  
work of a casual or intermittent nature or on a project basis. 7614  
Payment at such rates shall not be made to the same individual for 7615  
more than three calendar months in any one calendar year. Any such 7616  
action shall be subject to the approval of the director of budget 7617  
and management as to the availability of funds. This section and 7618  
sections 124.14 and 124.152 of the Revised Code do not repeal any 7619  
authority of any department or public official to contract with or 7620  
fix the compensation of professional persons who may be employed 7621  
temporarily for work of a casual nature or for work on a project 7622  
basis. 7623

(G)(1) Except as provided in divisions (G)(2) and (3) of this 7624  
section, each state employee paid in accordance with schedule B of 7625  
this section or schedule E-1 of section 124.152 of the Revised 7626  
Code shall be eligible for advancement to succeeding steps in the 7627  
range for the employee's class or grade according to the schedule 7628  
established in this division. Beginning on the first day of the 7629  
pay period within which the employee completes the prescribed 7630  
probationary period in the employee's classification with the 7631  
state, each employee shall receive an automatic salary adjustment 7632  
equivalent to the next higher step within the pay range for the 7633  
employee's class or grade. 7634

Except as provided in divisions (G)(2) and (3) of this 7635  
section, each employee paid in accordance with schedule E-1 of 7636  
section 124.152 of the Revised Code shall be eligible to advance 7637

to the next higher step until the employee reaches the top step in 7638  
the range for the employee's class or grade, if the employee has 7639  
maintained satisfactory performance in accordance with criteria 7640  
established by the employee's appointing authority. Those step 7641  
advancements shall not occur more frequently than once in any 7642  
twelve-month period. 7643

When an employee is promoted, the step entry date shall be 7644  
set to account for a probationary period. When an employee is 7645  
reassigned to a higher pay range, the step entry date shall be set 7646  
to allow an employee who is not at the highest step of the range 7647  
to receive a step advancement one year from the reassignment date. 7648  
Step advancement shall not be affected by demotion. A promoted 7649  
employee shall advance to the next higher step of the pay range on 7650  
the first day of the pay period in which the required probationary 7651  
period is completed. Step advancement shall become effective at 7652  
the beginning of the pay period within which the employee attains 7653  
the necessary length of service. Time spent on authorized leave of 7654  
absence shall be counted for this purpose. 7655

If determined to be in the best interest of the state 7656  
service, the director of administrative services may, either 7657  
statewide or in selected agencies, adjust the dates on which 7658  
annual step advancements are received by employees paid in 7659  
accordance with schedule E-1 of section 124.152 of the Revised 7660  
Code. 7661

(2)(a) There shall be a moratorium on annual step 7662  
advancements under division (G)(1) of this section beginning June 7663  
21, 2009, through June 20, 2011. Step advancements shall resume 7664  
with the pay period beginning June 21, 2011. Upon the resumption 7665  
of step advancements, there shall be no retroactive step 7666  
advancements for the period the moratorium was in effect. The 7667  
moratorium shall not affect an employee's performance evaluation 7668  
schedule. 7669

An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements.

(H) Employees in appointive managerial or professional positions paid in accordance with schedule C of this section or schedule E-2 of section 124.152 of the Revised Code may be appointed at any rate within the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification.

(I) When an employee is assigned to duty outside this state, the employee may be compensated, upon request of the department

head and with the approval of the director of administrative 7702  
services, at a rate not to exceed fifty per cent in excess of the 7703  
employee's current base rate for the period of time spent on that 7704  
duty. 7705

(J) Unless compensation for members of a board or commission 7706  
is otherwise specifically provided by law, the director of 7707  
administrative services shall establish the rate and method of 7708  
payment for members of boards and commissions pursuant to the pay 7709  
schedules listed in section 124.152 of the Revised Code. 7710

(K) Regular full-time employees in positions assigned to 7711  
classes within the instruction and education administration series 7712  
under the ~~rules~~ job classification plans of the director of 7713  
administrative services, except certificated employees on the 7714  
instructional staff of the state school for the blind or the state 7715  
school for the deaf, whose positions are scheduled to work on the 7716  
basis of an academic year rather than a full calendar year, shall 7717  
be paid according to the pay range assigned by ~~such rules~~ the 7718  
applicable job classification plan, but only during those pay 7719  
periods included in the academic year of the school where the 7720  
employee is located. 7721

(1) Part-time or substitute teachers or those whose period of 7722  
employment is other than the full academic year shall be 7723  
compensated for the actual time worked at the rate established by 7724  
this section. 7725

(2) Employees governed by this division are exempt from 7726  
sections 124.13 and 124.19 of the Revised Code. 7727

(3) Length of service for the purpose of determining 7728  
eligibility for step advancements as provided by division (G) of 7729  
this section and for the purpose of determining eligibility for 7730  
longevity pay supplements as provided by division (E) of section 7731  
124.181 of the Revised Code shall be computed on the basis of one 7732

full year of service for the completion of each academic year. 7733

(L) The superintendent of the state school for the deaf and 7734  
the superintendent of the state school for the blind shall, 7735  
subject to the approval of the superintendent of public 7736  
instruction, carry out both of the following: 7737

(1) Annually, between the first day of April and the last day 7738  
of June, establish for the ensuing fiscal year a schedule of 7739  
hourly rates for the compensation of each certificated employee on 7740  
the instructional staff of that superintendent's respective school 7741  
constructed as follows: 7742

(a) Determine for each level of training, experience, and 7743  
other professional qualification for which an hourly rate is set 7744  
forth in the current schedule, the per cent that rate is of the 7745  
rate set forth in such schedule for a teacher with a bachelor's 7746  
degree and no experience. If there is more than one such rate for 7747  
such a teacher, the lowest rate shall be used to make the 7748  
computation. 7749

(b) Determine which six city, local, and exempted village 7750  
school districts with territory in Franklin county have in effect 7751  
on, or have adopted by, the first day of April for the school year 7752  
that begins on the ensuing first day of July, teacher salary 7753  
schedules with the highest minimum salaries for a teacher with a 7754  
bachelor's degree and no experience; 7755

(c) Divide the sum of such six highest minimum salaries by 7756  
ten thousand five hundred sixty; 7757

(d) Multiply each per cent determined in division (L)(1)(a) 7758  
of this section by the quotient obtained in division (L)(1)(c) of 7759  
this section; 7760

(e) One hundred five per cent of each product thus obtained 7761  
shall be the hourly rate for the corresponding level of training, 7762  
experience, or other professional qualification in the schedule 7763



for the ensuing fiscal year. 7764

(2) Annually, assign each certificated employee on the 7765  
instructional staff of the superintendent's respective school to 7766  
an hourly rate on the schedule that is commensurate with the 7767  
employee's training, experience, and other professional 7768  
qualifications. 7769

If an employee is employed on the basis of an academic year, 7770  
the employee's annual salary shall be calculated by multiplying 7771  
the employee's assigned hourly rate times one thousand seven 7772  
hundred sixty. If an employee is not employed on the basis of an 7773  
academic year, the employee's annual salary shall be calculated in 7774  
accordance with the following formula: 7775

(a) Multiply the number of days the employee is required to 7776  
work pursuant to the employee's contract by eight; 7777

(b) Multiply the product of division (L)(2)(a) of this 7778  
section by the employee's assigned hourly rate. 7779

Each employee shall be paid an annual salary in biweekly 7780  
installments. The amount of each installment shall be calculated 7781  
by dividing the employee's annual salary by the number of biweekly 7782  
installments to be paid during the year. 7783

Sections 124.13 and 124.19 of the Revised Code do not apply 7784  
to an employee who is paid under this division. 7785

As used in this division, "academic year" means the number of 7786  
days in each school year that the schools are required to be open 7787  
for instruction with pupils in attendance. Upon completing an 7788  
academic year, an employee paid under this division shall be 7789  
deemed to have completed one year of service. An employee paid 7790  
under this division is eligible to receive a pay supplement under 7791  
division (L)(1), (2), or (3) of section 124.181 of the Revised 7792  
Code for which the employee qualifies, but is not eligible to 7793  
receive a pay supplement under division (L)(4) or (5) of that 7794

section. An employee paid under this division is eligible to 7795  
receive a pay supplement under division (L)(6) of section 124.181 7796  
of the Revised Code for which the employee qualifies, except that 7797  
the supplement is not limited to a maximum of five per cent of the 7798  
employee's regular base salary in a calendar year. 7799

(M) Division (A) of this section does not apply to "exempt 7800  
employees," as defined in section 124.152 of the Revised Code, who 7801  
are paid under that section. 7802

Notwithstanding any other provisions of this chapter, when an 7803  
employee transfers between bargaining units or transfers out of or 7804  
into a bargaining unit, the director of administrative services 7805  
shall establish the employee's compensation and adjust the maximum 7806  
leave accrual schedule as the director deems equitable. 7807

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 7808  
and (3) of this section, each exempt employee shall be paid a 7809  
salary or wage in accordance with schedule E-1 or schedule E-2 of 7810  
division (B) of this section. 7811

(2) Each exempt employee who holds a position in the 7812  
unclassified civil service pursuant to division (A)(26) or (30) of 7813  
section 124.11 of the Revised Code may be paid a salary or wage in 7814  
accordance with schedule E-1, schedule E-1 for step ~~seven~~ eight 7815  
only, or schedule E-2 of division (B) or (C) of this section, as 7816  
applicable. 7817

(3)(a) Except as provided in division (A)(3)(b) of this 7818  
section, each exempt employee who was paid a salary or wage at 7819  
step 7 in the employee's pay range on June 28, 2003, in accordance 7820  
with the applicable schedule E-1 of former section 124.152 of the 7821  
Revised Code and who continued to be so paid on June 29, 2003, 7822  
shall be paid a salary or wage in the corresponding pay range in 7823  
schedule E-1 for step ~~seven~~ eight only of division (C) of this 7824  
section for as long as the employee remains in the position the 7825

employee held as of July 1, 2003. Such an employee is not eligible to be paid a salary or wage at step 7 in schedule E-1 for as long as the employee remains in the position the employee held as of July 1, 2003.

(b) Except as provided in division (A)(3)(c) of this section, if an exempt employee who is being paid a salary or wage in accordance with schedule E-1 for step ~~seven~~ eight only of division (C) of this section moves to another position, the employee shall not receive a salary or wage for that position or any other position in the future in accordance with that schedule.

(c) If an exempt employee who is being paid a salary or wage in accordance with schedule E-1 for step ~~seven~~ eight only of division (C) of this section moves to another position assigned to pay range 12 or above, the appointing authority may assign the employee to be paid a salary or wage in the appropriate pay range for that position in accordance with the schedule E-1 for step ~~seven~~ eight only of division (C) of this section, provided that the appointing authority so notifies the director of administrative services in writing at the time the employee is appointed to that position.

(B)(1) Beginning on the first day of the pay period that includes July 1, ~~2008~~ 2015, each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

		Pay Ranges and Step Values						
		Step	Step	Step	Step	Step	Step	
Range		1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			
	Annually	20946	21882	22818	23795			

2	Hourly	12.21	12.73	13.28	13.86			7857
	Annually	25397	26478	27622	28829			7858
3	Hourly	12.79	13.37	13.96	14.57			7859
	Annually	26603	27810	29037	30306			7860
4	Hourly	13.43	14.03	14.70	15.36			7861
	Annually	27934	29182	30576	31949			7862
5	Hourly	14.09	14.73	15.36	16.03			7863
	Annually	29307	30638	31949	33342			7864
6	Hourly	14.85	15.46	16.15	16.81			7865
	Annually	30888	32157	33592	34965			7866
7	Hourly	15.77	16.35	17.02	17.62	18.30		7867
	Annually	32802	34008	35402	36650	38064		7868
8	Hourly	16.66	17.40	18.15	18.97	19.78		7869
	Annually	34653	36192	37752	39458	41142		7870
9	Hourly	17.78	18.70	19.62	20.60	21.65		7871
	Annually	36982	38896	40810	42848	45032		7872
10	Hourly	19.19	20.23	21.32	22.55	23.76		7873
	Annually	39915	42078	44346	46904	49421		7874
11	Hourly	20.89	22.11	23.39	24.71	26.11		7875
	Annually	43451	45989	48651	51397	54309		7876
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	7877
	Annually	47923	50627	53352	56306	59446	62670	7878
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	7879
	Annually	52832	55744	58802	61942	65416	68973	7880
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	7881
	Annually	58094	61381	64688	68224	72072	76107	7882
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	7883
	Annually	63814	67413	71219	75130	79310	83658	7884
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	7885
	Annually	70366	74277	78354	82763	87318	92310	7886
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	7887
	Annually	77542	81827	86403	91166	96242	101629	7888
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	7889

	Annually	85446	90189	95264	100485	106059	111987	7890	
Schedule E-2									
	Range			Minimum			Maximum	7892	
41	Hourly			16.23			37.25	7893	
	Annually			33758			77480	7894	
42	Hourly			17.89			41.14	7895	
	Annually			37211			85571	7896	
43	Hourly			19.70			45.31	7897	
	Annually			40976			94245	7898	
44	Hourly			21.73			49.50	7899	
	Annually			45198			102960	7900	
45	Hourly			24.01			54.04	7901	
	Annually			49941			112403	7902	
46	Hourly			26.43			59.06	7903	
	Annually			54974			122845	7904	
47	Hourly			29.14			64.45	7905	
	Annually			60611			134056	7906	
48	Hourly			32.14			70.33	7907	
	Annually			66851			146286	7908	
49	Hourly			35.44			75.94	7909	
	Annually			73715			157955	7910	
		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	7911
Range									
1	Hourly	<u>10.32</u>	<u>10.78</u>	<u>11.24</u>	<u>11.73</u>			7913	
	Annually	<u>21466</u>	<u>22422</u>	<u>23379</u>	<u>24398</u>			7914	
2	Hourly	<u>12.52</u>	<u>13.05</u>	<u>13.61</u>	<u>14.21</u>			7915	
	Annually	<u>26042</u>	<u>27144</u>	<u>28309</u>	<u>29557</u>			7916	
3	Hourly	<u>13.11</u>	<u>13.70</u>	<u>14.31</u>	<u>14.93</u>			7917	
	Annually	<u>27269</u>	<u>28496</u>	<u>29765</u>	<u>31054</u>			7918	
4	Hourly	<u>13.77</u>	<u>14.38</u>	<u>15.07</u>	<u>15.74</u>			7919	
	Annually	<u>28642</u>	<u>29910</u>	<u>31346</u>	<u>32739</u>			7920	
5	Hourly	<u>14.44</u>	<u>15.10</u>	<u>15.74</u>	<u>16.43</u>			7921	
	Annually	<u>30035</u>	<u>31408</u>	<u>32739</u>	<u>34174</u>			7922	

6	<u>Hourly</u>	<u>15.22</u>	<u>15.85</u>	<u>16.55</u>	<u>17.23</u>				7923
	<u>Annually</u>	<u>31658</u>	<u>32968</u>	<u>34424</u>	<u>35838</u>				7924
7	<u>Hourly</u>	<u>16.16</u>	<u>16.76</u>	<u>17.45</u>	<u>18.06</u>	<u>18.76</u>			7925
	<u>Annually</u>	<u>33613</u>	<u>34861</u>	<u>36296</u>	<u>37565</u>	<u>39021</u>			7926
8	<u>Hourly</u>	<u>17.08</u>	<u>17.84</u>	<u>18.60</u>	<u>19.44</u>	<u>20.37</u>			7927
	<u>Annually</u>	<u>35526</u>	<u>37107</u>	<u>38688</u>	<u>40435</u>	<u>42370</u>			7928
9	<u>Hourly</u>	<u>18.22</u>	<u>19.17</u>	<u>20.11</u>	<u>21.12</u>	<u>22.19</u>			7929
	<u>Annually</u>	<u>37898</u>	<u>39874</u>	<u>41829</u>	<u>43930</u>	<u>46155</u>			7930
10	<u>Hourly</u>	<u>19.67</u>	<u>20.74</u>	<u>21.85</u>	<u>23.11</u>	<u>24.35</u>			7931
	<u>Annually</u>	<u>40914</u>	<u>43139</u>	<u>45448</u>	<u>48069</u>	<u>50648</u>			7932
11	<u>Hourly</u>	<u>21.41</u>	<u>22.66</u>	<u>23.97</u>	<u>25.33</u>	<u>26.76</u>			7933
	<u>Annually</u>	<u>44533</u>	<u>47133</u>	<u>49858</u>	<u>52686</u>	<u>55661</u>			7934
12	<u>Hourly</u>	<u>23.62</u>	<u>24.95</u>	<u>26.29</u>	<u>27.75</u>	<u>29.29</u>	<u>30.88</u>	<u>33.66</u>	7935
	<u>Annually</u>	<u>49130</u>	<u>51896</u>	<u>54683</u>	<u>57720</u>	<u>60923</u>	<u>64230</u>	<u>70013</u>	7936
13	<u>Hourly</u>	<u>26.04</u>	<u>27.47</u>	<u>28.98</u>	<u>30.52</u>	<u>32.24</u>	<u>33.99</u>	<u>37.04</u>	7937
	<u>Annually</u>	<u>54163</u>	<u>57138</u>	<u>60278</u>	<u>63482</u>	<u>67059</u>	<u>70699</u>	<u>77043</u>	7938
14	<u>Hourly</u>	<u>28.63</u>	<u>30.25</u>	<u>31.88</u>	<u>33.62</u>	<u>35.52</u>	<u>37.50</u>	<u>40.88</u>	7939
	<u>Annually</u>	<u>59550</u>	<u>62920</u>	<u>66310</u>	<u>69930</u>	<u>73882</u>	<u>78000</u>	<u>85030</u>	7940
15	<u>Hourly</u>	<u>31.45</u>	<u>33.22</u>	<u>35.10</u>	<u>37.02</u>	<u>39.08</u>	<u>41.23</u>	<u>44.94</u>	7941
	<u>Annually</u>	<u>65416</u>	<u>69098</u>	<u>73008</u>	<u>77002</u>	<u>81286</u>	<u>85758</u>	<u>93475</u>	7942
16	<u>Hourly</u>	<u>34.68</u>	<u>36.60</u>	<u>38.61</u>	<u>40.78</u>	<u>43.03</u>	<u>45.49</u>	<u>49.58</u>	7943
	<u>Annually</u>	<u>72134</u>	<u>76128</u>	<u>80309</u>	<u>84822</u>	<u>89502</u>	<u>94619</u>	<u>103126</u>	7944
17	<u>Hourly</u>	<u>38.21</u>	<u>40.32</u>	<u>42.58</u>	<u>44.93</u>	<u>47.43</u>	<u>50.08</u>		7945
	<u>Annually</u>	<u>79477</u>	<u>83866</u>	<u>88566</u>	<u>93454</u>	<u>98654</u>	<u>104166</u>		7946
18	<u>Hourly</u>	<u>42.11</u>	<u>44.44</u>	<u>46.95</u>	<u>49.52</u>	<u>52.26</u>	<u>55.19</u>		7947
	<u>Annually</u>	<u>87589</u>	<u>92435</u>	<u>97656</u>	<u>103002</u>	<u>108701</u>	<u>114795</u>		7948

An employee who is being paid a salary or wage at step 6 on 7949  
July 1, 2015, is eligible to move to step 7 beginning on the first 7950  
day of the pay period that immediately follows July 1, 2015, if 7951  
the employee has maintained satisfactory performance in accordance 7952  
with the criteria established by the employee's appointing 7953  
authority and the employee has not advanced a step within the 7954  
twelve-month period immediately preceding the advancement to step 7955

<u>7.</u>				7956
<u>Schedule E-2</u>				7957
<u>Range</u>		<u>Minimum</u>	<u>Maximum</u>	7958
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>41.62</u>	7959
	<u>Annually</u>	<u>33758</u>	<u>86570</u>	7960
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>45.96</u>	7961
	<u>Annually</u>	<u>37211</u>	<u>95597</u>	7962
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>50.62</u>	7963
	<u>Annually</u>	<u>40976</u>	<u>105290</u>	7964
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>55.30</u>	7965
	<u>Annually</u>	<u>45198</u>	<u>115024</u>	7966
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>60.38</u>	7967
	<u>Annually</u>	<u>49941</u>	<u>137248</u>	7968
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>65.98</u>	7969
	<u>Annually</u>	<u>54974</u>	<u>137238</u>	7970
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>72.01</u>	7971
	<u>Annually</u>	<u>60611</u>	<u>149781</u>	7972
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>78.58</u>	7973
	<u>Annually</u>	<u>66851</u>	<u>163446</u>	7974
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>84.84</u>	7975
	<u>Annually</u>	<u>73715</u>	<u>176467</u>	7976

(2) Beginning on the first day of the pay period that 7977  
includes July 1, 2016, each exempt employee who must be paid in 7978  
accordance with schedule E-1 or schedule E-2 of this section shall 7979  
be paid a salary or wage in accordance with the following schedule 7980  
of rates: 7981

Schedule E-1 7982

Pay Ranges and Step Values 7983

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 7984

Range 7985

1 Hourly 10.58 11.05 11.52 12.02 7986

Annually 22006 22984 23962 25002 7987

<u>2</u>	<u>Hourly</u>	<u>12.83</u>	<u>13.38</u>	<u>13.95</u>	<u>14.57</u>				7988
	<u>Annually</u>	<u>26686</u>	<u>27830</u>	<u>29016</u>	<u>30306</u>				7989
<u>3</u>	<u>Hourly</u>	<u>13.44</u>	<u>14.04</u>	<u>14.67</u>	<u>15.30</u>				7990
	<u>Annually</u>	<u>27955</u>	<u>29203</u>	<u>30514</u>	<u>31824</u>				7991
<u>4</u>	<u>Hourly</u>	<u>14.11</u>	<u>14.74</u>	<u>15.45</u>	<u>16.13</u>				7992
	<u>Annually</u>	<u>29349</u>	<u>30659</u>	<u>32136</u>	<u>33550</u>				7993
<u>5</u>	<u>Hourly</u>	<u>14.80</u>	<u>15.48</u>	<u>16.13</u>	<u>16.84</u>				7994
	<u>Annually</u>	<u>30784</u>	<u>32198</u>	<u>33550</u>	<u>35027</u>				7995
<u>6</u>	<u>Hourly</u>	<u>15.60</u>	<u>16.25</u>	<u>16.96</u>	<u>17.66</u>				7996
	<u>Annually</u>	<u>32448</u>	<u>33800</u>	<u>35277</u>	<u>36733</u>				7997
<u>7</u>	<u>Hourly</u>	<u>16.56</u>	<u>17.18</u>	<u>17.89</u>	<u>18.51</u>	<u>19.23</u>			7998
	<u>Annually</u>	<u>34445</u>	<u>35734</u>	<u>37211</u>	<u>38501</u>	<u>39998</u>			7999
<u>8</u>	<u>Hourly</u>	<u>17.51</u>	<u>18.29</u>	<u>19.07</u>	<u>19.93</u>	<u>20.88</u>			8000
	<u>Annually</u>	<u>36421</u>	<u>38043</u>	<u>39666</u>	<u>41454</u>	<u>43430</u>			8001
<u>9</u>	<u>Hourly</u>	<u>18.68</u>	<u>19.65</u>	<u>20.61</u>	<u>21.65</u>	<u>22.74</u>			8002
	<u>Annually</u>	<u>38854</u>	<u>40872</u>	<u>42869</u>	<u>45032</u>	<u>47299</u>			8003
<u>10</u>	<u>Hourly</u>	<u>20.16</u>	<u>21.26</u>	<u>22.40</u>	<u>23.69</u>	<u>24.96</u>			8004
	<u>Annually</u>	<u>41933</u>	<u>44221</u>	<u>46592</u>	<u>49275</u>	<u>51917</u>			8005
<u>11</u>	<u>Hourly</u>	<u>21.95</u>	<u>23.23</u>	<u>24.57</u>	<u>25.96</u>	<u>27.43</u>			8006
	<u>Annually</u>	<u>45656</u>	<u>48318</u>	<u>51106</u>	<u>53997</u>	<u>57054</u>			8007
<u>12</u>	<u>Hourly</u>	<u>24.21</u>	<u>25.57</u>	<u>26.95</u>	<u>28.44</u>	<u>30.02</u>	<u>31.65</u>	<u>34.50</u>	8008
	<u>Annually</u>	<u>50357</u>	<u>53186</u>	<u>56056</u>	<u>59155</u>	<u>62442</u>	<u>65832</u>	<u>71760</u>	8009
<u>13</u>	<u>Hourly</u>	<u>26.69</u>	<u>28.16</u>	<u>29.70</u>	<u>31.28</u>	<u>33.05</u>	<u>34.84</u>	<u>37.97</u>	8010
	<u>Annually</u>	<u>55515</u>	<u>58573</u>	<u>61776</u>	<u>65062</u>	<u>68744</u>	<u>72467</u>	<u>78978</u>	8011
<u>14</u>	<u>Hourly</u>	<u>29.35</u>	<u>31.01</u>	<u>32.68</u>	<u>34.46</u>	<u>36.41</u>	<u>38.44</u>	<u>41.90</u>	8012
	<u>Annually</u>	<u>61048</u>	<u>64501</u>	<u>67974</u>	<u>71677</u>	<u>75733</u>	<u>79955</u>	<u>87152</u>	8013
<u>15</u>	<u>Hourly</u>	<u>32.24</u>	<u>34.05</u>	<u>35.98</u>	<u>37.95</u>	<u>40.06</u>	<u>42.26</u>	<u>46.06</u>	8014
	<u>Annually</u>	<u>67059</u>	<u>70824</u>	<u>74838</u>	<u>78936</u>	<u>83325</u>	<u>87901</u>	<u>95805</u>	8015
<u>16</u>	<u>Hourly</u>	<u>35.55</u>	<u>37.52</u>	<u>39.58</u>	<u>41.80</u>	<u>44.11</u>	<u>46.63</u>	<u>50.82</u>	8016
	<u>Annually</u>	<u>73944</u>	<u>78042</u>	<u>82326</u>	<u>86944</u>	<u>91749</u>	<u>96990</u>	<u>105706</u>	8017
<u>17</u>	<u>Hourly</u>	<u>39.17</u>	<u>41.33</u>	<u>43.64</u>	<u>46.05</u>	<u>48.62</u>	<u>51.33</u>		8018
	<u>Annually</u>	<u>81474</u>	<u>85966</u>	<u>90771</u>	<u>95784</u>	<u>101130</u>	<u>106766</u>		8019
<u>18</u>	<u>Hourly</u>	<u>43.16</u>	<u>45.55</u>	<u>48.12</u>	<u>50.76</u>	<u>53.57</u>	<u>56.57</u>		8020



	<u>Annually</u>	<u>89773</u>	<u>94744</u>	<u>100090</u>	<u>105581</u>	<u>111426</u>	<u>117666</u>	8021
<u>Schedule E-2</u>								8022
<u>Range</u>					<u>Minimum</u>		<u>Maximum</u>	8023
<u>41</u>	<u>Hourly</u>				<u>16.23</u>		<u>42.66</u>	8024
	<u>Annually</u>				<u>33758</u>		<u>88733</u>	8025
<u>42</u>	<u>Hourly</u>				<u>17.89</u>		<u>47.11</u>	8026
	<u>Annually</u>				<u>37211</u>		<u>97989</u>	8027
<u>43</u>	<u>Hourly</u>				<u>19.70</u>		<u>51.89</u>	8028
	<u>Annually</u>				<u>40976</u>		<u>107931</u>	8029
<u>44</u>	<u>Hourly</u>				<u>21.73</u>		<u>56.68</u>	8030
	<u>Annually</u>				<u>45198</u>		<u>117894</u>	8031
<u>45</u>	<u>Hourly</u>				<u>24.01</u>		<u>61.89</u>	8032
	<u>Annually</u>				<u>49941</u>		<u>128731</u>	8033
<u>46</u>	<u>Hourly</u>				<u>26.43</u>		<u>67.63</u>	8034
	<u>Annually</u>				<u>54974</u>		<u>140670</u>	8035
<u>47</u>	<u>Hourly</u>				<u>29.14</u>		<u>73.81</u>	8036
	<u>Annually</u>				<u>60611</u>		<u>153525</u>	8037
<u>48</u>	<u>Hourly</u>				<u>32.14</u>		<u>80.54</u>	8038
	<u>Annually</u>				<u>66851</u>		<u>167523</u>	8039
<u>49</u>	<u>Hourly</u>				<u>35.44</u>		<u>86.96</u>	8040
	<u>Annually</u>				<u>73715</u>		<u>180877</u>	8041
	<u>(3) Beginning on the first day of the pay period that</u>							8042
	<u>includes July 1, 2017, each exempt employee who must be paid in</u>							8043
	<u>accordance with schedule E-1 or schedule E-2 of this section shall</u>							8044
	<u>be paid a salary or wage in accordance with the following schedule</u>							8045
	<u>of rates:</u>							8046
<u>Schedule E-1</u>								8047
	<u>Pay Ranges and Step Values</u>							8048
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	8049
<u>Range</u>								8050
<u>1</u>	<u>Hourly</u>	<u>10.84</u>	<u>11.33</u>	<u>11.81</u>	<u>12.32</u>			8051
	<u>Annually</u>	<u>22547</u>	<u>23566</u>	<u>24565</u>	<u>25626</u>			8052

<u>2</u>	<u>Hourly</u>	<u>13.15</u>	<u>13.71</u>	<u>14.30</u>	<u>14.93</u>				8053
	<u>Annually</u>	<u>27352</u>	<u>28517</u>	<u>29744</u>	<u>31054</u>				8054
<u>3</u>	<u>Hourly</u>	<u>13.78</u>	<u>14.39</u>	<u>15.04</u>	<u>15.68</u>				8055
	<u>Annually</u>	<u>28662</u>	<u>29931</u>	<u>31283</u>	<u>32614</u>				8056
<u>4</u>	<u>Hourly</u>	<u>14.46</u>	<u>15.11</u>	<u>15.84</u>	<u>16.53</u>				8057
	<u>Annually</u>	<u>30077</u>	<u>31429</u>	<u>32947</u>	<u>34382</u>				8058
<u>5</u>	<u>Hourly</u>	<u>15.17</u>	<u>15.87</u>	<u>16.53</u>	<u>17.26</u>				8059
	<u>Annually</u>	<u>31554</u>	<u>33010</u>	<u>34382</u>	<u>35901</u>				8060
<u>6</u>	<u>Hourly</u>	<u>15.99</u>	<u>16.66</u>	<u>17.38</u>	<u>18.10</u>				8061
	<u>Annually</u>	<u>33259</u>	<u>34653</u>	<u>36150</u>	<u>37648</u>				8062
<u>7</u>	<u>Hourly</u>	<u>16.97</u>	<u>17.61</u>	<u>18.34</u>	<u>18.97</u>	<u>19.71</u>			8063
	<u>Annually</u>	<u>35298</u>	<u>36629</u>	<u>38147</u>	<u>39458</u>	<u>40997</u>			8064
<u>8</u>	<u>Hourly</u>	<u>17.95</u>	<u>18.75</u>	<u>19.55</u>	<u>20.43</u>	<u>21.40</u>			8065
	<u>Annually</u>	<u>37336</u>	<u>39000</u>	<u>40664</u>	<u>42494</u>	<u>44512</u>			8066
<u>9</u>	<u>Hourly</u>	<u>19.15</u>	<u>20.14</u>	<u>21.13</u>	<u>22.19</u>	<u>23.31</u>			8067
	<u>Annually</u>	<u>39832</u>	<u>41891</u>	<u>43950</u>	<u>46155</u>	<u>48485</u>			8068
<u>10</u>	<u>Hourly</u>	<u>20.66</u>	<u>21.79</u>	<u>22.96</u>	<u>24.28</u>	<u>25.58</u>			8069
	<u>Annually</u>	<u>42973</u>	<u>45323</u>	<u>47757</u>	<u>50502</u>	<u>53206</u>			8070
<u>11</u>	<u>Hourly</u>	<u>22.50</u>	<u>23.81</u>	<u>25.18</u>	<u>26.61</u>	<u>28.12</u>			8071
	<u>Annually</u>	<u>46800</u>	<u>49525</u>	<u>52374</u>	<u>55349</u>	<u>58490</u>			8072
<u>12</u>	<u>Hourly</u>	<u>24.82</u>	<u>26.21</u>	<u>27.62</u>	<u>29.15</u>	<u>30.77</u>	<u>32.44</u>	<u>35.36</u>	8073
	<u>Annually</u>	<u>51626</u>	<u>54517</u>	<u>57450</u>	<u>60632</u>	<u>64002</u>	<u>67475</u>	<u>73549</u>	8074
<u>13</u>	<u>Hourly</u>	<u>27.36</u>	<u>28.86</u>	<u>30.44</u>	<u>32.06</u>	<u>33.88</u>	<u>35.71</u>	<u>38.92</u>	8075
	<u>Annually</u>	<u>56909</u>	<u>60029</u>	<u>63315</u>	<u>66685</u>	<u>70470</u>	<u>74277</u>	<u>80954</u>	8076
<u>14</u>	<u>Hourly</u>	<u>30.08</u>	<u>31.79</u>	<u>33.50</u>	<u>35.32</u>	<u>37.32</u>	<u>39.40</u>	<u>42.95</u>	8077
	<u>Annually</u>	<u>62566</u>	<u>66123</u>	<u>69680</u>	<u>73466</u>	<u>77626</u>	<u>81952</u>	<u>89336</u>	8078
<u>15</u>	<u>Hourly</u>	<u>33.05</u>	<u>34.90</u>	<u>36.88</u>	<u>38.90</u>	<u>41.06</u>	<u>43.32</u>	<u>47.21</u>	8079
	<u>Annually</u>	<u>68744</u>	<u>72592</u>	<u>76710</u>	<u>80912</u>	<u>85405</u>	<u>90106</u>	<u>98197</u>	8080
<u>16</u>	<u>Hourly</u>	<u>36.44</u>	<u>38.46</u>	<u>40.57</u>	<u>42.85</u>	<u>45.21</u>	<u>47.80</u>	<u>52.09</u>	8081
	<u>Annually</u>	<u>75795</u>	<u>79997</u>	<u>84386</u>	<u>89128</u>	<u>94037</u>	<u>99424</u>	<u>108347</u>	8082
<u>17</u>	<u>Hourly</u>	<u>40.15</u>	<u>42.36</u>	<u>44.73</u>	<u>47.20</u>	<u>49.84</u>	<u>52.61</u>		8083
	<u>Annually</u>	<u>83512</u>	<u>88109</u>	<u>93038</u>	<u>98176</u>	<u>103667</u>	<u>109429</u>		8084
<u>18</u>	<u>Hourly</u>	<u>44.24</u>	<u>46.69</u>	<u>49.32</u>	<u>52.03</u>	<u>54.91</u>	<u>57.98</u>		8085

	<u>Annually</u>	<u>92019</u>	<u>97115</u>	<u>102586</u>	<u>108222</u>	<u>114213</u>	<u>120598</u>	8086
<u>Schedule E-2</u>								
<u>Range</u>				<u>Minimum</u>		<u>Maximum</u>		8088
<u>41</u>	<u>Hourly</u>			<u>16.23</u>		<u>43.73</u>		8089
	<u>Annually</u>			<u>33758</u>		<u>90958</u>		8090
<u>42</u>	<u>Hourly</u>			<u>17.89</u>		<u>48.29</u>		8091
	<u>Annually</u>			<u>37211</u>		<u>100443</u>		8092
<u>43</u>	<u>Hourly</u>			<u>19.70</u>		<u>53.19</u>		8093
	<u>Annually</u>			<u>40976</u>		<u>110635</u>		8094
<u>44</u>	<u>Hourly</u>			<u>21.73</u>		<u>58.10</u>		8095
	<u>Annually</u>			<u>45198</u>		<u>120848</u>		8096
<u>45</u>	<u>Hourly</u>			<u>24.01</u>		<u>63.44</u>		8097
	<u>Annually</u>			<u>49941</u>		<u>131955</u>		8098
<u>46</u>	<u>Hourly</u>			<u>26.43</u>		<u>69.32</u>		8099
	<u>Annually</u>			<u>54974</u>		<u>144186</u>		8100
<u>47</u>	<u>Hourly</u>			<u>29.14</u>		<u>75.66</u>		8101
	<u>Annually</u>			<u>60611</u>		<u>157373</u>		8102
<u>48</u>	<u>Hourly</u>			<u>32.14</u>		<u>82.55</u>		8103
	<u>Annually</u>			<u>66851</u>		<u>171704</u>		8104
<u>49</u>	<u>Hourly</u>			<u>35.44</u>		<u>89.13</u>		8105
	<u>Annually</u>			<u>73715</u>		<u>185390</u>		8106

(C)(1) Beginning on the first day of the pay period that 8107  
includes July 1, ~~2008~~ 2015, each exempt employee who must be paid 8108  
in accordance with salary schedule E-1 for step ~~seven~~ eight only 8109  
shall be paid a salary or wage in accordance with the following 8110  
schedule of rates: 8111

Schedule E-1 for Step ~~Seven~~ Eight Only 8112

Pay Ranges and Step Values 8113

	Range							8114
12	Hourly	<del>31.80</del>	<u>32.60</u>					8115
	Annually	<del>66144</del>	<u>67808</u>					8116
13	Hourly	<del>34.98</del>	<u>35.85</u>					8117

	Annually	<del>72758</del> <u>74568</u>	8118
14	Hourly	<del>38.57</del> <u>39.53</u>	8119
	Annually	<del>80226</del> <u>82222</u>	8120
15	Hourly	<del>42.44</del> <u>43.50</u>	8121
	Annually	<del>88275</del> <u>90480</u>	8122
16	Hourly	<del>46.81</del> <u>47.98</u>	8123
	Annually	<del>97365</del> <u>99798</u>	8124
17	Hourly	<del>51.55</del> <u>52.84</u>	8125
	Annually	<del>107224</del>	8126
		<u>109907</u>	
18	Hourly	<del>56.80</del> <u>58.22</u>	8127
	Annually	<del>118144</del>	8128
		<u>121098</u>	

(2) Beginning on the first day of the pay period that 8129  
includes July 1, 2016, each exempt employee who must be paid in 8130  
accordance with schedule E-1 for step eight only shall be paid a 8131  
salary or wage in accordance with the following schedule of rates: 8132

Schedule E-1 for Step Eight Only 8133

Pay Ranges and Step Values 8134

<u>Range</u>			8135
<u>12</u>	<u>Hourly</u>	<u>33.42</u>	8136
	<u>Annually</u>	<u>69514</u>	8137
<u>13</u>	<u>Hourly</u>	<u>36.75</u>	8138
	<u>Annually</u>	<u>76440</u>	8139
<u>14</u>	<u>Hourly</u>	<u>40.52</u>	8140
	<u>Annually</u>	<u>84282</u>	8141
<u>15</u>	<u>Hourly</u>	<u>44.59</u>	8142
	<u>Annually</u>	<u>92747</u>	8143
<u>16</u>	<u>Hourly</u>	<u>49.18</u>	8144
	<u>Annually</u>	<u>102294</u>	8145
<u>17</u>	<u>Hourly</u>	<u>54.16</u>	8146
	<u>Annually</u>	<u>112653</u>	8147

<u>18</u>	<u>Hourly</u>	<u>59.68</u>	8148
	<u>Annually</u>	<u>124134</u>	8149

(3) Beginning on the first day of the pay period that 8150  
includes July 1, 2017, each exempt employee who must be paid in 8151  
accordance with schedule E-1 for step eight only shall be paid a 8152  
salary or wage in accordance with the following schedule of rates: 8153

Schedule E-1 for Step Eight Only 8154

Pay Ranges and Step Values 8155

Range 8156

<u>12</u>	<u>Hourly</u>	<u>34.26</u>	8157
	<u>Annually</u>	<u>71261</u>	8158
<u>13</u>	<u>Hourly</u>	<u>37.67</u>	8159
	<u>Annually</u>	<u>78354</u>	8160
<u>14</u>	<u>Hourly</u>	<u>41.53</u>	8161
	<u>Annually</u>	<u>86382</u>	8162
<u>15</u>	<u>Hourly</u>	<u>45.70</u>	8163
	<u>Annually</u>	<u>95056</u>	8164
<u>16</u>	<u>Hourly</u>	<u>50.41</u>	8165
	<u>Annually</u>	<u>104853</u>	8166
<u>17</u>	<u>Hourly</u>	<u>55.51</u>	8167
	<u>Annually</u>	<u>115461</u>	8168
<u>18</u>	<u>Hourly</u>	<u>61.17</u>	8169
	<u>Annually</u>	<u>127234</u>	8170

(D) As used in this section, "exempt employee" means a 8171  
permanent full-time or permanent part-time employee paid directly 8172  
by warrant of the director of budget and management whose position 8173  
is included in the job classification plan established under 8174  
division (A) of section 124.14 of the Revised Code but who is not 8175  
considered a public employee for the purposes of Chapter 4117. of 8176  
the Revised Code. As used in this section, "exempt employee" also 8177  
includes a permanent full-time or permanent part-time employee of 8178  
the secretary of state, auditor of state, treasurer of state, or 8179

attorney general who has not been placed in an appropriate 8180  
bargaining unit by the state employment relations board. 8181

**Sec. 124.181.** (A) Except as provided in divisions (M) and (P) 8182  
of this section, any employee paid in accordance with schedule B 8183  
of section 124.15 or schedule E-1 or schedule E-1 for step ~~seven~~ 8184  
eight only of section 124.152 of the Revised Code is eligible for 8185  
the pay supplements provided in this section upon application by 8186  
the appointing authority substantiating the employee's 8187  
qualifications for the supplement and with the approval of the 8188  
director of administrative services except as provided in division 8189  
(E) of this section. 8190

(B)(1) ~~Except as provided in section 124.183 of the Revised~~ 8191  
~~Code, in~~ In computing any of the pay supplements provided in this 8192  
section for an employee paid in accordance with schedule B of 8193  
section 124.15 of the Revised Code, the classification salary base 8194  
shall be the minimum hourly rate of the pay range, provided in 8195  
that section, in which the employee is assigned at the time of 8196  
computation. 8197

(2) ~~Except as provided in section 124.183 of the Revised~~ 8198  
~~Code, in~~ In computing any of the pay supplements provided in this 8199  
section for an employee paid in accordance with schedule E-1 of 8200  
section 124.152 of the Revised Code, the classification salary 8201  
base shall be the minimum hourly rate of the pay range, provided 8202  
in that section, in which the employee is assigned at the time of 8203  
computation. 8204

(3) ~~Except as provided in section 124.183 of the Revised~~ 8205  
~~Code, in~~ In computing any of the pay supplements provided in this 8206  
section for an employee paid in accordance with schedule E-1 for 8207  
step ~~seven~~ eight only of section 124.152 of the Revised Code, the 8208  
classification salary base shall be the minimum hourly rate in the 8209  
corresponding pay range, provided in schedule E-1 of that section, 8210

to which the employee is assigned at the time of the computation. 8211

(C) The effective date of any pay supplement, except as 8212  
provided in section 124.183 of the Revised Code or unless 8213  
otherwise provided in this section, shall be determined by the 8214  
director. 8215

(D) The director shall, by rule, establish standards 8216  
regarding the administration of this section. 8217

(E)(1) Except as otherwise provided in this division, 8218  
beginning on the first day of the pay period within which the 8219  
employee completes five years of total service with the state 8220  
government or any of its political subdivisions, each employee in 8221  
positions paid in accordance with schedule B of section 124.15 of 8222  
the Revised Code or in accordance with schedule E-1 or schedule 8223  
E-1 for step ~~seven~~ eight only of section 124.152 of the Revised 8224  
Code shall receive an automatic salary adjustment equivalent to 8225  
two and one-half per cent of the classification salary base, to 8226  
the nearest whole cent. Each employee shall receive thereafter an 8227  
annual adjustment equivalent to one-half of one per cent of the 8228  
employee's classification salary base, to the nearest whole cent, 8229  
for each additional year of qualified employment until a maximum 8230  
of ten per cent of the employee's classification salary base is 8231  
reached. The granting of longevity adjustments shall not be 8232  
affected by promotion, demotion, or other changes in 8233  
classification held by the employee, nor by any change in pay 8234  
range for the employee's class or grade. Longevity pay adjustments 8235  
shall become effective at the beginning of the pay period within 8236  
which the employee completes the necessary length of service, 8237  
except that when an employee requests credit for prior service, 8238  
the effective date of the prior service credit and of any 8239  
longevity adjustment shall be the first day of the pay period 8240  
following approval of the credit by the director of administrative 8241  
services. No employee, other than an employee who submits proof of 8242

prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

(2) An employee who has retired in accordance with the provisions of any retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary adjustment provided under this division.

(3) There shall be a moratorium on employees' receipt under this division of credit for service with the state government or any of its political subdivisions during the period from July 1, 2003, through June 30, 2005. In calculating the number of years of total service under this division, no credit shall be included for service during the moratorium. The moratorium shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2003.

If an employee is exempt from the moratorium, receives credit for a period of service during the moratorium, and takes a position with another entity in the state government or any of its political subdivisions, either during or after the moratorium, and if that entity's employees are or were subject to the moratorium, the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the



employee shall cease receiving additional credit as long as the 8275  
employee is in the position, until the moratorium expires. 8276

(F) When an exceptional condition exists that creates a 8277  
temporary or a permanent hazard for one or more positions in a 8278  
class paid in accordance with schedule B of section 124.15 of the 8279  
Revised Code or in accordance with schedule E-1 or schedule E-1 8280  
for step ~~seven~~ eight only of section 124.152 of the Revised Code, 8281  
a special hazard salary adjustment may be granted for the time the 8282  
employee is subjected to the hazardous condition. All special 8283  
hazard conditions shall be identified for each position and 8284  
incidence from information submitted to the director on an 8285  
appropriate form provided by the director and categorized into 8286  
standard conditions of: some unusual hazard not common to the 8287  
class; considerable unusual hazard not common to the class; and 8288  
exceptional hazard not common to the class. 8289

(1) A hazardous salary adjustment of five per cent of the 8290  
employee's classification salary base may be applied in the case 8291  
of some unusual hazardous condition not common to the class for 8292  
those hours worked, or a fraction of those hours worked, while the 8293  
employee was subject to the unusual hazard condition. 8294

(2) A hazardous salary adjustment of seven and one-half per 8295  
cent of the employee's classification salary base may be applied 8296  
in the case of some considerable hazardous condition not common to 8297  
the class for those hours worked, or a fraction of those hours 8298  
worked, while the employee was subject to the considerable hazard 8299  
condition. 8300

(3) A hazardous salary adjustment of ten per cent of the 8301  
employee's classification salary base may be applied in the case 8302  
of some exceptional hazardous condition not common to the class 8303  
for those hours worked, or a fraction of those hours worked, when 8304  
the employee was subject to the exceptional hazard condition. 8305

(4) Each claim for temporary hazard pay shall be submitted as 8306  
a separate payment and shall be subject to an administrative audit 8307  
by the director as to the extent and duration of the employee's 8308  
exposure to the hazardous condition. 8309

(G) When a full-time employee whose salary or wage is paid 8310  
directly by warrant of the director of budget and management and 8311  
who also is eligible for overtime under the "Fair Labor Standards 8312  
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 8313  
ordered by the appointing authority to report back to work after 8314  
termination of the employee's regular work schedule and the 8315  
employee reports, the employee shall be paid for such time. The 8316  
employee shall be entitled to four hours at the employee's total 8317  
rate of pay or overtime compensation for the actual hours worked, 8318  
whichever is greater. This division does not apply to work that is 8319  
a continuation of or immediately preceding an employee's regular 8320  
work schedule. 8321

(H) When a certain position or positions paid in accordance 8322  
with schedule B of section 124.15 of the Revised Code or in 8323  
accordance with schedule E-1 or schedule E-1 for step ~~seven~~ eight 8324  
only of section 124.152 of the Revised Code require the ability to 8325  
speak or write a language other than English, a special pay 8326  
supplement may be granted to attract bilingual individuals, to 8327  
encourage present employees to become proficient in other 8328  
languages, or to retain qualified bilingual employees. The 8329  
bilingual pay supplement provided in this division may be granted 8330  
in the amount of five per cent of the employee's classification 8331  
salary base for each required foreign language and shall remain in 8332  
effect as long as the bilingual requirement exists. 8333

(I) The director of administrative services may establish a 8334  
shift differential for employees. The differential shall be paid 8335  
to employees in positions working in other than the regular or 8336  
first shift. In those divisions or agencies where only one shift 8337

prevails, no shift differential shall be paid regardless of the 8338  
hours of the day that are worked. The director and the appointing 8339  
authority shall designate which positions shall be covered by this 8340  
division. 8341

(J) ~~Whenever an employee is assigned to work~~ An appointing 8342  
authority may assign an employee to work in a higher level 8343  
position for a continuous period of more than two weeks but no 8344  
more than two years ~~because of a vacancy, the.~~ The employee's pay 8345  
~~may~~ shall be established at a rate that is approximately four per 8346  
cent above the employee's current base rate for the period the 8347  
employee occupies the position, provided that this temporary 8348  
~~occupancy~~ assignment is approved by the director. Employees paid 8349  
under this division shall continue to receive any of the pay 8350  
supplements due them under other divisions of this section based 8351  
on the step one base rate for their normal classification. 8352

(K) If a certain position, or positions, within a class paid 8353  
in accordance with schedule B of section 124.15 of the Revised 8354  
Code or in accordance with schedule E-1 or schedule E-1 for step 8355  
~~seven~~ eight only of section 124.152 of the Revised Code are 8356  
mandated by state or federal law or regulation or other regulatory 8357  
agency or other certification authority to have special technical 8358  
certification, registration, or licensing to perform the functions 8359  
which are under the mandate, a special professional achievement 8360  
pay supplement may be granted. This special professional 8361  
achievement pay supplement shall not be granted when all 8362  
incumbents in all positions in a class require a license as 8363  
provided in the classification description published by the 8364  
department of administrative services; to licensees where no 8365  
special or extensive training is required; when certification is 8366  
granted upon completion of a stipulated term of in-service 8367  
training; when an appointing authority has required certification; 8368  
or any other condition prescribed by the director. 8369

(1) Before this supplement may be applied, evidence as to the requirement must be provided by the agency for each position involved, and certification must be received from the director as to the director's concurrence for each of the positions so affected.

(2) The professional achievement pay supplement provided in this division shall be granted in an amount up to ten per cent of the employee's classification salary base and shall remain in effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the

employee is performing as a special education teacher. 8401

(6) Those employees in teaching supervisory, principal, 8402  
assistant principal, or superintendent positions who are 8403  
responsible for specific extracurricular activity programs shall 8404  
receive overtime pay for those hours worked in excess of their 8405  
normal schedule, at their straight time hourly rate up to a 8406  
maximum of five per cent of their regular base salary in any 8407  
calendar year. 8408

(M)(1) A state agency, board, or commission may establish a 8409  
supplementary compensation schedule for those licensed physicians 8410  
employed by the agency, board, or commission in positions 8411  
requiring a licensed physician. The supplementary compensation 8412  
schedule, together with the compensation otherwise authorized by 8413  
this chapter, shall provide for the total compensation for these 8414  
employees to range appropriately, but not necessarily uniformly, 8415  
for each classification title requiring a licensed physician, in 8416  
accordance with a schedule approved by the state controlling 8417  
board. The individual salary levels recommended for each such 8418  
physician employed shall be approved by the director. 8419  
Notwithstanding section 124.11 of the Revised Code, such personnel 8420  
are in the unclassified civil service. 8421

(2) The director of administrative services may approve 8422  
supplementary compensation for the director of health, if the 8423  
director is a licensed physician, in accordance with a 8424  
supplementary compensation schedule approved under division (M)(1) 8425  
of this section or in accordance with another supplementary 8426  
compensation schedule the director of administrative services 8427  
considers appropriate. The supplementary compensation shall not 8428  
exceed twenty per cent of the director of health's base rate of 8429  
pay. 8430

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 8431  
117.42, and 131.02 of the Revised Code, the state shall not 8432

institute any civil action to recover and shall not seek 8433  
reimbursement for overpayments made in violation of division (E) 8434  
of this section or division (C) of section 9.44 of the Revised 8435  
Code for the period starting after June 24, 1987, and ending on 8436  
October 31, 1993. 8437

(O) Employees of the office of the treasurer of state who are 8438  
exempt from collective bargaining coverage may be granted a merit 8439  
pay supplement of up to one and one-half per cent of their step 8440  
rate. The rate at which this supplement is granted shall be based 8441  
on performance standards established by the treasurer of state. 8442  
Any supplements granted under this division shall be administered 8443  
on an annual basis. 8444

(P) Intermittent employees appointed under section 124.30 of 8445  
the Revised Code are not eligible for the pay supplements provided 8446  
by this section. 8447

~~(Q) Employees of the office of the auditor of state who are 8448  
exempt from collective bargaining and who are paid in accordance 8449  
with schedule E-1 or in accordance with schedule E-1 for step 7 8450  
only and are paid a salary or wage in accordance with the schedule 8451  
of rates in division (B) or (C) of section 124.152 of the Revised 8452  
Code shall receive a reduction of two per cent in their hourly and 8453  
annual pay calculation beginning with the pay period that 8454  
immediately follows July 1, 2009. 8455~~

**Sec. 124.183.** (A) As used in this section, "active payroll" 8456  
means conditions under which an employee is in active pay status 8457  
or eligible to receive pay for an approved leave of absence 8458  
including, but not limited to, occupational injury leave, 8459  
disability leave, or workers' compensation. 8460

(B)(1) Each full-time permanent employee paid under schedule 8461  
E-1 or E-2 of section 124.152 of the Revised Code who is in active 8462  
payroll status on July 1, 2015, and August 1, 2015, shall receive 8463

a one-time pay supplement of seven hundred and fifty dollars in 8464  
the earnings statement the employee receives in the pay period 8465  
that includes August 21, 2015. 8466

(2) Each full-time permanent employee who is in active 8467  
payroll status on July 1, 2015, and August 1, 2015, who is exempt 8468  
from collective bargaining, and who is not covered by division 8469  
(B)(1) of this section shall receive a one-time pay supplement of 8470  
seven hundred and fifty dollars in the earnings statement the 8471  
employee receives in the pay period that includes August 21, 2015. 8472

(3) Each less than full-time employee paid under schedule E-1 8473  
or E-2 of section 124.152 of the Revised Code who is in active 8474  
payroll status on July 1, 2015, and August 1, 2015 shall receive a 8475  
one-time pay supplement of three hundred and seventy-five dollars 8476  
in the earnings statement the employee receives in the pay period 8477  
that includes August 21, 2015. 8478

(4) An employee who is not in active payroll status on July 8479  
1, 2015, and August 1, 2015, due to military leave or an absence 8480  
taken under the Family and Medical Leave Act, 29 U.S.C. 2601 et 8481  
seq., as amended, is eligible to receive the one-time pay 8482  
supplement pursuant to the terms of this section. 8483

(C) Notwithstanding any provision of law to the contrary, a 8484  
one-time pay supplement under this section shall not be subject to 8485  
withholding for deposit into any state retirement system. 8486  
Notwithstanding any provision of law to the contrary, a one-time 8487  
pay supplement under this section shall not be used for 8488  
calculation purposes in determining an employee's retirement 8489  
benefits in any state retirement system. 8490

(D) This section does not apply to employees of the supreme 8491  
court, the general assembly, the legislative service commission, 8492  
the secretary of state, the auditor of state, the treasurer of 8493  
state, or the attorney general unless the supreme court, the 8494

general assembly, the legislative service commission, the 8495  
secretary of state, the auditor of state, the treasurer of state, 8496  
or the attorney general decides that the employees of those 8497  
respective entities should be eligible for the one-time pay 8498  
supplement and notifies the director of administrative services in 8499  
writing on or before July 10, 2015, of the decision to participate 8500  
in the one-time pay supplement. 8501

**Sec. 124.29.** (A) Notwithstanding any provision of sections 8502  
124.321 to 124.328 of the Revised Code to the contrary, if the 8503  
operation of an appointing authority is dependent on funds from 8504  
the federal government and those funds are not available or have 8505  
not been received by the appointing authority, the director of 8506  
administrative services may authorize an appointing authority to 8507  
temporarily furlough an employee of the appointing authority. 8508

(B) The director shall adopt rules in accordance with Chapter 8509  
119. of the Revised Code to implement this section. 8510

**Sec. 124.34.** (A) The tenure of every officer or employee in 8511  
the classified service of the state and the counties, civil 8512  
service townships, cities, city health districts, general health 8513  
districts, and city school districts of the state, holding a 8514  
position under this chapter, shall be during good behavior and 8515  
efficient service. No officer or employee shall be reduced in pay 8516  
or position, fined, suspended, or removed, or have the officer's 8517  
or employee's longevity reduced or eliminated, except as provided 8518  
in section 124.32 of the Revised Code, and for incompetency, 8519  
inefficiency, unsatisfactory performance, dishonesty, drunkenness, 8520  
immoral conduct, insubordination, discourteous treatment of the 8521  
public, neglect of duty, violation of any policy or work rule of 8522  
the officer's or employee's appointing authority, violation of 8523  
this chapter or the rules of the director of administrative 8524  
services or the commission, any other failure of good behavior, 8525



any other acts of misfeasance, malfeasance, or nonfeasance in 8526  
office, or conviction of a felony. The denial of a one-time pay 8527  
supplement or a bonus to an officer or employee is not a reduction 8528  
in pay for purposes of this section. 8529

This section does not apply to any modifications or 8530  
reductions in pay or work week authorized by ~~division (Q) of~~ 8531  
~~section 124.181 or~~ section 124.392, 124.393, or 124.394 of the 8532  
Revised Code. 8533

An appointing authority may require an employee who is 8534  
suspended to report to work to serve the suspension. An employee 8535  
serving a suspension in this manner shall continue to be 8536  
compensated at the employee's regular rate of pay for hours 8537  
worked. The disciplinary action shall be recorded in the 8538  
employee's personnel file in the same manner as other disciplinary 8539  
actions and has the same effect as a suspension without pay for 8540  
the purpose of recording disciplinary actions. 8541

A finding by the appropriate ethics commission, based upon a 8542  
preponderance of the evidence, that the facts alleged in a 8543  
complaint under section 102.06 of the Revised Code constitute a 8544  
violation of Chapter 102., section 2921.42, or section 2921.43 of 8545  
the Revised Code may constitute grounds for dismissal. Failure to 8546  
file a statement or falsely filing a statement required by section 8547  
102.02 of the Revised Code may also constitute grounds for 8548  
dismissal. The tenure of an employee in the career professional 8549  
service of the department of transportation is subject to section 8550  
5501.20 of the Revised Code. 8551

Conviction of a felony is a separate basis for reducing in 8552  
pay or position, suspending, or removing an officer or employee, 8553  
even if the officer or employee has already been reduced in pay or 8554  
position, suspended, or removed for the same conduct that is the 8555  
basis of the felony. An officer or employee may not appeal to the 8556  
state personnel board of review or the commission any disciplinary 8557

action taken by an appointing authority as a result of the 8558  
officer's or employee's conviction of a felony. If an officer or 8559  
employee removed under this section is reinstated as a result of 8560  
an appeal of the removal, any conviction of a felony that occurs 8561  
during the pendency of the appeal is a basis for further 8562  
disciplinary action under this section upon the officer's or 8563  
employee's reinstatement. 8564

A person convicted of a felony immediately forfeits the 8565  
person's status as a classified employee in any public employment 8566  
on and after the date of the conviction for the felony. If an 8567  
officer or employee is removed under this section as a result of 8568  
being convicted of a felony or is subsequently convicted of a 8569  
felony that involves the same conduct that was the basis for the 8570  
removal, the officer or employee is barred from receiving any 8571  
compensation after the removal notwithstanding any modification or 8572  
disaffirmance of the removal, unless the conviction for the felony 8573  
is subsequently reversed or annulled. 8574

Any person removed for conviction of a felony is entitled to 8575  
a cash payment for any accrued but unused sick, personal, and 8576  
vacation leave as authorized by law. If subsequently reemployed in 8577  
the public sector, the person shall qualify for and accrue these 8578  
forms of leave in the manner specified by law for a newly 8579  
appointed employee and shall not be credited with prior public 8580  
service for the purpose of receiving these forms of leave. 8581

As used in this division, "felony" means any of the 8582  
following: 8583

(1) A felony that is an offense of violence as defined in 8584  
section 2901.01 of the Revised Code; 8585

(2) A felony that is a felony drug abuse offense as defined 8586  
in section 2925.01 of the Revised Code; 8587

(3) A felony under the laws of this or any other state or the 8588

United States that is a crime of moral turpitude; 8589

(4) A felony involving dishonesty, fraud, or theft; 8590

(5) A felony that is a violation of section 2921.05, 2921.32, 8591  
or 2921.42 of the Revised Code. 8592

(B) In case of a reduction, a suspension of more than forty 8593  
work hours in the case of an employee exempt from the payment of 8594  
overtime compensation, a suspension of more than twenty-four work 8595  
hours in the case of an employee required to be paid overtime 8596  
compensation, a fine of more than forty hours' pay in the case of 8597  
an employee exempt from the payment of overtime compensation, a 8598  
fine of more than twenty-four hours' pay in the case of an 8599  
employee required to be paid overtime compensation, or removal, 8600  
except for the reduction or removal of a probationary employee, 8601  
the appointing authority shall serve the employee with a copy of 8602  
the order of reduction, fine, suspension, or removal, which order 8603  
shall state the reasons for the action. 8604

Within ten days following the date on which the order is 8605  
served or, in the case of an employee in the career professional 8606  
service of the department of transportation, within ten days 8607  
following the filing of a removal order, the employee, except as 8608  
otherwise provided in this section, may file an appeal of the 8609  
order in writing with the state personnel board of review or the 8610  
commission. For purposes of this section, the date on which an 8611  
order is served is the date of hand delivery of the order or the 8612  
date of delivery of the order by certified United States mail, 8613  
whichever occurs first. If an appeal is filed, the board or 8614  
commission shall forthwith notify the appointing authority and 8615  
shall hear, or appoint a trial board to hear, the appeal within 8616  
thirty days from and after its filing with the board or 8617  
commission. The board, commission, or trial board may affirm, 8618  
disaffirm, or modify the judgment of the appointing authority. 8619  
However, in an appeal of a removal order based upon a violation of 8620

a last chance agreement, the board, commission, or trial board may 8621  
only determine if the employee violated the agreement and thus 8622  
affirm or disaffirm the judgment of the appointing authority. 8623

In cases of removal or reduction in pay for disciplinary 8624  
reasons, either the appointing authority or the officer or 8625  
employee may appeal from the decision of the state personnel board 8626  
of review or the commission, and any such appeal shall be to the 8627  
court of common pleas of the county in which the appointing 8628  
authority is located, or to the court of common pleas of Franklin 8629  
county, as provided by section 119.12 of the Revised Code. 8630

(C) In the case of the suspension for any period of time, or 8631  
a fine, demotion, or removal, of a chief of police, a chief of a 8632  
fire department, or any member of the police or fire department of 8633  
a city or civil service township, who is in the classified civil 8634  
service, the appointing authority shall furnish the chief or 8635  
member with a copy of the order of suspension, fine, demotion, or 8636  
removal, which order shall state the reasons for the action. The 8637  
order shall be filed with the municipal or civil service township 8638  
civil service commission. Within ten days following the filing of 8639  
the order, the chief or member may file an appeal, in writing, 8640  
with the commission. If an appeal is filed, the commission shall 8641  
forthwith notify the appointing authority and shall hear, or 8642  
appoint a trial board to hear, the appeal within thirty days from 8643  
and after its filing with the commission, and it may affirm, 8644  
disaffirm, or modify the judgment of the appointing authority. An 8645  
appeal on questions of law and fact may be had from the decision 8646  
of the commission to the court of common pleas in the county in 8647  
which the city or civil service township is situated. The appeal 8648  
shall be taken within thirty days from the finding of the 8649  
commission. 8650

(D) A violation of division (A)(7) of section 2907.03 of the 8651  
Revised Code is grounds for termination of employment of a 8652

nonteaching employee under this section. 8653

(E) The director shall adopt a rule in accordance with 8654  
Chapter 119. of the Revised Code to define the term 8655  
"unsatisfactory performance" as it is used in this section with 8656  
regard to employees in the service of the state. 8657

(F) As used in this section, "last chance agreement" means an 8658  
agreement signed by both an appointing authority and an officer or 8659  
employee of the appointing authority that describes the type of 8660  
behavior or circumstances that, if it occurs, will automatically 8661  
lead to removal of the officer or employee without the right of 8662  
appeal to the state personnel board of review or the appropriate 8663  
commission. 8664

**Sec. 124.382.** (A) As used in this section and sections 8665  
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 8666

(1) "Pay period" means the fourteen-day period of time during 8667  
which the payroll is accumulated, as determined by the director of 8668  
administrative services. 8669

(2) "Active pay status" means the conditions under which an 8670  
employee is eligible to receive pay, and includes, but is not 8671  
limited to, vacation leave, sick leave, personal leave, 8672  
bereavement leave, and administrative leave. 8673

(3) "No pay status" means the conditions under which an 8674  
employee is ineligible to receive pay and includes, but is not 8675  
limited to, leave without pay, leave of absence, and disability 8676  
leave. 8677

(4) "Disability leave" means the leave granted pursuant to 8678  
section 124.385 of the Revised Code. 8679

(5) "Full-time permanent employee" means an employee whose 8680  
regular hours of duty total eighty hours in a pay period in a 8681  
state agency and whose appointment is not for a limited period of 8682

time. 8683

(6) "Base rate of pay" means the rate of pay established 8684  
under schedule B or C of section 124.15 of the Revised Code or 8685  
under schedule E-1, schedule E-1 for step ~~seven~~ eight only, or 8686  
schedule E-2 of section 124.152 of the Revised Code, plus any 8687  
supplement provided under section 124.181 of the Revised Code, 8688  
plus any supplements enacted into law which are added to schedule 8689  
B or C of section 124.15 of the Revised Code or to schedule E-1, 8690  
schedule E-1 for step ~~seven~~ eight only, or schedule E-2 of section 8691  
124.152 of the Revised Code. 8692

(7) "Part-time permanent employee" means an employee whose 8693  
regular hours of duty total less than eighty hours in a pay period 8694  
in a state agency and whose appointment is not for a limited 8695  
period of time. 8696

(B) Each full-time permanent and part-time permanent employee 8697  
whose salary or wage is paid directly by warrant of the director 8698  
of budget and management shall be credited with sick leave of 8699  
three and one-tenth hours for each completed eighty hours of 8700  
service, excluding overtime hours worked. Sick leave is not 8701  
available for use until it appears on the employee's earning 8702  
statement and the compensation described in the earning statement 8703  
is available to the employee. 8704

(C) Any sick leave credit provided pursuant to division (B) 8705  
of this section, remaining as of the last day of the pay period 8706  
preceding the first paycheck the employee receives in December, 8707  
shall be converted pursuant to section 124.383 of the Revised 8708  
Code. 8709

(D) Employees may use sick leave, provided a credit balance 8710  
is available, upon approval of the responsible administrative 8711  
officer of the employing unit, for absence due to personal 8712  
illness, pregnancy, injury, exposure to contagious disease that 8713

could be communicated to other employees, and illness, injury, or 8714  
death in the employee's immediate family. When sick leave is used, 8715  
it shall be deducted from the employee's credit on the basis of 8716  
absence from previously scheduled work in such increments of an 8717  
hour and at such a compensation rate as the director of 8718  
administrative services determines. The appointing authority of 8719  
each employing unit may require an employee to furnish a 8720  
satisfactory, signed statement to justify the use of sick leave. 8721

If, after having utilized the credit provided by this 8722  
section, an employee utilizes sick leave that was accumulated 8723  
prior to November 15, 1981, compensation for such sick leave used 8724  
shall be at a rate as the director determines. 8725

(E)(1) The previously accumulated sick leave balance of an 8726  
employee who has been separated from the public service, for which 8727  
separation payments pursuant to section 124.384 of the Revised 8728  
Code have not been made, shall be placed to the employee's credit 8729  
upon the employee's reemployment in the public service, if the 8730  
reemployment takes place within ten years of the date on which the 8731  
employee was last terminated from public service. 8732

(2) The previously accumulated sick leave balance of an 8733  
employee who has separated from a school district shall be placed 8734  
to the employee's credit upon the employee's appointment as an 8735  
unclassified employee of the state department of education, if all 8736  
of the following apply: 8737

(a) The employee accumulated the sick leave balance while 8738  
employed by the school district. 8739

(b) The employee did not receive any separation payments for 8740  
the sick leave balance. 8741

(c) The employee's employment with the department takes place 8742  
within ten years after the date on which the employee separated 8743  
from the school district. 8744

(F) An employee who transfers from one public agency to 8745  
another shall be credited with the unused balance of the 8746  
employee's accumulated sick leave. 8747

(G) The director of administrative services shall establish 8748  
procedures to uniformly administer this section. No sick leave may 8749  
be granted to a state employee upon or after the employee's 8750  
retirement or termination of employment. 8751

(H) As used in this division, "active payroll" means 8752  
conditions under which an employee is in active pay status or 8753  
eligible to receive pay for an approved leave of absence, 8754  
including, but not limited to, occupational injury leave, 8755  
disability leave, or workers' compensation. 8756

(1) Employees who are in active payroll status on June 18, 8757  
2011, shall receive a one-time credit of additional sick leave in 8758  
the pay period that begins on July 1, 2011. Full-time employees 8759  
shall receive the lesser of either a one-time credit of thirty-two 8760  
hours of additional sick leave or a one-time credit of additional 8761  
sick leave equivalent to half the hours of personal leave the 8762  
employee lost during the moratorium established under either 8763  
division (A) of section 124.386 of the Revised Code or pursuant to 8764  
a rule of the director of administrative services. Part-time 8765  
employees shall receive a one-time credit of sixteen hours of 8766  
additional sick leave. 8767

(2) Employees who are not in active payroll status due to 8768  
military leave or an absence taken in accordance with the federal 8769  
"Family and Medical Leave Act" are eligible to receive the 8770  
one-time additional sick leave credit. 8771

(3) The one-time additional sick leave credit does not apply 8772  
to employees of the supreme court, general assembly, legislative 8773  
service commission, secretary of state, auditor of state, 8774  
treasurer of state, or attorney general unless the supreme court, 8775



general assembly, legislative service commission, secretary of 8776  
state, auditor of state, treasurer of state, or attorney general 8777  
participated in the moratorium under division (H) or (I) of 8778  
section 124.386 of the Revised Code and notifies in writing the 8779  
director of administrative services on or before June 1, 2011, of 8780  
the decision to participate in the one-time additional sick leave 8781  
credit. Written notice under this division shall be signed by the 8782  
appointing authority for employees of the supreme court, general 8783  
assembly, or legislative service commission, as the case may be. 8784

**Sec. 124.392.** (A) As used in this section: 8785

(1) "Exempt employee" has the same meaning as in section 8786  
124.152 of the Revised Code. 8787

(2) "Fiscal emergency" means a fiscal emergency declared by 8788  
the governor under section 126.05 of the Revised Code. 8789

(B) The director of administrative services may establish a 8790  
voluntary cost savings program for exempt employees. 8791

(C) The director of administrative services shall establish a 8792  
mandatory cost savings program applicable to exempt employees. 8793  
Subject to division (C)(1) of this section, the program may 8794  
include, but is not limited to, a loss of pay or loss of holiday 8795  
pay as determined by the director. The program may be administered 8796  
differently among exempt employees based on their classifications, 8797  
appointment categories, appointing authorities, or other relevant 8798  
distinctions. 8799

(1) Each full-time exempt employee shall participate in the 8800  
program for a total of eighty hours of mandatory cost savings in 8801  
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 8802  
employee shall participate in the program by not receiving holiday 8803  
pay during both fiscal year 2010 and fiscal year 2011. Each 8804  
employee of the secretary of state, auditor of state, treasurer of 8805

state, and attorney general shall participate in the program 8806  
unless the secretary of state, auditor of state, treasurer of 8807  
state, or attorney general decides to exempt the officer's 8808  
employees from the program and so notifies the director of 8809  
administrative services in writing on or before July 1, 2009. 8810

After July 1, 2009, the secretary of state, auditor of state, 8811  
treasurer of state, or attorney general may decide to begin 8812  
participation in the program for eighty hours or less and shall 8813  
notify the director of administrative services in writing. The 8814  
secretary of state, auditor of state, treasurer of state, or 8815  
attorney general and the director shall mutually agree upon an 8816  
implementation date. 8817

(2) After June 30, 2011, the director of administrative 8818  
services, in consultation with the director of budget and 8819  
management, may implement mandatory cost savings days applicable 8820  
to exempt employees in the event of a fiscal emergency. Each 8821  
employee of the secretary of state, auditor of state, treasurer of 8822  
state, and attorney general shall participate in the mandatory 8823  
cost savings days unless the secretary of state, auditor of state, 8824  
treasurer of state, or attorney general decides to exempt the 8825  
officer's employees from the mandatory cost savings days and so 8826  
notifies the director of administrative services in the manner the 8827  
director of administrative services prescribes by rule adopted 8828  
under this section. 8829

(D) The director shall adopt rules in accordance with Chapter 8830  
119. of the Revised Code to provide for the administration of the 8831  
voluntary cost savings program and the mandatory cost savings 8832  
program ~~and days~~. 8833

(E) Cost savings days provided pursuant to this section or by 8834  
a labor-management contract or agreement shall be considered 8835  
remuneration for purposes of section 4141.31 of the Revised Code. 8836

~~(F) The cost savings fund is hereby created in the state treasury. Savings accrued through employee participation in the mandatory cost savings program and in mandatory cost savings days shall be allocated to the fund. The fund may be used to pay employees who participated in the mandatory cost savings program or in mandatory cost savings days. Any investment earnings of the fund shall be credited to the fund.~~

~~Sec. 125.02. Except as to the adjutant general for military supplies and services, the capital square review and advisory board, the general assembly, the judicial branch, and institutions administered by boards of trustees, the (A) The department of administrative services may shall establish contracts for supplies and services, including telephone, other telecommunications, and computer services, for the use of state agencies, or and may establish such contracts for the use of any political subdivision as described in division (B) of section 125.04 of the Revised Code, except for the following:~~

- ~~(1) The adjutant general for military supplies and services;~~
- ~~(2) The general assembly;~~
- ~~(3) The judicial branch;~~
- ~~(4) State institutions of higher education;~~
- ~~(5) State elected officials as set forth in section 125.041 of the Revised Code;~~
- ~~(6) The capitol square review and advisory board.~~

~~The department The entities set forth in divisions (A)(1) to (6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department.~~

~~(B) For purchases under division (C) of section 125.05 of the~~

Revised Code, the department shall grant a state agency a release 8867  
and permit to make the purchase if the department determines that 8868  
it is not possible or advantageous for the department to make a 8869  
purchase. 8870

(C) Upon request, the department may grant a blanket release 8871  
and permit to a state agency for specific purchases. The 8872  
department may grant the blanket release and permit for a fiscal 8873  
year or for a biennium as determined by the director of 8874  
administrative services. 8875

(D) The director of administrative services shall adopt rules 8876  
regarding circumstances and criteria for obtaining a release and 8877  
permit under this section. The director of administrative services 8878  
shall prescribe uniform rules governing forms of specifications, 8879  
advertisements for proposals, the opening of bids, the making of 8880  
awards and contracts, and the purchase of supplies and performance 8881  
of work. 8882

(E) The director may enter into cooperative purchasing 8883  
agreements to purchase supplies or services with the following: 8884

(1) The entities set forth in divisions (A)(1) to (5) of this 8885  
section; 8886

(2) One or more other states; 8887

(3) Groups of states; 8888

(4) The United States or any department, division, or agency 8889  
of the United States; 8890

(5) Other purchasing consortia; 8891

(6) The department of transportation; or 8892

(7) Any political subdivision of this state described in 8893  
division (B) of section 125.04 of the Revised Code. 8894

(F) The United States or any department, division, or agency 8895  
of the United States, one or more other states, groups of states, 8896

other purchasing consortia, or any agency, commission, or 8897  
authority established under an interstate compact or agreement may 8898  
purchase supplies and services from contracts established by the 8899  
department of administrative services. 8900

(G) Except as provided in section 125.04 of the Revised Code, 8901  
the department of administrative services shall purchase any 8902  
policy of insurance, including a surety or fidelity bond, covering 8903  
officers or employees of a state agency, for which the annual 8904  
premium is more than one thousand dollars and which the state may 8905  
procure. The department shall purchase the insurance in conformity 8906  
with sections 125.04 to 125.15 of the Revised Code. As used in 8907  
this division, "annual premium" means the total premium for one 8908  
year for one type of insurance regardless of the number of 8909  
policies. 8910

Sec. 125.035. (A) Except as otherwise provided in the Revised 8911  
Code, a state agency wanting to purchase supplies or services 8912  
shall make the purchase subject to the requirements of an 8913  
applicable first or second requisite procurement program described 8914  
in this section, or obtain a determination from the department of 8915  
administrative services that the purchase is not subject to a 8916  
first or second requisite procurement program. State agencies 8917  
shall submit a purchase request to the department of 8918  
administrative services unless the department has determined the 8919  
request does not require a review. The director of administrative 8920  
services shall adopt rules under Chapter 119. of the Revised Code 8921  
to provide for the manner of carrying out the function and the 8922  
power and duties imposed upon and vested in the director by this 8923  
section. 8924

(B) The following programs are first requisite procurement 8925  
programs that shall be given preference in the following order in 8926  
fulfilling a purchase request: 8927

<u>(1) Ohio penal industries within the department of</u>	8928
<u>rehabilitation and correction; and</u>	8929
<u>(2) Community rehabilitation programs administered by the</u>	8930
<u>department of administrative services under sections 125.601 to</u>	8931
<u>125.6012 of the Revised Code.</u>	8932
<u>(C) The following programs are second requisite procurement</u>	8933
<u>programs that may be able to fulfill the purchase request if the</u>	8934
<u>first requisite procurement programs are unable to do so:</u>	8935
<u>(1) Business enterprise program at the opportunities for</u>	8936
<u>Ohioans with disabilities agency as prescribed in sections 3304.28</u>	8937
<u>to 3304.33 of the Revised Code;</u>	8938
<u>(2) Office of information technology at the department of</u>	8939
<u>administrative services as established in section 125.18 of the</u>	8940
<u>Revised Code;</u>	8941
<u>(3) Office of state printing and mail services at the</u>	8942
<u>department of administrative services as prescribed in Chapter</u>	8943
<u>125. of the Revised Code;</u>	8944
<u>(4) Office of support services at the department of mental</u>	8945
<u>health as prescribed in section 5119.44 of the Revised Code;</u>	8946
<u>(5) Ohio facilities construction commission established in</u>	8947
<u>section 123.20 of the Revised Code; and</u>	8948
<u>(6) Any other program within, or administered by, a state</u>	8949
<u>agency that, by law, requires purchases to be made by, or with the</u>	8950
<u>approval of, the state agency.</u>	8951
<u>(D) Upon receipt of a purchase request, the department of</u>	8952
<u>administrative services shall provide the requesting agency a</u>	8953
<u>notification of receipt of the purchase request. The department</u>	8954
<u>then shall determine whether the request can be fulfilled through</u>	8955
<u>a first requisite procurement program. In making the</u>	8956
<u>determination, the department may consult with each of the first</u>	8957

requisite procurement programs. When the department has made its 8958  
determination, it shall: 8959

(1) Direct the requesting agency to obtain the desired 8960  
supplies or services through the proper first requisite 8961  
procurement program; 8962

(2) Provide the agency with a waiver from the use of the 8963  
applicable first requisite procurement programs under sections 8964  
125.609 or 5147.07 of the Revised Code; or 8965

(3) Determine whether the purchase can be fulfilled through a 8966  
second requisite procurement program under division (E) of this 8967  
section. 8968

(E) In making the determination that a purchase is subject to 8969  
a second requisite procurement program, the department shall 8970  
identify potentially applicable programs and notify each program 8971  
of the requested purchase. The notified second requisite 8972  
procurement program shall respond to the department within two 8973  
business days with regard to its ability to provide the requested 8974  
purchase. If the second requisite procurement program can provide 8975  
the requested purchase, the department shall direct the requesting 8976  
agency to make the requested purchase from the appropriate second 8977  
requisite procurement program. If the department has not received 8978  
notification from a second requisite procurement program within 8979  
two business days and the department has made the determination 8980  
that the purchase is not subject to a second requisite procurement 8981  
program, the department shall provide a waiver to the requesting 8982  
agency. 8983

(F) Within five business days after receipt of a request, the 8984  
department shall notify the requesting agency of its determination 8985  
and provide any waiver under divisions (D) or (E) of this section. 8986  
If the department fails to respond within five business days or 8987  
fails to provide an explanation for any further delay within that 8988

time, the requesting agency may use direct purchasing authority to 8989  
make the requested purchase, subject to the requirements of 8990  
division (G) of this section and section 127.16 of the Revised 8991  
Code. 8992

(G) As provided in sections 125.02 and 125.05 of the Revised 8993  
Code and subject to such rules as the director of administrative 8994  
services may adopt, the department may issue a release and permit 8995  
to the agency to secure supplies or services. A release and permit 8996  
shall specify the supplies or services to which it applies, the 8997  
time during which it is operative, and the reason for its 8998  
issuance. A release and permit for telephone, other 8999  
telecommunications, and computer services shall be provided in 9000  
accordance with section 125.18 of the Revised Code and shall 9001  
specify the type of services to be rendered, the number and type 9002  
of hardware to be used, and may specify the amount of such 9003  
services to be performed. No requesting agency shall proceed with 9004  
such purchase until it has received an approved release and permit 9005  
from the director of administrative services or the director's 9006  
designee. 9007

~~**Sec. 125.04.** (A) Except as provided in division (D) of this~~ 9008  
~~section, the department of administrative services shall determine~~ 9009  
~~what supplies and services are purchased by or for state agencies.~~ 9010  
~~Whenever the department of administrative services makes any~~ 9011  
~~change or addition to the lists of supplies and services that it~~ 9012  
~~determines to purchase for state agencies, it shall provide a list~~ 9013  
~~to the agencies of the changes or additions. Except for the~~ 9014  
~~requirements of division (B) of this section, section 125.092, and~~ 9015  
~~division (B) of section 125.11 of the Revised Code, sections~~ 9016  
~~125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not~~ 9017  
~~apply to or affect the educational state institutions of the state~~ 9018  
~~higher education.~~ 9019



(B)(1) As used in this division: 9020

(a) "Chartered nonpublic school" has the same meaning as in 9021  
section 3310.01 of the Revised Code. 9022

(b) "Emergency medical service organization" has the same 9023  
meaning as in section 4765.01 of the Revised Code. 9024

(c) "Governmental agency" means a political subdivision or 9025  
special district in this state established by or under law, or any 9026  
combination of these entities; the United States or any 9027  
department, division, or agency of the United States; one or more 9028  
other states or groups of states; other purchasing consortia; and 9029  
any agency, commission, or authority established under an 9030  
interstate compact or agreement. 9031

(d) "Political subdivision" means any county, township, 9032  
municipal corporation, school district, conservancy district, 9033  
township park district, park district created under Chapter 1545. 9034  
of the Revised Code, regional transit authority, regional airport 9035  
authority, regional water and sewer district, or port authority. 9036  
"Political subdivision" also includes any other political 9037  
subdivision described in the Revised Code that has been approved 9038  
by the department to participate in the department's contracts 9039  
under this division. 9040

~~(d)~~(e) "Private fire company" has the same meaning as in 9041  
section 9.60 of the Revised Code. 9042

(f) "State institution of higher education" has the meaning 9043  
defined in section 3345.011 of the Revised Code. 9044

(2) Subject to division (C) of this section, the department 9045  
of administrative services may permit a state institution of 9046  
higher education, governmental agency, political subdivision, 9047  
county board of elections, private fire company, private, 9048  
nonprofit emergency medical service organization, or chartered 9049  
nonpublic school to participate in contracts into which the 9050

department has entered for the purchase of supplies and services. 9051  
The department may charge the entity a reasonable fee to cover the 9052  
administrative costs the department incurs as a result of 9053  
participation by the entity in such a purchase contract. 9054

A political subdivision desiring to participate in such 9055  
purchase contracts shall file with the department a certified copy 9056  
of an ordinance or resolution of the legislative authority or 9057  
governing board of the political subdivision. The resolution or 9058  
ordinance shall request that the political subdivision be 9059  
authorized to participate in such contracts and shall agree that 9060  
the political subdivision will be bound by such terms and 9061  
conditions as the department prescribes and that it will directly 9062  
pay the vendor under each purchase contract. A board of elections 9063  
desiring to participate in such purchase contracts shall file with 9064  
the purchasing authority a written request for inclusion in the 9065  
program. A private fire company, private, nonprofit emergency 9066  
medical service organization, or chartered nonpublic school 9067  
desiring to participate in such purchase contracts shall file with 9068  
the department a written request for inclusion in the program 9069  
signed by the chief officer of the company, organization, or 9070  
chartered nonpublic school. A governmental agency desiring to 9071  
participate in such purchase contracts shall file with the 9072  
department a written request for inclusion in the program. A state 9073  
institution of higher education desiring to participate in such 9074  
purchase contracts shall file with the department a certified copy 9075  
of resolution of the board of trustees or similar authorizing 9076  
body. The resolution shall request that the state institution of 9077  
higher education be authorized to participate in such contracts. 9078

A request for inclusion shall include an agreement to be 9079  
bound by such terms and conditions as the department prescribes 9080  
and to make direct payments to the vendor under each purchase 9081  
contract. 9082

The department shall include in its annual report, an 9083  
estimate of the ~~cost it incurs by permitting~~ purchases made by 9084  
state institutions of higher education, governmental agencies, 9085  
political subdivisions, county boards of elections, private fire 9086  
companies, private, nonprofit emergency medical service 9087  
organizations, and chartered nonpublic schools ~~to participate in~~ 9088  
from contracts pursuant to this division. The department may 9089  
require such entities to file a report with the department, as 9090  
often as it finds necessary, stating how many such contracts the 9091  
entities participated in within a specified period of time, and 9092  
any other information the department requires. 9093

(3) Purchases made by a political subdivision or a county 9094  
board of elections under this division are exempt from any 9095  
competitive selection procedures otherwise required by law. No 9096  
political subdivision shall make any purchase under this division 9097  
when bids have been received for such purchase by the subdivision, 9098  
unless such purchase can be made upon the same terms, conditions, 9099  
and specifications at a lower price under this division. 9100

(C) A political subdivision as defined in division (B) of 9101  
this section or a county board of elections may purchase supplies 9102  
or services from another party, including a political subdivision, 9103  
instead of through participation in contracts described in 9104  
division (B) of this section if the political subdivision or 9105  
county board of elections can purchase those supplies or services 9106  
from the other party upon equivalent terms, conditions, and 9107  
specifications but at a lower price than it can through those 9108  
contracts. Purchases that a political subdivision or county board 9109  
of elections makes under this division are exempt from any 9110  
competitive selection procedures otherwise required by law. A 9111  
political subdivision or county board of elections that makes any 9112  
purchase under this division shall maintain sufficient information 9113  
regarding the purchase to verify that the political subdivision or 9114

county board of elections satisfied the conditions for making a 9115  
purchase under this division. Nothing in this division restricts 9116  
any action taken by a county or township as authorized by division 9117  
(B)(1) of section 9.48 of the Revised Code. 9118

(D) This section does not apply to supplies or services 9119  
~~required by the legislative or judicial branches, the capitol~~ 9120  
~~square review and advisory board, the adjutant general for~~ 9121  
~~military supplies and services, to supplies or services~~ purchased 9122  
by a state agency directly as provided in ~~division (A), (B), or~~ 9123  
~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 9124  
supplies or services for the emergency management agency as 9125  
provided in section ~~125.023~~ 125.061 of the Revised Code. 9126

**Sec. 125.041.** (A) Nothing in sections 125.02, ~~125.03~~ 125.04 9127  
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 9128  
of the Revised Code shall be construed as limiting the attorney 9129  
general, auditor of state, secretary of state, or treasurer of 9130  
state in any of the following: 9131

~~(A)~~(1) Purchases for less than the dollar amounts for the 9132  
purchase of supplies or services determined ~~pursuant to division~~ 9133  
~~(E)~~ of under section 125.05 of the Revised Code; 9134

~~(B)~~(2) Purchases that equal or exceed the dollar amounts for 9135  
the purchase of supplies or services determined ~~pursuant to~~ 9136  
~~division (E)~~ of under section 125.05 of the Revised Code with the 9137  
approval of the controlling board, if that approval is required by 9138  
section 127.16 of the Revised Code; 9139

~~(C)~~(3) The final determination of the nature or quantity 9140  
making of any purchase of supplies or services ~~to be purchased~~ 9141  
~~pursuant to~~ under division (B) of section ~~125.06~~ 125.02 or under 9142  
division (G) of section 125.035 of the Revised Code; 9143

~~(D)~~(4) The final determination and disposal of excess and 9144

surplus supplies;	9145
<del>(E)</del> (5) The inventory of state property;	9146
<del>(F)</del> (6) The purchase of printing;	9147
<del>(G)</del> (7) Activities related to information technology development and use;	9148 9149
<del>(H)</del> (8) The fleet management program.	9150
<u>(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.</u>	9151 9152 9153 9154 9155
<b>Sec. 125.05.</b> Except as provided in division <del>(F)</del> (D) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to <del>(D)</del> (C) of this section.	9156 9157 9158
(A) <del>Subject to division (E) of this section, a</del> <u>A</u> state agency may, without competitive selection, make any purchase of supplies or services that cost <del>twenty-five</del> <u>less than fifty</u> thousand dollars <del>or less after complying with divisions (A) to (E) of section</del> <u>125.035 of the Revised Code.</u> The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.	9159 9160 9161 9162 9163 9164 9165 9166 9167 9168
<del>(B) Subject to division (E) of this section and in accordance with section 125.051 of the Revised Code, a state agency may make purchases of supplies and services that cost more than twenty-five thousand dollars but less than fifty thousand dollars if the purchases are made under the direction of an employee of the agency who is certified by the department to make purchases and if</del>	9169 9170 9171 9172 9173 9174

~~the purchases comply with the department's purchasing procedures. 9175~~  
~~Section 127.16 of the Revised Code does not apply to purchases 9176~~  
~~made under this division. Until the certification effective date 9177~~  
~~established by the department in rules adopted under section 9178~~  
~~125.051 of the Revised Code, state agencies may make purchases of 9179~~  
~~supplies and services that cost more than twenty five thousand 9180~~  
~~dollars but less than fifty thousand dollars in the same manner as 9181~~  
~~provided in division (A) of this section. 9182~~

(B) A state agency shall make purchases of supplies and 9183  
services that cost fifty thousand dollars or more through the 9184  
department of administrative services and the process provided in 9185  
section 125.035 of the Revised Code, unless the department grants 9186  
a waiver under divisions (D) or (E) of that section and a release 9187  
and permit under division (G) of that section. 9188

~~(C) Subject to division (E) of this section, a state agency 9189~~  
~~wanting to purchase supplies or services that cost more than 9190~~  
~~twenty five thousand dollars shall, unless otherwise authorized by 9191~~  
~~law, make the purchase from or through the department. The 9192~~  
~~department shall make the purchase by competitive selection. If 9193~~  
~~the director of administrative services determines that it is not 9194~~  
~~possible or not advantageous to the state for the department to 9195~~  
~~make the purchase, the department shall grant the agency a release 9196~~  
~~and permit under section 125.06 of the Revised Code to make the 9197~~  
~~purchase. Section 127.16 of the Revised Code does not apply to 9198~~  
~~purchases the department makes under this section. 9199~~

~~(D)~~ An agency that has been granted a release and permit 9200  
under division (G) of section 125.035 of the Revised Code to make 9201  
a purchase may make the purchase without competitive selection if 9202  
after making the purchase the cumulative purchase threshold as 9203  
computed under division (E) of section 127.16 of the Revised Code 9204  
would: 9205

(1) Be exceeded and the controlling board approves the 9206

purchase; 9207

(2) Not be exceeded and the department of administrative 9208  
services approves the purchase. 9209

~~(E) Not later than the thirty first day of January of each 9210  
even numbered year, the directors of administrative services and 9211  
budget and management shall review and recommend to the general 9212  
assembly, if necessary, adjustments to the amounts specified in 9213  
divisions (A) to (C) of this section and division (B) of section 9214  
127.16 of the Revised Code. 9215~~

~~(F)~~(D) If the department of education or the Ohio education 9216  
computer network determines that it can purchase software services 9217  
or supplies for specified school districts at a price less than 9218  
the price for which the districts could purchase the same software 9219  
services or supplies for themselves, the department or network 9220  
shall certify that fact to the department of administrative 9221  
services and, acting as an agent for the specified school 9222  
districts, shall make that purchase without following the 9223  
provisions in divisions (A) to (D) of this section. 9224

Sec. 125.061. (A) During the period of an emergency as 9225  
defined in section 5502.21 of the Revised Code, the department of 9226  
administrative services may suspend, for the emergency management 9227  
agency established in section 5502.22 of the Revised Code or any 9228  
other state agency participating in response and recovery 9229  
activities as defined in section 5502.21 of the Revised Code, the 9230  
purchasing and contracting requirements contained in Chapter 125. 9231  
and any requirement of Chapter 153. of the Revised Code that 9232  
otherwise would apply to the agency. The director of public safety 9233  
or the executive director of the emergency management agency shall 9234  
make the request for the suspension of these requirements to the 9235  
department of administrative services concurrently with the 9236  
request to the governor or the president of the United States for 9237

the declaration of an emergency. The governor also shall include 9238  
in any proclamation the governor issues declaring an emergency 9239  
language requesting the suspension of those requirements during 9240  
the period of the emergency. 9241

(B) Before any purchase may be made under a suspension 9242  
authorized by this section, the director of administrative 9243  
services shall send notice of the suspension as approved under 9244  
division (A) of this section to the director of budget and 9245  
management and to the members of the controlling board. The notice 9246  
shall provide details of the request for suspension and shall 9247  
include a copy of the director's approval. 9248

(C) Purchases made by state agencies under this section are 9249  
exempt from the requirements of section 127.16 of the Revised 9250  
Code, except that state agencies making purchases under this 9251  
section shall file a report with the president of the controlling 9252  
board describing all such purchases made by the agency during the 9253  
period covered by the emergency declaration. The report shall be 9254  
filed within ninety days after the declaration expires. 9255

**Sec. 125.07.** (A) In accordance with rules the director shall 9256  
adopt under Chapter 119. of the Revised Code, the director of 9257  
administrative services may make purchases by competitive sealed 9258  
bid. The competitive sealed bid, at a minimum, shall contain a 9259  
detailed description of the supplies or services to be purchased, 9260  
terms and conditions of the sale, and any other information the 9261  
director considers to be necessary for the intended purchase. 9262  
Competitive sealed bids shall be awarded as provided in section 9263  
125.11 of the Revised Code. 9264

(B) The department of administrative services, in making a 9265  
purchase by competitive selection pursuant to division (C) of 9266  
section 125.05 of the Revised Code sealed bid, shall give notice 9267



in the following manner: 9268

~~(A)(1)~~ The department shall advertise the intended purchases 9269  
by notice ~~that is posted by mail or electronic means and that is~~ 9270  
for the benefit of competing persons producing or dealing in the 9271  
supplies or services to be purchased, ~~including, but not limited~~ 9272  
~~to, the persons whose names appear on the appropriate list~~ 9273  
~~provided for in section 125.08 of the Revised Code.~~ The notice may 9274  
be in the ~~form of the bid or proposal document or of a listing in~~ 9275  
~~a periodic bulletin, or in any other~~ electronic form the director 9276  
of administrative services considers appropriate to sufficiently 9277  
notify ~~qualified~~ competing persons of the intended purchases. 9278

~~(B)(2)~~ The notice required under this division ~~(A) of this~~ 9279  
~~section~~ shall include the time and place where bids ~~or proposals~~ 9280  
will be accepted and opened, or, when bids are made in a reverse 9281  
auction, the time when bids will be accepted; the conditions under 9282  
which bids ~~or proposals~~ will be received; the terms of the 9283  
proposed purchases; and an itemized list of the supplies or 9284  
services to be purchased and the estimated quantities or amounts 9285  
of them. 9286

~~(C)(3)~~ The ~~posting of the~~ notice required under this division 9287  
~~(A) of this section~~ shall be ~~completed by~~ posted the number of 9288  
days ~~the director determines~~ preceding the day when the bids ~~or~~ 9289  
~~proposals~~ will be opened or accepted that the director determines 9290  
sufficient to enable interested bidders to prepare their bids. 9291

~~(D)~~ The department also shall maintain, in a public place in 9292  
its office, a bulletin board upon which it shall post and maintain 9293  
a copy of the notice required under division (A) of this section 9294  
for at least the number of days the director determines under 9295  
division (C) of this section preceding the day of the opening or 9296  
acceptance of the bids or proposals. The failure to so 9297  
additionally post the notice shall invalidate all proceedings had 9298  
and any contract entered into pursuant to the proceedings. 9299

~~Sec. 125.08. (A) The department of administrative services 9300  
may divide the state into purchasing districts wherein supplies or 9301  
services are to be delivered and shall describe those districts on 9302  
all applications for the notification list provided for in this 9303  
section. 9304~~

~~Any person may have that person's name and address, or the 9305  
name and address of an agent, placed on the competitive selection 9306  
notification list of the department of administrative services by 9307  
sending to the department the person's name and address, together 9308  
with a list of the supplies or services described in the manner 9309  
prescribed by the department produced or dealt in by the person 9310  
with a request for such listing, a list of the districts in which 9311  
the person desires to participate, and all other information the 9312  
director of administrative services may prescribe. Whenever any 9313  
name and address together with a list of the supplies or services 9314  
produced or dealt in is so listed, the department shall post 9315  
notice, as provided in division (A) of section 125.07 of the 9316  
Revised Code, for the benefit of the persons listed on the 9317  
notification list that are qualified Ohio business enterprises, 9318  
which shall include Ohio penal industries as defined by rule of 9319  
the director of administrative services, or have a significant 9320  
Ohio presence in this state's economy, except that, in those 9321  
circumstances in which the director considers it in the best 9322  
interest of this state, the director shall post notice, as 9323  
provided in division (A) of section 125.07 of the Revised Code, 9324  
for the benefit of all persons listed on the notification list. 9325  
The department need only provide competitive selection documents 9326  
for a proposed contract to persons who specifically request the 9327  
documents. 9328~~

~~The director may remove a person from the notification list 9329  
and place the person on an inactive list if the person fails to 9330  
respond to any notices of proposed purchases that appear in four 9331~~

~~consecutive bulletins or other forms of notification that list 9332  
those notices. Upon written request to the director by the person 9333  
so removed, the director may return the person to the notification 9334  
list if the person provides sufficient evidence regarding intent 9335  
to offer bids or proposals to the state. The director shall not 9336  
remove any person from the list without notice to the person. The 9337  
notice may be a part of the notices of proposed purchase. 9338~~

~~(B) Any person who is certified by the equal employment 9339  
opportunity coordinator of the department of administrative 9340  
services in accordance with the rules adopted under division 9341  
(B)(1) of section 123.151 of the Revised Code as a minority 9342  
business enterprise may have that person's name placed on a 9343  
special minority business enterprise notification list to be used 9344  
in connection with contracts awarded under section 125.081 of the 9345  
Revised Code. The minority business enterprise notification list 9346  
shall be used for bidding on contracts set aside for minority 9347  
business enterprises only. ~~In all other respects, the list shall 9348  
be maintained and used in the same manner and according to the 9349  
same procedures as the notification list provided for under 9350  
division (A) of this section, except that a firm shall not be 9351  
removed from the list unless the coordinator determines that the 9352  
firm is no longer a minority business enterprise. A minority 9353  
business enterprise may have its name placed on both the 9354  
notification lists provided for in this section. 9355~~~~

~~(C) The director of administrative services may require an 9356  
annual registration fee for the listings provided for in division 9357  
(A) or (B) of this section. This fee shall not be more than ten 9358  
dollars. The department may charge a fee for any compilation of 9359  
descriptions of supplies or services. This fee shall be reasonable 9360  
and shall not exceed the cost required to maintain the 9361  
notification lists and provide for the distribution of the 9362  
proposed purchase to the persons whose names appear on the lists. 9363~~

Sec. 125.081. (A) From the purchases that the department of 9364  
administrative services is required by law to make through 9365  
competitive selection, the director of administrative services 9366  
shall select a number of such purchases, the aggregate value of 9367  
which equals approximately fifteen per cent of the estimated total 9368  
value of all such purchases to be made in the current fiscal year. 9369  
The director shall set aside the purchases selected for 9370  
competition only by minority business enterprises, as defined in 9371  
division (E)(1) of section 122.71 of the Revised Code. The 9372  
competitive selection procedures for such purchases set aside 9373  
shall be the same as for all other purchases the department is 9374  
required to make through competitive selection, except that only 9375  
minority business enterprises certified by the equal employment 9376  
opportunity coordinator of the department of administrative 9377  
services in accordance with the rules adopted under division 9378  
(B)(1) of section 123.151 of the Revised Code and listed by the 9379  
director under ~~division (B)~~ of section 125.08 of the Revised Code 9380  
shall be qualified to compete. 9381

(B) To the extent that any agency of the state, other than 9382  
the department of administrative services, the legislative and 9383  
judicial branches, boards of elections, and the adjutant general, 9384  
is authorized to make purchases, the agency shall set aside a 9385  
number of purchases, the aggregate value of which equals 9386  
approximately fifteen per cent of the aggregate value of such 9387  
purchases for the current fiscal year for competition by minority 9388  
business enterprises only. The procedures for such purchases shall 9389  
be the same as for all other such purchases made by the agency, 9390  
except that only minority business enterprises certified by the 9391  
equal employment opportunity coordinator in accordance with rules 9392  
adopted under division (B)(1) of section 123.151 of the Revised 9393  
Code shall be qualified to compete. 9394

(C) In the case of purchases set aside under division (A) or 9395

(B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house of representatives of the general assembly that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

**Sec. 125.082.** (A) When purchasing equipment, materials, or supplies, the general assembly; the offices of all elected state

officers; all departments, boards, offices, commissions, agencies, 9427  
institutions, including, without limitation, state-supported 9428  
institutions of higher education, and other instrumentalities of 9429  
this state; the supreme court; all courts of appeals; and all 9430  
courts of common pleas, may purchase recycled products in 9431  
accordance with ~~the guidelines adopted under division (B) of this~~ 9432  
~~section if the products are available and meet the performance~~ 9433  
~~specifications of the procuring entities. Purchases of recycled~~ 9434  
~~products shall comply with any rules adopted under division (C) of~~ 9435  
~~this section by the director of administrative services.~~ 9436

(B) The director of administrative services shall adopt rules 9437  
in accordance with Chapter 119. of the Revised Code establishing 9438  
guidelines for the procurement of recycled products pursuant to 9439  
division (A) of this section. ~~To the extent practicable, the~~ 9440  
~~guidelines shall do all of the following:~~ 9441

~~(1) Be consistent with and substantially equivalent to any~~ 9442  
~~relevant regulations adopted by the administrator of the United~~ 9443  
~~States environmental protection agency pursuant to the "Resource~~ 9444  
~~Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.~~ 9445  
~~6921, as amended;~~ 9446

~~(2) Establish the minimum percentage of recycled materials~~ 9447  
~~the various products shall contain in order to be considered~~ 9448  
~~"recycled" for the purposes of division (A) of this section;~~ 9449

~~(3) So far as practicable and economically feasible,~~ 9450  
~~incorporate specifications for recycled content materials to~~ 9451  
~~promote the use and purchase of recycled products by state~~ 9452  
~~agencies.~~ 9453

~~(C) The director may adopt rules in accordance with Chapter~~ 9454  
~~119. of the Revised Code establishing a maximum percentage by~~ 9455  
~~which the cost of recycled products purchased under division (A)~~ 9456  
~~of this section may exceed the cost of comparable products made of~~ 9457

~~virgin materials.~~ 9458

~~(D) The department of administrative services and the 9459  
environmental protection agency annually shall prepare and submit 9460  
to the governor, president of the senate, and speaker of the house 9461  
of representatives a report that describes, so far as practicable, 9462  
the value and types of recycled products that are purchased with 9463  
moneys disbursed from the state treasury by the general assembly; 9464  
the offices of all elected state officers; and all departments, 9465  
boards, offices, commissions, agencies, and institutions of this 9466  
state.~~ 9467

**Sec. 125.10.** (A) The department of administrative services 9468  
may require that all competitive sealed bids, competitive sealed 9469  
proposals, and bids received in a reverse auction be accompanied 9470  
by a performance bond or other ~~cash surety~~ financial assurance 9471  
acceptable to the director of administrative services, in the sum 9472  
and with the sureties it prescribes, payable to the state, and 9473  
conditioned that the person submitting the bid or proposal, if 9474  
that person's bid or proposal is accepted, will faithfully execute 9475  
the terms of the contract and promptly make deliveries of the 9476  
supplies purchased. 9477

(B) A sealed copy of each competitive sealed bid or 9478  
competitive sealed proposal shall be filed with the department 9479  
prior to the time specified in the notice for opening of the bids 9480  
or proposals. All competitive sealed bids and competitive sealed 9481  
proposals shall be publicly opened in the office of the department 9482  
at the time specified in the notice. A representative of the 9483  
auditor of state shall be present at the opening of all 9484  
competitive sealed bids and competitive sealed proposals, and 9485  
shall certify the opening of each competitive sealed bid and 9486  
competitive sealed proposal. No competitive sealed bid or 9487  
competitive sealed proposal shall be considered valid unless it is 9488

so certified. 9489

**Sec. 125.11.** (A) Subject to division (B) of this section, 9490  
contracts awarded pursuant to a reverse auction under section 9491  
125.072 of the Revised Code or pursuant to competitive sealed 9492  
bidding, including contracts awarded under section 125.081 of the 9493  
Revised Code, shall be awarded to the lowest responsive and 9494  
responsible bidder ~~on each item~~ in accordance with section 9.312 9495  
of the Revised Code. When the contract is for meat products as 9496  
defined in section 918.01 of the Revised Code or poultry products 9497  
as defined in section 918.21 of the Revised Code, only those bids 9498  
received from vendors ~~offering products from establishments on the~~ 9499  
~~current list of meat and poultry vendors established and~~ 9500  
~~maintained by the director of administrative services under~~ 9501  
~~section 125.17 of the Revised Code~~ under inspection of the United 9502  
States department of agriculture or who are licensed by the Ohio 9503  
department of agriculture shall be eligible for acceptance. The 9504  
department of administrative services may accept or reject any or 9505  
all bids in whole or by items, except that when the contract is 9506  
for services or products available from a qualified nonprofit 9507  
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 9508  
4115.35 of the Revised Code, the contract shall be awarded to that 9509  
agency. 9510

(B) Prior to awarding a contract under division (A) of this 9511  
section, the department of administrative services or the state 9512  
agency responsible for evaluating a contract for the purchase of 9513  
products shall evaluate the bids received according to the 9514  
criteria and procedures established pursuant to divisions (C)(1) 9515  
and (2) of section 125.09 of the Revised Code for determining if a 9516  
product is produced or mined in the United States and if a product 9517  
is produced or mined in this state. The department or other state 9518  
agency shall first ~~remove~~ consider bids that offer products that 9519  
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 9520



States. From among the remaining bids, the department or other 9521  
state agency shall select the lowest responsive and responsible 9522  
bid, in accordance with section 9.312 of the Revised Code, from 9523  
among the bids that offer products that have been produced or 9524  
mined in this state where sufficient competition can be generated 9525  
within this state to ensure that compliance with these 9526  
requirements will not result in an excessive price for the product 9527  
or acquiring a disproportionately inferior product. 9528

(C) Division (B) of this section applies to contracts for 9529  
which competitive bidding is waived by the controlling board. 9530

(D) Division (B) of this section does not apply to the 9531  
purchase by the division of liquor control of spirituous liquor. 9532

(E) The director of administrative services shall publish in 9533  
the form of a model act for use by counties, townships, municipal 9534  
corporations, or any other political subdivision described in 9535  
division (B) of section 125.04 of the Revised Code, a system of 9536  
preferences for products mined and produced in this state and in 9537  
the United States and for Ohio-based contractors. The model act 9538  
shall reflect substantial equivalence to the system of preferences 9539  
in purchasing and public improvement contracting procedures under 9540  
which the state operates pursuant to this chapter and section 9541  
153.012 of the Revised Code. To the maximum extent possible, 9542  
consistent with the Ohio system of preferences in purchasing and 9543  
public improvement contracting procedures, the model act shall 9544  
incorporate all of the requirements of the federal "Buy America 9545  
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 9546  
the rules adopted under that act. 9547

Before and during the development and promulgation of the 9548  
model act, the director shall consult with appropriate statewide 9549  
organizations representing counties, townships, and municipal 9550  
corporations so as to identify the special requirements and 9551  
concerns these political subdivisions have in their purchasing and 9552

public improvement contracting procedures. The director shall 9553  
promulgate the model act by rule adopted pursuant to Chapter 119. 9554  
of the Revised Code and shall revise the act as necessary to 9555  
reflect changes in this chapter or section 153.012 of the Revised 9556  
Code. 9557

The director shall make available copies of the model act, 9558  
supporting information, and technical assistance to any township, 9559  
county, or municipal corporation wishing to incorporate the 9560  
provisions of the act into its purchasing or public improvement 9561  
contracting procedure. 9562

**Sec. 125.112.** (A) As used in this section: 9563

(1) "Agency" means a department created under section 121.02 9564  
of the Revised Code. 9565

(2) "Entity" means, whether for profit or nonprofit, a 9566  
corporation, association, partnership, limited liability company, 9567  
sole proprietorship, or other business entity. "Entity" does not 9568  
include an individual who receives state assistance that is not 9569  
related to the individual's business. 9570

(3)(a) "State award" means a contract awarded by the state 9571  
costing over twenty-five thousand dollars. 9572

(b) "State award" does not include compensation received as 9573  
an employee of the state or any state financial assistance and 9574  
expenditure received from the general assembly or any legislative 9575  
agency, any court or judicial agency, the secretary of state, 9576  
auditor of state, treasurer of state, or attorney general and 9577  
their respective offices. 9578

(B) The department of administrative services shall establish 9579  
and maintain a single searchable web site, accessible by the 9580  
public at no cost, that includes all of the following information 9581  
for each state award: 9582

(1) The name of the entity receiving the award;	9583
(2) The amount of the award;	9584
(3) Information on the award, the agency or other instrumentality of the state that is providing the award, and the commodity code;	9585 9586 9587
(4) Any other relevant information determined by the department of administrative services.	9588 9589
(C) The department of administrative services may consult with other state agencies in the development, establishment, operation, and support of the web site required by division (B) of this section. State awards shall be posted on the web site within thirty days after being made. The department of administrative services shall provide an opportunity for public comment as to the utility of the web site required by division (B) of this section and any suggested improvements.	9590 9591 9592 9593 9594 9595 9596 9597
(D) The web site required by division (B) of this section shall be fully operational not later than one year after <del>the effective date of this section</del> <u>December 30, 2008</u> , and shall include information on state awards made in fiscal year 2008 and thereafter. It shall also provide an electronic link to the daily journals of the senate and house of representatives.	9598 9599 9600 9601 9602 9603
(E) The director of administrative services shall submit to the general assembly an annual report regarding the implementation of the web site established pursuant to division (B) of this section. The report shall include data regarding the usage of the web site and any public comments on the utility of the site, including recommendations for improving data quality and collection. The director shall post each report on the web site.	9604 9605 9606 9607 9608 9609 9610
(F) Each agency awarding a grant to an entity in fiscal year 2008 and thereafter shall establish and maintain a separate web site listing the name of the entity receiving each grant, the	9611 9612 9613

grant amount, information on each grant, and any other relevant 9614  
information determined by the department of administrative 9615  
services. Each agency shall provide the link to such a web site to 9616  
the department of administrative services within a reasonable time 9617  
after ~~the effective date of this section~~ December 30, 2008, and 9618  
shall thereafter update its web site within thirty days of 9619  
awarding a new grant. Not later than one year after ~~the effective~~ 9620  
~~date of this section~~ December 30, 2008, the department of 9621  
administrative services shall establish and maintain a separate 9622  
web site, accessible to the public at no cost, which contains the 9623  
links to the agency web sites required by this division. 9624

(G) ~~The~~ At the end of the closeout year, the attorney general 9625  
shall ~~monitor the compliance of~~ determine the extent to which an 9626  
entity has complied with the terms and conditions, including 9627  
performance metrics, ~~if any,~~ of a state award for economic 9628  
development received by that entity. As necessary, the agency that 9629  
makes and administers the state award for economic development 9630  
shall assist the attorney general with that ~~monitoring~~ 9631  
determination. The attorney general shall submit to the general 9632  
assembly pursuant to section 101.68 of the Revised Code an annual 9633  
report regarding the level of compliance of each such ~~entities~~ 9634  
entity with the terms and conditions, including ~~any~~ performance 9635  
metrics, of their state awards for economic development. When the 9636  
attorney general determines appropriate and to the extent that an 9637  
entity that receives or has received a state award for economic 9638  
development does not comply with a performance metric that is 9639  
specified in the terms and conditions of the award, the attorney 9640  
general shall pursue against and from that entity such remedies 9641  
and recoveries as are available under law. For purposes of this 9642  
division, "~~state~~ Closeout year" means the calendar year by which 9643  
an entity that receives a state award for economic development 9644  
must comply with a performance metric specified in the terms and 9645  
conditions of the award. "State award for economic development" 9646

means state financial assistance and expenditure in any of the 9647  
following forms: grants, subgrants, loans, awards, cooperative 9648  
agreements, or other similar and related forms of financial 9649  
assistance and contracts, subcontracts, purchase orders, task 9650  
orders, delivery orders, or other similar and related 9651  
transactions. "State award for economic development" does not 9652  
include compensation received as an employee of the state or any 9653  
state financial assistance and expenditure received from the 9654  
general assembly or any legislative agency, any court or judicial 9655  
agency, the secretary of state, auditor of state, treasurer of 9656  
state, or attorney general and their respective offices. 9657

(H) Nothing in this section shall be construed as requiring 9658  
the disclosure of information that is not a public record under 9659  
section 149.43 of the Revised Code. 9660

**Sec. 125.13.** (A) As used in this section: 9661

(1) "Emergency medical service organization" has the same 9662  
meaning as in section 4765.01 of the Revised Code. 9663

(2) "Private fire company" has the same meaning as in section 9664  
9.60 of the Revised Code. 9665

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 9666  
~~Revised Code, whenever~~ Whenever a state agency ~~determines that it~~ 9667  
has excess or surplus supplies, it shall notify the director of 9668  
administrative services. ~~Upon request by the director and on~~ On 9669  
forms provided by the director, the state agency shall furnish to 9670  
the director a list of ~~all those~~ its excess and surplus supplies 9671  
~~and an appraisal of their value, including the location of the~~ 9672  
~~supplies and whether the supplies are currently in the agency's~~ 9673  
control. 9674

(C) ~~The~~ Upon receipt of notification and at no cost to the 9675  
state agency, the director of administrative services shall make 9676

arrangements for their disposition and shall take immediate 9677  
control of a state agency's excess and surplus supplies, except 9678  
for the following excess and surplus supplies: 9679

(1) Excess or surplus supplies that have a value below the 9680  
minimum value that the director establishes for excess and surplus 9681  
supplies under division (F) of this section; 9682

(2) Excess or surplus supplies that the director has 9683  
authorized an agency to donate to a ~~public entity~~ governmental 9684  
agency, including, but not limited to, public schools and surplus 9685  
computers and computer equipment transferred to a public school 9686  
under division ~~(H)~~(G) of this section; 9687

(3) Excess or surplus supplies that an agency trades in as 9688  
full or partial payment when purchasing a replacement item; 9689

(4) Hazardous property; 9690

(5) Excess or surplus supplies that the director has 9691  
authorized to be part of an interagency transfer; 9692

(6) Excess or surplus supplies that are donated under 9693  
division (H) of this section. 9694

(D) The director shall inventory excess and surplus supplies 9695  
in the director's control and post on a public web site a list of 9696  
the supplies available for acquisition. The director may have the 9697  
supplies repaired. The director shall not charge a fee for the 9698  
collection or transportation of excess and surplus supplies. 9699

(E) The director may do ~~either~~ any of the following: 9700

(1) Dispose of declared surplus or excess supplies in the 9701  
director's control by sale, lease, donation, or transfer. If the 9702  
director does so, the director shall dispose of those supplies in 9703  
any of the following ~~order of priority~~ manners: 9704

(a) To state agencies or by interagency trade; 9705

(b) To state-supported or state-assisted institutions of 9706

higher education; 9707

(c) To tax-supported agencies, municipal corporations, or 9708  
other political subdivisions of this state, private fire 9709  
companies, or private, nonprofit emergency medical service 9710  
organizations; 9711

(d) To nonpublic elementary and secondary schools chartered 9712  
by the state board of education under section 3301.16 of the 9713  
Revised Code; 9714

(e) To a nonprofit organization that is both exempt from 9715  
federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that 9716  
receives funds from the state or has a contract with the state; 9717

(f) To the general public by auction, sealed bid, sale, or 9718  
negotiation. 9719

(2) If the director has attempted to dispose of any declared 9720  
surplus or excess motor vehicle that does not exceed four thousand 9721  
five hundred dollars in value pursuant to divisions (E)(1)(a) to 9722  
(c) of this section, donate the motor vehicle to a nonprofit 9723  
organization exempt from federal income taxation pursuant to 26 9724  
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 9725  
transportation needs of participants in the Ohio works first 9726  
program established under Chapter 5107. of the Revised Code and 9727  
participants in the prevention, retention, and contingency program 9728  
established under Chapter 5108. of the Revised Code. The director 9729  
may not donate a motor vehicle furnished to the state highway 9730  
patrol to a nonprofit organization pursuant to this division. 9731

(F) The director may adopt rules governing the sale, lease, 9732  
or transfer of surplus and excess supplies in the director's 9733  
control by public auction, sealed bid, sale, or negotiation, 9734  
except that no employee of the disposing agency shall be allowed 9735  
to purchase, lease, or receive any such supplies. The director may 9736  
dispose of declared surplus or excess supplies, including motor 9737

vehicles, in the director's control as the director determines 9738  
proper if such supplies cannot be disposed of pursuant to division 9739  
(E) of this section. The director shall by rule establish a 9740  
minimum value for excess and surplus supplies and prescribe 9741  
procedures for a state agency to follow in disposing of excess and 9742  
surplus supplies in its control that have a value below the 9743  
minimum value established by the director. 9744

~~(G) No state supported or state assisted institution of 9745  
higher education, tax supported agency, municipal corporation, or 9746  
other political subdivision of this state, private fire company, 9747  
or private, nonprofit emergency medical service organization shall 9748  
sell, lease, or transfer excess or surplus supplies acquired under 9749  
this section to private entities or the general public at a price 9750  
greater than the price it originally paid for those supplies. 9751~~

~~(H)~~ The director of administrative services may authorize any 9752  
state agency to transfer surplus computers and computer equipment 9753  
that are not needed by other state agencies directly to an 9754  
accredited public school within the state. The computers and 9755  
computer equipment may be repaired or refurbished prior to 9756  
transfer. The state agency may charge a service fee to the public 9757  
schools for the property not to exceed the direct cost of 9758  
repairing or refurbishing it. The state agency shall deposit such 9759  
funds into the account used for repair or refurbishment. 9760

(H) Excess and surplus supplies of food shall be exempt from 9761  
this section and may be donated directly to nonprofit food 9762  
pantries and institutions without notification to the director of 9763  
administrative services. 9764

**Sec. 125.27.** (A) There is hereby created in the state 9765  
treasury the building improvement fund. The fund shall retain the 9766  
interest earned. 9767

(B) The fund shall consist of any ~~payments made by intrastate~~ 9768



~~transfer voucher from the appropriation item for office building 9769  
operating payments money transferred or deposited into the fund 9770  
pursuant to section 125.28 of the Revised Code. 9771~~

(C) The fund shall be used for major maintenance or 9772  
improvements required in the ~~James A. Rhodes or Frank J. Lausche 9773  
state office tower, Toledo government center, Senator Oliver R. 9774  
Oeasek government office building, and Vern Riffe center for 9775  
government and the arts facilities maintained by the department of 9776  
administrative services. 9777~~

**Sec. 125.28.** (A)~~(1) Each state agency that is supported in 9778  
whole or in part by nongeneral revenue fund money and that 9779  
occupies space in the James A. Rhodes or Frank J. Lausche state 9780  
office tower, Toledo government center, Senator Oliver R. Oeasek 9781  
government office building, Vern Riffe center for government and 9782  
the arts, capitol square, or governor's mansion shall reimburse 9783  
the general revenue fund for the cost of occupying the space in 9784  
the ratio that the occupied space in each facility attributable to 9785  
the nongeneral revenue fund money bears to the total space 9786  
occupied by the state agency in the facility. 9787~~

~~(2) All agencies that occupy space in the old blind school or 9788  
that occupy warehouse space in the general services facility shall 9789  
reimburse the department of administrative services for the cost 9790  
of occupying the space. The director of administrative services 9791  
shall determine the amount of debt service, if any, to be charged 9792  
to building tenants reimbursable cost of space in state-owned or 9793  
state-leased facilities and shall collect reimbursements for it. 9794~~

~~(3) Each agency that is supported in whole or in part by 9795  
nongeneral revenue fund money and that occupies space in any other 9796  
facility or facilities owned and maintained by the department of 9797  
administrative services or space in the general services facility 9798  
other than warehouse space shall reimburse the department for the 9799~~

~~cost of occupying the space, including debt service, if any, in 9800  
the ratio that the occupied space in each facility attributable to 9801  
the nongeneral revenue fund money bears to the total space 9802  
occupied by the state agency in the facility that cost. 9803~~

(B) The director ~~of administrative services~~ may provide 9804  
building maintenance services and minor construction project 9805  
management services to any state agency and may collect 9806  
reimbursements for the cost of providing those services. 9807

(C) All money collected by the department of administrative 9808  
services for operating expenses of facilities owned or maintained 9809  
by the department shall be deposited into the state treasury to 9810  
the credit of the building management fund, which is hereby 9811  
~~created, or to the credit of the building operation fund, which is 9812  
hereby created~~. All money collected by the department for minor 9813  
construction project management services shall be deposited into 9814  
the state treasury to the credit of the minor construction project 9815  
management fund, which is hereby created. All money collected for 9816  
~~debt service~~ depreciation and related costs shall be deposited 9817  
into the general revenue building improvement fund created under 9818  
section 125.27 of the Revised Code or deposited into the building 9819  
management fund and then transferred by the director of budget and 9820  
management to the building improvement fund. 9821

~~(D) The director of administrative services shall determine 9822  
the reimbursable cost of space in state owned or state leased 9823  
facilities and shall collect reimbursements for that cost. 9824~~

**Sec. 125.31.** (A) The department of administrative services 9825  
shall have supervision of all public printing except as follows: 9826

(1) Printing for the general assembly shall be the sole 9827  
responsibility of the clerk of the senate and the clerk of the 9828  
house of representatives unless the clerk of the senate or the 9829  
clerk of the house of representatives chooses either of the 9830

options specified in section 101.523 or 101.524 of the Revised Code. 9831  
9832

(2) Printing for the Ohio arts council shall be under the supervision of the council. 9833  
9834

(3) Printing for the capitol square review and advisory board shall be under the supervision of the board. 9835  
9836

~~(4) Printing for the bureau of workers' compensation shall be under the supervision of the administrator of workers' compensation unless the administrator requests the department to supervise printing for the bureau.~~ 9837  
9838  
9839  
9840

~~(5)~~ Printing for state-supported institutions of higher education shall be under the supervision of the department of purchasing of each such institution or the department or officer within each institution that performs the functions of a department of purchasing. 9841  
9842  
9843  
9844  
9845

(B) The department of administrative services shall determine, except as otherwise specifically provided by law, the number of copies to be printed of each publication or document, the source of reproduction, the manner of binding, quality of paper, the general kind, size, and spacing of type to be used in all reports, publications, bulletins, documents, or pamphlets printed at public expense. 9846  
9847  
9848  
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9850  
9851  
9852

The department shall not use its authority to curtail the release of public information by any elected state official. 9853  
9854

(C) For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services. 9855  
9856  
9857  
9858  
9859

**Sec. 125.36.** If the department of administrative services is 9860

of the opinion that any bids or proposals should be rejected in 9861  
the interest of the state, it may reject any or all bids or 9862  
proposals and advertise the invitation to bid or the request for 9863  
proposals a second time. If after the second advertisement for 9864  
bids or proposals the department determines that any or all bids 9865  
or proposals are not in the interest of the state, it may purchase 9866  
the various ~~kinds of paper~~ printing goods and services required at 9867  
the lowest price for which such ~~paper~~ printing goods and services 9868  
can be obtained in the open market. 9869

**Sec. 125.38.** If ~~such a bond is~~ required by the department of 9870  
administrative services, a bid or proposal for a term contract for 9871  
~~paper~~ printing goods and services, including final printed 9872  
product, shall be accompanied by a bond to the state, in a sum 9873  
specified in the invitation to bid or request for proposals, 9874  
executed by the ~~bidder~~ offeror, with either one corporate or two 9875  
personal sureties, satisfactory to the department, conditioned for 9876  
the performance of the contract awarded the ~~bidder~~ offeror, and 9877  
for the payment to the state, by the ~~bidder~~ offeror, as liquidated 9878  
damages, of any excess of cost over the bid or proposal of such 9879  
~~bidder~~ offeror, which the state may be obliged to pay for such 9880  
~~paper~~ printing goods and services by reason of the failure of the 9881  
~~bidder~~ offeror to complete the contract. ~~This~~ A bid or proposal 9882  
unaccompanied by such bond shall not be considered, and this 9883  
shall be void if no contract is awarded to the ~~bidder, and no bid~~ 9884  
~~unaccompanied by such bond shall be entertained by the department~~ 9885  
offeror. 9886

**Sec. 125.39.** If the contractor fails to furnish ~~paper~~ 9887  
printing goods and services according to the terms of the 9888  
contract, the department of administrative services shall purchase 9889  
the required ~~paper~~ printing goods and services on the open market 9890  
after notifying the contractor in writing of such action, and the 9891

cost in excess of the contract shall be collected from the 9892  
contractor or the posted bond, if a bond was provided. 9893

**Sec. 125.42.** (A) No agency, officer, board, or commission, 9894  
except the clerk of the senate and the clerk of the house of 9895  
representatives, shall print or cause to be printed at the public 9896  
expense, any report, bulletin, document, or pamphlet, unless such 9897  
report, bulletin, document, or pamphlet is first submitted to, and 9898  
the printing thereof approved by, the department of administrative 9899  
services. If ~~such~~ the department approves the printing, it shall 9900  
determine the form of such printing and the number of copies. 9901

If such approval is given, the department shall cause the 9902  
same to be printed and bound as provided by sections ~~125.47 to~~ 9903  
~~125.56~~ 125.49, 125.51, and 125.56 of the Revised Code, except as 9904  
otherwise provided by section 125.45 of the Revised Code; and when 9905  
printed, such publications or forms shall be delivered to the 9906  
ordering officer, board, commission, or department, or sold at a 9907  
price not to exceed the total cost. 9908

(B) The department of administrative services annually shall 9909  
set a maximum cost per page and a maximum total cost for the 9910  
printing by any board, commission, council, or other public body 9911  
of the state of any annual report or any other report that it is 9912  
required by law to produce. No board, commission, council, or 9913  
other public body of the state shall expend or incur the 9914  
expenditure of any amount in excess of these maximum amounts 9915  
without the prior approval of the department. This division does 9916  
not apply to the general assembly or any court. 9917

**Sec. 125.43.** The department of administrative services shall 9918  
~~examine and correct the proof sheets of the printing for the~~ 9919  
~~state, and see that the work is~~ any printing services are executed 9920  
in accordance with law, ~~and when necessary, prepare indexes for~~ 9921

~~the public documents.~~ The printing of all publications approved by 9922  
the department of administrative services shall be ordered through 9923  
it and it shall see that the number of copies ordered is received 9924  
from the printer and delivered to the proper department. 9925

**Sec. 125.45.** (A) The department of administrative services 9926  
shall maintain facilities to perform office reproduction services 9927  
for all boards, commissions, or departments ~~except for the bureau~~ 9928  
~~of workers' compensation.~~ Upon written application to the 9929  
department of administrative services, permission may be granted 9930  
to a board, commission, or department to perform such services 9931  
outside the central facility and such permission shall state the 9932  
extent of the services which the department, board, or commission 9933  
shall perform. 9934

(B) Office reproduction services ~~using stencils, masters, or~~ 9935  
~~plates~~ are restricted to duplicating equipment not larger than 9936  
seventeen by twenty-two inches. Not to exceed five thousand press 9937  
impressions shall be produced of any such order except that up to 9938  
one thousand production copies may be produced of any item 9939  
consisting of multiple pages and except that over five thousand, 9940  
but not more than ten thousand, press impressions may be produced 9941  
if the director of administrative services determines that there 9942  
is an emergency due to the timing of service delivery or another 9943  
factor that may cause financial hardship to the state. 9944

~~Nothing in this section precludes the bureau from entering~~ 9945  
~~into a contract with the department of administrative services for~~ 9946  
~~the department to perform office reproduction services for the~~ 9947  
~~bureau.~~ 9948

(C) No state agency, other than the department of 9949  
administrative services, shall perform printing or office 9950  
reproduction services for political subdivisions. 9951

Sec. 125.49. Each bid or proposal for state printing shall 9952  
state specifically the price at which the ~~bidder~~ offeror will 9953  
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 9954  
the ~~classes of printing~~ invitation to bid or request for 9955  
proposals, including the necessary binding covered by such bid or 9956  
proposal. 9957

Sec. 125.51. After careful examination and computation of 9958  
each ~~proposal~~ bid, within thirty days the department of 9959  
administrative services shall award the contract for such printing 9960  
to the lowest responsive and responsible bidder, in accordance 9961  
with section 9.312 of the Revised Code, having proper facilities 9962  
to ~~insure~~ ensure prompt performance of the work. No contract shall 9963  
be awarded unless it contains an agreement for the completion of 9964  
the work within the time fixed by the department, but the time so 9965  
fixed may be extended by the department if deemed in the best 9966  
interest of the state. 9967

Sec. 125.58. The department of administrative services shall 9968  
promptly notify each successful ~~bidder~~ offeror of the acceptance 9969  
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 9970  
such ~~bidder~~ offeror fails to execute the contract because of death 9971  
or other cause, or if the ~~bidder~~ offeror fails to execute the work 9972  
required by the contract in a proper manner and with reasonable 9973  
promptness, or the contract is abandoned, or its execution is 9974  
temporarily suspended, the department may enter into a contract 9975  
with another person for the prompt execution of the work for the 9976  
lowest price which may be obtained. Before any work is relet in 9977  
consequence of the misconduct or default of the contractor, the 9978  
department shall give the contractor written notice thereof. The 9979  
department of administrative services may set a daily penalty 9980  
charge for late orders, provided the penalty schedule and amount 9981

are stated in the invitation to bid or request for proposals for 9982  
the printing. 9983

**Sec. 125.601.** ~~(A) Not later than July 1, 2007, the~~ The 9984  
director of administrative services shall establish the office of 9985  
procurement from community rehabilitation programs within the 9986  
department of administrative services. The director shall 9987  
designate an employee of the department to serve as administrator 9988  
of the office. 9989

~~(B) Not later than July 1, 2007, the director shall abolish 9990  
the state committee for the purchase of products and services 9991  
provided by persons with severe disabilities in accordance with 9992  
section 4115.36 of the Revised Code. 9993~~

**Sec. 125.607.** (A) Before purchasing any supply or service, a 9994  
governmental ordering office shall determine, in compliance with 9995  
section 125.035 of the Revised Code, whether the supply or service 9996  
is on the procurement list maintained by the office of procurement 9997  
from community rehabilitation programs. If the supply or service 9998  
is on the list at an established fair market price, the government 9999  
ordering office shall purchase it from the qualified nonprofit 10000  
agency or approved agent at that price. 10001

(B) If the supply or service is on the procurement list but a 10002  
fair market price has not been established, the government 10003  
ordering office shall attempt to negotiate an agreement with one 10004  
or more of the listed qualified nonprofit agencies or approved 10005  
agents. The office of procurement from community rehabilitation 10006  
programs may accept as fair market price an agreement negotiated 10007  
between the government ordering office and a qualified nonprofit 10008  
agency or approved agent. 10009

(C) If an agreement is not successfully negotiated, the 10010  
office may establish a fair market price, or it may release a 10011



government ordering office from the requirements of this section. 10012

(D) A purchase under divisions (A) to (C) of this section is 10013  
not subject to any competitive selection or competitive bidding 10014  
requirements, notwithstanding any other provision of law. 10015

(E) The department of administrative services has the 10016  
authority to structure or regulate competition among qualified 10017  
nonprofit agencies for the overall benefit of the program. 10018

**Sec. 125.609.** ~~The office of procurement from community~~ 10019  
~~rehabilitation programs~~ department of administrative services, on 10020  
its own or pursuant to a request from a government ordering 10021  
office, may release a government ordering office from compliance 10022  
with sections 125.60 to 125.6012 of the Revised Code. If the 10023  
~~office~~ department determines that compliance is not possible or 10024  
not advantageous, or if conditions prescribed in rules as may be 10025  
adopted under section 125.603 of the Revised Code for granting a 10026  
release are met, the ~~office~~ department may grant a release. The 10027  
release shall be in writing, and shall specify the supplies or 10028  
services to which it applies, the period of time during which it 10029  
is effective, and the reason for which it is granted. 10030

**Sec. 125.76.** All printing and binding for the state, not 10031  
authorized by sections 125.43 to 125.71 or section 3345.10 of the 10032  
Revised Code, except for maps and printing that is the sole 10033  
responsibility of the clerk of the senate or the clerk of the 10034  
house of representatives, shall be subject to such sections so far 10035  
as practical, and whether provided for by law or resolution of the 10036  
general assembly the department of administrative services shall 10037  
advertise for bids or proposals and let contracts therefor as 10038  
provided in such sections. 10039

**Sec. 125.901.** (A) There is hereby established the Ohio 10040  
geographically referenced information program council within the 10041

department of administrative services to coordinate the property 10042  
owned by the state. The department of administrative services 10043  
shall provide administrative support for the council. 10044

(B) The council shall consist of the following fifteen 10045  
members: 10046

(1) The state chief information officer, or the officer's 10047  
designee, who shall serve as the council chair; 10048

(2) The director of ~~the department of~~ natural resources, or 10049  
the director's designee; 10050

(3) The director of transportation, or the director's 10051  
designee; 10052

(4) The director of environmental protection, or the 10053  
director's designee; 10054

(5) The director of development services, or the director's 10055  
designee; 10056

(6) The treasurer of state, or the treasurer of state's 10057  
designee; 10058

(7) ~~An individual appointed by the governor from the~~ 10059  
~~organization that represents the state's county auditors;~~ 10060

~~(8) An individual appointed by the governor from the~~ 10061  
~~organization that represents the state's county commissioners;~~ 10062

~~(9) An individual appointed by the governor from the~~ 10063  
~~organization that represents the state's county engineers;~~ 10064

~~(10) An individual appointed by the governor from the~~ 10065  
~~organization that represents the state's regional councils;~~ 10066

~~(11) Two individuals appointed by the governor from the~~ 10067  
~~organization that represents the state's municipal governments,~~ 10068  
~~one of whom shall represent a municipality with a population of~~ 10069  
~~fewer than one hundred thousand people and one of whom shall~~ 10070

<del>represent a municipality with a population of one hundred thousand</del>	10071
<del>or more people;</del>	10072
<del>(12) An individual appointed by the governor representing the</del>	10073
<del>interests of the regulated utilities in this state;</del>	10074
<del>(13) An individual appointed by the governor representing the</del>	10075
<del>interests of a public university;</del>	10076
<del>(14) The attorney general, or the attorney general's</del>	10077
<del>designee;</del>	10078
<u>(8) The chancellor of higher education or the chancellor's</u>	10079
<u>designee;</u>	10080
<u>(9) The chief of the division of oil and gas resources</u>	10081
<u>management in the department of natural resources or the chief's</u>	10082
<u>designee;</u>	10083
<u>(10) The director of public safety or the director's</u>	10084
<u>designee;</u>	10085
<u>(11) The executive director of the county auditors'</u>	10086
<u>association or the executive director's designee;</u>	10087
<u>(12) The executive director of the county commissioners'</u>	10088
<u>association or the executive director's designee;</u>	10089
<u>(13) The executive director of the county engineers'</u>	10090
<u>association or the executive director's designee;</u>	10091
<u>(14) The executive director of the Ohio municipal league or</u>	10092
<u>the executive director's designee;</u>	10093
<u>(15) The executive director of the Ohio townships association</u>	10094
<u>or the executive director's designee.</u>	10095
<del>(C) The governor shall make initial appointments for the</del>	10096
<del>members as provided in this section within a reasonable time. The</del>	10097
<del>members appointed to the council by the governor pursuant to this</del>	10098
<del>section shall serve two year terms, with each term ending on the</del>	10099

~~same day of the same month as did the term that it succeeds. The  
chair of the council shall appoint a new member to fill any  
vacancy created by a member appointed by the governor before the  
expiration of that member's term. Otherwise, vacancies shall be  
filled in the same manner as provided in division (B) of this  
section. Any member appointed to fill a vacancy occurring prior to  
the expiration date of the term for which a predecessor was  
appointed shall hold office as a member for the remainder of that  
term. A member shall continue in office subsequent to the  
expiration date of the member's term until the member's successor  
takes office or until a period of sixty days has elapsed,  
whichever occurs first. All members may be reappointed Members of  
the council shall serve without compensation.~~

**Sec. 126.32.** (A) Any officer of any state agency may  
authorize reimbursement for travel, including the costs of  
transportation, for lodging, and for meals to any person who is  
interviewing for a position that is classified in pay range 13 or  
above in schedule E-1 or schedule E-1 for step ~~seven~~ eight only,  
or is classified in schedule E-2, of section 124.152 of the  
Revised Code.

(B) If a person is appointed to a position listed in section  
121.03 of the Revised Code, to the position of chairperson of the  
industrial commission, adjutant general, chancellor of the Ohio  
board of regents, superintendent of public instruction,  
chairperson of the public utilities commission of Ohio, or  
director of the state lottery commission, to a position holding a  
fiduciary relationship to the governor, to a position of an  
appointing authority of the department of mental health and  
addiction services, developmental disabilities, or rehabilitation  
and correction, to a position of superintendent in the department  
of youth services, or to a position under section 122.05 of the  
Revised Code, and if that appointment requires a permanent change

of residence, the appropriate state agency may reimburse the 10132  
person for the person's actual and necessary expenses, including 10133  
the cost of in-transit storage of household goods and personal 10134  
effects, of moving the person and members of the person's 10135  
immediate family residing in the person's household, and of moving 10136  
their household goods and personal effects, to the person's new 10137  
location. 10138

Until that person moves the person's permanent residence to 10139  
the new location, but not for a period that exceeds thirty 10140  
consecutive days, the state agency may reimburse the person for 10141  
the person's temporary living expenses at the new location that 10142  
the person has incurred on behalf of the person and members of the 10143  
person's immediate family residing in the person's household. In 10144  
addition, the state agency may reimburse that person for the 10145  
person's travel expenses between the new location and the person's 10146  
former residence during this period for a maximum number of trips 10147  
specified by rule of the director of budget and management, but 10148  
the state agency shall not reimburse the person for travel 10149  
expenses incurred for those trips by members of the person's 10150  
immediate family. With the prior written approval of the director, 10151  
the maximum thirty-day period for temporary living expenses may be 10152  
extended for a person appointed to a position under section 122.05 10153  
of the Revised Code. 10154

The director of development services may reimburse a person 10155  
appointed to a position under section 122.05 of the Revised Code 10156  
for the person's actual and necessary expenses of moving the 10157  
person and members of the person's immediate family residing in 10158  
the person's household back to the United States and may reimburse 10159  
a person appointed to such a position for the cost of storage of 10160  
household goods and personal effects of the person and the 10161  
person's immediate family while the person is serving outside the 10162  
United States, if the person's office outside the United States is 10163

the person's primary job location. 10164

(C) All reimbursement under division (A) or (B) of this 10165  
section shall be made in the manner, and at rates that do not 10166  
exceed those, provided by rule of the director of budget and 10167  
management in accordance with section 111.15 of the Revised Code. 10168  
Reimbursements may be made under division (B) of this section 10169  
directly to the persons who incurred the expenses or directly to 10170  
the providers of goods or services the persons receive, as 10171  
determined by the director of budget and management. 10172

**Sec. 128.021.** (A) Not later than January 1, 2014, and in 10173  
accordance with Chapter 119. of the Revised Code, the steering 10174  
committee shall adopt rules that establish technical and 10175  
operational standards for public safety answering points eligible 10176  
to receive disbursements under section 128.55 of the Revised Code. 10177  
The rules shall incorporate industry standards and best practices 10178  
for wireless 9-1-1 services. Public safety answering points shall 10179  
comply with the standards not later than two years after the 10180  
effective date of the rules adopting the standards. 10181

(B) Not later than one year after the effective date of this 10182  
amendment, and in accordance with Chapter 119. of the Revised 10183  
Code, the steering committee shall conduct an assessment of the 10184  
operational standards for public safety answering points developed 10185  
under division (A) of this section and revise the standards as 10186  
necessary to ensure that the operational standards contain the 10187  
following: 10188

(1) Policies to ensure that public safety answering point 10189  
personnel prioritize life-saving questions in responding to each 10190  
call to a 9-1-1 system established under this chapter; 10191

(2) A requirement that all public safety answering point 10192  
personnel complete proper training or provide proof of prior 10193  
training to give instructions regarding emergency situations. 10194

**Sec. 128.40.** There is hereby created within the department of 10195  
administrative services the 9-1-1 program office, headed by an 10196  
administrator in the unclassified civil service pursuant to 10197  
division (A)(9) of section 124.11 of the Revised Code. The 10198  
administrator shall be appointed by and serve at the pleasure of 10199  
the director of administrative services and shall report directly 10200  
to the state chief information officer. The program office shall 10201  
~~administer~~ oversee administration of the wireless 9-1-1 government 10202  
assistance fund ~~as specified in sections 128.53 and 128.55 of the~~ 10203  
~~Revised Code, the wireless 9-1-1 program fund, and the next~~ 10204  
generation 9-1-1 fund. 10205

**Sec. 128.54.** (A) ~~Beginning January 1, 2014:~~ 10206

(1) For the purpose of receiving, distributing, and 10207  
accounting for amounts received from the wireless 9-1-1 charges 10208  
imposed under section 128.42 of the Revised Code, the following 10209  
funds are created in the state treasury: 10210

(a) The wireless 9-1-1 government assistance fund; 10211

(b) The wireless 9-1-1 administrative fund; 10212

(c) The wireless 9-1-1 program fund; 10213

(d) The next generation 9-1-1 fund. 10214

(2) Amounts remitted under section 128.46 of the Revised Code 10215  
shall be paid to the treasurer of state for deposit as follows: 10216

(a) Ninety-seven per cent to the wireless 9-1-1 government 10217  
assistance fund. All interest earned on the wireless 9-1-1 10218  
government assistance fund shall be credited to the fund. 10219

(b) One per cent to the wireless 9-1-1 administrative fund; 10220

(c) Two per cent to the 9-1-1 program fund. 10221

(3) The tax commissioner shall use the wireless 9-1-1 10222

administrative fund to defray the costs incurred in carrying out 10223  
this chapter. 10224

(4) The steering committee shall use the 9-1-1 program fund 10225  
to defray the costs incurred by the steering committee in carrying 10226  
out this chapter. 10227

(5) Annually, the tax commissioner ~~and the steering~~ 10228  
~~committee~~, after paying administrative costs under division (A)(3) 10229  
of this section, shall transfer any excess remaining in the 10230  
wireless 9-1-1 administrative funds fund to the next generation 10231  
9-1-1 fund, created under this section. 10232

(B) ~~The~~ At the direction of the steering committee, the tax 10233  
commissioner shall transfer the funds remaining in the wireless 10234  
9-1-1 government assistance fund ~~after the disbursements made~~ 10235  
~~under division (B)(1) of section 128.55 of the Revised Code~~ to the 10236  
credit of the next generation 9-1-1 fund. All interest earned on 10237  
the next generation 9-1-1 fund shall be credited to the fund. 10238

(C) From the wireless 9-1-1 government assistance fund, the 10239  
director of budget and management shall, as funds are available, 10240  
transfer to the tax refund fund, created under section 5703.052 of 10241  
the Revised Code, amounts equal to the refunds certified by the 10242  
tax commissioner under division (D) of section 128.47 of the 10243  
Revised Code. 10244

**Sec. 128.55.** (A) ~~Prior to January 1, 2014, the steering~~ 10245  
~~committee shall disburse moneys from the wireless 9-1-1 government~~ 10246  
~~assistance fund to each county in the same manner as the 2012~~ 10247  
~~disbursements, in accordance with divisions (A) and (B) of section~~ 10248  
~~4931.64 of the Revised Code as those divisions existed prior to~~ 10249  
~~the effective date of H.B. 360 of the 129th general assembly,~~ 10250  
~~December 20, 2012.~~ 10251

~~(B) Beginning January 1, 2014:~~ 10252



(1) The tax commissioner, not later than the last day of each month, shall disburse moneys from the wireless 9-1-1 government assistance fund, plus any accrued interest on the fund, to each county treasurer.

(a) If there are sufficient funds in the wireless 9-1-1 government assistance fund, each county treasurer shall receive the same amount distributed to that county by the public utilities commission in the corresponding calendar month in 2013. ~~If any excess remains after these distributions are made, the tax commissioner shall transfer that excess to the next generation 9-1-1 fund.~~

(b) If the funds available are insufficient to make the distributions as provided in division ~~(B)~~(A)(1)(a) of this section, each county's share shall be reduced in proportion to the amounts received in the corresponding calendar month in 2013, until the total amount to be distributed to the counties is equivalent to the amount available in the wireless 9-1-1 government assistance fund. Any shortfall in distributions resulting from insufficient funds from a previous month shall be remedied in the following month.

(2) The tax commissioner shall disburse moneys from the next generation 9-1-1 fund in accordance with the guidelines established under section 128.022 of the Revised Code.

~~(C)~~(B) Immediately upon receipt by a county treasurer of a disbursement under division (A) ~~or (B)(1)~~ of this section, the county shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county and any regional councils of governments in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan.

~~(D)~~(C) Nothing in this chapter affects the authority of a

subdivision operating or served by a public safety answering point 10284  
of a 9-1-1 system or a regional council of governments operating a 10285  
public safety answering point of a 9-1-1 system to use, as 10286  
provided in the final plan for the system or in an agreement under 10287  
section 128.09 of the Revised Code, any other authorized revenue 10288  
of the subdivision or the regional council of governments for the 10289  
purposes of providing basic or enhanced 9-1-1. 10290

**Sec. 128.57.** Except as otherwise provided in section 128.571 10291  
of the Revised Code: 10292

(A) A countywide 9-1-1 system receiving a disbursement under 10293  
section 128.55 of the Revised Code shall provide countywide 10294  
wireless enhanced 9-1-1 in accordance with this chapter beginning 10295  
as soon as reasonably possible after receipt of the first 10296  
disbursement or, if that service is already implemented, shall 10297  
continue to provide such service. Except as provided in divisions 10298  
(B), (C), and (E) of this section, a disbursement shall be used 10299  
solely for the purpose of paying either or both of the following: 10300

(1) Any costs of designing, upgrading, purchasing, leasing, 10301  
programming, installing, testing, or maintaining the necessary 10302  
data, hardware, software, and trunking required for the public 10303  
safety answering point or points of the 9-1-1 system to provide 10304  
wireless enhanced 9-1-1, which costs are incurred before or on or 10305  
after May 6, 2005, and consist of such additional costs of the 10306  
9-1-1 system over and above any costs incurred to provide wireline 10307  
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 10308  
up to twenty-five thousand dollars of the disbursements received 10309  
on or after January 1, 2009, may be applied to data, hardware, and 10310  
software that automatically alerts personnel receiving a 9-1-1 10311  
call that a person at the subscriber's address or telephone number 10312  
may have a mental or physical disability, of which that personnel 10313  
shall inform the appropriate emergency service provider. On or 10314

after the provision of technical and operational standards 10315  
pursuant to section 128.021 of the Revised Code, a regional 10316  
council of governments operating a public safety answering point 10317  
or a subdivision shall consider the standards before incurring any 10318  
costs described in this division. 10319

(2) Any costs of training the staff of the public safety 10320  
answering point or points to provide wireless enhanced 9-1-1, 10321  
which costs are incurred before or on or after May 6, 2005. 10322

(B) A subdivision or a regional council of governments that 10323  
certifies to the steering committee that it has paid the costs 10324  
described in divisions (A)(1) and (2) of this section and is 10325  
providing countywide wireless enhanced 9-1-1 may use disbursements 10326  
received under section 128.55 of the Revised Code to pay any of 10327  
its personnel costs of one or more public safety answering points 10328  
providing countywide wireless enhanced 9-1-1. 10329

(C) After receiving its July 2013 disbursement under division 10330  
(A) of section 128.55 of the Revised Code as that division existed 10331  
prior to the amendments to that division by H. B. 64 of the 131st 10332  
general assembly, a regional council of governments operating a 10333  
public safety answering point or a subdivision may use any 10334  
remaining balance of disbursements it received under that 10335  
division, as it existed prior to the amendments to it by H. B. 64 10336  
of the 131st general assembly, to pay any of its costs of 10337  
providing countywide wireless 9-1-1, including the personnel costs 10338  
of one or more public safety answering points providing that 10339  
service. 10340

(D) The costs described in divisions (A), (B), (C), and (E) 10341  
of this section may include any such costs payable pursuant to an 10342  
agreement under division (J) of section 128.03 of the Revised 10343  
Code. 10344

(E)(1) No disbursement to a countywide 9-1-1 system for costs 10345

of a public safety answering point shall be made from the wireless 10346  
9-1-1 government assistance fund or the next generation 9-1-1 fund 10347  
unless the public safety answering point meets the standards set 10348  
by rule of the steering committee under section 128.021 of the 10349  
Revised Code. 10350

(2) The steering committee shall monitor compliance with the 10351  
standards and shall notify the tax commissioner to suspend 10352  
disbursements to a countywide 9-1-1 system that fails to meet the 10353  
standards. Upon receipt of this notification, the commissioner 10354  
shall suspend disbursements until the commissioner is notified of 10355  
compliance with the standards. 10356

(F) The auditor of state may audit and review each county's 10357  
expenditures of funds received from the wireless 9-1-1 government 10358  
assistance fund to verify that the funds were used in accordance 10359  
with the requirements of this chapter. 10360

Sec. 131.025. The attorney general shall enter into an 10361  
agreement with the United States secretary of the treasury to 10362  
participate in the federal treasury offset program for the 10363  
collection of the following debts certified to the attorney 10364  
general pursuant to section 131.02 of the Revised Code: 10365

(A) State income tax obligations pursuant to 26 U.S.C. 10366  
6402(e); 10367

(B) Covered unemployment compensation debts pursuant to 26 10368  
U.S.C. 6402(f). 10369

**Sec. 131.09.** In addition to the undertakings or security 10370  
provided for in sections 135.01 to 135.40 of the Revised Code, the 10371  
treasurer of a subdivision or county may accept first mortgages, 10372  
upon unencumbered real estate located in this state, provided the 10373  
amount owing on such mortgages at the time tendered as security is 10374  
double the excess of the amount of public moneys to be at the time 10375

so deposited, over and above any portion of such moneys as is then 10376  
insured by the federal deposit insurance corporation, federal 10377  
savings and loan insurance corporation, or any other agency or 10378  
instrumentality of the federal government. The amount owing on 10379  
each mortgage at the time tendered as security shall not exceed 10380  
eighty per cent of the then value of the real estate. Upon the 10381  
deposit of such security, the treasurer shall require the 10382  
financial institution to submit an affidavit stating that no 10383  
payment on a mortgage has been more than two months past due at 10384  
any time during the two-year period preceding the date the public 10385  
moneys are deposited. At such time, the treasurer shall also 10386  
require an institution to submit an affidavit stating that any 10387  
structures on the mortgaged real estate are insured by an 10388  
authorized company in an amount not less than the amount owing on 10389  
each mortgage at the time tendered as security, that coverage has 10390  
been obtained in favor of the institution by the named authorized 10391  
company, and that the institution has obtained a mortgage 10392  
impairment policy which assures that such insurance will continue 10393  
for the period that the public moneys are deposited with the 10394  
institution. The value of such real estate shall be determined 10395  
separately for land and structures thereon by valuation made under 10396  
oath by two resident freeholders of this state who are conversant 10397  
with the real estate values of the county in which the real estate 10398  
is located or made and certified under oath by an appraiser as 10399  
being in conformity with the appraisal requirements imposed on an 10400  
institution by any agency or instrumentality of the federal 10401  
government. If such determination has been made earlier than a 10402  
period of three months prior to the time of the deposit of public 10403  
moneys, such determination shall be updated to reflect the value 10404  
of the real estate within such three-month period. There shall be 10405  
deposited with the mortgage the opinion of an attorney licensed to 10406  
practice in this state, which opinion shall certify that the 10407  
mortgage is a first lien upon the premises mortgaged, or the title 10408

shall be guaranteed by a company operating under sections 1735.01 10409  
to 1735.04 of the Revised Code or insured by a company operating 10410  
under Chapter 3953. of the Revised Code. 10411

If any mortgage tendered as security is paid in full or if 10412  
the mortgagor becomes past due for six months to the financial 10413  
institution while it acts as a public depository and that mortgage 10414  
has been assigned as security for such public moneys, the 10415  
financial institution shall replace such mortgage with another in 10416  
compliance with this section. Default by the financial institution 10417  
as a public depository under this section is to be carried out in 10418  
accordance with division ~~(C)~~(F) of section 135.18 of the Revised 10419  
Code. 10420

**Sec. 131.15.** (A) Any depositor enumerated in section 131.11 10421  
of the Revised Code shall make ample provisions for the 10422  
safekeeping of hypothecated securities. The interest thereon, when 10423  
paid, shall be turned over to the bank or trust company if it is 10424  
not in default. The depositor may make provisions for the exchange 10425  
and release of securities and the substitution of other securities 10426  
or of an undertaking therefor except in those cases where the 10427  
public depository has deposited eligible securities with a trustee 10428  
for safekeeping. 10429

(B) When the public depository has deposited eligible 10430  
securities described in division ~~(B)~~(D)(1) of section 135.18 of 10431  
the Revised Code with a trustee for safekeeping, the public 10432  
depository may at any time substitute or exchange eligible 10433  
securities described in division ~~(B)~~(D)(1) of section 135.18 of 10434  
the Revised Code having a current market value equal to or greater 10435  
than the current market value of the securities then on deposit 10436  
and for which they are to be substituted or exchanged, without 10437  
specific authorization from the depositor of any substitution or 10438  
exchange. 10439

(C) When the public depository has deposited eligible securities described in division ~~(B)~~(D)(2) to (9) of section 135.18 of the Revised Code with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of any depositor of any such substitution or exchange only if:

(1) The depositor has authorized the public depository to make such substitutions or exchanges on a continuing basis during a specified period without prior approval of each substitution or exchange. Such authorization may be effected by the depositor sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period that shall not extend beyond the end of the period of designation during which the notice is given. "Period of designation" as used in this section means the period under section 135.12 of the Revised Code for the award of inactive funds of the subdivision of which the depositor is an officer or employee. The trustee may rely upon such notice and upon the period of authorization stated therein and upon the period of designation stated therein.

(2) No continuing authorization for substitution has been given by the depositor, the public depository notifies the depositor and the trustee of an intended substitution or exchange, and the depositor fails to object to the trustee as to the eligibility or market value of the securities being substituted within ten calendar days after the date appearing on the notice of proposed substitution. The notice to the depositor and to the trustee shall be given in writing and delivered personally or by certified mail with a return receipt requested. The trustee may assume in any case that the notice has been delivered to the

depositor. In order for objections of the depositor to be 10472  
effective, receipt of the objections must be acknowledged in 10473  
writing by the trustee. 10474

(3) The depositor gives written authorization for a 10475  
substitution or exchange of specific securities. 10476

(D) The public depository shall notify the depositor of any 10477  
substitution or exchange under division (C)(1) or (2) of this 10478  
section. If the depository designates a trustee qualified under 10479  
section 135.18 of the Revised Code to act as such for the 10480  
safekeeping of securities, the depositor shall accept the written 10481  
receipt of the designated trustee, describing the securities that 10482  
have been deposited with the trustee by the public depository, as 10483  
and for a hypothecation of such securities and issue to the 10484  
depository the depositor's written acknowledgment to that effect, 10485  
keeping a copy thereof in the depositor's office. Thereupon, all 10486  
such securities pledged and deposited with the trustee are deemed 10487  
hypothecated and deposited with the depositor, for all the 10488  
purposes of sections 131.13 to 131.16 of the Revised Code. The 10489  
trustee shall hold the securities for the account of the depositor 10490  
and the depository as their respective rights to and interests in 10491  
such securities under said sections appear and are asserted by 10492  
written notice to or demand upon the trustee. 10493

Notwithstanding the fact that a public depository is required 10494  
to pledge eligible securities in certain amounts to secure 10495  
deposits of public moneys, a trustee shall have no duty or 10496  
obligation to determine the eligibility, market value, or face 10497  
value of any securities deposited with the trustee by a public 10498  
depository. This applies in all situations including, without 10499  
limitation, a substitution or exchange of securities. 10500

**Sec. 131.34.** (A) No moneys shall be transferred between funds 10501  
or between state agencies on an intrastate transfer voucher, or by 10502



any other procedure, unless such a transfer is a payment for goods 10503  
or services or a service subscription or unless such a transfer is 10504  
required or authorized by law. 10505

(B)(1) Any state agency that has provided goods or services 10506  
or a service subscription to another state agency may, ~~if the~~ 10507  
~~providing agency does not receive payment from the receiving~~ 10508  
~~agency within thirty days after delivering the goods or services~~ 10509  
~~and submitting an invoice requesting payment for them,~~ certify to 10510  
the director of budget and management ~~that~~ both of the following: 10511

(a) That the goods or services have been delivered and the or 10512  
that the service subscription has been initiated; 10513

(b) The amount that is due for them the goods and services or 10514  
the service subscription. 10515

(2) A providing agency may make such certification only if it 10516  
does not receive payment from the receiving agency within thirty 10517  
days after: 10518

(a) Delivering the goods or services or initiating the 10519  
service subscription; 10520

(b) Submitting an invoice requesting payment for the goods 10521  
and services or the service subscription. 10522

(C) If the director determines that all or part of the 10523  
certified amount should have been paid by the receiving agency and 10524  
that the receiving agency has an unobligated balance in an 10525  
appropriation for the payment, ~~he~~ the director may transfer the 10526  
amount that should have been paid from the appropriate fund of the 10527  
receiving agency to the appropriate fund of the providing agency 10528  
on an intrastate transfer voucher. 10529

(D) For the purposes of this section, "service subscription" 10530  
means an ongoing service provided to a state agency by another 10531  
state agency for which an estimated payment is made in advance and 10532

final payment due is determined based on actual use. 10533

**Sec. 131.35.** (A) With respect to the federal funds received 10534  
into any fund of the state from which transfers may be made under 10535  
division (D) of section 127.14 of the Revised Code: 10536

(1) No state agency may make expenditures of any federal 10537  
funds, whether such funds are advanced prior to expenditure or as 10538  
reimbursement, unless such expenditures are made pursuant to 10539  
specific appropriations of the general assembly, are authorized by 10540  
the controlling board pursuant to division (A)(5) of this section, 10541  
or are authorized by an executive order issued in accordance with 10542  
section 107.17 of the Revised Code, and until an allotment has 10543  
been approved by the director of budget and management. All 10544  
federal funds received by a state agency shall be reported to the 10545  
director within fifteen days of the receipt of such funds or the 10546  
notification of award, whichever occurs first. The director shall 10547  
prescribe the forms and procedures to be used when reporting the 10548  
receipt of federal funds. 10549

(2) If the federal funds received are greater than the amount 10550  
of such funds appropriated by the general assembly for a specific 10551  
purpose, the total appropriation of federal and state funds for 10552  
such purpose shall remain at the amount designated by the general 10553  
assembly, except that the expenditure of federal funds received in 10554  
excess of such specific appropriation may be authorized by the 10555  
controlling board, subject to division (D) of this section. 10556

(3) To the extent that the expenditure of excess federal 10557  
funds is authorized, the controlling board may transfer a like 10558  
amount of general revenue fund appropriation authority from the 10559  
affected agency to the emergency purposes appropriation of the 10560  
controlling board, if such action is permitted under federal 10561  
regulations. 10562

(4) Additional funds may be created by the controlling board 10563

to receive revenues not anticipated in an appropriations act for 10564  
the biennium in which such new revenues are received. ~~Expenditures~~ 10565  
Subject to division (D) of this section, expenditures from such 10566  
additional funds may be authorized by the controlling board, but 10567  
such authorization shall not extend beyond the end of the biennium 10568  
in which such funds are created. 10569

(5) Controlling board authorization for a state agency to 10570  
make an expenditure of federal funds constitutes authority for the 10571  
agency to participate in the federal program providing the funds, 10572  
and the agency is not required to obtain an executive order under 10573  
section 107.17 of the Revised Code to participate in the federal 10574  
program. 10575

(B) With respect to nonfederal funds received into the 10576  
waterways safety fund, the wildlife fund, and any fund of the 10577  
state from which transfers may be made under division (D) of 10578  
section 127.14 of the Revised Code: 10579

(1) No state agency may make expenditures of any such funds 10580  
unless the expenditures are made pursuant to specific 10581  
appropriations of the general assembly. 10582

(2) If the receipts received into any fund are greater than 10583  
the amount appropriated, the appropriation for that fund shall 10584  
remain at the amount designated by the general assembly or, 10585  
subject to division (D) of this section, as increased and approved 10586  
by the controlling board. 10587

(3) Additional funds may be created by the controlling board 10588  
to receive revenues not anticipated in an appropriations act for 10589  
the biennium in which such new revenues are received. ~~Expenditures~~ 10590  
Subject to division (D) of this section, expenditures from such 10591  
additional funds may be authorized by the controlling board, but 10592  
such authorization shall not extend beyond the end of the biennium 10593  
in which such funds are created. 10594

(C) The controlling board shall not authorize more than ten 10595  
per cent of additional spending from the occupational licensing 10596  
and regulatory fund, created in section 4743.05 of the Revised 10597  
Code, in excess of any appropriation made by the general assembly 10598  
to a licensing agency except an appropriation for costs related to 10599  
the examination or reexamination of applicants for a license. As 10600  
used in this division, "licensing agency" and "license" have the 10601  
same meanings as in section 4745.01 of the Revised Code. 10602

(D)(1) The amount of any expenditure authorized under 10603  
division (A)(2) or (4) or (B)(2) or (3) of this section for a 10604  
specific or related purpose or item in any fiscal year shall not 10605  
exceed ten per cent of the amount appropriated by the general 10606  
assembly for that specific or related purpose or item for that 10607  
fiscal year, or ten million dollars, whichever amount is less. 10608

(2) The controlling board may not create any additional funds 10609  
under division (A)(4) or (B)(3) of this section if the revenue 10610  
received that was not anticipated in an appropriation act exceeds 10611  
ten million dollars. 10612

**Sec. 131.43.** There is hereby created in the state treasury 10613  
the budget stabilization fund. It is the intent of the general 10614  
assembly to maintain an amount of money in the budget 10615  
stabilization fund that amounts to approximately ~~five~~ eight and 10616  
one-half per cent of the general revenue fund revenues for the 10617  
preceding fiscal year. The governor shall include in the state 10618  
budget ~~he~~ the governor submits to the general assembly under 10619  
section 107.03 of the Revised Code proposals for transfers between 10620  
the general revenue fund and the budget stabilization fund for the 10621  
ensuing fiscal biennium. The balance in the fund may be combined 10622  
with the balance in the general revenue fund for purposes of cash 10623  
management. 10624

Sec. 131.44. (A) As used in this section:	10625
(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance.	10626 10627
(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund.	10628 10629 10630 10631
(3) "Required year-end balance" means the sum of the following:	10632 10633
(a) <del>Five</del> <u>Eight and one-half</u> per cent of the general revenue fund revenues for the preceding fiscal year;	10634 10635
(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;	10636 10637 10638
(c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;	10639 10640 10641 10642 10643
(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed;	10644 10645 10646 10647
(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.	10648 10649 10650 10651 10652 10653
(4) "Estimated general revenue fund appropriation and	10654

transfer requirement" means the most recent adjusted 10655  
appropriations made by the general assembly from the general 10656  
revenue fund and includes both of the following: 10657

(a) Appropriations made and transfers of appropriations from 10658  
the first fiscal year to the second fiscal year of the biennium in 10659  
provisions of acts of the general assembly signed by the governor 10660  
but not yet effective; 10661

(b) Transfers of appropriations from the first fiscal year to 10662  
the second fiscal year of the biennium approved by the controlling 10663  
board. 10664

(5) "Estimated general revenue fund revenue" means the most 10665  
recent such estimate available to the director of budget and 10666  
management. 10667

(B)(1) Not later than the thirty-first day of July each year, 10668  
the director of budget and management shall determine the surplus 10669  
revenue that existed on the preceding thirtieth day of June and 10670  
transfer from the general revenue fund, to the extent of the 10671  
unobligated, unencumbered balance on the preceding thirtieth day 10672  
of June in excess of one-half of one per cent of the general 10673  
revenue fund revenues in the preceding fiscal year, the following: 10674

(a) First, to the budget stabilization fund, any amount 10675  
necessary for the balance of the budget stabilization fund to 10676  
equal five eight and one-half per cent of the general revenue fund 10677  
revenues of the preceding fiscal year; 10678

(b) Then, to the income tax reduction fund, which is hereby 10679  
created in the state treasury, an amount equal to the surplus 10680  
revenue. 10681

(2) Not later than the thirty-first day of July each year, 10682  
the director shall determine the percentage that the balance in 10683  
the income tax reduction fund is of the amount of revenue that the 10684  
director estimates will be received from the tax levied under 10685

section 5747.02 of the Revised Code in the current fiscal year 10686  
without regard to any reduction under division (B) of that 10687  
section. If that percentage exceeds thirty-five one hundredths of 10688  
one per cent, the director shall certify the percentage to the tax 10689  
commissioner not later than the thirty-first day of July. 10690

(C) The director of budget and management shall transfer 10691  
money in the income tax reduction fund to the general revenue 10692  
fund, the local government fund, and the public library fund as 10693  
necessary to offset revenue reductions resulting from the 10694  
reductions in taxes required under division (B) of section 5747.02 10695  
of the Revised Code in the respective amounts and percentages 10696  
prescribed by division (A) of section 5747.03 and divisions (B) 10697  
and (C) of section 131.51 of the Revised Code as if the amount 10698  
transferred had been collected as taxes under Chapter 5747. of the 10699  
Revised Code. If no reductions in taxes are made under that 10700  
division that affect revenue received in the current fiscal year, 10701  
the director shall not transfer money from the income tax 10702  
reduction fund to the general revenue fund, the local government 10703  
fund, and the public library fund. 10704

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 10705  
and 2151.655 of the Revised Code, in other sections of the Revised 10706  
Code that make reference to this chapter unless the context does 10707  
not permit, and in related proceedings, unless otherwise expressly 10708  
provided: 10709

(A) "Acquisition" as applied to real or personal property 10710  
includes, among other forms of acquisition, acquisition by 10711  
exercise of a purchase option, and acquisition of interests in 10712  
property, including, without limitation, easements and 10713  
rights-of-way, and leasehold and other lease interests initially 10714  
extending or extendable for a period of at least sixty months. 10715

(B) "Anticipatory securities" means securities, including 10716

notes, issued in anticipation of the issuance of other securities. 10717

(C) "Board of elections" means the county board of elections 10718  
of the county in which the subdivision is located. If the 10719  
subdivision is located in more than one county, "board of 10720  
elections" means the county board of elections of the county that 10721  
contains the largest portion of the population of the subdivision 10722  
or that otherwise has jurisdiction in practice over and 10723  
customarily handles election matters relating to the subdivision. 10724

(D) "Bond retirement fund" means the bond retirement fund 10725  
provided for in section 5705.09 of the Revised Code, and also 10726  
means a sinking fund or any other special fund, regardless of the 10727  
name applied to it, established by or pursuant to law or the 10728  
proceedings for the payment of debt charges. Provision may be made 10729  
in the applicable proceedings for the establishment in a bond 10730  
retirement fund of separate accounts relating to debt charges on 10731  
particular securities, or on securities payable from the same or 10732  
common sources, and for the application of moneys in those 10733  
accounts only to specified debt charges on specified securities or 10734  
categories of securities. Subject to law and any provisions in the 10735  
applicable proceedings, moneys in a bond retirement fund or 10736  
separate account in a bond retirement fund may be transferred to 10737  
other funds and accounts. 10738

(E) "Capitalized interest" means all or a portion of the 10739  
interest payable on securities from their date to a date stated or 10740  
provided for in the applicable legislation, which interest is to 10741  
be paid from the proceeds of the securities. 10742

(F) "Chapter 133. securities" means securities authorized by 10743  
or issued pursuant to or in accordance with this chapter. 10744

(G) "County auditor" means the county auditor of the county 10745  
in which the subdivision is located. If the subdivision is located 10746  
in more than one county, "county auditor" means the county auditor 10747



of the county that contains the highest amount of the tax 10748  
valuation of the subdivision or that otherwise has jurisdiction in 10749  
practice over and customarily handles property tax matters 10750  
relating to the subdivision. In the case of a county that has 10751  
adopted a charter, "county auditor" means the officer who 10752  
generally has the duties and functions provided in the Revised 10753  
Code for a county auditor. 10754

(H) "Credit enhancement facilities" means letters of credit, 10755  
lines of credit, stand-by, contingent, or firm securities purchase 10756  
agreements, insurance, or surety arrangements, guarantees, and 10757  
other arrangements that provide for direct or contingent payment 10758  
of debt charges, for security or additional security in the event 10759  
of nonpayment or default in respect of securities, or for making 10760  
payment of debt charges to and at the option and on demand of 10761  
securities holders or at the option of the issuer or upon certain 10762  
conditions occurring under put or similar arrangements, or for 10763  
otherwise supporting the credit or liquidity of the securities, 10764  
and includes credit, reimbursement, marketing, remarketing, 10765  
indexing, carrying, interest rate hedge, and subrogation 10766  
agreements, and other agreements and arrangements for payment and 10767  
reimbursement of the person providing the credit enhancement 10768  
facility and the security for that payment and reimbursement. 10769

(I) "Current operating expenses" or "current expenses" means 10770  
the lawful expenditures of a subdivision, except those for 10771  
permanent improvements and for payments of debt charges of the 10772  
subdivision. 10773

(J) "Debt charges" means the principal, including any 10774  
mandatory sinking fund deposits and mandatory redemption payments, 10775  
interest, and any redemption premium, payable on securities as 10776  
those payments come due and are payable. The use of "debt charges" 10777  
for this purpose does not imply that any particular securities 10778  
constitute debt within the meaning of the Ohio Constitution or 10779

other laws. 10780

(K) "Financing costs" means all costs and expenses relating 10781  
to the authorization, including any required election, issuance, 10782  
sale, delivery, authentication, deposit, custody, clearing, 10783  
registration, transfer, exchange, fractionalization, replacement, 10784  
payment, and servicing of securities, including, without 10785  
limitation, costs and expenses for or relating to publication and 10786  
printing, postage, delivery, preliminary and final official 10787  
statements, offering circulars, and informational statements, 10788  
travel and transportation, underwriters, placement agents, 10789  
investment bankers, paying agents, registrars, authenticating 10790  
agents, remarketing agents, custodians, clearing agencies or 10791  
corporations, securities depositories, financial advisory 10792  
services, certifications, audits, federal or state regulatory 10793  
agencies, accounting and computation services, legal services and 10794  
obtaining approving legal opinions and other legal opinions, 10795  
credit ratings, redemption premiums, and credit enhancement 10796  
facilities. Financing costs may be paid from any moneys available 10797  
for the purpose, including, unless otherwise provided in the 10798  
proceedings, from the proceeds of the securities to which they 10799  
relate and, as to future financing costs, from the same sources 10800  
from which debt charges on the securities are paid and as though 10801  
debt charges. 10802

(L) "Fiscal officer" means the following, or, in the case of 10803  
absence or vacancy in the office, a deputy or assistant authorized 10804  
by law or charter to act in the place of the named officer, or if 10805  
there is no such authorization then the deputy or assistant 10806  
authorized by legislation to act in the place of the named officer 10807  
for purposes of this chapter, in the case of the following 10808  
subdivisions: 10809

(1) A county, the county auditor; 10810

(2) A municipal corporation, the city auditor or village 10811

clerk or clerk-treasurer, or the officer who, by virtue of a	10812
charter, has the duties and functions provided in the Revised Code	10813
for the city auditor or village clerk or clerk-treasurer;	10814
(3) A school district, the treasurer of the board of	10815
education;	10816
(4) A regional water and sewer district, the secretary of the	10817
board of trustees;	10818
(5) A joint township hospital district, the treasurer of the	10819
district;	10820
(6) A joint ambulance district, the clerk of the board of	10821
trustees;	10822
(7) A joint recreation district, the person designated	10823
pursuant to section 755.15 of the Revised Code;	10824
(8) A detention facility district or a district organized	10825
under section 2151.65 of the Revised Code or a combined district	10826
organized under sections 2152.41 and 2151.65 of the Revised Code,	10827
the county auditor of the county designated by law to act as the	10828
auditor of the district;	10829
(9) A township, a fire district organized under division (C)	10830
of section 505.37 of the Revised Code, or a township police	10831
district, the fiscal officer of the township;	10832
(10) A joint fire district, the clerk of the board of	10833
trustees of that district;	10834
(11) A regional or county library district, the person	10835
responsible for the financial affairs of that district;	10836
(12) A joint solid waste management district, the fiscal	10837
officer appointed by the board of directors of the district under	10838
section 343.01 of the Revised Code;	10839
(13) A joint emergency medical services district, the person	10840
appointed as fiscal officer pursuant to division (D) of section	10841

307.053 of the Revised Code;	10842
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	10843 10844 10845
(15) A subdivision described in division (MM)(19) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	10846 10847 10848
(16) A joint police district, the treasurer of the district;	10849
(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;	10850 10851
(18) A regional transportation improvement project, the county auditor designated under section 5595.10 of the Revised Code.	10852 10853 10854
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	10855 10856
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	10857 10858 10859 10860 10861 10862 10863
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	10864 10865 10866
(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.	10867 10868 10869
(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general	10870 10871

property taxing power, including taxes within the tax limitation 10872  
if available to the subdivision, of the subdivision are pledged. 10873

(R) "Interest" or "interest equivalent" means those payments 10874  
or portions of payments, however denominated, that constitute or 10875  
represent consideration for forbearing the collection of money, or 10876  
for deferring the receipt of payment of money to a future time. 10877

(S) "Internal Revenue Code" means the "Internal Revenue Code 10878  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 10879  
includes any laws of the United States providing for application 10880  
of that code. 10881

(T) "Issuer" means any public issuer and any nonprofit 10882  
corporation authorized to issue securities for or on behalf of any 10883  
public issuer. 10884

(U) "Legislation" means an ordinance or resolution passed by 10885  
a majority affirmative vote of the then members of the taxing 10886  
authority unless a different vote is required by charter 10887  
provisions governing the passage of the particular legislation by 10888  
the taxing authority. 10889

(V) "Mandatory sinking fund redemption requirements" means 10890  
amounts required by proceedings to be deposited in a bond 10891  
retirement fund for the purpose of paying in any year or fiscal 10892  
year by mandatory redemption prior to stated maturity the 10893  
principal of securities that is due and payable, except for 10894  
mandatory prior redemption requirements as provided in those 10895  
proceedings, in a subsequent year or fiscal year. 10896

(W) "Mandatory sinking fund requirements" means amounts 10897  
required by proceedings to be deposited in a year or fiscal year 10898  
in a bond retirement fund for the purpose of paying the principal 10899  
of securities that is due and payable in a subsequent year or 10900  
fiscal year. 10901

(X) "Net indebtedness" has the same meaning as in division 10902

(A) of section 133.04 of the Revised Code.	10903
(Y) "Obligor," in the case of securities or fractionalized interests in public obligations issued by another person the debt charges or their equivalents on which are payable from payments made by a public issuer, means that public issuer.	10904 10905 10906 10907
(Z) "One purpose" relating to permanent improvements means any one permanent improvement or group or category of permanent improvements for the same utility, enterprise, system, or project, development or redevelopment project, or for or devoted to the same general purpose, function, or use or for which self-supporting securities, based on the same or different sources of revenues, may be issued or for which special assessments may be levied by a single ordinance or resolution. "One purpose" includes, but is not limited to, in any case any off-street parking facilities relating to another permanent improvement, and:	10908 10909 10910 10911 10912 10913 10914 10915 10916 10917
(1) Any number of roads, highways, streets, bridges, sidewalks, and viaducts;	10918 10919
(2) Any number of off-street parking facilities;	10920
(3) In the case of a county, any number of permanent improvements for courthouse, jail, county offices, and other county buildings, and related facilities;	10921 10922 10923
(4) In the case of a school district, any number of facilities and buildings for school district purposes, and related facilities.	10924 10925 10926
(AA) "Outstanding," referring to securities, means securities that have been issued, delivered, and paid for, except any of the following:	10927 10928 10929
(1) Securities canceled upon surrender, exchange, or transfer, or upon payment or redemption;	10930 10931
(2) Securities in replacement of which or in exchange for	10932

which other securities have been issued; 10933

(3) Securities for the payment, or redemption or purchase for 10934  
cancellation prior to maturity, of which sufficient moneys or 10935  
investments, in accordance with the applicable legislation or 10936  
other proceedings or any applicable law, by mandatory sinking fund 10937  
redemption requirements, mandatory sinking fund requirements, or 10938  
otherwise, have been deposited, and credited for the purpose in a 10939  
bond retirement fund or with a trustee or paying or escrow agent, 10940  
whether at or prior to their maturity or redemption, and, in the 10941  
case of securities to be redeemed prior to their stated maturity, 10942  
notice of redemption has been given or satisfactory arrangements 10943  
have been made for giving notice of that redemption, or waiver of 10944  
that notice by or on behalf of the affected security holders has 10945  
been filed with the subdivision or its agent for the purpose. 10946

(BB) "Paying agent" means the one or more banks, trust 10947  
companies, or other financial institutions or qualified persons, 10948  
including an appropriate office or officer of the subdivision, 10949  
designated as a paying agent or place of payment of debt charges 10950  
on the particular securities. 10951

(CC) "Permanent improvement" or "improvement" means any 10952  
property, asset, or improvement certified by the fiscal officer, 10953  
which certification is conclusive, as having an estimated life or 10954  
period of usefulness of five years or more, and includes, but is 10955  
not limited to, real estate, buildings, and personal property and 10956  
interests in real estate, buildings, and personal property, 10957  
equipment, furnishings, and site improvements, and reconstruction, 10958  
rehabilitation, renovation, installation, improvement, 10959  
enlargement, and extension of property, assets, or improvements so 10960  
certified as having an estimated life or period of usefulness of 10961  
five years or more. The acquisition of all the stock ownership of 10962  
a corporation is the acquisition of a permanent improvement to the 10963  
extent that the value of that stock is represented by permanent 10964

improvements. A permanent improvement for parking, highway, road, 10965  
and street purposes includes resurfacing, but does not include 10966  
ordinary repair. 10967

(DD) "Person" has the same meaning as in section 1.59 of the 10968  
Revised Code and also includes any federal, state, interstate, 10969  
regional, or local governmental agency, any subdivision, and any 10970  
combination of those persons. 10971

(EE) "Proceedings" means the legislation, certifications, 10972  
notices, orders, sale proceedings, trust agreement or indenture, 10973  
mortgage, lease, lease-purchase agreement, assignment, credit 10974  
enhancement facility agreements, and other agreements, 10975  
instruments, and documents, as amended and supplemented, and any 10976  
election proceedings, authorizing, or providing for the terms and 10977  
conditions applicable to, or providing for the security or sale or 10978  
award of, public obligations, and includes the provisions set 10979  
forth or incorporated in those public obligations and proceedings. 10980

(FF) "Public issuer" means any of the following that is 10981  
authorized by law to issue securities or enter into public 10982  
obligations: 10983

(1) The state, including an agency, commission, officer, 10984  
institution, board, authority, or other instrumentality of the 10985  
state; 10986

(2) A taxing authority, subdivision, district, or other local 10987  
public or governmental entity, and any combination or consortium, 10988  
or public division, district, commission, authority, department, 10989  
board, officer, or institution, thereof; 10990

(3) Any other body corporate and politic, or other public 10991  
entity. 10992

(GG) "Public obligations" means both of the following: 10993

(1) Securities; 10994



(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations may bear interest or interest equivalent.	10995 10996 10997
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	10998 10999 11000
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	11001 11002 11003
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	11004 11005 11006
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	11007 11008 11009 11010 11011 11012 11013 11014
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system, project, or categories of improvements and the debt charges	11015 11016 11017 11018 11019 11020 11021 11022 11023 11024 11025

payable from those receipts on securities issued for the purpose. 11026  
Until such time as the improvements or increases in rates and 11027  
charges have been in operation or effect for a period of at least 11028  
six months, the receipts therefrom, for purposes of this 11029  
definition, shall be those estimated by the fiscal officer, except 11030  
that those receipts may include, without limitation, payments made 11031  
and to be made to the subdivision under leases or agreements in 11032  
effect at the time the estimate is made. In the case of an 11033  
operation, improvements, or enterprise, system, project, or 11034  
category of improvements without at least a six-month history of 11035  
receipts, the estimate of receipts by the fiscal officer, other 11036  
than those to be derived under leases and agreements then in 11037  
effect, shall be confirmed by the taxing authority. 11038

(MM) "Subdivision" means any of the following: 11039

(1) A county, including a county that has adopted a charter 11040  
under Article X, Ohio Constitution; 11041

(2) A municipal corporation, including a municipal 11042  
corporation that has adopted a charter under Article XVIII, Ohio 11043  
Constitution; 11044

(3) A school district; 11045

(4) A regional water and sewer district organized under 11046  
Chapter 6119. of the Revised Code; 11047

(5) A joint township hospital district organized under 11048  
section 513.07 of the Revised Code; 11049

(6) A joint ambulance district organized under section 505.71 11050  
of the Revised Code; 11051

(7) A joint recreation district organized under division (C) 11052  
of section 755.14 of the Revised Code; 11053

(8) A detention facility district organized under section 11054  
2152.41, a district organized under section 2151.65, or a combined 11055

district organized under sections 2152.41 and 2151.65 of the Revised Code;	11056 11057
(9) A township police district organized under section 505.48 of the Revised Code;	11058 11059
(10) A township;	11060
(11) A joint fire district organized under section 505.371 of the Revised Code;	11061 11062
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	11063 11064 11065
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	11066 11067
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	11068 11069
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	11070 11071
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	11072 11073
(17) A joint police district organized under section 505.482 of the Revised Code;	11074 11075
(18) A lake facilities authority created under Chapter 353. of the Revised Code;	11076 11077
(19) A regional transportation improvement project created under Chapter 5595. of the Revised Code;	11078 11079
(20) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	11080 11081 11082
(NN) "Taxing authority" means in the case of the following subdivisions:	11083 11084

- (1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district; 11085  
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- (2) A municipal corporation, the legislative authority; 11091
- (3) A school district, the board of education; 11092
- (4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district; 11093  
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- (5) A joint township hospital district, the joint township hospital board; 11097  
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- (6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners; 11099  
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11101  
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- (7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees; 11104  
11105  
11106
- (8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district; 11107  
11108  
11109
- (9) A subdivision described in division (MM)(19) of this section, the legislative or governing body or official; 11110  
11111
- (10) A joint police district, the joint police district board; 11112  
11113
- (11) A lake facilities authority, the board of directors; 11114

(12) A regional transportation improvement project, the 11115  
governing board. 11116

(OO) "Tax limitation" means the "ten-mill limitation" as 11117  
defined in section 5705.02 of the Revised Code without diminution 11118  
by reason of section 5705.313 of the Revised Code or otherwise, 11119  
or, in the case of a municipal corporation or county with a 11120  
different charter limitation on property taxes levied to pay debt 11121  
charges on unvoted securities, that charter limitation. Those 11122  
limitations shall be respectively referred to as the "ten-mill 11123  
limitation" and the "charter tax limitation." 11124

(PP) "Tax valuation" means the aggregate of the valuations of 11125  
property subject to ad valorem property taxation by the 11126  
subdivision on the real property, personal property, and public 11127  
utility property tax lists and duplicates most recently certified 11128  
for collection, and shall be calculated without deductions of the 11129  
valuations of otherwise taxable property exempt in whole or in 11130  
part from taxation by reason of exemptions of certain amounts of 11131  
taxable value under division (C) of section 5709.01, tax 11132  
reductions under section 323.152 of the Revised Code, or similar 11133  
laws now or in the future in effect. 11134

For purposes of section 133.06 of the Revised Code, "tax 11135  
valuation" shall not include the valuation of tangible personal 11136  
property used in business, telephone or telegraph property, 11137  
interexchange telecommunications company property, or personal 11138  
property owned or leased by a railroad company and used in 11139  
railroad operations listed under or described in section 5711.22, 11140  
division (B) or (F) of section 5727.111, or section 5727.12 of the 11141  
Revised Code. 11142

(QQ) "Year" means the calendar year. 11143

(RR) "Administrative agent," "agent," "commercial paper," 11144  
"floating rate interest structure," "indexing agent," "interest 11145

rate hedge," "interest rate period," "put arrangement," and 11146  
"remarketing agent" have the same meanings as in section 9.98 of 11147  
the Revised Code. 11148

(SS) "Sales tax supported" means obligations to the payment 11149  
of debt charges on which an additional sales tax or additional 11150  
sales taxes have been pledged by the taxing authority of a county 11151  
pursuant to section 133.081 of the Revised Code. 11152

(TT) "Tourism development district revenue supported" means 11153  
obligations to the payment of debt charges on which tourism 11154  
development district revenue has been pledged by the taxing 11155  
authority of a municipal corporation or township under section 11156  
133.083 of the Revised Code. 11157

**Sec. 133.04.** (A) As used in this chapter, "net indebtedness" 11158  
means, as determined pursuant to this section, the principal 11159  
amount of the outstanding securities of a subdivision less the 11160  
amount held in a bond retirement fund to the extent such amount is 11161  
not taken into account in determining the principal amount 11162  
outstanding under division (AA) of section 133.01 of the Revised 11163  
Code. For purposes of this definition, the principal amount of 11164  
outstanding securities includes the principal amount of 11165  
outstanding securities of another subdivision apportioned to the 11166  
subdivision as a result of acquisition of territory, and excludes 11167  
the principal amount of outstanding securities of the subdivision 11168  
apportioned to another subdivision as a result of loss of 11169  
territory and the payment or reimbursement obligations of the 11170  
subdivision under credit enhancement facilities relating to 11171  
outstanding securities. 11172

(B) In calculating the net indebtedness of a subdivision, 11173  
none of the following securities, including anticipatory 11174  
securities issued in anticipation of their issuance, shall be 11175  
considered: 11176

(1) Securities issued in anticipation of the levy or collection of special assessments, either in original or refunded form;	11177 11178 11179
(2) Securities issued in anticipation of the collection of current revenues for the fiscal year or other period not to exceed twelve consecutive months, or securities issued in anticipation of the collection of the proceeds from a specifically identified voter-approved tax levy;	11180 11181 11182 11183 11184
(3) Securities issued for purposes described in section 133.12 of the Revised Code;	11185 11186
(4) Securities issued under Chapter 122., 140., 165., 725., or 761. or section 131.23 of the Revised Code;	11187 11188
(5) Securities issued to pay final judgments or court-approved settlements under authorizing laws and securities issued under section 2744.081 of the Revised Code;	11189 11190 11191
(6) Securities issued to pay costs of permanent improvements to the extent they are issued in anticipation of the receipt of, and are payable as to principal from, federal or state grants or distributions for, or legally available for, that principal or for the costs of those permanent improvements;	11192 11193 11194 11195 11196
(7) Securities issued to evidence loans from the state capital improvements fund pursuant to Chapter 164. of the Revised Code or from the state infrastructure bank pursuant to section 5531.09 of the Revised Code;	11197 11198 11199 11200
(8) That percentage of the principal amount of general obligation securities issued by a county, township, or municipal corporation to pay the costs of permanent improvements equal to the percentage of the debt charges on those securities payable during the current fiscal year that the fiscal officer estimates can be paid during the current fiscal year from payments in lieu of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or	11201 11202 11203 11204 11205 11206 11207

5709.79 of the Revised Code, and that the legislation authorizing 11208  
the issuance of the securities pledges or covenants will be used 11209  
for the payment of those debt charges; provided that the amount 11210  
excluded from consideration under division (B)(8) of this section 11211  
shall not exceed the lesser of thirty million dollars or one-half 11212  
per cent of the subdivision's tax valuation in the case of a 11213  
county or township, or one and one-tenth per cent of the 11214  
subdivision's tax valuation in the case of a municipal 11215  
corporation; 11216

(9) Securities issued in an amount equal to the property tax 11217  
replacement payments received under section 5727.85 or 5727.86 of 11218  
the Revised Code; 11219

(10) Securities issued in an amount equal to the property tax 11220  
replacement payments received under section 5751.21 or 5751.22 of 11221  
the Revised Code; 11222

(11) Other securities, including self-supporting securities, 11223  
excepted by law from the calculation of net indebtedness or from 11224  
the application of this chapter; 11225

(12) Securities issued under section 133.083 of the Revised 11226  
Code for the purpose of acquiring, constructing, improving, or 11227  
equipping any permanent improvement to the extent that the 11228  
legislation authorizing the issuance pledges tourism development 11229  
district revenue to the payment of debt charges on the securities 11230  
and contains a covenant to appropriate from tourism development 11231  
district revenue a sufficient amount to cover debt charges or the 11232  
financing costs related to the securities as they become due; 11233

(13) Any other securities outstanding on October 30, 1989, 11234  
and then excepted from the calculation of net indebtedness or from 11235  
the application of this chapter, and securities issued at any time 11236  
to fund or refund those securities. 11237



Sec. 133.05. (A) A municipal corporation shall not incur net 11238  
indebtedness that exceeds an amount equal to ten and one-half per 11239  
cent of its tax valuation, or incur without a vote of the electors 11240  
net indebtedness that exceeds an amount equal to five and one-half 11241  
per cent of that tax valuation. 11242

(B) In calculating the net indebtedness of a municipal 11243  
corporation, none of the following securities shall be considered: 11244

(1) Self-supporting securities issued for any purposes 11245  
including, without limitation, any of the following general 11246  
purposes: 11247

(a) Water systems or facilities; 11248

(b) Sanitary sewerage systems or facilities, or surface and 11249  
storm water drainage and sewerage systems or facilities, or a 11250  
combination of those systems or facilities; 11251

(c) Electric plants and facilities and steam or cogeneration 11252  
facilities that generate or supply electricity, or steam and 11253  
electrical or steam distribution systems and lines; 11254

(d) Airports or landing fields or facilities; 11255

(e) Railroads, rapid transit, and other mass transit systems; 11256

(f) Off-street parking lots, facilities, or buildings, or 11257  
on-street parking facilities, or any combination of off-street and 11258  
on-street parking facilities; 11259

(g) Facilities for the care or treatment of the sick or 11260  
infirm, and for housing the persons providing such care or 11261  
treatment and their families; 11262

(h) Solid waste or hazardous waste collection or disposal 11263  
facilities, or resource recovery and solid or hazardous waste 11264  
recycling facilities, or any combination of those facilities; 11265

(i) Urban redevelopment projects; 11266

(j) Recreational, sports, convention, auditorium, museum,	11267
trade show, and other public attraction facilities;	11268
(k) Facilities for natural resources exploration,	11269
development, recovery, use, and sale;	11270
(l) Correctional and detention facilities, including	11271
multicounty-municipal jails, and related rehabilitation	11272
facilities.	11273
(2) Securities issued for the purpose of purchasing,	11274
constructing, improving, or extending water or sanitary or surface	11275
and storm water sewerage systems or facilities, or a combination	11276
of those systems or facilities, to the extent that an agreement	11277
entered into with another subdivision requires the other	11278
subdivision to pay to the municipal corporation amounts equivalent	11279
to debt charges on the securities;	11280
(3) Securities issued under order of the director of health	11281
or director of environmental protection under section 6109.18 of	11282
the Revised Code;	11283
(4) Securities issued under Section 3, 10, or 12 of Article	11284
XVIII, Ohio Constitution;	11285
(5) Securities that are not general obligations of the	11286
municipal corporation;	11287
(6) Voted securities issued for the purposes of urban	11288
redevelopment to the extent that their principal amount does not	11289
exceed an amount equal to two per cent of the tax valuation of the	11290
municipal corporation;	11291
(7) Unvoted general obligation securities to the extent that	11292
the legislation authorizing them includes covenants to appropriate	11293
annually from lawfully available municipal income taxes or other	11294
municipal excises or taxes, including taxes referred to in section	11295
701.06 of the Revised Code but not including ad valorem property	11296

taxes, and to continue to levy and collect those municipal income 11297  
taxes or other applicable excises or taxes in, amounts necessary 11298  
to meet the debt charges on those securities, which covenants are 11299  
hereby authorized; 11300

(8) Self-supporting securities issued prior to July 1, 1977, 11301  
under this chapter for the purpose of municipal university 11302  
residence halls to the extent that revenues of the successor state 11303  
university allocated to debt charges on those securities, from 11304  
sources other than municipal excises and taxes, are sufficient to 11305  
pay those debt charges; 11306

(9) Securities issued for the purpose of acquiring or 11307  
constructing roads, highways, bridges, or viaducts, for the 11308  
purpose of acquiring or making other highway permanent 11309  
improvements, or for the purpose of procuring and maintaining 11310  
computer systems for the office of the clerk of the municipal 11311  
court to the extent that the legislation authorizing the issuance 11312  
of the securities includes a covenant to appropriate from money 11313  
distributed to the municipal corporation pursuant to Chapter 11314  
4501., 4503., 4504., or 5735. of the Revised Code a sufficient 11315  
amount to cover debt charges on and financing costs relating to 11316  
the securities as they become due; 11317

(10) Securities issued for the purpose of providing some or 11318  
all of the funds required to satisfy the municipal corporation's 11319  
obligation under an agreement with the board of trustees of the 11320  
Ohio police and fire pension fund under section 742.30 of the 11321  
Revised Code; 11322

(11) Securities issued for the acquisition, construction, 11323  
equipping, and improving of a municipal educational and cultural 11324  
facility under division (B)(2) of section 307.672 of the Revised 11325  
Code; 11326

(12) Securities issued for energy conservation measures under 11327

section 717.02 of the Revised Code; 11328

(13) Securities that are obligations issued to pay costs of a 11329  
sports facility under section 307.673 of the Revised Code; 11330

(14) Securities issued under section 133.083 of the Revised 11331  
Code for the purpose of acquiring, constructing, improving, or 11332  
equipping any permanent improvement to the extent that the 11333  
legislation authorizing the issuance pledges tourism development 11334  
district revenue to the payment of debt charges on the securities 11335  
and contains a covenant to appropriate from tourism development 11336  
district revenue a sufficient amount to cover debt charges or the 11337  
financing costs related to the securities as they become due. 11338

(C) In calculating the net indebtedness of a municipal 11339  
corporation, no obligation incurred under section 749.081 of the 11340  
Revised Code shall be considered. 11341

**Sec. 133.07.** (A) A county shall not incur, without a vote of 11342  
the electors, either of the following: 11343

(1) Net indebtedness for all purposes that exceeds an amount 11344  
equal to one per cent of its tax valuation; 11345

(2) Net indebtedness for the purpose of paying the county's 11346  
share of the cost of the construction, improvement, maintenance, 11347  
or repair of state highways that exceeds an amount equal to 11348  
one-half of one per cent of its tax valuation. 11349

(B) A county shall not incur total net indebtedness that 11350  
exceeds an amount equal to one of the following limitations that 11351  
applies to the county: 11352

(1) A county with a valuation not exceeding one hundred 11353  
million dollars, three per cent of that tax valuation; 11354

(2) A county with a tax valuation exceeding one hundred 11355  
million dollars but not exceeding three hundred million dollars, 11356  
three million dollars plus one and one-half per cent of that tax 11357

valuation in excess of one hundred million dollars;	11358
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	11359 11360 11361 11362
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	11363 11364
(1) Securities described in section 307.201 of the Revised Code;	11365 11366
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	11367 11368 11369
(a) Water systems or facilities;	11370
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	11371 11372 11373
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	11374 11375 11376
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	11377 11378 11379
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	11380 11381 11382
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	11383 11384
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	11385 11386

(h) Correctional and detention facilities and related rehabilitation facilities.	11387 11388
(3) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the county amounts equivalent to debt charges on the securities;	11389 11390 11391 11392 11393 11394 11395
(4) Voted general obligation securities issued for the purpose of permanent improvements for sanitary sewerage or water systems or facilities to the extent that the total principal amount of voted securities outstanding for the purpose does not exceed an amount equal to two per cent of the county's tax valuation;	11396 11397 11398 11399 11400 11401
(5) Securities issued for permanent improvements to house agencies, departments, boards, or commissions of the county or of any municipal corporation located, in whole or in part, in the county, to the extent that the revenues, other than revenues from unvoted county property taxes, derived from leases or other agreements between the county and those agencies, departments, boards, commissions, or municipal corporations relating to the use of the permanent improvements are sufficient to cover the cost of all operating expenses of the permanent improvements paid by the county and debt charges on the securities;	11402 11403 11404 11405 11406 11407 11408 11409 11410 11411
(6) Securities issued pursuant to section 133.08 of the Revised Code;	11412 11413
(7) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, for the purpose of acquiring or making other highway permanent improvements, or for the purpose of procuring and maintaining	11414 11415 11416 11417

computer systems for the office of the clerk of any 11418  
county-operated municipal court, for the office of the clerk of 11419  
the court of common pleas, or for the office of the clerk of the 11420  
probate, juvenile, or domestic relations division of the court of 11421  
common pleas to the extent that the legislation authorizing the 11422  
issuance of the securities includes a covenant to appropriate from 11423  
moneys distributed to the county pursuant to division (B) of 11424  
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 11425  
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 11426  
sufficient amount to cover debt charges on and financing costs 11427  
relating to the securities as they become due; 11428

(8) Securities issued for the purpose of acquiring, 11429  
constructing, improving, and equipping a county, multicounty, or 11430  
multicounty-municipal jail, workhouse, juvenile detention 11431  
facility, or correctional facility; 11432

(9) Securities issued for the acquisition, construction, 11433  
equipping, or repair of any permanent improvement or any class or 11434  
group of permanent improvements enumerated in a resolution adopted 11435  
pursuant to division (D) of section 5739.026, or under division 11436  
(A)(10) of section 5739.09, of the Revised Code to the extent that 11437  
the legislation authorizing the issuance of the securities 11438  
includes a covenant to appropriate from moneys received from the 11439  
taxes authorized under section 5739.023 and division (A)(5) of 11440  
section 5739.026, or under division (A)(10) of section 5739.09, of 11441  
the Revised Code, respectively, an amount sufficient to pay debt 11442  
charges on the securities and those moneys shall be pledged for 11443  
that purpose; 11444

(10) Securities issued for county or joint county solid waste 11445  
or hazardous waste collection, transfer, or disposal facilities, 11446  
or resource recovery and solid or hazardous waste recycling 11447  
facilities, or any combination of those facilities; 11448

(11) Securities issued for the acquisition, construction, and 11449

equipping of a port authority educational and cultural facility	11450
under section 307.671 of the Revised Code;	11451
(12) Securities issued for the acquisition, construction,	11452
equipping, and improving of a municipal educational and cultural	11453
facility under division (B)(1) of section 307.672 of the Revised	11454
Code;	11455
(13) Securities issued for energy conservation measures under	11456
section 307.041 of the Revised Code;	11457
(14) Securities issued for the acquisition, construction,	11458
equipping, improving, or repair of a sports facility, including	11459
obligations issued to pay costs of a sports facility under section	11460
307.673 of the Revised Code;	11461
(15) Securities issued under section 755.17 of the Revised	11462
Code if the legislation authorizing issuance of the securities	11463
includes a covenant to appropriate from revenue received from a	11464
tax authorized under division (A)(5) of section 5739.026 and	11465
section 5741.023 of the Revised Code an amount sufficient to pay	11466
debt charges on the securities, and the board of county	11467
commissioners pledges that revenue for that purpose, pursuant to	11468
section 755.171 of the Revised Code;	11469
(16) Sales tax supported bonds issued pursuant to section	11470
133.081 of the Revised Code for the purpose of acquiring,	11471
constructing, improving, or equipping any permanent improvement to	11472
the extent that the legislation authorizing the issuance of the	11473
sales tax supported bonds pledges county sales taxes to the	11474
payment of debt charges on the sales tax supported bonds and	11475
contains a covenant to appropriate from county sales taxes a	11476
sufficient amount to cover debt charges or the financing costs	11477
related to the sales tax supported bonds as they become due;	11478
(17) Bonds or notes issued under section 133.60 of the	11479
Revised Code if the legislation authorizing issuance of the bonds	11480



or notes includes a covenant to appropriate from revenue received 11481  
from a tax authorized under division (A)(9) of section 5739.026 11482  
and section 5741.023 of the Revised Code an amount sufficient to 11483  
pay the debt charges on the bonds or notes, and the board of 11484  
county commissioners pledges that revenue for that purpose; 11485

(18) Securities issued under section 3707.55 of the Revised 11486  
Code for the acquisition of real property by a general health 11487  
district; 11488

(19) Securities issued under division (A)(3) of section 11489  
3313.37 of the Revised Code for the acquisition of real and 11490  
personal property by an educational service center; 11491

(20) Securities issued for the purpose of paying the costs of 11492  
acquiring, constructing, reconstructing, renovating, 11493  
rehabilitating, expanding, adding to, equipping, furnishing, or 11494  
otherwise improving an arena, convention center, or a combination 11495  
of an arena and convention center under section 307.695 of the 11496  
Revised Code; 11497

(21) Securities issued for the purpose of paying project 11498  
costs under section 307.678 of the Revised Code; 11499

(22) Securities issued for the purpose of paying project 11500  
costs under section 307.679 of the Revised Code. 11501

(D) In calculating the net indebtedness of a county, no 11502  
obligation incurred under division (F) of section 339.06 of the 11503  
Revised Code shall be considered. 11504

Sec. 133.083. (A) As used in this section: 11505

(1) "Anticipation notes" means notes issued in anticipation 11506  
of the tourism development district revenue supported bonds 11507  
authorized by this section. 11508

(2) "Authorizing proceedings" means the resolution, 11509  
legislation, trust agreement, certification, and other agreements, 11510

instruments, and documents, as amended and supplemented, 11511  
authorizing, or providing for the security or sale or award of, 11512  
tourism development district revenue supported bonds, and includes 11513  
the provisions set forth or incorporated in those bonds and 11514  
proceedings. 11515

(3) "Tourism development district revenue" means revenue 11516  
received by the taxing authority of a municipal corporation or 11517  
township under section 5739.213 of the Revised Code or from a tax 11518  
levied pursuant to section 503.57 or 5739.101 of the Revised Code, 11519  
from fees imposed pursuant to division (C) of section 503.56 or 11520  
division (C) of section 715.014 of the Revised Code, and, in the 11521  
case of a municipal corporation, a tax levied on amounts received 11522  
for admission to any place to the extent of the revenue therefrom 11523  
is required to be used to foster and develop tourism in a tourism 11524  
development district. 11525

(4) "Tourism development district revenue supported bonds" 11526  
means the tourism development district revenue supported bonds 11527  
authorized by this section, including anticipation notes. 11528

(5) "Refunding bonds" means tourism development district 11529  
revenue supported bonds issued to provide for the refunding of the 11530  
tourism development district revenue supported bonds referred to 11531  
in this section as refunded obligations. 11532

(6) "Tourism development district" means an area designated 11533  
by a township or municipal corporation under section 503.56 or 11534  
715.014 of the Revised Code. 11535

(B) The taxing authority of a municipal corporation or 11536  
township that is receiving tourism development district revenue, 11537  
for the purpose of fostering and developing tourism within the 11538  
tourism development district, may anticipate such revenue and 11539  
issue tourism development district revenue supported bonds of the 11540  
municipal corporation or township in the principal amount 11541

necessary to pay the costs of financing any permanent improvement, 11542  
or to refund any refunded obligations, provided that the taxing 11543  
authority certifies that the annual debt charges on the tourism 11544  
development district revenue supported bonds, or on the tourism 11545  
development district revenue supported bonds being anticipated by 11546  
anticipation notes, do not exceed the estimated annual tourism 11547  
development district revenue. The maximum aggregate amount of 11548  
tourism development district revenue supported bonds that may be 11549  
outstanding at any time in accordance with their terms shall not 11550  
exceed an amount which requires or is estimated to require 11551  
payments from tourism development district revenue of debt charges 11552  
on the tourism development district revenue supported bonds, or, 11553  
in the case of anticipation notes, projected debt charges on the 11554  
tourism development district revenue supported bonds anticipated, 11555  
in any calendar year in an amount exceeding tourism development 11556  
district revenue in anticipation of which the bonds or 11557  
anticipation notes are issued as estimated by the fiscal officer 11558  
based on tourism development district revenue averaged for the two 11559  
calendar years prior to the year in which the tourism development 11560  
district revenue supported bonds are issued, and annualized for 11561  
any increase in any tax levied pursuant to section 505.57 or 11562  
5739.101 of the Revised Code during such period or levied after 11563  
such period. A taxing authority may at any time issue renewal 11564  
anticipation notes, issue tourism development district revenue 11565  
supported bonds to pay renewal anticipation notes, and, if it 11566  
considers refunding expedient, issue refunding tourism development 11567  
district revenue supported bonds whether the refunded obligations 11568  
have or have not matured. The refunding tourism development 11569  
district revenue supported bonds shall be sold and the proceeds 11570  
needed for such purpose applied in the manner provided in the 11571  
authorizing proceedings of the taxing authority. 11572

The maximum maturity of tourism development district revenue 11573  
supported bonds shall be calculated by the fiscal officer in 11574

accordance with section 133.20 of the Revised Code, and that 11575  
calculation shall be filed with the taxing authority before 11576  
adoption of the ordinance or resolution authorizing the issuance. 11577  
If the tourism development district revenue pledged to the payment 11578  
of the tourism development district revenue supported bonds has a 11579  
stated expiration date, the final principal maturity date of the 11580  
tourism development district revenue supported bonds shall not 11581  
extend beyond the final year of collection of the tourism 11582  
development district revenue pledged to the payment of the tourism 11583  
development district revenue supported bonds. 11584

(C) Every issue of tourism development district revenue 11585  
supported bonds outstanding in accordance with their terms shall 11586  
be payable out of the tourism development district revenue 11587  
received by the municipal corporation or township or proceeds of 11588  
tourism development district revenue supported bonds, renewal 11589  
anticipation notes, or refunding tourism development district 11590  
revenue supported bonds that may be pledged for such payment in 11591  
the authorizing proceedings. The pledge shall be valid and binding 11592  
from the time the pledge is made, and the tourism development 11593  
district revenue so pledged and thereafter received by the 11594  
municipal corporation or township shall immediately be subject to 11595  
the lien of that pledge without any physical delivery of the 11596  
tourism development district revenue or proceeds or further act. 11597  
The lien of any pledge is valid and binding as against all parties 11598  
having claims of any kind in tort, contract, or otherwise against 11599  
the municipal corporation or township, whether or not such parties 11600  
have notice of the lien. Neither the resolution nor any trust 11601  
agreement by which a pledge is created or further evidenced need 11602  
be filed or recorded except in the records of the taxing 11603  
authority. 11604

(D) Tourism development district revenue supported bonds 11605  
issued under this section do not constitute a general obligation 11606

debt, or a pledge of the full faith and credit, of the state, or 11607  
any political subdivision of the state, and the holders or owners 11608  
of the bonds have no right to have taxes levied by the general 11609  
assembly or property taxes levied by the taxing authority of any 11610  
political subdivision of the state for the payment of debt 11611  
charges. Unless paid from other sources, tourism development 11612  
district revenue supported bonds are payable from the tourism 11613  
development district revenue pledged for their payment as 11614  
authorized by this section. All tourism development district 11615  
revenue supported bonds shall contain on their face a statement to 11616  
the effect that the tourism development district revenue supported 11617  
bonds, as to debt charges, are not debts or obligations of the 11618  
state and are not general obligation debts of any political 11619  
subdivision of the state, but, unless paid from other sources, are 11620  
payable from the tourism development district revenue pledged for 11621  
their payment. The utilization and pledge of the tourism 11622  
development district revenue and proceeds of tourism development 11623  
district revenue supported bonds, renewal anticipation notes, or 11624  
refunding tourism development district revenue supported bonds for 11625  
the payment of debt charges is determined by the general assembly 11626  
to create a special obligation. 11627

(E) The tourism development district revenue supported bonds 11628  
shall bear such date or dates, shall be executed in the manner, 11629  
and shall mature at such time or times, in the case of any 11630  
anticipation notes not exceeding ten years from the date of issue 11631  
of the original anticipation notes and in the case of any tourism 11632  
development district revenue supported bonds or of any refunding 11633  
tourism development district revenue supported bonds, not 11634  
exceeding the maximum maturity certified to the taxing authority 11635  
pursuant to division (B) of this section, all as the authorizing 11636  
proceedings may provide. The tourism development district revenue 11637  
supported bonds shall bear interest at such rates, or at variable 11638  
rate or rates changing from time to time, in accordance with 11639

provisions in the authorizing proceedings, be in such 11640  
denominations and form, either coupon or registered, carry such 11641  
registration privileges, be payable in such medium of payment and 11642  
at such place or places, and be subject to such terms of 11643  
redemption, as the taxing authority may authorize or provide. The 11644  
tourism development district revenue supported bonds may be sold 11645  
at public or private sale, and at, or at not less than, the price 11646  
or prices as the taxing authority determines. If any officer whose 11647  
signature or a facsimile of whose signature appears on any tourism 11648  
development district revenue supported bonds or coupons ceases to 11649  
be such officer before delivery of the tourism development 11650  
district revenue supported bonds or anticipation notes, the 11651  
signature or facsimile shall nevertheless be sufficient for all 11652  
purposes as if that officer had remained in office until delivery 11653  
of the tourism development district revenue supported bonds. 11654  
Whether or not the tourism development district revenue supported 11655  
bonds are of such form and character as to be negotiable 11656  
instruments under Title XIII of the Revised Code, the tourism 11657  
development district revenue supported bonds shall have all the 11658  
qualities and incidents of negotiable instruments, subject only to 11659  
any provisions for registration. Neither the members of the taxing 11660  
authority nor any person executing the tourism development 11661  
district revenue supported bonds shall be liable personally on the 11662  
tourism development district revenue supported bonds or be subject 11663  
to any personal liability or accountability by reason of their 11664  
issuance. 11665

(F) Notwithstanding any other provision of this section, 11666  
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 11667  
(A) of section 133.03 of the Revised Code apply to the tourism 11668  
development district revenue supported bonds. Tourism development 11669  
district revenue supported bonds issued under this section need 11670  
not comply with any other law applicable to notes or bonds but the 11671  
authorizing proceedings may provide that divisions (B) to (E) of 11672

section 133.25 of the Revised Code apply to the tourism 11673  
development district revenue supported bonds or anticipation 11674  
notes. 11675

(G) Any authorized proceedings may contain provisions, 11676  
subject to any agreements with holders as may then exist, which 11677  
shall be a part of the contract with the holders, as to the 11678  
pledging of any or all of the municipal corporation's or 11679  
township's anticipated tourism development district revenue to 11680  
secure the payment of the tourism development district revenue 11681  
supported bonds; the use and disposition of the tourism 11682  
development district revenue; the crediting of the proceeds of the 11683  
sale of tourism development district revenue supported bonds to 11684  
and among the funds referred to or provided for in the authorizing 11685  
proceedings; limitations on the purpose to which the proceeds of 11686  
the tourism development district revenue supported bonds may be 11687  
applied and the pledging of portions of such proceeds to secure 11688  
the payment of the tourism development district revenue supported 11689  
bonds or of anticipation notes; the agreement of the municipal 11690  
corporation or township to do all things necessary for the 11691  
authorization, issuance, and sale of those notes anticipated in 11692  
such amounts as may be necessary for the timely payment of debt 11693  
charges on any anticipation notes; limitations on the issuance of 11694  
additional tourism development district revenue supported bonds; 11695  
the terms upon which additional tourism development district 11696  
revenue supported bonds may be issued and secured; the refunding 11697  
of refunded obligations; the procedure by which the terms of any 11698  
contract with holders may be amended, and the manner in which any 11699  
required consent to amend may be given; securing any tourism 11700  
development district revenue supported bonds by a trust agreement 11701  
or other agreement; and any other matters, of like or different 11702  
character, that in any way affect the security or protection of 11703  
the tourism development district revenue supported bonds or 11704  
anticipation notes. 11705

(H) The taxing authority of a municipal corporation or township may not repeal, rescind, or reduce any portion of a tax pledged to the payment of debt charges on tourism development district revenue supported bonds while such bonds remain outstanding, and no portion of tourism development district revenue pledged to the payment of debt charges on such bonds shall be subject to repeal or reduction by the electorate of the taxing authority while the bonds are outstanding. 11706  
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**Sec. 133.34.** (A) Upon the determination of the taxing authority that such funding or refunding will be in the subdivision's best interest, the subdivision may: 11714  
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11716

(1) Issue general obligation securities to fund or refund any outstanding revenue or mortgage revenue, sales tax supported, or other special obligation securities previously issued by it for permanent improvements pursuant to authorization by law or the Ohio Constitution. Any general obligation bonds issued pursuant to this division (A)(1) shall be payable as to principal at such times and in such installments as determined by the taxing authority consistent with section 133.21 of the Revised Code, ~~but their.~~ The last maturity of the refunding securities shall not be later than ~~thirty~~ the later of: 11717  
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(a) Thirty years from the date of issuance of the original securities issued for the original purpose; or 11727  
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(b) The year of the last maturity that would have been permitted for the original securities if they had been issued as general obligation securities and the law as to the maximum maturity of general obligation securities issued for the original purpose were the same at the time the original securities were issued as the law existing at the time the refunding securities are issued. 11729  
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(2) Issue revenue or mortgage revenue securities, if 11736



authorized by other law or the Ohio Constitution to issue such 11737  
securities for the original purpose, to fund or refund any 11738  
outstanding general obligation or sales tax supported securities 11739  
previously issued by it pursuant to authorization by law. The 11740  
taxing authority shall establish the maturity date or dates, the 11741  
interest payable, and other terms of such securities as it 11742  
considers necessary or appropriate for their issuance. 11743

(3) Issue general obligation securities to fund or refund 11744  
outstanding general obligation bonds issued in one or more issues 11745  
for any purpose or purposes. General obligation securities issued 11746  
pursuant to this division (A)(3) shall be payable as to principal 11747  
at such times and in such installments as determined by the taxing 11748  
authority. Section 133.21 of the Revised Code is not applicable to 11749  
these refunding securities, but the last maturity of these 11750  
refunding securities shall not be later than the year of last 11751  
maturity permitted by law for the general obligation bonds 11752  
refunded. Tax levies for debt charges on the refunding general 11753  
obligation securities shall be considered to have the same status 11754  
with respect to the provisions of the applicable tax limitation as 11755  
the levies for debt charges on, and the refunding general 11756  
obligation securities shall be considered to have the same status 11757  
with respect to net indebtedness limitations as, the general 11758  
obligation bonds that are refunded. 11759

(4) Issue sales tax supported or other special obligation 11760  
securities to fund or refund any outstanding general obligation 11761  
securities, or revenue or mortgage revenue ~~or general obligation,~~ 11762  
sales tax supported, or other special obligation securities 11763  
previously issued by it for permanent improvements pursuant to 11764  
authorization by law or the Ohio Constitution. Any sales tax 11765  
supported bonds issued pursuant to this division (A)(4) shall be 11766  
payable as to principal at such times and in such installments as 11767  
determined by the taxing authority consistent with division (E) of 11768

section 133.081 of the Revised Code, but their last maturity shall 11769  
be consistent with division (B) of section 133.081 of the Revised 11770  
Code. Other special obligation securities issued under this 11771  
division (A)(4) shall be payable as to principal at such times and 11772  
in such installments as determined by the taxing authority, and 11773  
are not subject to section 133.21 of the Revised Code. The last 11774  
maturity of these refunding securities shall be not later than the 11775  
year of last maturity permitted by law for the obligations 11776  
refunded. 11777

(5) Apply moneys from other sources to fund any outstanding 11778  
securities or public obligations issued by the taxing authority 11779  
pursuant to authorization by law or the Ohio Constitution, 11780  
including the funding of any mandatory sinking fund redemption 11781  
requirements. 11782

(6) Issue tourism development district revenue supported 11783  
bonds to fund or refund any outstanding revenue or mortgage 11784  
revenue or general obligation or other special obligation 11785  
securities previously issued by it for permanent improvements 11786  
pursuant to authorization by law or the Ohio Constitution. Any 11787  
tourism development district revenue supported bonds issued 11788  
pursuant to division (A)(6) of this section shall be payable as to 11789  
principal at such times and in such installments as determined by 11790  
the taxing authority consistent with division (E) of section 11791  
133.083 of the Revised Code, but their last maturity shall be 11792  
consistent with division (B) of section 133.083 of the Revised 11793  
Code. 11794

(B) Securities issued pursuant to this section shall be 11795  
considered to be issued for the same purpose or purposes as the 11796  
securities that they are issued to fund or refund, and their 11797  
proceeds shall be used as determined by the taxing authority 11798  
consistent with their purpose. That use may include the payment of 11799  
the outstanding principal amount of, any redemption premium on, 11800

and any interest to redemption or maturity on, the securities 11801  
being funded or refunded, and any expenses relating to the funding 11802  
or refunding or the issuance of the refunding bonds, including 11803  
financing costs, all as determined by the taxing authority. 11804  
Proceeds of securities issued pursuant to this section may also be 11805  
used to provide additional money for the purpose or purposes for 11806  
which the securities being funded or refunded, or which they 11807  
funded or refunded, were issued, but section 133.21 of the Revised 11808  
Code is applicable to any such portion of general obligation 11809  
securities. 11810

(C) Securities may be issued and other moneys may be applied 11811  
pursuant to this section to fund or refund all or any portion of 11812  
the outstanding securities, and whether or not the securities to 11813  
be funded or refunded were issued subject to call or redemption 11814  
prior to maturity or are the original securities or are themselves 11815  
refunding securities. 11816

(D) Moneys derived from the proceeds of securities issued 11817  
pursuant to this section to fund or refund general obligation 11818  
bonds, or moneys from other sources, and required for the purpose 11819  
shall, under an escrow agreement or otherwise, to the extent 11820  
required by the legislation be placed in an escrow fund, which may 11821  
be in the bond retirement fund in the case of the funded or 11822  
refunded bonds being payable within ninety days of issuance of the 11823  
refunding securities, and other moneys applied pursuant to this 11824  
section to fund general obligation bonds shall, under an escrow 11825  
agreement or otherwise, to the extent required by the legislation, 11826  
be placed in an escrow fund that may be in the sinking fund or 11827  
bond retirement fund, and in either case are pledged for the 11828  
purpose of funding or refunding the refunded general obligation 11829  
bonds and shall be used, together with any other available funds 11830  
as provided in this section, for that purpose. Pending that use, 11831  
the moneys in escrow shall be held in cash or, if and to the 11832

extent authorized by the taxing authority, invested in whole or in 11833  
part in direct obligations of or obligations guaranteed as to 11834  
payment by the United States that mature or are subject to 11835  
redemption by and at the option of the holder not later than the 11836  
date or dates when the moneys invested, together with interest or 11837  
other investment income accrued on those moneys, and any moneys 11838  
held in cash and not invested will be required for that use. Any 11839  
moneys in the escrow fund derived from the issuance of revenue or 11840  
mortgage revenue ~~or~~, sales tax supported, or other special 11841  
obligation securities that will not be needed to pay debt charges 11842  
on the funded or refunded general obligation bonds may be used for 11843  
and pledged to the payment of debt charges on the refunding 11844  
securities and on any securities issued on a parity with the 11845  
refunding securities. Any moneys in the escrow fund derived from 11846  
the proceeds of refunding general obligation securities and that 11847  
will not be needed to pay debt charges on the refunded general 11848  
obligation bonds shall be transferred to the bond retirement fund. 11849  
When the subdivision has placed in escrow moneys, derived from 11850  
proceeds of refunding obligations or otherwise, or those direct or 11851  
guaranteed obligations of the United States, or a combination of 11852  
both, determined by an independent public accounting firm to be 11853  
sufficient, with the interest or other investment income accruing 11854  
on those direct or guaranteed obligations, for the payment of debt 11855  
charges on the funded or refunded general obligation bonds, the 11856  
funded or refunded general obligation bonds shall no longer be 11857  
considered to be outstanding, shall not be considered for purposes 11858  
of determining any limitation, direct or indirect, on the 11859  
indebtedness or net indebtedness of the subdivision, and the levy 11860  
of taxes or other charges for the payment of debt charges on the 11861  
funded or refunded general obligation bonds under this chapter, 11862  
Chapter 5705., or other provisions of the Revised Code, shall not 11863  
be required. For purposes of this division, "direct obligations of 11864  
or obligations guaranteed as to payment by the United States" 11865

includes rights to receive payment or portions of payments of the principal of or interest or other investment income on:

(1) Those obligations; and

(2) Other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

(E) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law or the Ohio Constitution for the same or similar purposes, and does not limit or restrict the authority of municipal corporations to issue, under authority of Article XVIII, Ohio Constitution, revenue or mortgage revenue securities to fund or refund either general obligation securities or other revenue or mortgage revenue securities.

**Sec. 135.01.** Except as otherwise provided in sections 135.14, 135.143, ~~and~~ 135.181, and 135.182 of the Revised Code, as used in sections 135.01 to 135.21 of the Revised Code:

(A) "Active deposit" means a public deposit necessary to meet current demands on the treasury, and that is deposited in any of the following:

(1) A commercial account that is payable or withdrawable, in whole or in part, on demand;

(2) A negotiable order of withdrawal account as authorized in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 12 U.S.C.A. 1832(a);

(3) A money market deposit account as authorized in the "Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 1501, 12 U.S.C. 3503.

(B) "Auditor" includes the auditor of state and the auditor, or officer exercising the functions of an auditor, of any

subdivision. 11896

(C) "Capital funds" means the sum of the following: the par 11897  
value of the outstanding common capital stock, the par value of 11898  
the outstanding preferred capital stock, the aggregate par value 11899  
of all outstanding capital notes and debentures, and the surplus. 11900  
In the case of an institution having offices in more than one 11901  
county, the capital funds of such institution, for the purposes of 11902  
sections 135.01 to 135.21 of the Revised Code, relative to the 11903  
deposit of the public moneys of the subdivisions in one such 11904  
county, shall be considered to be that proportion of the capital 11905  
funds of the institution that is represented by the ratio that the 11906  
deposit liabilities of such institution originating at the office 11907  
located in the county bears to the total deposit liabilities of 11908  
the institution. 11909

(D) "Governing board" means, in the case of the state, the 11910  
state board of deposit; in the case of all school districts and 11911  
educational service centers except as otherwise provided in this 11912  
section, the board of education or governing board of a service 11913  
center, and when the case so requires, the board of commissioners 11914  
of the sinking fund; in the case of a municipal corporation, the 11915  
legislative authority, and when the case so requires, the board of 11916  
trustees of the sinking fund; in the case of a township, the board 11917  
of township trustees; in the case of a union or joint institution 11918  
or enterprise of two or more subdivisions not having a treasurer, 11919  
the board of directors or trustees thereof; and in the case of any 11920  
other subdivision electing or appointing a treasurer, the 11921  
directors, trustees, or other similar officers of such 11922  
subdivision. The governing board of a subdivision electing or 11923  
appointing a treasurer shall be the governing board of all other 11924  
subdivisions for which such treasurer is authorized by law to act. 11925  
In the case of a county school financing district that levies a 11926  
tax pursuant to section 5705.215 of the Revised Code, the county 11927

board of education that serves as its taxing authority shall 11928  
operate as a governing board. Any other county board of education 11929  
shall operate as a governing board unless it adopts a resolution 11930  
designating the board of county commissioners as the governing 11931  
board for the county school district. 11932

(E) "Inactive deposit" means a public deposit other than an 11933  
interim deposit or an active deposit. 11934

(F) "Interim deposit" means a deposit of interim moneys. 11935  
"Interim moneys" means public moneys in the treasury of the state 11936  
or any subdivision after the award of inactive deposits has been 11937  
made in accordance with section 135.07 of the Revised Code, which 11938  
moneys are in excess of the aggregate amount of the inactive 11939  
deposits as estimated by the governing board prior to the period 11940  
of designation and which the treasurer or governing board finds 11941  
should not be deposited as active or inactive deposits for the 11942  
reason that such moneys will not be needed for immediate use but 11943  
will be needed before the end of the period of designation. 11944

(G) "Permissible rate of interest" means a rate of interest 11945  
that all eligible institutions mentioned in section 135.03 of the 11946  
Revised Code are permitted to pay by law or valid regulations. 11947

(H) "Warrant clearance account" means an account established 11948  
by the treasurer of state for the deposit of active state moneys 11949  
outside the city of Columbus, such account being for the exclusive 11950  
purpose of clearing state warrants through the banking system to 11951  
the treasurer. 11952

(I) "Public deposit" means public moneys deposited in a 11953  
public depository pursuant to sections 135.01 to 135.21 of the 11954  
Revised Code. 11955

(J) "Public depository" means an institution which receives 11956  
or holds any public deposits. 11957

(K) "Public moneys" means all moneys in the treasury of the 11958

state or any subdivision of the state, or moneys coming lawfully 11959  
into the possession or custody of the treasurer of state or of the 11960  
treasurer of any subdivision. "Public moneys of the state" 11961  
includes all such moneys coming lawfully into the possession of 11962  
the treasurer of state; and "public moneys of a subdivision" 11963  
includes all such moneys coming lawfully into the possession of 11964  
the treasurer of the subdivision. 11965

(L) "Subdivision" means any municipal corporation, except one 11966  
which has adopted a charter under Article XVIII, Ohio 11967  
Constitution, and the charter or ordinances of the chartered 11968  
municipal corporation set forth special provisions respecting the 11969  
deposit or investment of its public moneys, or any school district 11970  
or educational service center, a county school financing district, 11971  
township, municipal or school district sinking fund, special 11972  
taxing or assessment district, or other district or local 11973  
authority electing or appointing a treasurer, except a county. In 11974  
the case of a school district or educational service center, 11975  
special taxing or assessment district, or other local authority 11976  
for which a treasurer, elected or appointed primarily as the 11977  
treasurer of a subdivision, is authorized or required by law to 11978  
act as ex officio treasurer, the subdivision for which such a 11979  
treasurer has been primarily elected or appointed shall be 11980  
considered to be the "subdivision." The term also includes a union 11981  
or joint institution or enterprise of two or more subdivisions, 11982  
that is not authorized to elect or appoint a treasurer, and for 11983  
which no ex officio treasurer is provided by law. 11984

(M) "Treasurer" means, in the case of the state, the 11985  
treasurer of state and in the case of any subdivision, the 11986  
treasurer, or officer exercising the functions of a treasurer, of 11987  
such subdivision. In the case of a board of trustees of the 11988  
sinking fund of a municipal corporation, the board of 11989  
commissioners of the sinking fund of a school district, or a board 11990



of directors or trustees of any union or joint institution or 11991  
enterprise of two or more subdivisions not having a treasurer, 11992  
such term means such board of trustees of the sinking fund, board 11993  
of commissioners of the sinking fund, or board of directors or 11994  
trustees. 11995

(N) "Treasury investment board" of a municipal corporation 11996  
means the mayor or other chief executive officer, the village 11997  
solicitor or city director of law, and the auditor or other chief 11998  
fiscal officer. 11999

(O) "No-load money market mutual fund" means a no-load money 12000  
market mutual fund to which all of the following apply: 12001

(1) The fund is registered as an investment company under the 12002  
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 12003  
to 80a-64; 12004

(2) The fund has the highest letter or numerical rating 12005  
provided by at least one nationally recognized standard rating 12006  
service; 12007

(3) The fund does not include any investment in a derivative. 12008  
As used in division (O)(3) of this section, "derivative" means a 12009  
financial instrument or contract or obligation whose value or 12010  
return is based upon or linked to another asset or index, or both, 12011  
separate from the financial instrument, contract, or obligation 12012  
itself. Any security, obligation, trust account, or other 12013  
instrument that is created from an issue of the United States 12014  
treasury or is created from an obligation of a federal agency or 12015  
instrumentality or is created from both is considered a derivative 12016  
instrument. An eligible investment described in section 135.14 or 12017  
135.35 of the Revised Code with a variable interest rate payment, 12018  
based upon a single interest payment or single index comprised of 12019  
other investments provided for in division (B)(1) or (2) of 12020  
section 135.14 of the Revised Code, is not a derivative, provided 12021

that such variable rate investment has a maximum maturity of two 12022  
years. 12023

(P) "Public depositor" means the state or a subdivision, as 12024  
applicable, that deposits public moneys in a public depository 12025  
pursuant to sections 135.01 to 135.21 of the Revised Code. 12026

(O) "Uninsured public deposit" means the portion of a public 12027  
deposit that is not insured by the federal deposit insurance 12028  
corporation or by any other agency or instrumentality of the 12029  
federal government. 12030

**Sec. 135.04.** (A) Any institution mentioned in section 135.03 12031  
of the Revised Code is eligible to become a public depository of 12032  
the active deposits, inactive deposits, and interim deposits of 12033  
public moneys of the state subject to the requirements of sections 12034  
135.01 to 135.21 of the Revised Code. 12035

(B) To facilitate the clearance of state warrants to the 12036  
state treasury, the state board of deposit may delegate the 12037  
authority to the treasurer of state to establish warrant clearance 12038  
accounts in any institution mentioned in section 135.03 of the 12039  
Revised Code located in areas where the volume of warrant 12040  
clearances justifies the establishment of an account as determined 12041  
by the treasurer of state. The balances maintained in such warrant 12042  
clearance accounts shall be at sufficient levels to cover the 12043  
activity generated by such accounts on an individual basis. Any 12044  
financial institution in the state that has a warrant clearance 12045  
account established by the treasurer of state shall, not more than 12046  
ten days after the close of each quarter, prepare and transmit to 12047  
the treasurer of state an analysis statement of such account for 12048  
the quarter then ended. Such statement shall contain such 12049  
information as determined by the state board of deposit, and this 12050  
information shall be used in whole or in part by the treasurer of 12051  
state in determining the level of balances to be maintained in 12052

such accounts. 12053

(C) Each governing board shall award the active deposits of 12054  
public moneys subject to its control to the eligible institutions 12055  
in accordance with this section, except that no such public 12056  
depository shall thereby be required to take or permitted to 12057  
receive and have at any one time a greater amount of active 12058  
deposits of such public moneys than that specified in the 12059  
application of such depository. When, by reason of such limitation 12060  
or otherwise, the amount of active public moneys deposited or to 12061  
be deposited in a public depository, pursuant to an award made 12062  
under this section, is reduced or withdrawn, as the case requires, 12063  
the amount of such reduction or the sum so withdrawn shall be 12064  
deposited in another eligible institution applying therefor, or if 12065  
there is no such eligible institution, then the amount so withheld 12066  
or withdrawn shall be awarded or deposited for the remainder of 12067  
the period of designation in accordance with sections 135.01 to 12068  
135.21 of the Revised Code. 12069

(D) Any institution mentioned in section 135.03 of the 12070  
Revised Code is eligible to become a public depository of the 12071  
inactive and interim deposits of public moneys of a subdivision. 12072  
In case the aggregate amount of inactive or interim deposits 12073  
applied for by such eligible institutions is less than the 12074  
aggregate maximum amount of such inactive or interim deposits as 12075  
estimated to be deposited pursuant to sections 135.01 to 135.21 of 12076  
the Revised Code, the governing board of the subdivision may 12077  
designate as a public depository of the inactive or interim 12078  
deposits of the public moneys thereof, one or more institutions of 12079  
a kind mentioned in section 135.03 of the Revised Code, subject to 12080  
the requirements of sections 135.01 to 135.21 of the Revised Code. 12081

(E) Any institution mentioned in section 135.03 of the 12082  
Revised Code is eligible to become a public depository of the 12083  
active deposits of public moneys of a subdivision. In case the 12084

aggregate amount of active deposits of the public moneys of the 12085  
subdivision applied for by such eligible institutions is less than 12086  
the aggregate maximum amount to be deposited as such, as estimated 12087  
by the governing board, said board may designate as a public 12088  
depository of the active deposits of the public moneys of the 12089  
subdivision, one or more institutions of the kind mentioned in 12090  
section 135.03 of the Revised Code, subject to the requirements of 12091  
sections 135.01 to 135.21 of the Revised Code. 12092

(F)(1) The governing board of the state or of a subdivision 12093  
may designate one or more minority banks as public depositories of 12094  
its inactive, interim, or active deposits of public moneys 12095  
designated as federal funds. Except for section 135.18 ~~or~~, 12096  
135.181, or 135.182 of the Revised Code, Chapter 135. of the 12097  
Revised Code does not apply to the application for, or the award 12098  
of, such deposits. As used in this division, "minority bank" means 12099  
a bank that is owned or controlled by one or more socially or 12100  
economically disadvantaged persons. Such disadvantage may arise 12101  
from cultural, ethnic, or racial background, chronic economic 12102  
circumstances, or other similar cause. Such persons include, but 12103  
are not limited to, Afro-Americans, Puerto Ricans, 12104  
Spanish-speaking Americans, and American Indians. 12105

(2) In enacting this division, the general assembly finds 12106  
that: 12107

(a) Certain commercial banks are owned or controlled by 12108  
minority Americans; 12109

(b) Minority banks are an important source of banking 12110  
services in their communities; 12111

(c) Minority banks have been unsuccessful in competing under 12112  
Chapter 135. of the Revised Code for the award of federal funds; 12113

(d) This division contains safeguards for the protection of 12114  
the general public and the banking industry, since it provides the 12115

governing board of the state or political subdivision with 12116  
permissive authority in the award of deposits; limits the 12117  
authority of the governing board to the award of federal funds; 12118  
and subjects minority banks to certain limitations of Chapter 135. 12119  
of the Revised Code, including the requirement that, as in the 12120  
case of every financial institution subject to Chapter 135. of the 12121  
Revised Code, a minority bank pledge certain securities for 12122  
repayment of the deposits. 12123

(3) The purpose of this division is to recognize that the 12124  
state has a substantial and compelling interest in encouraging the 12125  
establishment, development, and stability of minority banks by 12126  
facilitating their access to the award of federal funds, while 12127  
ensuring the protection of the general public and the banking 12128  
industry. 12129

(G) The governing board of a subdivision shall award the 12130  
first twenty-five thousand dollars of the active deposits of 12131  
public moneys subject to its control to the eligible institution 12132  
or institutions applying or qualifying therefor on the basis of 12133  
the operating needs of the subdivision and shall award the active 12134  
deposits of public moneys subject to its control in excess of 12135  
twenty-five thousand dollars to the eligible institution or 12136  
institutions applying or qualifying therefor. 12137

**Sec. 135.14.** (A) As used in this section: 12138

(1) "Treasurer" does not include the treasurer of state, and 12139  
"governing board" does not include the state board of deposit. 12140

(2) "Other obligations" includes notes whether or not issued 12141  
in anticipation of the issuance of bonds. 12142

(B) The treasurer or governing board may invest or deposit 12143  
any part or all of the interim moneys. The following 12144  
classifications of obligations shall be eligible for such 12145

investment or deposit:	12146
(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States.	12147 12148 12149 12150
Nothing in the classification of eligible obligations set forth in division (B)(1) of this section or in the classifications of eligible obligations set forth in divisions (B)(2) to (7) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible obligations.	12151 12152 12153 12154 12155 12156
(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, and government national mortgage association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.	12157 12158 12159 12160 12161 12162 12163 12164
(3) Interim deposits in the eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code. The award of interim deposits shall be made in accordance with section 135.09 of the Revised Code and the treasurer or the governing board shall determine the periods for which such interim deposits are to be made and shall award such interim deposits for such periods, provided that any eligible institution receiving an interim deposit award may, upon notification that the award has been made, decline to accept the interim deposit in which event the award shall be made as though the institution had not applied for such interim deposit.	12165 12166 12167 12168 12169 12170 12171 12172 12173 12174 12175
(4) Bonds and other obligations of this state, or the	12176

political subdivisions of this state, provided that, with respect 12177  
to bonds or other obligations of political subdivisions, all of 12178  
the following apply: 12179

(a) The bonds or other obligations are payable from general 12180  
revenues of the political subdivision and backed by the full faith 12181  
and credit of the political subdivision. 12182

(b) The bonds or other obligations are rated at the time of 12183  
purchase in the three highest classifications established by at 12184  
least one nationally recognized standard rating service and 12185  
purchased through a registered securities broker or dealer. 12186

(c) The aggregate value of the bonds or other obligations 12187  
does not exceed twenty per cent of interim moneys available for 12188  
investment at the time of purchase. 12189

(d) The treasurer or governing board is not the sole 12190  
purchaser of the bonds or other obligations at original issuance. 12191

No investment shall be made under division (B)(4) of this 12192  
section unless the treasurer or governing board has completed 12193  
additional training for making the investments authorized by 12194  
division (B)(4) of this section. The type and amount of additional 12195  
training shall be approved by the treasurer of state and may be 12196  
conducted by or provided under the supervision of the treasurer of 12197  
state. 12198

(5) No-load money market mutual funds consisting exclusively 12199  
of obligations described in division (B)(1) or (2) of this section 12200  
and repurchase agreements secured by such obligations, provided 12201  
that investments in securities described in this division are made 12202  
only through eligible institutions mentioned in section 135.03 of 12203  
the Revised Code; 12204

(6) The Ohio subdivision's fund as provided in section 135.45 12205  
of the Revised Code; 12206

(7) Up to forty per cent of interim moneys available for investment in either of the following:	12207 12208
(a) Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which notes all of the following apply:	12209 12210 12211 12212
(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.	12213 12214 12215
(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.	12216 12217 12218
(iii) The notes mature not later than two hundred seventy days after purchase.	12219 12220
(iv) The investment in commercial paper notes of a single issuer shall not exceed in the aggregate five per cent of interim moneys available for investment at the time of purchase.	12221 12222 12223
(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and that mature not later than one hundred eighty days after purchase.	12224 12225 12226
No investment shall be made pursuant to division (B)(7) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(7) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.	12227 12228 12229 12230 12231 12232 12233
(C) Nothing in the classifications of eligible obligations set forth in divisions (B)(1) to (7) of this section shall be construed to authorize any investment in a derivative, and no	12234 12235 12236



treasurer or governing board shall invest in a derivative. For 12237  
purposes of this division, "derivative" means a financial 12238  
instrument or contract or obligation whose value or return is 12239  
based upon or linked to another asset or index, or both, separate 12240  
from the financial instrument, contract, or obligation itself. Any 12241  
security, obligation, trust account, or other instrument that is 12242  
created from an issue of the United States treasury or is created 12243  
from an obligation of a federal agency or instrumentality or is 12244  
created from both is considered a derivative instrument. An 12245  
eligible investment described in this section with a variable 12246  
interest rate payment, based upon a single interest payment or 12247  
single index comprised of other eligible investments provided for 12248  
in division (B)(1) or (2) of this section, is not a derivative, 12249  
provided that such variable rate investment has a maximum maturity 12250  
of two years. 12251

(D) Except as provided in division (E) of this section, any 12252  
investment made pursuant to this section must mature within five 12253  
years from the date of settlement, unless the investment is 12254  
matched to a specific obligation or debt of the subdivision. 12255

(E) The treasurer or governing board may also enter into a 12256  
written repurchase agreement with any eligible institution 12257  
mentioned in section 135.03 of the Revised Code or any eligible 12258  
dealer pursuant to division (M) of this section, under the terms 12259  
of which agreement the treasurer or governing board purchases, and 12260  
such institution or dealer agrees unconditionally to repurchase 12261  
any of the securities listed in divisions ~~(B)~~(D)(1) to (5), except 12262  
letters of credit described in division ~~(B)~~(D)(2), of section 12263  
135.18 of the Revised Code. The market value of securities subject 12264  
to an overnight written repurchase agreement must exceed the 12265  
principal value of the overnight written repurchase agreement by 12266  
at least two per cent. A written repurchase agreement shall not 12267  
exceed thirty days and the market value of securities subject to a 12268

written repurchase agreement must exceed the principal value of 12269  
the written repurchase agreement by at least two per cent and be 12270  
marked to market daily. All securities purchased pursuant to this 12271  
division shall be delivered into the custody of the treasurer or 12272  
governing board or an agent designated by the treasurer or 12273  
governing board. A written repurchase agreement with an eligible 12274  
securities dealer shall be transacted on a delivery versus payment 12275  
basis. The agreement shall contain the requirement that for each 12276  
transaction pursuant to the agreement the participating 12277  
institution or dealer shall provide all of the following 12278  
information: 12279

(1) The par value of the securities; 12280

(2) The type, rate, and maturity date of the securities; 12281

(3) A numerical identifier generally accepted in the 12282  
securities industry that designates the securities. 12283

No treasurer or governing board shall enter into a written 12284  
repurchase agreement under the terms of which the treasurer or 12285  
governing board agrees to sell securities owned by the subdivision 12286  
to a purchaser and agrees with that purchaser to unconditionally 12287  
repurchase those securities. 12288

(F) No treasurer or governing board shall make an investment 12289  
under this section, unless the treasurer or governing board, at 12290  
the time of making the investment, reasonably expects that the 12291  
investment can be held until its maturity. 12292

(G) No treasurer or governing board shall pay interim moneys 12293  
into a fund established by another subdivision, treasurer, 12294  
governing board, or investing authority, if that fund was 12295  
established for the purpose of investing the public moneys of 12296  
other subdivisions. This division does not apply to the payment of 12297  
public moneys into either of the following: 12298

(1) The Ohio subdivision's fund pursuant to division (B)(6) 12299

of this section; 12300

(2) A fund created solely for the purpose of acquiring, 12301  
constructing, owning, leasing, or operating municipal utilities 12302  
pursuant to the authority provided under section 715.02 of the 12303  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 12304

For purposes of division (G) of this section, "subdivision" 12305  
includes a county. 12306

(H) The use of leverage, in which the treasurer or governing 12307  
board uses its current investment assets as collateral for the 12308  
purpose of purchasing other assets, is prohibited. The issuance of 12309  
taxable notes for the purpose of arbitrage is prohibited. 12310  
Contracting to sell securities that have not yet been acquired by 12311  
the treasurer or governing board, for the purpose of purchasing 12312  
such securities on the speculation that bond prices will decline, 12313  
is prohibited. 12314

(I) Whenever, during a period of designation, the treasurer 12315  
classifies public moneys as interim moneys, the treasurer shall 12316  
notify the governing board of such action. The notification shall 12317  
be given within thirty days after such classification and in the 12318  
event the governing board does not concur in such classification 12319  
or in the investments or deposits made under this section, the 12320  
governing board may order the treasurer to sell or liquidate any 12321  
of such investments or deposits, and any such order shall 12322  
specifically describe the investments or deposits and fix the date 12323  
upon which they are to be sold or liquidated. Investments or 12324  
deposits so ordered to be sold or liquidated shall be sold or 12325  
liquidated for cash by the treasurer on the date fixed in such 12326  
order at the then current market price. Neither the treasurer nor 12327  
the members of the board shall be held accountable for any loss 12328  
occasioned by sales or liquidations of investments or deposits at 12329  
prices lower than their cost. Any loss or expense incurred in 12330  
making such sales or liquidations is payable as other expenses of 12331

the treasurer's office. 12332

(J) If any investments or deposits purchased under the 12333  
authority of this section are issuable to a designated payee or to 12334  
the order of a designated payee, the name of the treasurer and the 12335  
title of the treasurer's office shall be so designated. If any 12336  
such securities are registrable either as to principal or 12337  
interest, or both, then such securities shall be registered in the 12338  
name of the treasurer as such. 12339

(K) The treasurer is responsible for the safekeeping of all 12340  
documents evidencing a deposit or investment acquired by the 12341  
treasurer under this section. Any securities may be deposited for 12342  
safekeeping with a qualified trustee as provided in section 135.18 12343  
of the Revised Code, except the delivery of securities acquired 12344  
under any repurchase agreement under this section shall be made to 12345  
a qualified trustee, provided, however, that the qualified trustee 12346  
shall be required to report to the treasurer, governing board, 12347  
auditor of state, or an authorized outside auditor at any time 12348  
upon request as to the identity, market value, and location of the 12349  
document evidencing each security, and that if the participating 12350  
institution is a designated depository of the subdivision for the 12351  
current period of designation, the securities that are the subject 12352  
of the repurchase agreement may be delivered to the treasurer or 12353  
held in trust by the participating institution on behalf of the 12354  
subdivision. Interest earned on any investments or deposits 12355  
authorized by this section shall be collected by the treasurer and 12356  
credited by the treasurer to the proper fund of the subdivision. 12357

Upon the expiration of the term of office of a treasurer or 12358  
in the event of a vacancy in the office of treasurer by reason of 12359  
death, resignation, removal from office, or otherwise, the 12360  
treasurer or the treasurer's legal representative shall transfer 12361  
and deliver to the treasurer's successor all documents evidencing 12362  
a deposit or investment held by the treasurer. For the investments 12363

and deposits so transferred and delivered, such treasurer shall be 12364  
credited with and the treasurer's successor shall be charged with 12365  
the amount of money held in such investments and deposits. 12366

(L) Whenever investments or deposits acquired under this 12367  
section mature and become due and payable, the treasurer shall 12368  
present them for payment according to their tenor, and shall 12369  
collect the moneys payable thereon. The moneys so collected shall 12370  
be treated as public moneys subject to sections 135.01 to 135.21 12371  
of the Revised Code. 12372

(M)(1) All investments, except for investments in securities 12373  
described in divisions (B)(5) and (6) of this section and for 12374  
investments by a municipal corporation in the issues of such 12375  
municipal corporation, shall be made only through a member of the 12376  
financial industry regulatory authority (FINRA), through a bank, 12377  
savings bank, or savings and loan association regulated by the 12378  
superintendent of financial institutions, or through an 12379  
institution regulated by the comptroller of the currency, federal 12380  
deposit insurance corporation, or board of governors of the 12381  
federal reserve system. 12382

(2) Payment for investments shall be made only upon the 12383  
delivery of securities representing such investments to the 12384  
treasurer, governing board, or qualified trustee. If the 12385  
securities transferred are not represented by a certificate, 12386  
payment shall be made only upon receipt of confirmation of 12387  
transfer from the custodian by the treasurer, governing board, or 12388  
qualified trustee. 12389

(N) In making investments authorized by this section, a 12390  
treasurer or governing board may retain the services of an 12391  
investment advisor, provided the advisor is licensed by the 12392  
division of securities under section 1707.141 of the Revised Code 12393  
or is registered with the securities and exchange commission, and 12394  
possesses experience in public funds investment management, 12395

specifically in the area of state and local government investment 12396  
portfolios, or the advisor is an eligible institution mentioned in 12397  
section 135.03 of the Revised Code. 12398

(O)(1) Except as otherwise provided in divisions (O)(2) and 12399  
(3) of this section, no treasurer or governing board shall make an 12400  
investment or deposit under this section, unless there is on file 12401  
with the auditor of state a written investment policy approved by 12402  
the treasurer or governing board. The policy shall require that 12403  
all entities conducting investment business with the treasurer or 12404  
governing board shall sign the investment policy of that 12405  
subdivision. All brokers, dealers, and financial institutions, 12406  
described in division (M)(1) of this section, initiating 12407  
transactions with the treasurer or governing board by giving 12408  
advice or making investment recommendations shall sign the 12409  
treasurer's or governing board's investment policy thereby 12410  
acknowledging their agreement to abide by the policy's contents. 12411  
All brokers, dealers, and financial institutions, described in 12412  
division (M)(1) of this section, executing transactions initiated 12413  
by the treasurer or governing board, having read the policy's 12414  
contents, shall sign the investment policy thereby acknowledging 12415  
their comprehension and receipt. 12416

(2) If a written investment policy described in division 12417  
(O)(1) of this section is not filed on behalf of the subdivision 12418  
with the auditor of state, the treasurer or governing board of 12419  
that subdivision shall invest the subdivision's interim moneys 12420  
only in interim deposits pursuant to division (B)(3) of this 12421  
section or interim deposits pursuant to section 135.145 of the 12422  
Revised Code and approved by the treasurer of state, no-load money 12423  
market mutual funds pursuant to division (B)(5) of this section, 12424  
or the Ohio subdivision's fund pursuant to division (B)(6) of this 12425  
section. 12426

(3) Divisions (O)(1) and (2) of this section do not apply to 12427

a treasurer or governing board of a subdivision whose average 12428  
annual portfolio of investments held pursuant to this section is 12429  
one hundred thousand dollars or less, provided that the treasurer 12430  
or governing board certifies, on a form prescribed by the auditor 12431  
of state, that the treasurer or governing board will comply and is 12432  
in compliance with the provisions of sections 135.01 to 135.21 of 12433  
the Revised Code. 12434

(P) A treasurer or governing board may enter into a written 12435  
investment or deposit agreement that includes a provision under 12436  
which the parties agree to submit to nonbinding arbitration to 12437  
settle any controversy that may arise out of the agreement, 12438  
including any controversy pertaining to losses of public moneys 12439  
resulting from investment or deposit. The arbitration provision 12440  
shall be set forth entirely in the agreement, and the agreement 12441  
shall include a conspicuous notice to the parties that any party 12442  
to the arbitration may apply to the court of common pleas of the 12443  
county in which the arbitration was held for an order to vacate, 12444  
modify, or correct the award. Any such party may also apply to the 12445  
court for an order to change venue to a court of common pleas 12446  
located more than one hundred miles from the county in which the 12447  
treasurer or governing board is located. 12448

For purposes of this division, "investment or deposit 12449  
agreement" means any agreement between a treasurer or governing 12450  
board and a person, under which agreement the person agrees to 12451  
invest, deposit, or otherwise manage a subdivision's interim 12452  
moneys on behalf of the treasurer or governing board, or agrees to 12453  
provide investment advice to the treasurer or governing board. 12454

(Q) An investment made by the treasurer or governing board 12455  
pursuant to this section prior to September 27, 1996, that was a 12456  
legal investment under the law as it existed before September 27, 12457  
1996, may be held until maturity. 12458

**Sec. 135.144.** (A) In addition to the authority provided in 12459  
section 135.14 or 135.143 of the Revised Code, the treasurer of 12460  
state or the treasurer or governing board of a political 12461  
subdivision may invest interim moneys in certificates of deposit 12462  
in accordance with all of the following: 12463

(1) The interim moneys initially are deposited with an 12464  
eligible public depository described in section 135.03 of the 12465  
Revised Code and selected, pursuant to section 135.12 of the 12466  
Revised Code, by the treasurer of state or the treasurer or 12467  
governing board of a political subdivision, for interim moneys of 12468  
the state or of the political subdivision. 12469

(2) For the treasurer of state or the treasurer or governing 12470  
board of the political subdivision depositing the interim moneys 12471  
pursuant to division (A)(1) of this section, the eligible public 12472  
depository selected pursuant to that division invests the interim 12473  
moneys in certificates of deposit of one or more federally insured 12474  
banks, savings banks, or savings and loan associations, wherever 12475  
located. The full amount of principal and any accrued interest of 12476  
each certificate of deposit invested in pursuant to division 12477  
(A)(2) of this section shall be insured by federal deposit 12478  
insurance. 12479

(3) For the treasurer of state or the treasurer or governing 12480  
board of the political subdivision depositing the interim moneys 12481  
pursuant to division (A)(1) of this section, the eligible public 12482  
depository selected pursuant to that division acts as custodian of 12483  
the certificates of deposit described in division (A)(2) of this 12484  
section. 12485

(4) On the same date the public moneys are redeposited by the 12486  
public depository, the public depository may, in its sole 12487  
discretion, choose whether to receive deposits, in any amount, 12488  
from other banks, savings banks, or savings and loan associations. 12489



(5) The public depository provides to the treasurer of state 12490  
or the treasurer or governing board of a political subdivision a 12491  
monthly account statement that includes the amount of its funds 12492  
deposited and held at each bank, savings bank, or savings and loan 12493  
association for which the public depository acts as a custodian 12494  
pursuant to this section. 12495

(B) Interim moneys deposited or invested in accordance with 12496  
division (A) of this section are not subject to any pledging 12497  
requirements described in section 135.18 ~~or~~, 135.181, or 135.182 12498  
of the Revised Code. 12499

**Sec. 135.145.** (A) In addition to the authority provided in 12500  
section 135.14 or 135.143 of the Revised Code for the investment 12501  
or deposit of interim moneys, the treasurer of state or the 12502  
treasurer or governing board of a political subdivision, upon the 12503  
deposit of interim moneys with, or the award of active or inactive 12504  
deposits to, an eligible public depository described in section 12505  
135.03 of the Revised Code and designated pursuant to section 12506  
135.12 of the Revised Code, may authorize the public depository to 12507  
arrange for the redeposit of such public moneys in accordance with 12508  
the following conditions: 12509

(1) The public depository, on or after the date the public 12510  
moneys are received, arranges for the redeposit of the moneys into 12511  
deposit accounts in one or more federally insured banks, savings 12512  
banks, or savings and loan associations that are located in the 12513  
United States, and acts as custodian of the moneys deposited or 12514  
redeposited under this section. 12515

(2) If the amount of the public moneys deposited with and 12516  
held at the close of business by the public depository exceeds the 12517  
amount insured by the federal deposit insurance corporation, the 12518  
excess amount is subject to the pledging requirements described in 12519  
section 135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 12520

(3) The full amount of the public moneys redeposited by the public depository into deposit accounts in banks, savings banks, or savings and loan associations, plus any accrued interest, is insured by the federal deposit insurance corporation.

(4) On the same date the public moneys are redeposited by the public depository, the public depository may, in its sole discretion, choose whether to receive deposits, in any amount, from other banks, savings banks, or savings and loan associations.

(5) The public depository provides to the treasurer of state or the treasurer or governing board of a political subdivision an account statement at least monthly and access to daily reporting that include the amount of its funds deposited and held at each bank, savings bank, or savings and loan association for which the public depository acts as a custodian pursuant to this section.

(B) Except as provided in division (A)(2) of this section, the public moneys deposited in accordance with this section are not subject to the pledging requirements described in section 135.18 ~~or~~, 135.181, or 135.182 of the Revised Code.

**Sec. 135.18.** (A) ~~The treasurer, before making the initial deposit in~~ Each institution designated as a public depository pursuant to an award made and awarded public deposits under sections 135.01 to 135.21 of the Revised Code, except as provided in section 135.144 or 135.145 of the Revised Code, shall ~~require the institution designated as a public depository to pledge to and deposit with the treasurer, as~~ provide security for the repayment of all public ~~moneys to be~~ deposits by selecting one of the following methods:

(1) Securing all uninsured public deposits of each public depositor separately as set forth in divisions (B) to (J) of this section;

(2) Securing all uninsured public deposits of every public 12551  
depositor pursuant to section 135.181 or 135.182 of the Revised 12552  
Code, as applicable, by establishing and pledging to the treasurer 12553  
of state a single pool of collateral for the benefit of every 12554  
public depositor at the public depository. 12555

(B) If a public depository elects to provide security 12556  
pursuant to division (A)(1) of this section, the public depository 12557  
shall pledge to the public depositor, as security for the 12558  
repayment of all public moneys deposited in the public depository 12559  
during the period of designation pursuant to the an award made 12560  
under sections 135.01 to 135.21 of the Revised Code, eligible 12561  
securities of aggregate market value at all times equal to the 12562  
excess of the amount of public moneys to be at the time so 12563  
deposited, over and above the portion or amount of such moneys as 12564  
is at that time insured by the federal deposit insurance 12565  
corporation or by any other agency or instrumentality of the 12566  
federal government. In the case of any deposit other than the 12567  
initial deposit made during the period of designation, the amount 12568  
of the aggregate market value of securities required to be pledged 12569  
and deposited shall be equal to the difference between the amount 12570  
of public moneys on deposit in such public depository plus the 12571  
amount to be so deposited, minus the portion or amount of the 12572  
aggregate as is at the time insured as provided in this section. 12573  
The treasurer may require additional eligible securities to be 12574  
deposited to provide for any depreciation which may occur in the 12575  
market value of any of the securities so deposited. 12576

(B) at least one hundred five per cent of the total amount of 12577  
the public depositor's uninsured public deposits. 12578

(C) In order for a public depository to receive public moneys 12579  
under this section, the public depository and the public depositor 12580  
shall first execute an agreement that sets forth the entire 12581  
arrangement among the parties and that meets the requirements 12582

described in 12 U.S.C. 1823(e). In addition, the agreement shall 12583  
authorize the public depositor to obtain control of the collateral 12584  
pursuant to division (D) of section 1308.24 of the Revised Code. 12585

(D) The following securities or other obligations shall be 12586  
eligible for the purposes of this section: 12587

(1) Bonds, notes, or other obligations of the United States; 12588  
or bonds, notes, or other obligations guaranteed as to principal 12589  
and interest by the United States or those for which the faith of 12590  
the United States is pledged for the payment of principal and 12591  
interest thereon, by language appearing in the instrument 12592  
specifically providing such guarantee or pledge and not merely by 12593  
interpretation or otherwise; 12594

(2) Bonds, notes, debentures, letters of credit, or other 12595  
obligations or securities issued by any federal government agency 12596  
or instrumentality, or the export-import bank of Washington; 12597  
bonds, notes, or other obligations guaranteed as to principal and 12598  
interest by the United States or those for which the faith of the 12599  
United States is pledged for the payment of principal and interest 12600  
thereon, by interpretation or otherwise and not by language 12601  
appearing in the instrument specifically providing such guarantee 12602  
or pledge; 12603

(3) Obligations of or fully insured or fully guaranteed by 12604  
the United States or any federal government agency or 12605  
instrumentality; 12606

(4) Obligations partially insured or partially guaranteed by 12607  
any federal agency or instrumentality; 12608

(5) Obligations of or fully guaranteed by the federal 12609  
national mortgage association, federal home loan mortgage 12610  
corporation, federal farm credit bank, or student loan marketing 12611  
association; 12612

(6) Bonds and other obligations of this state; 12613

(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;

(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;

(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division ~~(B)~~(D)(1) or (2) of this section and repurchase agreements secured by such obligations;

(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized ~~standard~~ statistical rating ~~service~~ organization.

~~(C)~~(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an

account indicating the public depositor's security interest in the 12645  
securities. The trustee shall report to the public depositor 12646  
information relating to the securities pledged to secure the 12647  
public deposits in the manner and frequency required by the public 12648  
depositor. 12649

(F) The qualified trustee shall enter into a custodial 12650  
agreement with the public depositor and public depository in which 12651  
the trustee agrees to comply with entitlement orders originated by 12652  
the public depositor without further consent by the public 12653  
depository or, in the case of collateral held by the public 12654  
depository in an account at a federal reserve bank, the public 12655  
depositor shall have the public depositor's security interest 12656  
marked on the books of the federal reserve bank where the account 12657  
for the collateral is maintained. If the public depository fails 12658  
to pay over any part of the public ~~deposit made~~ deposits made by 12659  
the public depositor therein as provided by law, the ~~treasurer~~ 12660  
public depositor shall give written notice of this failure to the 12661  
qualified trustee holding the securities pledged against its 12662  
public deposits and, at the same time, shall send a copy of this 12663  
notice to the public depository. Upon receipt of this notice, the 12664  
trustee shall transfer to the public depositor for sale, the 12665  
securities that are necessary to produce an amount equal to the 12666  
public deposits made by the public depositor and not paid over, 12667  
less the portion of the deposits covered by any federal deposit 12668  
insurance, plus any accrued interest due on the deposits. The 12669  
public depositor shall sell ~~at public sale~~ any of the bonds or 12670  
other securities deposited with the treasurer pursuant to this 12671  
~~section or section 131.09 of the Revised Code, or shall draw on~~ 12672  
~~any letter of credit to the extent of the failure to pay. Thirty~~ 12673  
~~days' notice of the sale shall be given in a newspaper of general~~ 12674  
~~circulation at Columbus, in the case of the treasurer of state,~~ 12675  
~~and at the county seat of the county in which the office of the~~ 12676  
~~treasurer is located, in the case of any other treasurer so~~ 12677

transferred. When a sale of bonds or other securities has been so 12678  
made and upon payment to the ~~treasurer~~ public depositor of the 12679  
purchase money, the ~~treasurer~~ public depositor shall transfer such 12680  
bonds or securities whereupon the absolute ownership of such bonds 12681  
or securities shall pass to the purchasers. Any surplus ~~remaining~~ 12682  
after deducting the amount due the ~~state or subdivision~~ public 12683  
depositor and expenses of sale shall be paid to the public 12684  
depository. 12685

~~(D) An institution designated as a public depository may, by 12686  
written notice to the treasurer, designate a qualified trustee and 12687  
deposit the eligible securities required by this section with the 12688  
trustee for safekeeping for the account of the treasurer and the 12689  
institution as a public depository, as their respective rights to 12690  
and interests in such securities under this section may appear and 12691  
be asserted by written notice to or demand upon the trustee. In 12692  
which case, the treasurer shall accept the written receipt of the 12693  
trustee describing the securities that have been deposited with 12694  
the trustee by the public depository, a copy of which shall also 12695  
be delivered to the public depository. Thereupon all securities so 12696  
deposited with the trustee are deemed to be pledged with the 12697  
treasurer and to be deposited with the treasurer, for all the 12698  
purposes of this section.~~ 12699

~~(E) The governing board may make provisions for the exchange 12700  
and release of securities and the substitution of other eligible 12701  
securities therefor except where the public depository has 12702  
deposited eligible securities with a trustee for safekeeping as 12703  
provided in this section.~~ 12704

~~(F)~~(G) When the public depository has ~~deposited~~ placed 12705  
eligible securities described in division ~~(B)~~(D)(1) of this 12706  
section with a trustee for safekeeping, the public depository may 12707  
at any time substitute or exchange eligible securities described 12708  
in division ~~(B)~~(D)(1) of this section having a current market 12709

value equal to or greater than the current market value of the 12710  
securities then on deposit and for which they are to be 12711  
substituted or exchanged, without specific authorization from any 12712  
public depositor's governing board, boards, or treasurer of any 12713  
such substitution or exchange. 12714

~~(G)~~(H) When the public depository has ~~deposited~~ placed 12715  
eligible securities described in divisions ~~(B)~~(D)(2) to (9) of 12716  
this section with a trustee for safekeeping, the public depository 12717  
may at any time substitute or exchange eligible securities having 12718  
a current market value equal to or greater than the current market 12719  
value of the securities then on deposit and for which they are to 12720  
be substituted or exchanged without specific authorization of any 12721  
public depositor's governing board, boards, or treasurer of any 12722  
such substitution or exchange only if one of the following 12723  
applies: 12724

(1) The ~~treasurer~~ public depositor has authorized the public 12725  
depository to make such substitution or exchange on a continuing 12726  
basis during a specified period without prior approval of each 12727  
substitution or exchange. The authorization may be effected by the 12728  
~~treasurer~~ public depositor sending to the trustee a written notice 12729  
stating that substitution may be effected on a continuing basis 12730  
during a specified period which shall not extend beyond the end of 12731  
the period of designation during which the notice is given. The 12732  
trustee may rely upon this notice and upon the period of 12733  
authorization stated therein and upon the period of designation 12734  
stated therein. 12735

(2) ~~No continuing authorization for substitution has been~~ 12736  
~~given by the treasurer, the~~ The public depository notifies the 12737  
~~treasurer~~ public depositor and the trustee of an intended 12738  
substitution or exchange, and the ~~treasurer fails to~~ public 12739  
depositor does not object to the trustee as to the eligibility or 12740  
market value of the securities being substituted within ~~ten~~ 12741



~~calendar~~ three business days after the date appearing on the 12742  
notice of proposed substitution. The notice to the ~~treasurer~~ 12743  
public depositor and to the trustee shall be given in writing and 12744  
delivered ~~personally or by certified or registered mail with a~~ 12745  
~~return receipt requested~~ electronically. The trustee may assume in 12746  
any case that the notice has been delivered to the ~~treasurer~~ 12747  
public depositor. In order for objections of the ~~treasurer~~ public 12748  
depositor to be effective, receipt of the objections must be 12749  
acknowledged in writing by the trustee. 12750

(3) The ~~treasurer~~ public depositor gives written 12751  
authorization for a substitution or exchange of specific 12752  
securities. 12753

~~(H)~~(I) The public depository shall notify any governing 12754  
~~board, boards, or treasurer~~ public depositor of any substitution 12755  
or exchange under division ~~(G)~~(H)(1) or (2) of this section. ~~Upon~~ 12756  
~~request from the treasurer, the trustee shall furnish a statement~~ 12757  
~~of the securities pledged against such public deposits.~~ 12758

~~(I)~~(J) Any federal reserve bank or branch thereof located in 12759  
this state or federal home loan bank, without compliance with 12760  
Chapter 1111. of the Revised Code and without becoming subject to 12761  
any other law of this state relative to the exercise by 12762  
corporations of trust powers generally, is qualified to act as 12763  
trustee for the safekeeping of securities, under this section. Any 12764  
institution mentioned in section 135.03 or 135.32 of the Revised 12765  
Code that holds a certificate of qualification issued by the 12766  
superintendent of financial institutions or any institution 12767  
complying with sections 1111.04, 1111.05, and 1111.06 of the 12768  
Revised Code, is qualified to act as trustee for the safekeeping 12769  
of securities under this section, other than those belonging to 12770  
~~itself, under this section. Upon application to the superintendent~~ 12771  
~~in writing by an institution, the superintendent shall investigate~~ 12772  
~~the applicant and ascertain whether or not it has been authorized~~ 12773

~~to execute and accept trusts in this state and has safe and  
adequate vaults and efficient supervision thereof for the storage  
and safekeeping within this state of securities. If the  
superintendent finds that the applicant has been so authorized and  
has such vaults and supervision thereof, the superintendent shall  
approve the application and issue a certificate to that effect,  
the original or any certified copy of which shall be conclusive  
evidence that the institution therein named is qualified to act as  
trustee for the purposes of this section with respect to  
securities other than those belonging to itself or to an affiliate  
as defined in section 1101.01 of the Revised Code.~~

Notwithstanding the fact that a public depository is required  
to pledge eligible securities in certain amounts to secure  
deposits of public moneys, a trustee has no duty or obligation to  
determine the eligibility, market value, or face value of any  
securities deposited with the trustee by a public depository. This  
applies in all situations including, without limitation, a  
substitution or exchange of securities.

Any charges or compensation of a designated trustee for  
acting as such under this section shall be paid by the public  
depository and in no event shall be chargeable to the state or the  
subdivision or to ~~the treasurer or to~~ any officer of the state or  
subdivision. The charges or compensation shall not be a lien or  
charge upon the securities deposited for safekeeping prior or  
superior to the rights to and interests in the securities of the  
~~state or the subdivision or of the treasurer~~ public depositor. The  
treasurer and the treasurer's bonders or surety shall be relieved  
from any liability to the ~~state or the subdivision~~ public  
depositor or to the public depository for the loss or destruction  
of any securities deposited with a qualified trustee pursuant to  
this section.

Sec. 135.181. (A) As used in this section: 12805

(1) "Public depository" means that term as defined in section 12806  
135.01 of the Revised Code, but also means an institution which 12807  
receives or holds any public deposits as defined in section 135.31 12808  
of the Revised Code. 12809

(2) "Public deposits," "public moneys," and "treasurer" mean 12810  
those terms as defined in section 135.01 of the Revised Code, but 12811  
also have the same meanings as are set forth in section 135.31 of 12812  
the Revised Code. 12813

(3) "Subdivision" means that term as defined in section 12814  
135.01 of the Revised Code, but also includes a county. 12815

(B) ~~In~~ Prior to the creation of the Ohio pooled collateral 12816  
program under section 135.182 of the Revised Code, in lieu of the 12817  
pledging requirements prescribed in sections 135.18 and 135.37 of 12818  
the Revised Code, an institution designated as a public depository 12819  
at its option may pledge a single pool of eligible securities to 12820  
secure the repayment of all public moneys deposited in the 12821  
institution and not otherwise secured pursuant to law, provided 12822  
that at all times the total market value of the securities so 12823  
pledged is at least equal to one hundred five per cent of the 12824  
total amount of all public deposits to be secured by the pooled 12825  
securities that are not covered by any federal deposit insurance. 12826  
Each institution shall carry in its accounting records at all 12827  
times a general ledger or other appropriate account of the total 12828  
amount of all public deposits to be secured by the pool, as 12829  
determined at the opening of business each day, and the total 12830  
market value of securities pledged to secure such deposits. 12831

(C) The securities described in division (B) of section 12832  
135.18 of the Revised Code shall be eligible as collateral for the 12833  
purposes of division (B) of this section, provided no such 12834  
securities pledged as collateral are at any time in default as to 12835

either principal or interest. 12836

(D) The state and each subdivision shall have an undivided 12837  
security interest in the pool of securities pledged by a public 12838  
depository pursuant to division (B) of this section in the 12839  
proportion that the total amount of the state's or subdivision's 12840  
public moneys secured by the pool bears to the total amount of 12841  
public deposits so secured. 12842

(E) An institution designated as a public depository shall 12843  
designate a qualified trustee and deposit with the trustee for 12844  
safekeeping the eligible securities pledged pursuant to division 12845  
(B) of this section. The institution shall give written notice of 12846  
the qualified trustee to any treasurer or treasurers depositing 12847  
public moneys for which such securities are pledged. The treasurer 12848  
shall accept the written receipt of the trustee describing the 12849  
pool of securities so deposited by the depository, a copy of which 12850  
also shall be delivered to the depository. 12851

(F) Any federal reserve bank or branch thereof located in 12852  
this state or federal home loan bank, without compliance with 12853  
Chapter 1111. of the Revised Code and without becoming subject to 12854  
any other law of this state relative to the exercise by 12855  
corporations of trust powers generally, is qualified to act as 12856  
trustee for the safekeeping of securities, under this section. Any 12857  
institution mentioned in section 135.03 or 135.32 of the Revised 12858  
Code which holds a certificate of qualification issued by the 12859  
superintendent of financial institutions or any institution 12860  
complying with sections 1111.04, 1111.05, and 1111.06 of the 12861  
Revised Code is qualified to act as trustee for the safekeeping of 12862  
securities under this section, other than those belonging to 12863  
itself or to an affiliate as defined in division (A) of section 12864  
1101.01 of the Revised Code. Upon application to the 12865  
superintendent in writing by an institution, the superintendent 12866  
shall investigate the applicant and ascertain whether or not it 12867

has been authorized to execute and accept trusts in this state and 12868  
has safe and adequate vaults and efficient supervision thereof for 12869  
the storage and safekeeping of securities. If the superintendent 12870  
finds that the applicant has been so authorized and has such 12871  
vaults and supervision thereof, the superintendent shall approve 12872  
the application and issue a certificate to that effect, the 12873  
original or any certified copy of which shall be conclusive 12874  
evidence that the institution named therein is qualified to act as 12875  
trustee for the purposes of this section with respect to 12876  
securities other than those belonging to itself or to an 12877  
affiliate. 12878

(G) The public depository at any time may substitute, 12879  
exchange, or release eligible securities deposited with a 12880  
qualified trustee pursuant to this section, provided that such 12881  
substitution, exchange, or release does not reduce the total 12882  
market value of the securities to an amount that is less than one 12883  
hundred five per cent of the total amount of public deposits as 12884  
determined pursuant to division (B) of this section. 12885

(H) Notwithstanding the fact that a public depository is 12886  
required to pledge eligible securities in certain amounts to 12887  
secure deposits of public moneys, a trustee has no duty or 12888  
obligation to determine the eligibility, market value, or face 12889  
value of any securities deposited with the trustee by a public 12890  
depository. This applies in all situations including, but not 12891  
limited to, a substitution or exchange of securities, but 12892  
excluding those situations effectuated by division (I) of this 12893  
section in which the trustee is required to determine face and 12894  
market value. 12895

(I) If the public depository fails to pay over any part of 12896  
the public deposits made therein as provided by law and secured 12897  
pursuant to division (B) of this section, the treasurer shall give 12898  
written notice of this failure to the qualified trustee holding 12899

the pool of securities pledged against public moneys deposited in 12900  
the depository, and at the same time shall send a copy of this 12901  
notice to the depository. Upon receipt of this notice, the trustee 12902  
shall transfer to the treasurer for public sale, the pooled 12903  
securities that are necessary to produce an amount equal to the 12904  
deposits made by the treasurer and not paid over, less the portion 12905  
of the deposits covered by any federal deposit insurance, plus any 12906  
accrued interest due on the deposits; however, the amount shall 12907  
not exceed the state's or subdivision's proportional security 12908  
interest in the market value of the pool as of the date of the 12909  
depository's failure to pay over the deposits, as that interest 12910  
and value are determined by the trustee. The treasurer shall sell 12911  
at public sale any of the bonds or other securities so 12912  
transferred. Thirty days' notice of the sale shall be given in a 12913  
newspaper of general circulation at Columbus, in the case of the 12914  
treasurer of state, and at the county seat of the county in which 12915  
the office of the treasurer is located, in the case of any other 12916  
treasurer. When a sale of bonds or other securities has been so 12917  
made and upon payment to the treasurer of the purchase money, the 12918  
treasurer shall transfer such bonds or securities whereupon the 12919  
absolute ownership of such bonds or securities shall pass to the 12920  
purchasers. Any surplus after deducting the amount due the state 12921  
or subdivision and expenses of sale shall be paid to the public 12922  
depository. 12923

(J) Any charges or compensation of a designated trustee for 12924  
acting as such under this section shall be paid by the public 12925  
depository and in no event shall be chargeable to the state or 12926  
subdivision or to the treasurer or to any officer of the state or 12927  
subdivision. The charges or compensation shall not be a lien or 12928  
charge upon the securities deposited for safekeeping prior or 12929  
superior to the rights to and interests in the securities of the 12930  
state or subdivision or of the treasurer. The treasurer and the 12931  
treasurer's bonders or surety shall be relieved from any liability 12932

to the state or subdivision or to the public depository for the 12933  
loss or destruction of any securities deposited with a qualified 12934  
trustee pursuant to this section. 12935

(K) In lieu of placing its unqualified endorsement on each 12936  
security, a public depository pledging securities pursuant to 12937  
division (B) of this section that are not negotiable without its 12938  
endorsement or assignment may furnish to the qualified trustee 12939  
holding the securities an appropriate resolution and irrevocable 12940  
power of attorney authorizing the trustee to assign the 12941  
securities. The resolution and power of attorney shall conform to 12942  
terms and conditions the trustee prescribes. 12943

(L) Upon request of a treasurer no more often than four times 12944  
per year, a public depository shall report the amount of public 12945  
moneys deposited by the treasurer and secured pursuant to division 12946  
(B) of this section, and the total market value of the pool of 12947  
securities pledged to secure public moneys held by the depository, 12948  
including those deposited by the treasurer. Upon request of a 12949  
treasurer no more often than four times per year, a qualified 12950  
trustee shall report the total market value of the pool of 12951  
securities deposited with it by the depository and shall provide 12952  
an itemized list of the securities in the pool. These reports 12953  
shall be made as of the date the treasurer specifies. 12954

**Sec. 135.182.** (A) As used in this section: 12955

(1) "Public depository" means that term as defined in section 12956  
135.01 of the Revised Code, but also means an institution that 12957  
receives or holds any public deposits as defined in section 135.31 12958  
of the Revised Code. 12959

(2) "Public depositor" means that term as defined in section 12960  
135.01 of the Revised Code, but also includes a county and any 12961  
municipal corporation that has adopted a charter under Article 12962  
XVIII, Ohio Constitution. 12963

(3) "Public deposits," "public moneys," and "treasurer" mean those terms as defined in section 135.01 of the Revised Code, but also have the same meanings as are set forth in section 135.31 of the Revised Code. 12964  
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(B) Not later than July 1, 2017, the treasurer of state shall create the Ohio pooled collateral program. Under this program, each institution designated as a public depository that selects the pledging method prescribed in division (A)(2) of section 135.18 or division (A)(2) of section 135.37 of the Revised Code shall pledge to the treasurer of state a single pool of eligible securities for the benefit of all public depositors at the public depository to secure the repayment of all uninsured public deposits at the public depository, provided that at all times the total market value of the securities so pledged is at least equal to one hundred two per cent of the total amount of all uninsured public deposits. The treasurer of state shall monitor the eligibility, market value, and face value of the pooled securities pledged by the public depository. Each public depository shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total market value of securities pledged to secure such deposits, and report such information to the treasurer of state in a manner and frequency as determined by the treasurer of state pursuant to rules adopted by the treasurer of state. 12968  
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(C) The public depository shall designate a qualified trustee approved by the treasurer of state and place with such trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The trustee shall hold the eligible securities in an account indicating the treasurer of state's security interest in the eligible securities. The treasurer of 12990  
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state shall give written notice of the trustee to all public 12996  
depositors for which such securities are pledged. The trustee 12997  
shall report to the treasurer of state information relating to the 12998  
securities pledged to secure such public deposits in a manner and 12999  
frequency as determined by the treasurer of state. 13000

(D) In order for a public depository to receive public moneys 13001  
under this section, the public depository and the treasurer of 13002  
state shall first execute an agreement that sets forth the entire 13003  
arrangement among the parties and that meets the requirements 13004  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 13005  
authorize the treasurer of state to obtain control of the 13006  
collateral pursuant to division (D) of section 1308.24 of the 13007  
Revised Code. 13008

(E) The securities or other obligations described in division 13009  
(D) of section 135.18 of the Revised Code shall be eligible as 13010  
collateral for the purposes of division (B) of this section, 13011  
provided no such securities or obligations pledged as collateral 13012  
are at any time in default as to either principal or interest. 13013

(F) Any federal reserve bank or branch thereof located in 13014  
this state or federal home loan bank, without compliance with 13015  
Chapter 1111. of the Revised Code and without becoming subject to 13016  
any other law of this state relative to the exercise by 13017  
corporations of trust powers generally, is qualified to act as 13018  
trustee for the safekeeping of securities, under this section. Any 13019  
institution mentioned in section 135.03 or 135.32 of the Revised 13020  
Code that holds a certificate of qualification issued by the 13021  
superintendent of financial institutions or any institution 13022  
complying with sections 1111.04, 1111.05, and 1111.06 of the 13023  
Revised Code is qualified to act as trustee for the safekeeping of 13024  
securities under this section, other than those belonging to 13025  
itself or to an affiliate as defined in section 1101.01 of the 13026  
Revised Code. 13027

(G) The public depository may substitute, exchange, or 13028  
release eligible securities deposited with the qualified trustee 13029  
pursuant to this section, provided that such substitution, 13030  
exchange, or release is effectuated pursuant to written 13031  
authorization from the treasurer of state, and such action does 13032  
not reduce the total market value of the securities to an amount 13033  
that is less than the amount established pursuant to division (B) 13034  
of this section. 13035

(H) Notwithstanding the fact that a public depository is 13036  
required to pledge eligible securities in certain amounts to 13037  
secure public deposits, a qualified trustee has no duty or 13038  
obligation to determine the eligibility, market value, or face 13039  
value of any securities deposited with the trustee by a public 13040  
depository. This applies in all situations including, but not 13041  
limited to, a substitution or exchange of securities, but 13042  
excluding those situations effectuated by division (I) of this 13043  
section in which the trustee is required to determine face and 13044  
market value. 13045

(I) The qualified trustee shall enter into a custodial 13046  
agreement with the treasurer of state and public depository in 13047  
which the trustee agrees to comply with entitlement orders 13048  
originated by the treasurer of state without further consent by 13049  
the public depository or, in the case of collateral held by the 13050  
public depository in an account at a federal reserve bank, the 13051  
treasurer of state shall have the treasurer's security interest 13052  
marked on the books of the federal reserve bank where the account 13053  
for the collateral is maintained. If the public depository fails 13054  
to pay over any part of the public deposits made therein as 13055  
provided by law and secured pursuant to division (B) of this 13056  
section, the treasurer of state shall give written notice of this 13057  
failure to the qualified trustee holding the pool of securities 13058  
pledged against the public deposits, and at the same time shall 13059

send a copy of this notice to the public depository. Upon receipt 13060  
of this notice, the trustee shall transfer to the treasurer of 13061  
state for sale, the pooled securities that are necessary to 13062  
produce an amount equal to the public deposits made by the public 13063  
depositor and not paid over, less the portion of the deposits 13064  
covered by any federal deposit insurance, plus any accrued 13065  
interest due on the deposits. The treasurer of state shall sell 13066  
any of the bonds or other securities so transferred. When a sale 13067  
of bonds or other securities has been so made and upon payment to 13068  
the public depositor of the purchase money, the treasurer of state 13069  
shall transfer such bonds or securities whereupon the absolute 13070  
ownership of such bonds or securities shall pass to the 13071  
purchasers. Any surplus after deducting the amount due to the 13072  
public depositor and expenses of sale shall be paid to the public 13073  
depository. 13074

(J) Any charges or compensation of a qualified trustee for 13075  
acting as such under this section shall be paid by the public 13076  
depository and in no event shall be chargeable to the public 13077  
depositor or to any officer of the public depositor. The charges 13078  
or compensation shall not be a lien or charge upon the securities 13079  
deposited for safekeeping prior or superior to the rights to and 13080  
interests in the securities of the public depositor. The treasurer 13081  
and the treasurer's bonders or surety shall be relieved from any 13082  
liability to the public depositor or to the public depository for 13083  
the loss or destruction of any securities deposited with a 13084  
qualified trustee pursuant to this section. 13085

**Sec. 135.35.** (A) The investing authority shall deposit or 13086  
invest any part or all of the county's inactive moneys and shall 13087  
invest all of the money in the county public library fund when 13088  
required by section 135.352 of the Revised Code. The following 13089  
classifications of securities and obligations are eligible for 13090  
such deposit or investment: 13091

(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury, any other obligation guaranteed as to principal or interest by the United States, or any book entry, zero-coupon United States treasury security that is a direct obligation of the United States. 13092  
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Nothing in the classification of eligible securities and obligations set forth in divisions (A)(2) to (10) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible securities and obligations. 13098  
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(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including, but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, and government national mortgage association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities. 13103  
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(3) Time certificates of deposit or savings or deposit accounts, including, but not limited to, passbook accounts, in any eligible institution mentioned in section 135.32 of the Revised Code; 13111  
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(4) Bonds and other obligations of this state or the political subdivisions of this state; 13115  
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(5) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard rating service or consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code and repurchase agreements secured by such obligations, provided that investments in securities 13117  
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described in this division are made only through eligible	13123
institutions mentioned in section 135.32 of the Revised Code;	13124
(6) The Ohio subdivision's fund as provided in section 135.45	13125
of the Revised Code;	13126
(7) Securities lending agreements with any eligible	13127
institution mentioned in section 135.32 of the Revised Code that	13128
is a member of the federal reserve system or federal home loan	13129
bank or with any recognized United States government securities	13130
dealer meeting the description in division (J)(1) of this section,	13131
under the terms of which agreements the investing authority lends	13132
securities and the eligible institution or dealer agrees to	13133
simultaneously exchange similar securities or cash, equal value	13134
for equal value.	13135
Securities and cash received as collateral for a securities	13136
lending agreement are not inactive moneys of the county or moneys	13137
of a county public library fund. The investment of cash collateral	13138
received pursuant to a securities lending agreement may be	13139
invested only in instruments specified by the investing authority	13140
in the written investment policy described in division (K) of this	13141
section.	13142
(8) Up to twenty-five per cent of the county's total average	13143
portfolio in either of the following investments:	13144
(a) Commercial paper notes issued by an entity that is	13145
defined in division (D) of section 1705.01 of the Revised Code and	13146
that has assets exceeding five hundred million dollars, to which	13147
notes all of the following apply:	13148
(i) The notes are rated at the time of purchase in the	13149
highest classification established by at least two nationally	13150
recognized standard rating services.	13151
(ii) The aggregate value of the notes does not exceed ten per	13152
cent of the aggregate value of the outstanding commercial paper of	13153

the issuing corporation.	13154
(iii) The notes mature not later than two hundred seventy days after purchase.	13155 13156
(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and that mature not later than one hundred eighty days after purchase.	13157 13158 13159
No investment shall be made pursuant to division (A)(8) of this section unless the investing authority has completed additional training for making the investments authorized by division (A)(8) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.	13160 13161 13162 13163 13164 13165 13166
(9) Up to fifteen per cent of the county's total average portfolio in notes issued by corporations that are incorporated under the laws of the United States and that are operating within the United States, or by depository institutions that are doing business under authority granted by the United States or any state and that are operating within the United States, provided both of the following apply:	13167 13168 13169 13170 13171 13172 13173
(a) The notes are rated in the second highest or higher category by at least two nationally recognized standard rating services at the time of purchase.	13174 13175 13176
(b) The notes mature not later than two years after purchase.	13177
(10) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(10) of this section shall not exceed in the aggregate one per cent of a county's total	13178 13179 13180 13181 13182 13183 13184

average portfolio. 13185

The investing authority shall invest under division (A)(10) 13186  
of this section in a debt interest issued by a foreign nation only 13187  
if the debt interest is backed by the full faith and credit of 13188  
that foreign nation, there is no prior history of default, and the 13189  
debt interest matures not later than five years after purchase. 13190  
For purposes of division (A)(10) of this section, a debt interest 13191  
is rated in the three highest categories by two nationally 13192  
recognized standard rating services if either the debt interest 13193  
itself or the issuer of the debt interest is rated, or is 13194  
implicitly rated, at the time of purchase in the three highest 13195  
categories by two nationally recognized standard rating services. 13196

(11) A current unpaid or delinquent tax line of credit 13197  
authorized under division (G) of section 135.341 of the Revised 13198  
Code, provided that all of the conditions for entering into such a 13199  
line of credit under that division are satisfied, or bonds and 13200  
other obligations of a county land reutilization corporation 13201  
organized under Chapter 1724. of the Revised Code, if the county 13202  
land reutilization corporation is located wholly or partly within 13203  
the same county as the investing authority. 13204

(B) Nothing in the classifications of eligible obligations 13205  
and securities set forth in divisions (A)(1) to (10) of this 13206  
section shall be construed to authorize investment in a 13207  
derivative, and no investing authority shall invest any county 13208  
inactive moneys or any moneys in a county public library fund in a 13209  
derivative. For purposes of this division, "derivative" means a 13210  
financial instrument or contract or obligation whose value or 13211  
return is based upon or linked to another asset or index, or both, 13212  
separate from the financial instrument, contract, or obligation 13213  
itself. Any security, obligation, trust account, or other 13214  
instrument that is created from an issue of the United States 13215  
treasury or is created from an obligation of a federal agency or 13216

instrumentality or is created from both is considered a derivative 13217  
instrument. An eligible investment described in this section with 13218  
a variable interest rate payment, based upon a single interest 13219  
payment or single index comprised of other eligible investments 13220  
provided for in division (A)(1) or (2) of this section, is not a 13221  
derivative, provided that such variable rate investment has a 13222  
maximum maturity of two years. A treasury inflation-protected 13223  
security shall not be considered a derivative, provided the 13224  
security matures not later than five years after purchase. 13225

(C) Except as provided in division (D) of this section, any 13226  
investment made pursuant to this section must mature within five 13227  
years from the date of settlement, unless the investment is 13228  
matched to a specific obligation or debt of the county or to a 13229  
specific obligation or debt of a political subdivision of this 13230  
state, and the investment is specifically approved by the 13231  
investment advisory committee. 13232

(D) The investing authority may also enter into a written 13233  
repurchase agreement with any eligible institution mentioned in 13234  
section 135.32 of the Revised Code or any eligible securities 13235  
dealer pursuant to division (J) of this section, under the terms 13236  
of which agreement the investing authority purchases and the 13237  
eligible institution or dealer agrees unconditionally to 13238  
repurchase any of the securities listed in divisions ~~(B)~~(D)(1) to 13239  
(5), except letters of credit described in division ~~(B)~~(D)(2), of 13240  
section 135.18 of the Revised Code. The market value of securities 13241  
subject to an overnight written repurchase agreement must exceed 13242  
the principal value of the overnight written repurchase agreement 13243  
by at least two per cent. A written repurchase agreement must 13244  
exceed the principal value of the overnight written repurchase 13245  
agreement, by at least two per cent. A written repurchase 13246  
agreement shall not exceed thirty days, and the market value of 13247  
securities subject to a written repurchase agreement must exceed 13248



the principal value of the written repurchase agreement by at 13249  
least two per cent and be marked to market daily. All securities 13250  
purchased pursuant to this division shall be delivered into the 13251  
custody of the investing authority or the qualified custodian of 13252  
the investing authority or an agent designated by the investing 13253  
authority. A written repurchase agreement with an eligible 13254  
securities dealer shall be transacted on a delivery versus payment 13255  
basis. The agreement shall contain the requirement that for each 13256  
transaction pursuant to the agreement the participating 13257  
institution shall provide all of the following information: 13258

(1) The par value of the securities; 13259

(2) The type, rate, and maturity date of the securities; 13260

(3) A numerical identifier generally accepted in the 13261  
securities industry that designates the securities. 13262

No investing authority shall enter into a written repurchase 13263  
agreement under the terms of which the investing authority agrees 13264  
to sell securities owned by the county to a purchaser and agrees 13265  
with that purchaser to unconditionally repurchase those 13266  
securities. 13267

(E) No investing authority shall make an investment under 13268  
this section, unless the investing authority, at the time of 13269  
making the investment, reasonably expects that the investment can 13270  
be held until its maturity. The investing authority's written 13271  
investment policy shall specify the conditions under which an 13272  
investment may be redeemed or sold prior to maturity. 13273

(F) No investing authority shall pay a county's inactive 13274  
moneys or moneys of a county public library fund into a fund 13275  
established by another subdivision, treasurer, governing board, or 13276  
investing authority, if that fund was established by the 13277  
subdivision, treasurer, governing board, or investing authority 13278  
for the purpose of investing or depositing the public moneys of 13279

other subdivisions. This division does not apply to the payment of public moneys into either of the following:

(1) The Ohio subdivision's fund pursuant to division (A)(6) of this section;

(2) A fund created solely for the purpose of acquiring, constructing, owning, leasing, or operating municipal utilities pursuant to the authority provided under section 715.02 of the Revised Code or Section 4 of Article XVIII, Ohio Constitution.

For purposes of division (F) of this section, "subdivision" includes a county.

(G) The use of leverage, in which the county uses its current investment assets as collateral for the purpose of purchasing other assets, is prohibited. The issuance of taxable notes for the purpose of arbitrage is prohibited. Contracting to sell securities not owned by the county, for the purpose of purchasing such securities on the speculation that bond prices will decline, is prohibited.

(H) Any securities, certificates of deposit, deposit accounts, or any other documents evidencing deposits or investments made under authority of this section shall be issued in the name of the county with the county treasurer or investing authority as the designated payee. If any such deposits or investments are registrable either as to principal or interest, or both, they shall be registered in the name of the treasurer.

(I) The investing authority shall be responsible for the safekeeping of all documents evidencing a deposit or investment acquired under this section, including, but not limited to, safekeeping receipts evidencing securities deposited with a qualified trustee, as provided in section 135.37 of the Revised Code, and documents confirming the purchase of securities under any repurchase agreement under this section shall be deposited

with a qualified trustee, provided, however, that the qualified trustee shall be required to report to the investing authority, auditor of state, or an authorized outside auditor at any time upon request as to the identity, market value, and location of the document evidencing each security, and that if the participating institution is a designated depository of the county for the current period of designation, the securities that are the subject of the repurchase agreement may be delivered to the treasurer or held in trust by the participating institution on behalf of the investing authority.

Upon the expiration of the term of office of an investing authority or in the event of a vacancy in the office for any reason, the officer or the officer's legal representative shall transfer and deliver to the officer's successor all documents mentioned in this division for which the officer has been responsible for safekeeping. For all such documents transferred and delivered, the officer shall be credited with, and the officer's successor shall be charged with, the amount of moneys evidenced by such documents.

(J)(1) All investments, except for investments in securities described in divisions (A)(5), (6), and (11) of this section, shall be made only through a member of the financial industry regulatory authority (FINRA), through a bank, savings bank, or savings and loan association regulated by the superintendent of financial institutions, or through an institution regulated by the comptroller of the currency, federal deposit insurance corporation, or board of governors of the federal reserve system.

(2) Payment for investments shall be made only upon the delivery of securities representing such investments to the treasurer, investing authority, or qualified trustee. If the securities transferred are not represented by a certificate, payment shall be made only upon receipt of confirmation of

transfer from the custodian by the treasurer, governing board, or 13343  
qualified trustee. 13344

(K)(1) Except as otherwise provided in division (K)(2) of 13345  
this section, no investing authority shall make an investment or 13346  
deposit under this section, unless there is on file with the 13347  
auditor of state a written investment policy approved by the 13348  
investing authority. The policy shall require that all entities 13349  
conducting investment business with the investing authority shall 13350  
sign the investment policy of that investing authority. All 13351  
brokers, dealers, and financial institutions, described in 13352  
division (J)(1) of this section, initiating transactions with the 13353  
investing authority by giving advice or making investment 13354  
recommendations shall sign the investing authority's investment 13355  
policy thereby acknowledging their agreement to abide by the 13356  
policy's contents. All brokers, dealers, and financial 13357  
institutions, described in division (J)(1) of this section, 13358  
executing transactions initiated by the investing authority, 13359  
having read the policy's contents, shall sign the investment 13360  
policy thereby acknowledging their comprehension and receipt. 13361

(2) If a written investment policy described in division 13362  
(K)(1) of this section is not filed on behalf of the county with 13363  
the auditor of state, the investing authority of that county shall 13364  
invest the county's inactive moneys and moneys of the county 13365  
public library fund only in time certificates of deposits or 13366  
savings or deposit accounts pursuant to division (A)(3) of this 13367  
section, no-load money market mutual funds pursuant to division 13368  
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 13369  
division (A)(6) of this section. 13370

(L)(1) The investing authority shall establish and maintain 13371  
an inventory of all obligations and securities acquired by the 13372  
investing authority pursuant to this section. The inventory shall 13373  
include a description of each obligation or security, including 13374

type, cost, par value, maturity date, settlement date, and any coupon rate. 13375  
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(2) The investing authority shall also keep a complete record of all purchases and sales of the obligations and securities made pursuant to this section. 13377  
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(3) The investing authority shall maintain a monthly portfolio report and issue a copy of the monthly portfolio report describing such investments to the county investment advisory committee, detailing the current inventory of all obligations and securities, all transactions during the month that affected the inventory, any income received from the obligations and securities, and any investment expenses paid, and stating the names of any persons effecting transactions on behalf of the investing authority. 13380  
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(4) The monthly portfolio report shall be a public record and available for inspection under section 149.43 of the Revised Code. 13389  
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(5) The inventory and the monthly portfolio report shall be filed with the board of county commissioners. The monthly portfolio report also shall be filed with the treasurer of state. 13391  
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(M) An investing authority may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration to settle any controversy that may arise out of the agreement, including any controversy pertaining to losses of public moneys resulting from investment or deposit. The arbitration provision shall be set forth entirely in the agreement, and the agreement shall include a conspicuous notice to the parties that any party to the arbitration may apply to the court of common pleas of the county in which the arbitration was held for an order to vacate, modify, or correct the award. Any such party may also apply to the court for an order to change venue to a court of common pleas 13394  
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located more than one hundred miles from the county in which the investing authority is located. 13406  
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For purposes of this division, "investment or deposit agreement" means any agreement between an investing authority and a person, under which agreement the person agrees to invest, deposit, or otherwise manage, on behalf of the investing authority, a county's inactive moneys or moneys in a county public library fund, or agrees to provide investment advice to the investing authority. 13408  
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(N)(1) An investment held in the county portfolio on September 27, 1996, that was a legal investment under the law as it existed before September 27, 1996, may be held until maturity. 13415  
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(2) An investment held in the county portfolio on September 10, 2012, that was a legal investment under the law as it existed before September 10, 2012, may be held until maturity. 13418  
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**Sec. 135.353.** (A) In addition to the investments specified in section 135.35 of the Revised Code, the investing authority of a county may do all of the following: 13421  
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(1) Invest inactive or public moneys in linked deposits as authorized by resolution adopted pursuant to section 135.80 or 135.801 of the Revised Code; 13424  
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(2) Invest inactive or public moneys in linked deposits as authorized by resolution adopted pursuant to section 135.805 of the Revised Code for a term considered appropriate by the investing authority, but not exceeding fifteen years, which investment may be renewed for up to two additional terms with each additional term not exceeding fifteen years. 13427  
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(3) Invest inactive moneys in certificates of deposit in accordance with all of the following: 13433  
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(a) The inactive moneys initially are deposited with an 13435

eligible public depository described in section 135.32 of the Revised Code and selected by the investing authority. 13436  
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(b) For the investing authority depositing the inactive moneys pursuant to division (A)(3)(a) of this section, the eligible public depository selected pursuant to that division invests the inactive moneys in certificates of deposit of one or more federally insured banks, savings banks, or savings and loan associations, wherever located. The full amount of principal and any accrued interest of each certificate of deposit invested in pursuant to division (A)(3)(b) of this section shall be insured by federal deposit insurance. 13438  
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(c) For the investing authority depositing the inactive moneys pursuant to division (A)(3)(a) of this section, the eligible public depository selected pursuant to that division acts as custodian of the certificates of deposit described in division (A)(3)(b) of this section. 13447  
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(d) On the same date the public moneys are redeposited by the public depository, the public depository may, in its sole discretion, choose whether to receive deposits, in any amount, from other banks, savings banks, or savings and loan associations. 13452  
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(e) The public depository provides to the investing authority a monthly account statement that includes the amount of its funds deposited and held at each bank, savings bank, or savings and loan association for which the public depository acts as a custodian pursuant to this section. 13456  
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(B) Inactive moneys deposited or invested in accordance with division (A)(3) of this section are not subject to any pledging requirements described in section 135.181, 135.182, or 135.37 of the Revised Code. 13461  
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**Sec. 135.354.** (A) In addition to the authority provided in 13465

section 135.35 of the Revised Code for the investment or deposit 13466  
of inactive moneys, the investing authority of a county, upon the 13467  
deposit of active or inactive moneys with an eligible public 13468  
depository described in section 135.32 of the Revised Code and 13469  
selected by the investing authority, may authorize the public 13470  
depository to arrange for the redeposit of such public moneys in 13471  
accordance with the following conditions: 13472

(1) The public depository, on or after the date the public 13473  
moneys are received, arranges for the redeposit of the moneys into 13474  
deposit accounts in one or more federally insured banks, savings 13475  
banks, or savings and loan associations that are located in the 13476  
United States, and acts as custodian of the moneys deposited or 13477  
redeposited under this section. 13478

(2) If the amount of the public moneys deposited with and 13479  
held at the close of business by the public depository exceeds the 13480  
amount insured by the federal deposit insurance corporation, the 13481  
excess amount is subject to the pledging requirements described in 13482  
section 135.181, 135.182, or 135.37 of the Revised Code. 13483

(3) The full amount of the public moneys redeposited by the 13484  
public depository into deposit accounts in banks, savings banks, 13485  
or savings and loan associations, plus any accrued interest, is 13486  
insured by the federal deposit insurance corporation. 13487

(4) On the same date the public moneys are redeposited by the 13488  
public depository, the public depository may, in its sole 13489  
discretion, choose whether to receive deposits, in any amount, 13490  
from other banks, savings banks, or savings and loan associations. 13491

(5) The public depository provides to the investing authority 13492  
an account statement at least monthly and access to daily 13493  
reporting that include the amount of its funds deposited and held 13494  
at each bank, savings bank, or savings and loan association for 13495  
which the public depository acts as a custodian pursuant to this 13496



section. 13497

(B) Except as provided in division (A)(2) of this section, 13498  
public moneys deposited in accordance with this section are not 13499  
subject to the pledging requirements described in section 135.181, 13500  
135.182, or 135.37 of the Revised Code. 13501

**Sec. 135.37.** (A) Except as provided in section 135.353 or 13502  
135.354 of the Revised Code, any institution described in section 13503  
135.32 of the Revised Code ~~shall, at the time it receives in~~ 13504  
receipt of a deposit of public moneys under section 135.33 or 13505  
135.35 of the Revised Code, ~~pledge to and deposit with the~~ 13506  
~~investing authority, as~~ shall provide security for the repayment 13507  
of all public moneys ~~to be deposited in the public depository by~~ 13508  
selecting one of the following methods: 13509

(1) Securing all uninsured public deposits of each investing 13510  
authority separately as set forth in divisions (B) to (I) of this 13511  
section; 13512

(2) Securing all uninsured public deposits of every public 13513  
depositor pursuant to section 135.181 or 135.182 of the Revised 13514  
Code, as applicable, by establishing and pledging to the treasurer 13515  
of state a single pool of collateral for the benefit of each 13516  
public depositor at the public depository. 13517

(B) If a public depository elects to provide security 13518  
pursuant to division (A)(1) of this section, the public depository 13519  
shall pledge to the investing authority, as security for the 13520  
repayment of all public moneys deposited in the public depository 13521  
during the period of designation pursuant to an award made under 13522  
section 135.33 of the Revised Code or pursuant to section 135.35 13523  
of the Revised Code, eligible securities of aggregate market value 13524  
at all times equal to ~~or in excess~~ at least one hundred five per 13525  
cent of the total amount of public moneys to be at the time so 13526  
deposited the investing authority's uninsured public deposits. Any 13527

securities listed in division ~~(B)~~(D) of section 135.18 of the Revised Code are eligible for such purpose. ~~The collateral so pledged or deposited may be in an amount that when added to the portion of the deposit insured by the federal deposit insurance corporation or any other agency or instrumentality of the federal government will, in the aggregate, equal or exceed the amount of public moneys so deposited; provided that, when an investment of inactive moneys consists of the purchase of one or more of the type of securities listed in division (A)(1) or (2) of section 135.35 of the Revised Code, no additional collateral need be pledged or deposited.~~

~~The investing authority also may require that additional eligible securities be pledged or deposited when depreciation occurs in the market value of any securities pledged or deposited.~~

~~(B) The public depository may, at any time, provide for the exchange or substitution of securities for other eligible securities or the release of securities when the amount of public moneys on deposit does not require that they be pledged or deposited, by notifying the investing authority of its intent to take such action.~~

~~Upon proper notification of the public depository's desire for release of securities, the investing authority may sign a release of such securities provided that the aggregate amount of collateral remaining pledged or deposited meets the requirements of divisions (A) to (E) of this section.~~

~~When a public depository desires to exchange or substitute securities for other eligible securities, the investing authority may release the securities pledged or deposited after the deposit of other securities having a current market value equal to or greater than the current market value of securities then on deposit or after a safekeeping receipt has been received evidencing the deposit and pledge of such securities.~~

(C) ~~Upon request from the investing authority, the trustee or~~ 13560  
~~the~~ In order for a public depository shall furnish a statement of 13561  
~~the securities pledged against the~~ to receive public moneys 13562  
~~deposited in~~ under this section, the public depository and the 13563  
~~investing authority shall first execute an agreement that sets~~ 13564  
~~forth the entire arrangement among the parties and that meets the~~ 13565  
~~requirements described in 12 U.S.C. 1823(e). In addition, the~~ 13566  
~~agreement shall authorize the investing authority to obtain~~ 13567  
~~control of the collateral pursuant to division (D) of section~~ 13568  
~~1308.24 of the Revised Code.~~ 13569

(D) An institution designated as a public depository shall 13570  
designate a qualified trustee and place the eligible securities 13571  
with the trustee for safekeeping. The trustee shall hold the 13572  
eligible securities in an account indicating the investing 13573  
authority's security interest in the securities. The trustee shall 13574  
report to the investing authority information relating to the 13575  
securities pledged to secure the public deposits in the manner and 13576  
frequency requested by the investing authority. 13577

(E) The qualified trustee shall enter into a custodial 13578  
agreement with the investing authority and public depository in 13579  
which the trustee agrees to comply with entitlement orders 13580  
originated by the investing authority without further consent by 13581  
the public depository or, in the case of collateral held by the 13582  
public depository in an account at a federal reserve bank, the 13583  
investing authority shall have the investing authority's security 13584  
interest marked on the books of the federal reserve bank where the 13585  
account for the collateral is maintained. If a the public 13586  
depository fails to pay over any part of any the public deposit 13587  
deposits made as provided by law, the investing authority shall 13588  
sell any pledged or deposited securities, as prescribed in 13589  
division (C) of section 135.18 of the Revised Code. 13590

~~(E) A public depository may designate, in accordance with the~~ 13591

~~provisions of division (D) of section 135.18 of the Revised Code, 13592  
a trustee for the safekeeping of any pledged securities. Such 13593  
trustee shall be any bank or other institution eligible as a 13594  
trustee under division (I) of section 135.18 of the Revised Code, 13595  
except that, for the purposes of this section, a bank to which a 13596  
certificate of qualification is issued shall be an institution 13597  
mentioned in division (A) of section 135.32 of the Revised Code 13598  
therein as provided by law, the investing authority shall give 13599  
written notice of this failure to the qualified trustee holding 13600  
the securities pledged against its public deposits, and at the 13601  
same time shall send a copy of this notice to the public 13602  
depository. Upon receipt of this notice, the trustee shall 13603  
transfer to the investing authority for sale, the securities that 13604  
are necessary to produce an amount equal to the public deposits 13605  
made by the investing authority and not paid over, less the 13606  
portion of the deposits covered by any federal deposit insurance, 13607  
plus any accrued interest due on the deposits. The investing 13608  
authority shall sell any of the bonds or other securities so 13609  
transferred. When a sale of bonds or other securities has been so 13610  
made and upon payment to the investing authority of the purchase 13611  
money, the investing authority shall transfer such bonds or 13612  
securities whereupon the absolute ownership of such bonds or 13613  
securities shall pass to the purchasers. Any surplus after 13614  
deducting the amount due the investing authority and expenses of 13615  
sale shall be paid to the public depository. 13616~~

(F) ~~In lieu of the pledging requirements prescribed in 13617  
divisions (A) to (E) of this section, an institution designated as 13618  
a public depository may pledge securities pursuant to section 13619  
135.181 of the Revised Code When the public depository has placed 13620  
eligible securities described in division (D)(1) of section 135.18 13621  
of the Revised Code with a trustee for safekeeping, the public 13622  
depository may at any time substitute or exchange eligible 13623  
securities described in division (D)(1) of section 135.18 of the 13624~~

Revised Code having a current market value equal to or greater 13625  
than the current market value of the securities then on deposit 13626  
and for which they are to be substituted or exchanged, without 13627  
specific authorization from the investing authority of any such 13628  
substitution or exchange. 13629

(G) When the public depository has placed eligible securities 13630  
described in divisions (D)(2) to (9) of section 135.18 of the 13631  
Revised Code with a trustee for safekeeping, the public depository 13632  
may at any time substitute or exchange eligible securities having 13633  
a current market value equal to or greater than the current market 13634  
value of the securities then on deposit and for which they are to 13635  
be substituted or exchanged without specific authorization from 13636  
the investing authority of any such substitution or exchange only 13637  
if one of the following applies: 13638

(1) The investing authority has authorized the public 13639  
depository to make such substitution or exchange on a continuing 13640  
basis during a specified period without prior approval of each 13641  
substitution or exchange. The authorization may be effected by the 13642  
investing authority sending to the trustee a written notice 13643  
stating that substitution may be effected on a continuing basis 13644  
during a specified period which shall not extend beyond the end of 13645  
the period of designation during which the notice is given. The 13646  
trustee may rely upon this notice and upon the period of 13647  
authorization stated therein and upon the period of designation 13648  
stated therein. 13649

(2) The public depository notifies the investing authority 13650  
and the trustee of an intended substitution or exchange, and the 13651  
investing authority does not object to the trustee as to the 13652  
eligibility or market value of the securities being substituted 13653  
within three business days after the date appearing on the notice 13654  
of proposed substitution. The notice to the investing authority 13655  
and to the trustee shall be given in writing and delivered 13656

electronically. The trustee may assume in any case that the notice 13657  
has been delivered to the investing authority. In order for 13658  
objections of the investing authority to be effective, receipt of 13659  
the objections must be acknowledged in writing by the trustee. 13660

(3) The investing authority gives written authorization for a 13661  
substitution or exchange of specific securities. 13662

(H) The public depository shall notify any investing 13663  
authority of any substitution or exchange under division (G)(1) or 13664  
(2) of this section. 13665

(I) Any federal reserve bank or branch thereof located in 13666  
this state or federal home loan bank, without compliance with 13667  
Chapter 1111. of the Revised Code and without becoming subject to 13668  
any other law of this state relative to the exercise by 13669  
corporations of trust powers generally, is qualified to act as 13670  
trustee for the safekeeping of securities, under this section. Any 13671  
institution mentioned in section 135.03 or 135.32 of the Revised 13672  
Code that holds a certificate of qualification issued by the 13673  
superintendent of financial institutions or any institution 13674  
complying with sections 1111.04, 1111.05, and 1111.06 of the 13675  
Revised Code is qualified to act as trustee for the safekeeping of 13676  
securities under this section, other than those belonging to 13677  
itself or to an affiliate as defined in section 1101.01 of the 13678  
Revised Code. 13679

Notwithstanding the fact that a public depository is required 13680  
to pledge eligible securities in certain amounts to secure 13681  
deposits of public moneys, a trustee has no duty or obligation to 13682  
determine the eligibility, market value, or face value of any 13683  
securities deposited with the trustee by a public depository. This 13684  
applies in all situations including, without limitation, a 13685  
substitution or exchange of securities. 13686

Any charges or compensation of a designated trustee for 13687

acting as such under this section shall be paid by the public 13688  
depository and in no event shall be chargeable to the investing 13689  
authority or to any officer of the investing authority. The 13690  
charges or compensation shall not be a lien or charge upon the 13691  
securities deposited for safekeeping prior or superior to the 13692  
rights to and interests in the securities of the investing 13693  
authority. The treasurer and the treasurer's bonders or surety 13694  
shall be relieved from any liability to the investing authority or 13695  
to the public depository for the loss or destruction of any 13696  
securities deposited with a qualified trustee pursuant to this 13697  
section. 13698

**Sec. 135.731.** (A) For purposes of this section, "western 13699  
basin" has the same meaning as in section 905.326 of the Revised 13700  
Code. 13701

(B) Notwithstanding any provision in sections 135.71 to 13702  
135.76 of the Revised Code to the contrary, before July 1, 2020, 13703  
all of the following apply to eligible agricultural businesses 13704  
that maintain land or facilities for agricultural purposes in the 13705  
western basin: 13706

(1) Such a business shall certify on its loan application 13707  
that the reduced rate loan will be used exclusively for 13708  
agricultural purposes on land or in facilities owned or operated 13709  
by the business in this state in the western basin and that the 13710  
loan will materially contribute to the business's compliance with 13711  
division (A) of section 1511.10 of the Revised Code. Whoever 13712  
knowingly makes a false statement concerning the application is 13713  
guilty of the offense of falsification under section 2921.13 of 13714  
the Revised Code. 13715

(2) In evaluating such businesses, the treasurer of state 13716  
shall give priority to a business's financial need for the loan to 13717  
comply with division (A) of section 1511.10 of the Revised Code as 13718

well as the overall financial need of the business and the 13719  
economic needs of the area where the business is located. 13720

(3) No loan for such a business shall exceed five hundred 13721  
thousand dollars. 13722

**Sec. 135.74.** (A) The treasurer of state may accept or reject 13723  
an agricultural linked deposit loan package or any portion 13724  
thereof, based on the treasurer's evaluation of the eligible 13725  
agricultural businesses included in the package, the amount of 13726  
individual loans in the package, and the amount of the package. In 13727  
evaluating the eligible agricultural businesses, the treasurer of 13728  
state shall give priority to a business's financial need for the 13729  
loan to meet planting deadlines but shall also consider the 13730  
overall financial need of the business and the economic needs of 13731  
the area where the business is located. 13732

(B) Upon acceptance of the agricultural linked deposit loan 13733  
package or any portion thereof, the treasurer of state may place 13734  
certificates of deposit with the eligible lending institution at a 13735  
rate below current market rates, as determined and calculated by 13736  
the treasurer of state, or may invest in bonds, notes, debentures, 13737  
or other obligations or securities issued by the federal farm 13738  
credit bank with respect to the eligible lending institution at a 13739  
rate below current market rates, as determined and calculated by 13740  
the treasurer of state. When necessary, the treasurer may place 13741  
certificates of deposit or may invest in such obligations or 13742  
securities prior to acceptance of an agricultural linked deposit 13743  
loan package. 13744

(C) The eligible lending institution shall enter into an 13745  
agricultural linked deposit agreement with the treasurer of state, 13746  
which shall include requirements necessary to carry out the 13747  
purposes of sections 135.71 to 135.76 of the Revised Code. The 13748  
requirements shall at least do the following: 13749



(1) Include an agreement by the eligible lending institution 13750  
to lend ~~the value of the agricultural linked deposit~~ to eligible 13751  
agricultural businesses at a rate equal to ~~the~~ either of the 13752  
following: 13753

(a) A rate not more than three hundred basis points below the 13754  
present borrowing rate applicable to each specific agricultural 13755  
business in the accepted loan package; 13756

(b) The present borrowing rate applicable to each specific 13757  
agricultural business in the accepted loan package minus the 13758  
difference between one of the following, as applicable: 13759

~~(a)~~(i) The market rate and the actual rate at which the 13760  
certificates of deposit that constitute the agricultural linked 13761  
deposit were placed; 13762

~~(b)~~(ii) The market rate and the actual rate at which the 13763  
investments in bonds, notes, debentures, or other obligations or 13764  
securities that constitute the agricultural linked deposit were 13765  
made; 13766

(2) Reflect the market conditions prevailing in the eligible 13767  
lending institution's lending area. 13768

The agricultural linked deposit agreement may include a 13769  
specification of the period of time in which the lending 13770  
institution is to lend funds upon the placement of a linked 13771  
deposit, and shall include provisions for the certificates of 13772  
deposit to be placed or the investment in bonds, notes, 13773  
debentures, obligations, or securities to be made for any maturity 13774  
considered appropriate by the treasurer of state not to exceed ~~two~~ 13775  
five years and may be renewed for up to an additional two years at 13776  
~~the option of the treasurer~~. Interest shall be paid at the times 13777  
determined by the treasurer of state. 13778

(D) Eligible lending institutions shall comply fully with 13779  
Chapter 135. of the Revised Code. 13780

Sec. 140.01. As used in this chapter:	13781
(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency.	13782 13783
(B) "Public hospital agency" means any county, board of county hospital trustees established pursuant to section 339.02 of the Revised Code, county hospital commission established pursuant to section 339.14 of the Revised Code, municipal corporation, new community authority organized under Chapter 349. of the Revised Code, joint township hospital district, state or municipal university or college operating or authorized to operate a hospital facility, or the state.	13784 13785 13786 13787 13788 13789 13790 13791
(C) "Nonprofit hospital agency" means a corporation or association not for profit, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, that has authority to own or operate a hospital facility or provides or is to provide services to one or more other hospital agencies.	13792 13793 13794 13795 13796 13797
(D) "Governing body" means, in the case of a county, the board of county commissioners or other legislative body; in the case of a board of county hospital trustees, the board; in the case of a county hospital commission, the commission; in the case of a municipal corporation, the council or other legislative authority; in the case of a new community authority, its board of trustees; in the case of a joint township hospital district, the joint township district hospital board; in the case of a state or municipal university or college, its board of trustees or board of directors; in the case of a nonprofit hospital agency, the board of trustees or other body having general management of the agency; and, in the case of the state, the director of development services or the Ohio higher educational facility commission.	13798 13799 13800 13801 13802 13803 13804 13805 13806 13807 13808 13809 13810
(E) "Hospital facilities" means buildings, structures and	13811

other improvements, additions thereto and extensions thereof, 13812  
furnishings, equipment, and real estate and interests in real 13813  
estate, used or to be used for or in connection with one or more 13814  
hospitals, emergency, intensive, intermediate, extended, 13815  
long-term, or self-care facilities, diagnostic and treatment and 13816  
out-patient facilities, facilities related to programs for home 13817  
health services, clinics, laboratories, public health centers, 13818  
research facilities, and rehabilitation facilities, for or 13819  
pertaining to diagnosis, treatment, care, or rehabilitation of 13820  
sick, ill, injured, infirm, impaired, disabled, or handicapped 13821  
persons, or the prevention, detection, and control of disease, and 13822  
also includes education, training, and food service facilities for 13823  
health professions personnel, housing facilities for such 13824  
personnel and their families, and parking and service facilities 13825  
in connection with any of the foregoing; and includes any one, 13826  
part of, or any combination of the foregoing; and further includes 13827  
site improvements, utilities, machinery, facilities, furnishings, 13828  
and any separate or connected buildings, structures, improvements, 13829  
sites, utilities, facilities, or equipment to be used in, or in 13830  
connection with the operation or maintenance of, or supplementing 13831  
or otherwise related to the services or facilities to be provided 13832  
by, any one or more of such hospital facilities. 13833

(F) "Costs of hospital facilities" means the costs of 13834  
acquiring hospital facilities or interests in hospital facilities, 13835  
including membership interests in nonprofit hospital agencies, 13836  
costs of constructing hospital facilities, costs of improving one 13837  
or more hospital facilities, including reconstructing, 13838  
rehabilitating, remodeling, renovating, and enlarging, costs of 13839  
equipping and furnishing such facilities, and all financing costs 13840  
pertaining thereto, including, without limitation thereto, costs 13841  
of engineering, architectural, and other professional services, 13842  
designs, plans, specifications and surveys, and estimates of cost, 13843  
costs of tests and inspections, the costs of any indemnity or 13844

surety bonds and premiums on insurance, all related direct or 13845  
allocable administrative expenses pertaining thereto, fees and 13846  
expenses of trustees, depositories, and paying agents for the 13847  
obligations, cost of issuance of the obligations and financing 13848  
charges and fees and expenses of financial advisors, attorneys, 13849  
accountants, consultants and rating services in connection 13850  
therewith, capitalized interest on the obligations, amounts 13851  
necessary to establish reserves as required by the bond 13852  
proceedings, the reimbursement of all moneys advanced or applied 13853  
by the hospital agency or others or borrowed from others for the 13854  
payment of any item or items of costs of such facilities, and all 13855  
other expenses necessary or incident to planning or determining 13856  
feasibility or practicability with respect to such facilities, and 13857  
such other expenses as may be necessary or incident to the 13858  
acquisition, construction, reconstruction, rehabilitation, 13859  
remodeling, renovation, enlargement, improvement, equipment, and 13860  
furnishing of such facilities, the financing thereof, and the 13861  
placing of the same in use and operation, including any one, part 13862  
of, or combination of such classes of costs and expenses, and 13863  
means the costs of refinancing obligations issued by, or 13864  
reimbursement of money advanced by, nonprofit hospital agencies or 13865  
others the proceeds of which were used for the payment of costs of 13866  
hospital facilities, if the governing body of the public hospital 13867  
agency determines that the refinancing or reimbursement advances 13868  
the purposes of this chapter, whether or not the refinancing or 13869  
reimbursement is in conjunction with the acquisition or 13870  
construction of additional hospital facilities. 13871

(G) "Hospital receipts" means all moneys received by or on 13872  
behalf of a hospital agency from or in connection with the 13873  
ownership, operation, acquisition, construction, improvement, 13874  
equipping, or financing of any hospital facilities, including, 13875  
without limitation thereto, any rentals and other moneys received 13876  
from the lease, sale, or other disposition of hospital facilities, 13877

and any gifts, grants, interest subsidies, or other moneys 13878  
received under any federal program for assistance in financing the 13879  
costs of hospital facilities, and any other gifts, grants, and 13880  
donations, and receipts therefrom, available for financing the 13881  
costs of hospital facilities. 13882

(H) "Obligations" means bonds, notes, or other evidences of 13883  
indebtedness or obligation, including interest coupons pertaining 13884  
thereto, issued or issuable by a public hospital agency to pay 13885  
costs of hospital facilities. 13886

(I) "Bond service charges" means principal, interest, and 13887  
call premium, if any, required to be paid on obligations. 13888

(J) "Bond proceedings" means one or more ordinances, 13889  
resolutions, trust agreements, indentures, and other agreements or 13890  
documents, and amendments and supplements to the foregoing, or any 13891  
combination thereof, authorizing or providing for the terms, 13892  
including any variable interest rates, and conditions applicable 13893  
to, or providing for the security of, obligations and the 13894  
provisions contained in such obligations. 13895

(K) "Nursing home" has the same meaning as in division (A)(1) 13896  
of section 5701.13 of the Revised Code. 13897

(L) "Residential care facility" has the same meaning as in 13898  
division (A)(2) of section 5701.13 of the Revised Code. 13899

(M) "Independent living facility" means any self-care 13900  
facility or other housing facility designed or used as a residence 13901  
for elderly persons. An "independent living facility" does not 13902  
include a residential facility, or that part of a residential 13903  
facility, that is any of the following: 13904

(1) A hospital required to be certified by section 3727.02 of 13905  
the Revised Code; 13906

(2) A nursing home or residential care facility; 13907

(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;

(4) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(5) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;

(6) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;

(7) A ~~facility certified as a~~ community addiction services provider ~~under section 5119.36, as defined in section 5119.01~~ of the Revised Code;

(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

**Sec. 141.04.** (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, ~~rounded to the nearest fifty dollars:~~

(1) For the chief justice of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~twenty-four~~

fifty thousand ~~nine~~ eight hundred fifty dollars; 13938

(b) Beginning ~~January 1, 2001~~ on the effective date of this 13939  
amendment, one hundred ~~twenty-eight~~ fifty-eight thousand ~~six~~ four 13940  
hundred ~~fifty~~ dollars; 13941

(c) After ~~2001~~, the amount determined under division (E)(1) 13942  
of this section Beginning January 1, 2017, one hundred ~~sixty-six~~ 13943  
thousand ~~three~~ hundred fifty dollars; 13944

(d) Beginning January 1, 2018, one hundred seventy-four 13945  
thousand ~~seven~~ hundred dollars; 13946

(e) Beginning January 1, 2019, and each calendar year 13947  
thereafter, one hundred ~~eighty-three~~ thousand four hundred fifty 13948  
dollars. 13949

(2) For the justices of the supreme court, the following 13950  
amounts effective in the following years: 13951

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~seventeen~~ 13952  
~~forty-one~~ thousand ~~two~~ six hundred fifty dollars; 13953

(b) Beginning ~~January 1, 2001~~ on the effective date of this 13954  
amendment, one hundred ~~twenty~~ forty-eight thousand ~~seven~~ hundred 13955  
~~fifty~~ dollars; 13956

(c) After ~~2001~~, the amount determined under division (E)(1) 13957  
of this section Beginning January 1, 2017, one hundred ~~fifty-six~~ 13958  
thousand ~~one~~ hundred fifty dollars; 13959

(d) Beginning January 1, 2018, one hundred ~~sixty-four~~ 13960  
thousand ~~dollars~~; 13961

(e) Beginning January 1, 2019, and each calendar year 13962  
thereafter, one hundred ~~seventy-two~~ thousand two hundred dollars. 13963

(3) For the judges of the courts of appeals, the following 13964  
amounts effective in the following years: 13965

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~nine~~ 13966

thirty-two thousand two hundred fifty dollars; 13967

(b) Beginning January 1, 2001 on the effective date of this amendment, one hundred twelve thirty-eight thousand five six hundred fifty dollars; 13968  
13969  
13970

(c) After 2001, the amount determined under division (E)(1) of this section Beginning January 1, 2017, one hundred forty-five thousand five hundred fifty dollars; 13971  
13972  
13973

(d) Beginning January 1, 2018, one hundred fifty-two thousand eight hundred fifty dollars; 13974  
13975

(e) Beginning January 1, 2019, and each calendar year thereafter, one hundred sixty thousand five hundred dollars. 13976  
13977

(4) For the judges of the courts of common pleas, the 13978  
following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code: 13979  
13980  
13981  
13982

(a) Beginning January 1, 2000 2014, one hundred twenty-one thousand five three hundred fifty dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code; 13983  
13984  
13985  
13986

(b) Beginning January 1, 2001 on the effective date of this amendment, one hundred three twenty-seven thousand five four hundred fifty dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code; 13987  
13988  
13989  
13990  
13991

(c) After 2001, the aggregate annual salary amount determined under division (E)(2) of this section reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code Beginning January 1, 2017, one hundred thirty-three thousand eight hundred 13992  
13993  
13994  
13995  
13996



<u>fifty dollars;</u>	13997
<u>(d) Beginning January 1, 2018, one hundred forty thousand</u>	13998
<u>five hundred fifty dollars;</u>	13999
<u>(e) Beginning January 1, 2019, and each calendar year</u>	14000
<u>thereafter, one hundred forty-seven thousand six hundred dollars.</u>	14001
(5) For the full-time judges of a municipal court or the	14002
part-time judges of a municipal court of a territory having a	14003
population of more than fifty thousand, the following amounts	14004
effective in the following years, <del>which amounts shall be in</del>	14005
<del>addition to all amounts received</del> <u>reduced by an amount equal to the</u>	14006
<u>annual compensation paid to that judge pursuant to <del>divisions</del></u>	14007
<u>division (B)(1)(a) and (2) of section 1901.11 of the Revised Code</u>	14008
from municipal corporations and counties:	14009
(a) Beginning January 1, <del>2000</del> <u>2014</u> , <del>thirty-two</del> <u>one hundred</u>	14010
<u>fourteen</u> thousand <del>six</del> <u>one</u> hundred <del>fifty</del> dollars;	14011
(b) Beginning <del>January 1, 2001</del> <u>on the effective date of this</u>	14012
<u>amendment, thirty-five</u> <u>one hundred nineteen</u> thousand <u>five eight</u>	14013
hundred <u>fifty</u> dollars;	14014
(c) <del>After 2001, the amount determined under division (E)(3)</del>	14015
<del>of this section</del> <u>Beginning January 1, 2017, one hundred twenty-five</u>	14016
<u>thousand eight hundred fifty dollars;</u>	14017
<u>(d) Beginning January 1, 2018, one hundred thirty-two</u>	14018
<u>thousand one hundred fifty dollars;</u>	14019
<u>(e) Beginning January 1, 2019, and each calendar year</u>	14020
<u>thereafter, one hundred thirty-eight thousand eight hundred</u>	14021
<u>dollars.</u>	14022
(6) For judges of a municipal court designated as part-time	14023
judges by section 1901.08 of the Revised Code, other than	14024
part-time judges to whom division (A)(5) of this section applies,	14025
and for judges of a county court, the following amounts effective	14026

in the following years, ~~which amounts shall be in addition to any~~ 14027  
~~amounts received~~ reduced by an amount equal to the annual 14028  
compensation paid to that judge pursuant to division (A) of 14029  
section 1901.11 of the Revised Code from municipal corporations 14030  
and counties or pursuant to division (A) of section 1907.16 of the 14031  
Revised Code from counties: 14032

(a) Beginning January 1, ~~2000~~ 2014, ~~eighteen~~ sixty-five 14033  
thousand ~~eight~~ six hundred fifty dollars; 14034

(b) Beginning ~~January 1, 2001~~ on the effective date of this 14035  
amendment, ~~twenty~~ sixty-eight thousand ~~four~~ nine hundred fifty 14036  
dollars; 14037

(c) ~~After 2001, the amount determined under division (E)(4)~~ 14038  
~~of this section~~ Beginning January 1, 2017, seventy-two thousand 14039  
four hundred dollars; 14040

(d) Beginning January 1, 2018, seventy-six thousand fifty 14041  
dollars; 14042

(e) Beginning January 1, 2019, and each calendar year 14043  
thereafter, seventy-nine thousand nine hundred dollars. 14044

(B) Except as provided in sections 1901.122 and 1901.123 of 14045  
the Revised Code, except as otherwise provided in this division, 14046  
and except for the compensation to which the judges described in 14047  
division (A)(5) of this section are entitled pursuant to divisions 14048  
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 14049  
annual salary of the chief justice of the supreme court and of 14050  
each justice or judge listed in division (A) of this section shall 14051  
be paid in equal monthly installments from the state treasury. If 14052  
the chief justice of the supreme court or any justice or judge 14053  
listed in division (A)(2), (3), or (4) of this section delivers a 14054  
written request to be paid biweekly to the administrative director 14055  
of the supreme court prior to the first day of January of any 14056  
year, the annual salary of the chief justice or the justice or 14057

judge that is listed in division (A)(2), (3), or (4) of this 14058  
section shall be paid, during the year immediately following the 14059  
year in which the request is delivered to the administrative 14060  
director of the supreme court, biweekly from the state treasury. 14061

(C) Upon the death of the chief justice or a justice of the 14062  
supreme court during that person's term of office, an amount shall 14063  
be paid in accordance with section 2113.04 of the Revised Code, or 14064  
to that person's estate. The amount shall equal the amount of the 14065  
salary that the chief justice or justice would have received 14066  
during the remainder of the unexpired term or an amount equal to 14067  
the salary of office for two years, whichever is less. 14068

(D) Neither the chief justice of the supreme court nor any 14069  
justice or judge of the supreme court, the court of appeals, the 14070  
court of common pleas, or the probate court shall hold any other 14071  
office of trust or profit under the authority of this state or the 14072  
United States. 14073

~~(E)(1) Each year from 2002 through 2008, the annual salaries 14074  
of the chief justice of the supreme court and of the justices and 14075  
judges named in divisions (A)(2) and (3) of this section shall be 14076  
increased by an amount equal to the adjustment percentage for that 14077  
year multiplied by the compensation paid the preceding year 14078  
pursuant to division (A)(1), (2), or (3) of this section. 14079~~

~~(2) Each year from 2002 through 2008, the aggregate annual 14080  
salary payable under division (A)(4) of this section to the judges 14081  
named in that division shall be increased by an amount equal to 14082  
the adjustment percentage for that year multiplied by the 14083  
aggregate compensation paid the preceding year pursuant to 14084  
division (A)(4) of this section and section 141.05 of the Revised 14085  
Code. 14086~~

~~(3) Each year from 2002 through 2008, the salary payable from 14087  
the state treasury under division (A)(5) of this section to the 14088~~

~~judges named in that division shall be increased by an amount 14089  
equal to the adjustment percentage for that year multiplied by the 14090  
aggregate compensation paid the preceding year pursuant to 14091  
division (A)(5) of this section and division (B)(1)(a) of section 14092  
1901.11 of the Revised Code. 14093~~

~~(4) Each year from 2002 through 2008, the salary payable from 14094  
the state treasury under division (A)(6) of this section to the 14095  
judges named in that division shall be increased by an amount 14096  
equal to the adjustment percentage for that year multiplied by the 14097  
aggregate compensation paid the preceding year pursuant to 14098  
division (A)(6) of this section and division (A) of section 14099  
1901.11 of the Revised Code from municipal corporations and 14100  
counties or division (A) of section 1907.16 of the Revised Code 14101  
from counties. 14102~~

~~(F) In addition to the salaries payable pursuant to this 14103  
section, the chief justice of the supreme court and the justices 14104  
of the supreme court shall be entitled to a vehicle allowance of 14105  
five hundred dollars per month, payable from the state treasury. 14106  
The allowance shall be increased on the first day of January of 14107  
each odd-numbered year by an amount equal to the percentage 14108  
increase, if any, in the consumer price index for the immediately 14109  
preceding twenty-four month period for which information is 14110  
available. 14111~~

~~(G)(F) On or before the first day of December of each year, 14112  
the Ohio supreme court, through its chief administrator, shall 14113  
notify the administrative judge of the Montgomery county municipal 14114  
court, the board of county commissioners of Montgomery county, and 14115  
the treasurer of the state of the yearly salary cost of five 14116  
part-time county court judges as of that date. If the total yearly 14117  
salary costs of all of the judges of the Montgomery county 14118  
municipal court as of the first day of December of that same year 14119  
exceeds that amount, the administrative judge of the Montgomery 14120~~

county municipal court shall cause payment of the excess between 14121  
those two amounts less any reduced amount paid for the health care 14122  
costs of the Montgomery county municipal court judges in 14123  
comparison to the health care costs of five part-time county court 14124  
judges from the general special projects fund or the fund for a 14125  
specific special project created pursuant to section 1901.26 of 14126  
the Revised Code to the treasurer of Montgomery county and to the 14127  
treasurer of the state in amounts proportional to the percentage 14128  
of the salaries of the municipal court judges paid by the county 14129  
and by the state. 14130

~~(H)~~(G) As used in this section: 14131

(1) The ~~"adjustment percentage" for a year is the lesser of~~ 14132  
~~the following:~~ 14133

~~(a) Three per cent;~~ 14134

~~(b) The percentage increase, if any, in the consumer price 14135  
index over the twelve month period that ends on the thirtieth day 14136  
of September of the immediately preceding year, rounded to the 14137  
nearest one tenth of one per cent.~~ 14138

~~(2)~~ "Consumer price index" has the same meaning as in section 14139  
101.27 of the Revised Code. 14140

~~(3)~~(2) "Salary" does not include any portion of the cost, 14141  
premium, or charge for health, medical, hospital, dental, or 14142  
surgical benefits, or any combination of those benefits, covering 14143  
the chief justice of the supreme court or a justice or judge named 14144  
in this section and paid on the chief justice's or the justice's 14145  
or judge's behalf by a governmental entity. 14146

**Sec. 145.114.** (A) As used in this section and in section 14147  
145.116 of the Revised Code: 14148

(1) "Agent" means a dealer, as defined in section 1707.01 of 14149  
the Revised Code, who is licensed under sections 1707.01 to 14150

1707.45 of the Revised Code or under comparable laws of another state or of the United States.	14151 14152
(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	14153 14154
(3) "Ohio-qualified agent" means an agent designated as such by the public employees retirement board.	14155 14156
(4) "Ohio-qualified investment manager" means an investment manager designated as such by the public employees retirement board.	14157 14158 14159
(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.	14160 14161 14162 14163
(B) The public employees retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:	14164 14165 14166
(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	14167 14168
(2) The agent is authorized to conduct business in this state;	14169 14170
(3) The agent maintains a principal place of business in this state and employs at least five residents of this state.	14171 14172
(C) The public employees retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following:	14173 14174 14175 14176 14177
(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	14178 14179
(2) The execution speed and trade settlement capabilities of	14180

the agent;	14181
(3) The responsiveness, reliability, and integrity of the agent;	14182 14183
(4) The nature and value of research provided by the agent;	14184
(5) Any special capabilities of the agent.	14185
(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	14186 14187 14188 14189 14190 14191 14192
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	14193 14194 14195
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	14196 14197 14198 14199 14200
<del>(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:</del>	14201 14202 14203
<del>(1) The name of each agent designated as an Ohio-qualified agent under this section:</del>	14204 14205
<del>(2) The name of each agent that executes securities transactions on behalf of the board:</del>	14206 14207
<del>(3) The amount of equity and fixed income trades that are executed by Ohio-qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on</del>	14208 14209 14210

<del>behalf of the board;</del>	14211
<del>(4) The compensation paid to Ohio qualified agents, expressed</del>	14212
<del>as a percentage of total compensation paid to all agents that</del>	14213
<del>execute securities transactions on behalf of the board;</del>	14214
<del>(5) The amount of equity and fixed income trades that are</del>	14215
<del>executed by agents that are minority business enterprises,</del>	14216
<del>expressed as a percentage of all equity and fixed income trades</del>	14217
<del>that are executed by agents on behalf of the board;</del>	14218
<del>(6) Any other information requested by the Ohio retirement</del>	14219
<del>study council regarding the board's use of agents.</del>	14220
<b>Sec. 145.116.</b> (A) The public employees retirement board	14221
shall, for the purposes of this section, designate an investment	14222
manager as an Ohio-qualified investment manager if the investment	14223
manager meets all of the following requirements:	14224
(1) The investment manager is subject to taxation under	14225
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	14226
(2) The investment manager meets one of the following	14227
requirements:	14228
(a) Has its corporate headquarters or principal place of	14229
business in this state;	14230
(b) Employs at least five hundred individuals in this state;	14231
(c) Has a principal place of business in this state and	14232
employs at least <del>20</del> <u>twenty</u> residents of this state.	14233
(B)(1) The board shall, at least annually, establish a policy	14234
with the goal to increase utilization by the board of	14235
Ohio-qualified investment managers, when an Ohio-qualified	14236
investment manager offers quality, services, and safety comparable	14237
to other investment managers otherwise available to the board. The	14238
policy shall also provide for the following:	14239



(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products; (14240-14241)

(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria. (14242-14244)

(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final. (14245-14249)

~~(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~ (14250-14252)

~~(1) The name of each investment manager designated as an Ohio-qualified investment manager under this section;~~ (14253-14254)

~~(2) The name of each investment manager with which the board contracts;~~ (14255-14256)

~~(3) The amount of assets managed by Ohio-qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;~~ (14257-14260)

~~(4) The compensation paid to Ohio-qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;~~ (14261-14263)

~~(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.~~ (14264-14265)

**Sec. 145.56.** The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, any other right accrued or accruing to any individual, under this chapter, or under any (14266-14269)

municipal retirement system established subject to this chapter 14270  
under the laws of this state or any charter, the various funds 14271  
created by this chapter, or under such municipal retirement 14272  
system, and all moneys, investments, and income from moneys or 14273  
investments are exempt from any state tax, except the tax imposed 14274  
by section 5747.02 of the Revised Code, and are exempt from any 14275  
county, municipal, or other local tax, except income taxes imposed 14276  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 14277  
Code, and, except as provided in sections 145.57, 145.572, 14278  
145.573, 145.574, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and 14279  
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall 14280  
not be subject to execution, garnishment, attachment, the 14281  
operation of bankruptcy or insolvency laws, or other process of 14282  
law whatsoever, and shall be unassignable except as specifically 14283  
provided in this chapter and sections 3105.171, 3105.65, and 14284  
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 14285  
the Revised Code. 14286

**Sec. 145.571.** (A) As used in this section, "alternate payee," 14287  
"benefit," "lump sum payment," "participant," and "public 14288  
retirement program" have the same meanings as in section 3105.80 14289  
of the Revised Code. 14290

(B) On receipt of an order issued under section 3105.171 or 14291  
3105.65 of the Revised Code, the public employees retirement 14292  
system shall determine whether the order meets the requirements of 14293  
sections 3105.80 to 3105.90 of the Revised Code. The system shall 14294  
retain in the participant's record an order the system determines 14295  
meets the requirements. Not later than sixty days after receipt, 14296  
the system shall return to the court that issued the order any 14297  
order the system determines does not meet the requirements. 14298

(C) The system shall comply with an order retained under 14299  
division (B) of this section at the following times as 14300

appropriate: 14301

(1) If the participant has applied for or is receiving a 14302  
benefit or has applied for but not yet received a lump sum 14303  
payment, as soon as practicable; 14304

(2) If the participant has not applied for a benefit or lump 14305  
sum payment, on application by the participant for a benefit or 14306  
lump sum payment. 14307

(D) If the system transfers a participant's service credit or 14308  
contributions made by or on behalf of a participant to a public 14309  
retirement program that is not named in the order, the system 14310  
shall do both of the following: 14311

(1) Notify the court that issued the order by sending the 14312  
court a copy of the order and the name and address of the public 14313  
retirement program to which the transfer was made; 14314

(2) Send a copy of the order to the public retirement program 14315  
to which the transfer was made. 14316

(E) If it receives a participant's service credit or 14317  
contributions and a copy of an order as provided in division (D) 14318  
of this section, the system shall administer the order as if it 14319  
were the public retirement program named in the order. 14320

(F) If a participant's benefit or lump sum payment is or will 14321  
be subject to more than one order described in section 3105.81 of 14322  
the Revised Code or to an order described in section 3105.81 of 14323  
the Revised Code and a withholding order under section 3111.23 or 14324  
3113.21 of the Revised Code, the system shall, after determining 14325  
that the amounts that are or will be withheld will cause the 14326  
benefit or lump sum payment to fall below the limits described in 14327  
section 3105.85 of the Revised Code, do all of the following: 14328

(1) Establish, in accordance with division (G) of this 14329  
section and subject to the limits described in section 3105.85 of 14330

the Revised Code, the priority in which the orders are or will be 14331  
paid by the system; 14332

(2) Reduce the amount paid to an alternate payee based on the 14333  
priority established under division (F)(1) of this section; 14334

(3) Notify, by regular mail, a participant and alternate 14335  
payee of any action taken under this division. 14336

(G) A withholding or deduction notice issued under section 14337  
3111.23 or 3113.21 of the Revised Code or an order described in 14338  
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 14339  
other orders and shall be complied with in accordance with child 14340  
support enforcement laws. All other orders are entitled to 14341  
priority in order of earliest retention by the system. The system 14342  
is not to retain an order that provides for the division of 14343  
property unless the order is filed in a court with jurisdiction in 14344  
this state. 14345

(H) The system is not liable in civil damages for loss 14346  
resulting from any action or failure to act in compliance with 14347  
this section. 14348

**Sec. 149.04.** Messages of the governor, and the inaugural 14349  
address of the governor-elect, shall be ~~printed~~ produced and 14350  
distributed in ~~pamphlet~~ electronic form ~~and distributed as~~ 14351  
~~follows:~~ 14352

~~(A) To~~ to the governor ~~delivering a message or address, two~~ 14353  
~~hundred fifty copies;~~ 14354

~~(B) To~~ to each member of the general assembly, ~~five copies;~~ 14355

~~(C) To~~ and to the state library, ~~two copies.~~ A physical copy 14356  
of the message or address shall be provided, upon request, to any 14357  
recipient named in this section. 14358

**Sec. 149.43.** (A) As used in this section: 14359

(1) "Public record" means records kept by any public office,	14360
including, but not limited to, state, county, city, village,	14361
township, and school district units, and records pertaining to the	14362
delivery of educational services by an alternative school in this	14363
state kept by the nonprofit or for-profit entity operating the	14364
alternative school pursuant to section 3313.533 of the Revised	14365
Code. "Public record" does not mean any of the following:	14366
(a) Medical records;	14367
(b) Records pertaining to probation and parole proceedings or	14368
to proceedings related to the imposition of community control	14369
sanctions and post-release control sanctions;	14370
(c) Records pertaining to actions under section 2151.85 and	14371
division (C) of section 2919.121 of the Revised Code and to	14372
appeals of actions arising under those sections;	14373
(d) Records pertaining to adoption proceedings, including the	14374
contents of an adoption file maintained by the department of	14375
health under sections 3705.12 to 3705.124 of the Revised Code;	14376
(e) Information in a record contained in the putative father	14377
registry established by section 3107.062 of the Revised Code,	14378
regardless of whether the information is held by the department of	14379
job and family services or, pursuant to section 3111.69 of the	14380
Revised Code, the office of child support in the department or a	14381
child support enforcement agency;	14382
(f) Records specified in division (A) of section 3107.52 of	14383
the Revised Code;	14384
(g) Trial preparation records;	14385
(h) Confidential law enforcement investigatory records;	14386
(i) Records containing information that is confidential under	14387
section 2710.03 or 4112.05 of the Revised Code;	14388
(j) DNA records stored in the DNA database pursuant to	14389

section 109.573 of the Revised Code;	14390
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	14391 14392 14393 14394
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	14395 14396 14397 14398
(m) Intellectual property records;	14399
(n) Donor profile records;	14400
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	14401 14402
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	14403 14404 14405 14406 14407 14408
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	14409 14410 14411 14412 14413
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	14414 14415
(s) <del>Records provided to, statements made by review board members during meetings of, and all work products</del> <u>In the case</u> of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code <u>or a review conducted pursuant to</u>	14416 14417 14418 14419

guidelines established by the director of health under section 14420  
3701.70 of the Revised Code, records provided to the board or 14421  
director, statements made by board members during meetings of the 14422  
board or by persons participating in the director's review, and 14423  
all work products of the board or director, and in the case of a 14424  
child fatality review board, child fatality review data submitted 14425  
by the ~~child fatality review~~ board to the department of health or 14426  
a national child death review database, other than the report 14427  
prepared pursuant to division (A) of section 307.626 of the 14428  
Revised Code; 14429

(t) Records provided to and statements made by the executive 14430  
director of a public children services agency or a prosecuting 14431  
attorney acting pursuant to section 5153.171 of the Revised Code 14432  
other than the information released under that section; 14433

(u) Test materials, examinations, or evaluation tools used in 14434  
an examination for licensure as a nursing home administrator that 14435  
the board of executives of long-term services and supports 14436  
administers under section 4751.04 of the Revised Code or contracts 14437  
under that section with a private or government entity to 14438  
administer; 14439

(v) Records the release of which is prohibited by state or 14440  
federal law; 14441

(w) Proprietary information of or relating to any person that 14442  
is submitted to or compiled by the Ohio venture capital authority 14443  
created under section 150.01 of the Revised Code; 14444

(x) Financial statements and data any person submits for any 14445  
purpose to the Ohio housing finance agency or the controlling 14446  
board in connection with applying for, receiving, or accounting 14447  
for financial assistance from the agency, and information that 14448  
identifies any individual who benefits directly or indirectly from 14449  
financial assistance from the agency; 14450

(y) Records listed in section 5101.29 of the Revised Code;	14451
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	14452 14453 14454
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	14455 14456 14457
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	14458 14459 14460
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code.	14461 14462 14463
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	14464 14465 14466 14467 14468
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	14469 14470 14471 14472
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	14473 14474 14475 14476
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	14477 14478
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or	14479 14480



a confidential information source. 14481

(3) "Medical record" means any document or combination of 14482  
documents, except births, deaths, and the fact of admission to or 14483  
discharge from a hospital, that pertains to the medical history, 14484  
diagnosis, prognosis, or medical condition of a patient and that 14485  
is generated and maintained in the process of medical treatment. 14486

(4) "Trial preparation record" means any record that contains 14487  
information that is specifically compiled in reasonable 14488  
anticipation of, or in defense of, a civil or criminal action or 14489  
proceeding, including the independent thought processes and 14490  
personal trial preparation of an attorney. 14491

(5) "Intellectual property record" means a record, other than 14492  
a financial or administrative record, that is produced or 14493  
collected by or for faculty or staff of a state institution of 14494  
higher learning in the conduct of or as a result of study or 14495  
research on an educational, commercial, scientific, artistic, 14496  
technical, or scholarly issue, regardless of whether the study or 14497  
research was sponsored by the institution alone or in conjunction 14498  
with a governmental body or private concern, and that has not been 14499  
publicly released, published, or patented. 14500

(6) "Donor profile record" means all records about donors or 14501  
potential donors to a public institution of higher education 14502  
except the names and reported addresses of the actual donors and 14503  
the date, amount, and conditions of the actual donation. 14504

(7) "Peace officer, parole officer, probation officer, 14505  
bailiff, prosecuting attorney, assistant prosecuting attorney, 14506  
correctional employee, community-based correctional facility 14507  
employee, youth services employee, firefighter, EMT, or 14508  
investigator of the bureau of criminal identification and 14509  
investigation residential and familial information" means any 14510  
information that discloses any of the following about a peace 14511

officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional

employee, community-based correctional facility employee, youth 14544  
services employee, firefighter, EMT, or investigator of the bureau 14545  
of criminal identification and investigation by the peace 14546  
officer's, parole officer's, probation officer's, bailiff's, 14547  
prosecuting attorney's, assistant prosecuting attorney's, 14548  
correctional employee's, community-based correctional facility 14549  
employee's, youth services employee's, firefighter's, EMT's, or 14550  
investigator of the bureau of criminal identification and 14551  
investigation's employer; 14552

(e) The identity and amount of any charitable or employment 14553  
benefit deduction made by the peace officer's, parole officer's, 14554  
probation officer's, bailiff's, prosecuting attorney's, assistant 14555  
prosecuting attorney's, correctional employee's, community-based 14556  
correctional facility employee's, youth services employee's, 14557  
firefighter's, EMT's, or investigator of the bureau of criminal 14558  
identification and investigation's employer from the peace 14559  
officer's, parole officer's, probation officer's, bailiff's, 14560  
prosecuting attorney's, assistant prosecuting attorney's, 14561  
correctional employee's, community-based correctional facility 14562  
employee's, youth services employee's, firefighter's, EMT's, or 14563  
investigator of the bureau of criminal identification and 14564  
investigation's compensation unless the amount of the deduction is 14565  
required by state or federal law; 14566

(f) The name, the residential address, the name of the 14567  
employer, the address of the employer, the social security number, 14568  
the residential telephone number, any bank account, debit card, 14569  
charge card, or credit card number, or the emergency telephone 14570  
number of the spouse, a former spouse, or any child of a peace 14571  
officer, parole officer, probation officer, bailiff, prosecuting 14572  
attorney, assistant prosecuting attorney, correctional employee, 14573  
community-based correctional facility employee, youth services 14574  
employee, firefighter, EMT, or investigator of the bureau of 14575

criminal identification and investigation; 14576

(g) A photograph of a peace officer who holds a position or 14577  
has an assignment that may include undercover or plain clothes 14578  
positions or assignments as determined by the peace officer's 14579  
appointing authority. 14580

As used in divisions (A)(7) and (B)(9) of this section, 14581  
"peace officer" has the same meaning as in section 109.71 of the 14582  
Revised Code and also includes the superintendent and troopers of 14583  
the state highway patrol; it does not include the sheriff of a 14584  
county or a supervisory employee who, in the absence of the 14585  
sheriff, is authorized to stand in for, exercise the authority of, 14586  
and perform the duties of the sheriff. 14587

As used in divisions (A)(7) and (B)(9) of this section, 14588  
"correctional employee" means any employee of the department of 14589  
rehabilitation and correction who in the course of performing the 14590  
employee's job duties has or has had contact with inmates and 14591  
persons under supervision. 14592

As used in divisions (A)(7) and (B)(9) of this section, 14593  
"youth services employee" means any employee of the department of 14594  
youth services who in the course of performing the employee's job 14595  
duties has or has had contact with children committed to the 14596  
custody of the department of youth services. 14597

As used in divisions (A)(7) and (B)(9) of this section, 14598  
"firefighter" means any regular, paid or volunteer, member of a 14599  
lawfully constituted fire department of a municipal corporation, 14600  
township, fire district, or village. 14601

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 14602  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 14603  
medical services for a public emergency medical service 14604  
organization. "Emergency medical service organization," 14605  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 14606

section 4765.01 of the Revised Code. 14607

As used in divisions (A)(7) and (B)(9) of this section, 14608  
"investigator of the bureau of criminal identification and 14609  
investigation" has the meaning defined in section 2903.11 of the 14610  
Revised Code. 14611

(8) "Information pertaining to the recreational activities of 14612  
a person under the age of eighteen" means information that is kept 14613  
in the ordinary course of business by a public office, that 14614  
pertains to the recreational activities of a person under the age 14615  
of eighteen years, and that discloses any of the following: 14616

(a) The address or telephone number of a person under the age 14617  
of eighteen or the address or telephone number of that person's 14618  
parent, guardian, custodian, or emergency contact person; 14619

(b) The social security number, birth date, or photographic 14620  
image of a person under the age of eighteen; 14621

(c) Any medical record, history, or information pertaining to 14622  
a person under the age of eighteen; 14623

(d) Any additional information sought or required about a 14624  
person under the age of eighteen for the purpose of allowing that 14625  
person to participate in any recreational activity conducted or 14626  
sponsored by a public office or to use or obtain admission 14627  
privileges to any recreational facility owned or operated by a 14628  
public office. 14629

(9) "Community control sanction" has the same meaning as in 14630  
section 2929.01 of the Revised Code. 14631

(10) "Post-release control sanction" has the same meaning as 14632  
in section 2967.01 of the Revised Code. 14633

(11) "Redaction" means obscuring or deleting any information 14634  
that is exempt from the duty to permit public inspection or 14635  
copying from an item that otherwise meets the definition of a 14636

"record" in section 149.011 of the Revised Code. 14637

(12) "Designee" and "elected official" have the same meanings 14638  
as in section 109.43 of the Revised Code. 14639

(B)(1) Upon request and subject to division (B)(8) of this 14640  
section, all public records responsive to the request shall be 14641  
promptly prepared and made available for inspection to any person 14642  
at all reasonable times during regular business hours. Subject to 14643  
division (B)(8) of this section, upon request, a public office or 14644  
person responsible for public records shall make copies of the 14645  
requested public record available at cost and within a reasonable 14646  
period of time. If a public record contains information that is 14647  
exempt from the duty to permit public inspection or to copy the 14648  
public record, the public office or the person responsible for the 14649  
public record shall make available all of the information within 14650  
the public record that is not exempt. When making that public 14651  
record available for public inspection or copying that public 14652  
record, the public office or the person responsible for the public 14653  
record shall notify the requester of any redaction or make the 14654  
redaction plainly visible. A redaction shall be deemed a denial of 14655  
a request to inspect or copy the redacted information, except if 14656  
federal or state law authorizes or requires a public office to 14657  
make the redaction. 14658

(2) To facilitate broader access to public records, a public 14659  
office or the person responsible for public records shall organize 14660  
and maintain public records in a manner that they can be made 14661  
available for inspection or copying in accordance with division 14662  
(B) of this section. A public office also shall have available a 14663  
copy of its current records retention schedule at a location 14664  
readily available to the public. If a requester makes an ambiguous 14665  
or overly broad request or has difficulty in making a request for 14666  
copies or inspection of public records under this section such 14667  
that the public office or the person responsible for the requested 14668

public record cannot reasonably identify what public records are 14669  
being requested, the public office or the person responsible for 14670  
the requested public record may deny the request but shall provide 14671  
the requester with an opportunity to revise the request by 14672  
informing the requester of the manner in which records are 14673  
maintained by the public office and accessed in the ordinary 14674  
course of the public office's or person's duties. 14675

(3) If a request is ultimately denied, in part or in whole, 14676  
the public office or the person responsible for the requested 14677  
public record shall provide the requester with an explanation, 14678  
including legal authority, setting forth why the request was 14679  
denied. If the initial request was provided in writing, the 14680  
explanation also shall be provided to the requester in writing. 14681  
The explanation shall not preclude the public office or the person 14682  
responsible for the requested public record from relying upon 14683  
additional reasons or legal authority in defending an action 14684  
commenced under division (C) of this section. 14685

(4) Unless specifically required or authorized by state or 14686  
federal law or in accordance with division (B) of this section, no 14687  
public office or person responsible for public records may limit 14688  
or condition the availability of public records by requiring 14689  
disclosure of the requester's identity or the intended use of the 14690  
requested public record. Any requirement that the requester 14691  
disclose the requestor's identity or the intended use of the 14692  
requested public record constitutes a denial of the request. 14693

(5) A public office or person responsible for public records 14694  
may ask a requester to make the request in writing, may ask for 14695  
the requester's identity, and may inquire about the intended use 14696  
of the information requested, but may do so only after disclosing 14697  
to the requester that a written request is not mandatory and that 14698  
the requester may decline to reveal the requester's identity or 14699  
the intended use and when a written request or disclosure of the 14700

identity or intended use would benefit the requester by enhancing 14701  
the ability of the public office or person responsible for public 14702  
records to identify, locate, or deliver the public records sought 14703  
by the requester. 14704

(6) If any person chooses to obtain a copy of a public record 14705  
in accordance with division (B) of this section, the public office 14706  
or person responsible for the public record may require that 14707  
person to pay in advance the cost involved in providing the copy 14708  
of the public record in accordance with the choice made by the 14709  
person seeking the copy under this division. The public office or 14710  
the person responsible for the public record shall permit that 14711  
person to choose to have the public record duplicated upon paper, 14712  
upon the same medium upon which the public office or person 14713  
responsible for the public record keeps it, or upon any other 14714  
medium upon which the public office or person responsible for the 14715  
public record determines that it reasonably can be duplicated as 14716  
an integral part of the normal operations of the public office or 14717  
person responsible for the public record. When the person seeking 14718  
the copy makes a choice under this division, the public office or 14719  
person responsible for the public record shall provide a copy of 14720  
it in accordance with the choice made by the person seeking the 14721  
copy. Nothing in this section requires a public office or person 14722  
responsible for the public record to allow the person seeking a 14723  
copy of the public record to make the copies of the public record. 14724

(7) Upon a request made in accordance with division (B) of 14725  
this section and subject to division (B)(6) of this section, a 14726  
public office or person responsible for public records shall 14727  
transmit a copy of a public record to any person by United States 14728  
mail or by any other means of delivery or transmission within a 14729  
reasonable period of time after receiving the request for the 14730  
copy. The public office or person responsible for the public 14731  
record may require the person making the request to pay in advance 14732



the cost of postage if the copy is transmitted by United States 14733  
mail or the cost of delivery if the copy is transmitted other than 14734  
by United States mail, and to pay in advance the costs incurred 14735  
for other supplies used in the mailing, delivery, or transmission. 14736

Any public office may adopt a policy and procedures that it 14737  
will follow in transmitting, within a reasonable period of time 14738  
after receiving a request, copies of public records by United 14739  
States mail or by any other means of delivery or transmission 14740  
pursuant to this division. A public office that adopts a policy 14741  
and procedures under this division shall comply with them in 14742  
performing its duties under this division. 14743

In any policy and procedures adopted under this division, a 14744  
public office may limit the number of records requested by a 14745  
person that the office will transmit by United States mail to ten 14746  
per month, unless the person certifies to the office in writing 14747  
that the person does not intend to use or forward the requested 14748  
records, or the information contained in them, for commercial 14749  
purposes. For purposes of this division, "commercial" shall be 14750  
narrowly construed and does not include reporting or gathering 14751  
news, reporting or gathering information to assist citizen 14752  
oversight or understanding of the operation or activities of 14753  
government, or nonprofit educational research. 14754

(8) A public office or person responsible for public records 14755  
is not required to permit a person who is incarcerated pursuant to 14756  
a criminal conviction or a juvenile adjudication to inspect or to 14757  
obtain a copy of any public record concerning a criminal 14758  
investigation or prosecution or concerning what would be a 14759  
criminal investigation or prosecution if the subject of the 14760  
investigation or prosecution were an adult, unless the request to 14761  
inspect or to obtain a copy of the record is for the purpose of 14762  
acquiring information that is subject to release as a public 14763  
record under this section and the judge who imposed the sentence 14764

or made the adjudication with respect to the person, or the 14765  
judge's successor in office, finds that the information sought in 14766  
the public record is necessary to support what appears to be a 14767  
justiciable claim of the person. 14768

(9)(a) Upon written request made and signed by a journalist 14769  
on or after December 16, 1999, a public office, or person 14770  
responsible for public records, having custody of the records of 14771  
the agency employing a specified peace officer, parole officer, 14772  
probation officer, bailiff, prosecuting attorney, assistant 14773  
prosecuting attorney, correctional employee, community-based 14774  
correctional facility employee, youth services employee, 14775  
firefighter, EMT, or investigator of the bureau of criminal 14776  
identification and investigation shall disclose to the journalist 14777  
the address of the actual personal residence of the peace officer, 14778  
parole officer, probation officer, bailiff, prosecuting attorney, 14779  
assistant prosecuting attorney, correctional employee, 14780  
community-based correctional facility employee, youth services 14781  
employee, firefighter, EMT, or investigator of the bureau of 14782  
criminal identification and investigation and, if the peace 14783  
officer's, parole officer's, probation officer's, bailiff's, 14784  
prosecuting attorney's, assistant prosecuting attorney's, 14785  
correctional employee's, community-based correctional facility 14786  
employee's, youth services employee's, firefighter's, EMT's, or 14787  
investigator of the bureau of criminal identification and 14788  
investigation's spouse, former spouse, or child is employed by a 14789  
public office, the name and address of the employer of the peace 14790  
officer's, parole officer's, probation officer's, bailiff's, 14791  
prosecuting attorney's, assistant prosecuting attorney's, 14792  
correctional employee's, community-based correctional facility 14793  
employee's, youth services employee's, firefighter's, EMT's, or 14794  
investigator of the bureau of criminal identification and 14795  
investigation's spouse, former spouse, or child. The request shall 14796  
include the journalist's name and title and the name and address 14797

of the journalist's employer and shall state that disclosure of 14798  
the information sought would be in the public interest. 14799

(b) Division (B)(9)(a) of this section also applies to 14800  
journalist requests for customer information maintained by a 14801  
municipally owned or operated public utility, other than social 14802  
security numbers and any private financial information such as 14803  
credit reports, payment methods, credit card numbers, and bank 14804  
account information. 14805

(c) As used in division (B)(9) of this section, "journalist" 14806  
means a person engaged in, connected with, or employed by any news 14807  
medium, including a newspaper, magazine, press association, news 14808  
agency, or wire service, a radio or television station, or a 14809  
similar medium, for the purpose of gathering, processing, 14810  
transmitting, compiling, editing, or disseminating information for 14811  
the general public. 14812

(C)(1) If a person allegedly is aggrieved by the failure of a 14813  
public office or the person responsible for public records to 14814  
promptly prepare a public record and to make it available to the 14815  
person for inspection in accordance with division (B) of this 14816  
section or by any other failure of a public office or the person 14817  
responsible for public records to comply with an obligation in 14818  
accordance with division (B) of this section, the person allegedly 14819  
aggrieved may commence a mandamus action to obtain a judgment that 14820  
orders the public office or the person responsible for the public 14821  
record to comply with division (B) of this section, that awards 14822  
court costs and reasonable attorney's fees to the person that 14823  
instituted the mandamus action, and, if applicable, that includes 14824  
an order fixing statutory damages under division (C)(1) of this 14825  
section. The mandamus action may be commenced in the court of 14826  
common pleas of the county in which division (B) of this section 14827  
allegedly was not complied with, in the supreme court pursuant to 14828  
its original jurisdiction under Section 2 of Article IV, Ohio 14829

Constitution, or in the court of appeals for the appellate 14830  
district in which division (B) of this section allegedly was not 14831  
complied with pursuant to its original jurisdiction under Section 14832  
3 of Article IV, Ohio Constitution. 14833

If a requestor transmits a written request by hand delivery 14834  
or certified mail to inspect or receive copies of any public 14835  
record in a manner that fairly describes the public record or 14836  
class of public records to the public office or person responsible 14837  
for the requested public records, except as otherwise provided in 14838  
this section, the requestor shall be entitled to recover the 14839  
amount of statutory damages set forth in this division if a court 14840  
determines that the public office or the person responsible for 14841  
public records failed to comply with an obligation in accordance 14842  
with division (B) of this section. 14843

The amount of statutory damages shall be fixed at one hundred 14844  
dollars for each business day during which the public office or 14845  
person responsible for the requested public records failed to 14846  
comply with an obligation in accordance with division (B) of this 14847  
section, beginning with the day on which the requester files a 14848  
mandamus action to recover statutory damages, up to a maximum of 14849  
one thousand dollars. The award of statutory damages shall not be 14850  
construed as a penalty, but as compensation for injury arising 14851  
from lost use of the requested information. The existence of this 14852  
injury shall be conclusively presumed. The award of statutory 14853  
damages shall be in addition to all other remedies authorized by 14854  
this section. 14855

The court may reduce an award of statutory damages or not 14856  
award statutory damages if the court determines both of the 14857  
following: 14858

(a) That, based on the ordinary application of statutory law 14859  
and case law as it existed at the time of the conduct or 14860  
threatened conduct of the public office or person responsible for 14861

the requested public records that allegedly constitutes a failure 14862  
to comply with an obligation in accordance with division (B) of 14863  
this section and that was the basis of the mandamus action, a 14864  
well-informed public office or person responsible for the 14865  
requested public records reasonably would believe that the conduct 14866  
or threatened conduct of the public office or person responsible 14867  
for the requested public records did not constitute a failure to 14868  
comply with an obligation in accordance with division (B) of this 14869  
section; 14870

(b) That a well-informed public office or person responsible 14871  
for the requested public records reasonably would believe that the 14872  
conduct or threatened conduct of the public office or person 14873  
responsible for the requested public records would serve the 14874  
public policy that underlies the authority that is asserted as 14875  
permitting that conduct or threatened conduct. 14876

(2)(a) If the court issues a writ of mandamus that orders the 14877  
public office or the person responsible for the public record to 14878  
comply with division (B) of this section and determines that the 14879  
circumstances described in division (C)(1) of this section exist, 14880  
the court shall determine and award to the relator all court 14881  
costs. 14882

(b) If the court renders a judgment that orders the public 14883  
office or the person responsible for the public record to comply 14884  
with division (B) of this section, the court may award reasonable 14885  
attorney's fees subject to reduction as described in division 14886  
(C)(2)(c) of this section. The court shall award reasonable 14887  
attorney's fees, subject to reduction as described in division 14888  
(C)(2)(c) of this section when either of the following applies: 14889

(i) The public office or the person responsible for the 14890  
public records failed to respond affirmatively or negatively to 14891  
the public records request in accordance with the time allowed 14892  
under division (B) of this section. 14893

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(D) Chapter 1347. of the Revised Code does not limit the 14926  
provisions of this section. 14927

(E)(1) To ensure that all employees of public offices are 14928  
appropriately educated about a public office's obligations under 14929  
division (B) of this section, all elected officials or their 14930  
appropriate designees shall attend training approved by the 14931  
attorney general as provided in section 109.43 of the Revised 14932  
Code. In addition, all public offices shall adopt a public records 14933  
policy in compliance with this section for responding to public 14934  
records requests. In adopting a public records policy under this 14935  
division, a public office may obtain guidance from the model 14936  
public records policy developed and provided to the public office 14937  
by the attorney general under section 109.43 of the Revised Code. 14938  
Except as otherwise provided in this section, the policy may not 14939  
limit the number of public records that the public office will 14940  
make available to a single person, may not limit the number of 14941  
public records that it will make available during a fixed period 14942  
of time, and may not establish a fixed period of time before it 14943  
will respond to a request for inspection or copying of public 14944  
records, unless that period is less than eight hours. 14945

(2) The public office shall distribute the public records 14946  
policy adopted by the public office under division (E)(1) of this 14947  
section to the employee of the public office who is the records 14948  
custodian or records manager or otherwise has custody of the 14949  
records of that office. The public office shall require that 14950  
employee to acknowledge receipt of the copy of the public records 14951  
policy. The public office shall create a poster that describes its 14952  
public records policy and shall post the poster in a conspicuous 14953  
place in the public office and in all locations where the public 14954  
office has branch offices. The public office may post its public 14955  
records policy on the internet web site of the public office if 14956  
the public office maintains an internet web site. A public office 14957

that has established a manual or handbook of its general policies 14958  
and procedures for all employees of the public office shall 14959  
include the public records policy of the public office in the 14960  
manual or handbook. 14961

(F)(1) The bureau of motor vehicles may adopt rules pursuant 14962  
to Chapter 119. of the Revised Code to reasonably limit the number 14963  
of bulk commercial special extraction requests made by a person 14964  
for the same records or for updated records during a calendar 14965  
year. The rules may include provisions for charges to be made for 14966  
bulk commercial special extraction requests for the actual cost of 14967  
the bureau, plus special extraction costs, plus ten per cent. The 14968  
bureau may charge for expenses for redacting information, the 14969  
release of which is prohibited by law. 14970

(2) As used in division (F)(1) of this section: 14971

(a) "Actual cost" means the cost of depleted supplies, 14972  
records storage media costs, actual mailing and alternative 14973  
delivery costs, or other transmitting costs, and any direct 14974  
equipment operating and maintenance costs, including actual costs 14975  
paid to private contractors for copying services. 14976

(b) "Bulk commercial special extraction request" means a 14977  
request for copies of a record for information in a format other 14978  
than the format already available, or information that cannot be 14979  
extracted without examination of all items in a records series, 14980  
class of records, or database by a person who intends to use or 14981  
forward the copies for surveys, marketing, solicitation, or resale 14982  
for commercial purposes. "Bulk commercial special extraction 14983  
request" does not include a request by a person who gives 14984  
assurance to the bureau that the person making the request does 14985  
not intend to use or forward the requested copies for surveys, 14986  
marketing, solicitation, or resale for commercial purposes. 14987

(c) "Commercial" means profit-seeking production, buying, or 14988



selling of any good, service, or other product. 14989

(d) "Special extraction costs" means the cost of the time 14990  
spent by the lowest paid employee competent to perform the task, 14991  
the actual amount paid to outside private contractors employed by 14992  
the bureau, or the actual cost incurred to create computer 14993  
programs to make the special extraction. "Special extraction 14994  
costs" include any charges paid to a public agency for computer or 14995  
records services. 14996

(3) For purposes of divisions (F)(1) and (2) of this section, 14997  
"surveys, marketing, solicitation, or resale for commercial 14998  
purposes" shall be narrowly construed and does not include 14999  
reporting or gathering news, reporting or gathering information to 15000  
assist citizen oversight or understanding of the operation or 15001  
activities of government, or nonprofit educational research. 15002

**Sec. 153.08.** On the day and at the place named in the notice 15003  
provided for in section 153.06 of the Revised Code, the owner 15004  
referred to in section 153.01 of the Revised Code shall open the 15005  
bids and shall publicly, with the assistance of the architect or 15006  
engineer, immediately proceed to tabulate the bids ~~upon duplicate~~ 15007  
~~sheets. The~~ For a bid filed electronically, the public bid opening 15008  
may be broadcast by electronic means pursuant to rules established 15009  
by the Ohio facilities construction commission. A bid shall be 15010  
invalid and not considered unless a bid guaranty meeting the 15011  
requirements of section 153.54 of the Revised Code and in the form 15012  
approved by the commission is filed with such bid. For a bid that 15013  
is not filed electronically, the bid and bid guaranty shall be 15014  
filed in one sealed envelope. If the bid and bid guaranty are 15015  
filed electronically, they must be received electronically before 15016  
the deadline published pursuant to section 153.06 of the Revised 15017  
Code. For all bids filed electronically, the original, unaltered 15018  
bid guaranty shall be made available to the public authority after 15019

the public bid opening, which may be achieved by means of an 15020  
electronic verification and security system established under 15021  
rules adopted by the Ohio facilities construction commission under 15022  
Chapter 119. of the Revised Code. After investigation, which shall 15023  
be completed within thirty days, the contract shall be awarded by 15024  
such owner to the lowest responsive and responsible bidder in 15025  
accordance with section 9.312 of the Revised Code. 15026

No contract shall be entered into until the industrial 15027  
commission has certified that the person so awarded the contract 15028  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 15029  
until, if the bidder so awarded the contract is a foreign 15030  
corporation, the secretary of state has certified that such 15031  
corporation is authorized to do business in this state, until, if 15032  
the bidder so awarded the contract is a person nonresident of this 15033  
state, such person has filed with the secretary of state a power 15034  
of attorney designating the secretary of state as its agent for 15035  
the purpose of accepting service of summons in any action brought 15036  
under section 153.05 of the Revised Code or under sections 4123.01 15037  
to 4123.94 of the Revised Code, and until the contract and bond, 15038  
if any, are submitted to the attorney general and the attorney 15039  
general's approval certified thereon. 15040

No contract shall be entered into unless the bidder possesses 15041  
a valid certificate of compliance with affirmative action programs 15042  
issued pursuant to section 9.47 of the Revised Code and dated no 15043  
earlier than one hundred eighty days prior to the date fixed for 15044  
the opening of bids for a particular project. 15045

**Sec. 153.70.** (A) Except for any person providing professional 15046  
design services of a research or training nature, any person 15047  
rendering professional design services to a public authority or to 15048  
a design-build firm, including a criteria architect or engineer 15049  
and person performing architect or engineer of record services, 15050

shall have and maintain, or be covered by, during the period the 15051  
services are rendered, a professional liability insurance policy 15052  
or policies with a company or companies that are authorized to do 15053  
business in this state and that afford professional liability 15054  
coverage for the professional design services rendered. The 15055  
insurance shall be in an amount considered sufficient by the 15056  
public authority. At the public authority's discretion, the 15057  
design-build firm shall carry contractor's professional liability 15058  
insurance and any other insurance the public authority considers 15059  
appropriate. 15060

(B) The requirement for professional liability insurance set 15061  
forth in division (A) of this section may be waived by the public 15062  
authority for good cause, or the public authority may allow the 15063  
person providing the professional design services to provide other 15064  
assurances of financial responsibility. 15065

(C) Before construction begins pursuant to a contract for 15066  
design-build services with a design-build firm, the design-build 15067  
firm shall provide a surety bond to the public authority in 15068  
accordance with rules adopted by the executive director of 15069  
~~administrative services~~ the Ohio facilities construction  
commission under Chapter 119. of the Revised Code. 15070  
15071

Sec. 153.83. (A) As used in this section, "public 15072  
improvement" means any of the following: 15073

(1) A road, bridge, highway, street, or tunnel; 15074

(2) A waste water treatment system or water supply system; 15075

(3) A solid waste disposal facility or a storm water and 15076  
sanitary collection, storage, and treatment facility; 15077

(4) Any structure or work constructed by a state agency or by 15078  
another person on behalf of a state agency pursuant to a contract 15079  
with the state agency. 15080

(B) Before a state agency may issue a bid specification for a proposed public improvement that requires a contractor or subcontractor to enter into a project labor agreement, the state agency shall hold a public hearing on the matter.

(C) The state agency shall publish notice of the hearing not less than thirty days before the date of the hearing.

(D) A state agency shall decide whether to include the requirement described in division (B) of this section for a proposed public improvement not earlier than thirty days after the hearing required under that division.

**Sec. 156.01.** As used in sections 156.01 to 156.05 of the Revised Code:

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.

(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes any of the following:

(1) Installation or modification of insulation in the building structure and systems within the building;

(2) Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs;

(3) Installation or modification of automatic energy control

systems;	15111
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	15112 15113
(5) Application of caulking and weather stripping;	15114
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	15115 15116 15117 15118 15119
(7) Installation or modification of energy recovery systems;	15120
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	15121 15122 15123 15124
(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;	15125 15126 15127
(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;	15128 15129 15130 15131
(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;	15132 15133 15134 15135
(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;	15136 15137 15138
(13) Any other modification, installation, or remodeling approved by the <u>executive</u> director of <del>administrative services</del> <u>the</u>	15139 15140

Ohio facilities construction commission as an energy conservation 15141  
measure for one or more buildings owned by either of the 15142  
following: 15143

(a) The state; 15144

(b) A state institution of higher education as defined in 15145  
section 3345.011 of the Revised Code that implements the energy 15146  
conservation measure in consultation with the executive director. 15147

(C) "Energy saving measure" means the acquisition and 15148  
installation, by purchase, lease, lease-purchase, lease with an 15149  
option to buy, or installment purchase, of an energy conservation 15150  
measure and any attendant architectural and engineering consulting 15151  
services. 15152

(D) "Energy, water, or wastewater cost savings" means a 15153  
measured reduction in, as applicable, the cost of fuel, energy or 15154  
water consumption, wastewater production, or stipulated operation 15155  
or maintenance resulting from the implementation of one or more 15156  
energy or water conservation measures, when compared to an 15157  
established baseline for previous such costs, respectively. 15158

(E) "Operating cost savings" means a measured reduction in 15159  
the cost of stipulated operation or maintenance created by the 15160  
installation of new equipment or implementation of a new service, 15161  
when compared with an established baseline for previous such 15162  
stipulated costs. 15163

(F) "Water conservation measure" means an installation or 15164  
modification of an installation in, or a remodeling of, an 15165  
existing building or the surrounding grounds in order to reduce 15166  
water consumption. The term includes any of the following: 15167

(1) Water-conserving fixture, appliance, or equipment, or the 15168  
substitution of a nonwater-using fixture, appliance, or equipment; 15169

(2) Water-conserving, landscape irrigation equipment; 15170

(3) Landscaping measure that reduces storm water runoff	15171
demand and capture and hold applied water and rainfall, including	15172
landscape contouring such as the use of a berm, swale, or terrace	15173
and including the use of a soil amendment, including compost, that	15174
increases the water-holding capacity of the soil;	15175
(4) Rainwater harvesting equipment or equipment to make use	15176
of water collected as part of a storm water system installed for	15177
water quality control;	15178
(5) Equipment for recycling or reuse of water originating on	15179
the premises or from another source, including treated, municipal	15180
effluent;	15181
(6) Equipment needed to capture water for nonpotable uses	15182
from any nonconventional, alternate source, including air	15183
conditioning condensate or gray water;	15184
(7) Any other modification, installation, or remodeling	15185
approved by the <u>executive</u> director of <del>administrative services</del> <u>the</u>	15186
<u>Ohio facilities construction commission</u> as a water conservation	15187
measure for one or more buildings or the surrounding grounds owned	15188
by either of the following:	15189
(a) The state;	15190
(b) A state institution of higher education as defined in	15191
section 3345.011 of the Revised Code that implements the water	15192
conservation measure in consultation with the <u>executive</u> director.	15193
(G) "Water saving measure" means the acquisition and	15194
installation, by the purchase, lease, lease-purchase, lease with	15195
an option to buy, or installment purchases of a water conservation	15196
measure and any attendant architectural and engineering consulting	15197
services.	15198
<b>Sec. 156.02.</b> The executive director of the Ohio facilities	15199
construction commission may, <u>on the executive director's own</u>	15200

initiative or at the request of a state agency, contract with an 15201  
energy or a water services company, architect, professional 15202  
engineer, contractor, or other person experienced in the design 15203  
and implementation of energy or water conservation measures for a 15204  
report containing an analysis and recommendations pertaining to 15205  
the implementation of energy or water conservation measures that 15206  
result in energy, water, or wastewater cost savings, operating 15207  
cost savings, or avoided capital costs for the institution. The 15208  
report shall include estimates of all costs of such installations, 15209  
including the costs of design, engineering, installation, 15210  
maintenance, repairs, and debt service, and estimates of the 15211  
energy, water, or wastewater cost savings, operating cost savings, 15212  
and avoided capital costs created. 15213

**Sec. 156.04.** (A) In accordance with this section and section 15214  
156.03 of the Revised Code, the executive director of the Ohio 15215  
facilities construction commission may, on the executive 15216  
director's own initiative or at the request of a state agency, 15217  
enter into an installment payment contract for the implementation 15218  
of one or more energy or water saving measures. If the executive 15219  
director wishes an installment payment contract to be exempted 15220  
from Chapter 153. of the Revised Code, the executive director 15221  
shall proceed pursuant to section 156.03 of the Revised Code. 15222

(B) Any installment payment contract under this section shall 15223  
provide that all payments, except payments for repairs and 15224  
obligations on termination of the contract prior to its 15225  
expiration, are to be a stated percentage of calculated energy, 15226  
water, or wastewater cost savings, operating costs, and avoided 15227  
capital costs attributable to the one or more measures over a 15228  
defined period of time and are to be made only to the extent that 15229  
those calculated amounts actually occur. No such contract shall 15230  
contain either of the following: 15231



(1) A requirement of any additional capital investment or 15232  
contribution of funds, other than funds available from state or 15233  
federal grants; 15234

(2) In the case of a contract for a cogeneration system 15235  
described in division (B)(8) of section 156.01 of the Revised 15236  
Code, a payment term longer than twenty years, and, in the case of 15237  
all other contracts, a payment term longer than fifteen years. 15238

(C) Any installment payment contract entered into under this 15239  
section shall terminate no later than the last day of the fiscal 15240  
biennium for which funds have been appropriated ~~to the Ohio~~ 15241  
~~facilities construction commission~~ by the general assembly and 15242  
shall be renewed in each succeeding fiscal biennium in which any 15243  
balance of the contract remains unpaid, provided that both an 15244  
appropriation for that succeeding fiscal biennium and the 15245  
certification required by section 126.07 of the Revised Code are 15246  
made. 15247

(D) Any installment payment contract entered into under this 15248  
section shall be eligible for financing provided through the Ohio 15249  
air quality development authority under Chapter 3706. of the 15250  
Revised Code. 15251

Sec. 167.041. An educational service center serving as a 15252  
fiscal agent for a regional council of governments may establish a 15253  
program for the council in which the fiscal agent may enter into 15254  
agreements with the governing body of one or more member 15255  
governments to lend money to the member or members for the purpose 15256  
of improving infrastructure within the territory of the member or 15257  
members located within this state. 15258

**Sec. 167.06.** (A) The governing bodies of the member 15259  
governments may appropriate funds to meet the expenses of the 15260  
council. Services of personnel, use of equipment, and office 15261

space, and other necessary services may be accepted from members 15262  
as part of their financial support. The members of the council, or 15263  
the state of Ohio, its departments, agencies, instrumentalities, 15264  
or political subdivisions or any governmental unit may give to the 15265  
council moneys, real property, personal property, or services. The 15266  
council may establish schedules of dues to be paid by its voting 15267  
members to aid the financing of the operations and programs of the 15268  
council in the manner provided in the agreement establishing the 15269  
council or in the by-laws of the council. The council may permit 15270  
non-member political subdivisions to participate in any of its 15271  
activities regardless of whether such political subdivisions have 15272  
paid dues to the council. 15273

(B) The council may accept funds, grants, gifts, and services 15274  
from the government of the United States or its agencies, from 15275  
this state or its departments, agencies, instrumentalities, or 15276  
from political subdivisions or from any other governmental unit 15277  
whether participating in the council or not, and from private and 15278  
civic sources. 15279

(C) A regional council of governments established to provide 15280  
health care benefits to the member governments' employees and the 15281  
employees' dependents may pool funds received from all the members 15282  
of the council, including members from other states to the extent 15283  
that the laws of such other states permit, for the payment of 15284  
health care related claims and expenses. 15285

(D) The council shall make an annual report of its activities 15286  
to the member governments. 15287

**Sec. 169.051.** (A) As used in this section, "United States 15288  
savings bond" means property, tangible or intangible, in the form 15289  
of a savings bond issued by the United States treasury whether in 15290  
paper form, electric, or paperless form, along with all proceeds 15291  
thereof. 15292

(B) Notwithstanding any provision of the Revised Code to the contrary, United States savings bonds held or owing in this state by any person, or issued or owed in the course of a holder's business, or by a state or other government, political subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in this state and constitute unclaimed funds under this chapter if both of the following apply:

(1) The last known address of the owner of the United States savings bond is in this state;

(2) The United States savings bond has remained unclaimed and unredeemed for three years after final maturity.

(C) United States savings bonds that are presumed abandoned and constitute unclaimed funds under division (B) of this section, including bonds in the possession of the director of commerce, shall escheat to the state three years after becoming abandoned and unclaimed property. All property rights and legal title to and ownership of such bonds or proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state as provided in divisions (D) to (H) of this section.

(D) If, within one hundred eighty days after the three-year period prescribed under division (C) of this section, no claim has been filed under this chapter for the bond, the director shall commence a civil action in a court of competent jurisdiction for a determination that the bond escheats to the state. The director may postpone the commencement of an action until a sufficient number of bonds have accumulated in the director's custody to justify the expense of the proceedings.

(E) Service by publication shall be made in accordance with Rule 4.4 of the Rules of Civil Procedure.

(F) If no person files a claim or appears at the hearing to

substantiate a claim or if the court determines that a claimant is 15324  
not entitled to the property claimed, and if the court is 15325  
satisfied by the evidence that the director has substantially 15326  
complied with the laws of this state, the court shall enter a 15327  
judgment that the bonds have escheated to the state and all 15328  
property rights and legal title to and ownership of the bonds or 15329  
the proceeds from the bonds, including all rights, powers, and 15330  
privileges of survivorship of any owner, co-owner, or beneficiary, 15331  
have vested solely in the state. 15332

(G) The director shall redeem the United States savings bonds 15333  
escheated to the state by judgment of the court. When the proceeds 15334  
that have escheated have been recovered by the director, the 15335  
director shall pay all costs incident to the collection and 15336  
recovery of the proceeds from the redemption of the bonds and 15337  
disburse the remaining balance of the proceeds in the manner 15338  
provided under section 169.05 of the Revised Code for all other 15339  
unclaimed funds. 15340

(H) Notwithstanding section 169.08 of the Revised Code, any 15341  
person claiming a United States savings bond that has escheated to 15342  
the state under this section, or for the proceeds from the bond, 15343  
may file a claim with the director. Upon providing sufficient 15344  
proof of the validity of the person's claim, the director may, in 15345  
the director's discretion, pay the claim less any expenses and 15346  
costs incurred by the state in securing full title and ownership 15347  
of the property by escheat. If payment has been made to a 15348  
claimant, no action thereafter may be maintained by any other 15349  
claimant against the state or any officer of the state, for or on 15350  
account of the payment of the claim. 15351

**Sec. 173.47.** (A) For purposes of publishing the Ohio 15352  
long-term care consumer guide, the department of aging shall 15353  
conduct or provide for the conduct of an annual customer 15354

satisfaction survey of each long-term care facility. The results 15355  
of the surveys may include information obtained from long-term 15356  
care facility residents, their families, or both. ~~A survey that is~~ 15357  
~~to include information obtained from nursing facility residents~~ 15358  
~~shall include the questions specified in divisions (C)(7)(a) and~~ 15359  
~~(b) of section 5165.25 of the Revised Code. A survey that is to~~ 15360  
~~include information obtained from the families of nursing facility~~ 15361  
~~residents shall include the questions specified in divisions~~ 15362  
~~(C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~ 15363

(B) Each long-term care facility shall cooperate in the 15364  
conduct of its annual customer satisfaction survey. 15365

**Sec. 173.48.** (A)(1) The department of aging may charge annual 15366  
fees to long-term care facilities for the publication of the Ohio 15367  
long-term care consumer guide. The department may contract with 15368  
any person or government entity to collect the fees on its behalf. 15369  
All fees collected under this section shall be deposited in 15370  
accordance with division (B) of this section. 15371

(2) The annual fees charged under this section shall not 15372  
exceed the following amounts: 15373

(a) ~~Six hundred fifty dollars for~~ For each long-term care 15374  
facility that is a nursing home, six hundred fifty dollars; 15375

(b) ~~Three hundred dollars for~~ For each long-term care 15376  
facility that is a residential care facility: 15377

(i) Until June 30, 2016, three hundred dollars; 15378

(ii) Beginning July 1, 2016, three hundred fifty dollars. 15379

(3) Fees paid by a long-term care facility that is a nursing 15380  
facility shall be reimbursed through the medicaid program. 15381

(B) There is hereby created in the state treasury the 15382  
long-term care consumer guide fund. Money collected from the fees 15383

charged for the publication of the Ohio long-term care consumer 15384  
guide under division (A) of this section shall be credited to the 15385  
fund. The department shall use money in the fund for costs 15386  
associated with publishing the Ohio long-term care consumer guide, 15387  
including, but not limited to, costs incurred in conducting or 15388  
providing for the conduct of customer satisfaction surveys. 15389

**Sec. 173.522.** (A) The department of aging shall create and 15390  
administer the state-funded component of the PASSPORT program. The 15391  
state-funded component shall not be administered as part of the 15392  
medicaid program. 15393

(B) For an individual to be eligible for the state-funded 15394  
component of the PASSPORT program, the individual must meet one of 15395  
the following requirements and meet the additional eligibility 15396  
requirements applicable to the individual established in rules 15397  
adopted under division (D) of this section: 15398

(1) The individual must have been enrolled in the 15399  
state-funded component on September 1, 1991, (as the state-funded 15400  
component was authorized by uncodified law in effect at that time) 15401  
and have had one or more applications for enrollment in the 15402  
medicaid-funded component of the PASSPORT program (or, if the 15403  
medicaid-funded component is terminated under division (C) of 15404  
section 173.52 of the Revised Code, the unified long-term services 15405  
and support medicaid waiver component) denied. 15406

~~(2) The individual must have had the individual's enrollment 15407  
in the medicaid-funded component of the PASSPORT program (or, if 15408  
the medicaid-funded component is terminated under division (C) of 15409  
section 173.52 of the Revised Code, the unified long-term services 15410  
and support medicaid waiver component) terminated and the 15411  
individual must still need the home and community based services 15412  
provided under the PASSPORT program to protect the individual's 15413  
health and safety. 15414~~

~~(3)~~ The individual must have an application for the 15415  
medicaid-funded component of the PASSPORT program (or, if the 15416  
medicaid-funded component is terminated under division (C) of 15417  
section 173.52 of the Revised Code, the unified long-term services 15418  
and support medicaid waiver component) pending and the department 15419  
or the department's designee must have determined that the 15420  
individual meets the nonfinancial eligibility requirements of the 15421  
medicaid-funded component (or, if the medicaid-funded component is 15422  
terminated under division (C) of section 173.52 of the Revised 15423  
Code, the unified long-term services and support medicaid waiver 15424  
component) and not have reason to doubt that the individual meets 15425  
the financial eligibility requirements of the medicaid-funded 15426  
component (or, if the medicaid-funded component is terminated 15427  
under division (C) of section 173.52 of the Revised Code, the 15428  
unified long-term services and support medicaid waiver component). 15429

(C) An individual who is eligible for the state-funded 15430  
component of the PASSPORT program because the individual meets the 15431  
requirement of division (B)~~(3)~~(2) of this section may participate 15432  
in the component on that basis for ~~not more than ninety days a~~ 15433  
period of time specified in rules adopted under division (D) of 15434  
this section. 15435

(D)(1) The director of aging shall adopt rules in accordance 15436  
with section 111.15 of the Revised Code to implement the 15437  
state-funded component of the PASSPORT program. ~~The~~ 15438

The rules shall include all of the following: 15439

(a) Additional eligibility requirements for an individual to 15440  
be eligible for the state-funded component of the PASSPORT 15441  
program; 15442

(b) The duration that an individual eligible for the 15443  
state-funded component of the PASSPORT program under division 15444  
(B)(2) of this section may participate in that component; 15445

<u>(c) Any other rules the director considers appropriate to</u>	15446
<u>implement the state-funded component of the PASSPORT program.</u>	15447
<u>(2) The</u> additional eligibility requirements established in	15448
the rules may vary for the different groups of individuals	15449
specified in divisions (B)(1), <u>and</u> (2), <del>and (3)</del> of this section.	15450
<b>Sec. 173.523.</b> (A) An individual who is an applicant for or	15451
participant or former participant in the state-funded component of	15452
the PASSPORT program may appeal an adverse action taken or	15453
proposed to be taken by the department of aging or an entity	15454
designated by the department concerning participation in or	15455
services provided under the component if the action will result in	15456
any of the following:	15457
(1) Denial of enrollment or continued enrollment in the	15458
component;	15459
(2) Denial of or reduction in the amount of services	15460
requested by or offered to the individual under the component;	15461
(3) Assessment of any patient liability payment pursuant to	15462
rules adopted by the department under this section.	15463
The appeal shall be made in accordance with section 173.56 of	15464
the Revised Code and rules adopted pursuant to that section.	15465
(B) An individual who is an applicant for or participant or	15466
former participant in the state-funded component of the PASSPORT	15467
program may not bring an appeal under this or any other section of	15468
the Revised Code if any of the following is the case:	15469
(1) The individual has voluntarily withdrawn the application	15470
for enrollment in the component;	15471
(2) The individual has voluntarily terminated enrollment in	15472
the component;	15473
(3) The individual agrees with the action being taken or	15474



proposed; 15475

(4) The individual fails to submit a written request for a 15476  
hearing to the director of aging within the time specified in the 15477  
rules adopted pursuant to section 173.56 of the Revised Code; 15478

(5) The individual has received services under the component 15479  
for the maximum time permitted by ~~this~~ section 173.522 of the 15480  
Revised Code. 15481

**Sec. 173.543.** The department of aging shall create and 15482  
administer the state-funded component of the assisted living 15483  
program. The state-funded component shall not be administered as 15484  
part of the medicaid program. 15485

An individual who is eligible for the state-funded component 15486  
may participate in the component for ~~not more than ninety days a~~ 15487  
period of time specified in rules adopted under this section. 15488

The director of aging shall adopt rules in accordance with 15489  
section 111.15 of the Revised Code to implement the state-funded 15490  
component. The rules shall specify the period that an individual 15491  
eligible for the state-funded component may participate in the 15492  
component. 15493

**Sec. 173.544.** To be eligible for the state-funded component 15494  
of the assisted living program, an individual must meet all of the 15495  
following requirements: 15496

(A) The individual must need an intermediate level of care as 15497  
determined by an assessment conducted under section 173.546 of the 15498  
Revised Code. 15499

(B) The individual must have an application for the 15500  
medicaid-funded component of the assisted living program (or, if 15501  
the medicaid-funded component is terminated under division (C) of 15502  
section 173.54 of the Revised Code, the unified long-term services 15503

and support medicaid waiver component) pending and the department 15504  
or the department's designee must have determined that the 15505  
individual meets the nonfinancial eligibility requirements of the 15506  
medicaid-funded component (or, if the medicaid-funded component is 15507  
terminated under division (C) of section 173.54 of the Revised 15508  
Code, the unified long-term services and support medicaid waiver 15509  
component) and not have reason to doubt that the individual meets 15510  
the financial eligibility requirements of the medicaid-funded 15511  
component (or, if the medicaid-funded component is terminated 15512  
under division (C) of section 173.54 of the Revised Code, the 15513  
unified long-term services and support medicaid waiver component). 15514

(C) While receiving assisted living services under the 15515  
state-funded component, the individual must reside in a 15516  
residential care facility that is authorized by a valid provider 15517  
agreement to participate in the component, including both of the 15518  
following: 15519

(1) A residential care facility that is owned or operated by 15520  
a metropolitan housing authority that has a contract with the 15521  
United States department of housing and urban development to 15522  
receive an operating subsidy or rental assistance for the 15523  
residents of the facility; 15524

(2) A county or district home licensed as a residential care 15525  
facility. 15526

(D) The individual must meet all other eligibility 15527  
requirements for the state-funded component established in rules 15528  
adopted under section ~~173.54~~ 173.543 of the Revised Code. 15529

**Sec. 173.545.** (A) An individual who is an applicant for or 15530  
participant or former participant in the state-funded component of 15531  
the assisted living program may appeal an adverse action taken or 15532  
proposed to be taken by the department of aging or an entity 15533  
designated by the department concerning participation in or 15534

services provided under the component if the action will result in 15535  
any of the following: 15536

(1) Denial of enrollment or continued enrollment in the 15537  
component; 15538

(2) Denial of or reduction in the amount of services 15539  
requested by or offered to the individual under the component; 15540

(3) Assessment of any patient liability payment pursuant to 15541  
rules adopted by the department under this section. 15542

The appeal shall be made in accordance with section 173.56 of 15543  
the Revised Code and rules adopted pursuant to that section. 15544

(B) An individual who is an applicant for or participant or 15545  
former participant in the state-funded component of the assisted 15546  
living program may not bring an appeal under this or any other 15547  
section of the Revised Code if any of the following is the case: 15548

(1) The individual has voluntarily withdrawn the application 15549  
for enrollment in the component; 15550

(2) The individual has voluntarily terminated enrollment in 15551  
the component; 15552

(3) The individual agrees with the action being taken or 15553  
proposed; 15554

(4) The individual fails to submit a written request for a 15555  
hearing to the director of aging within the time specified in the 15556  
rules adopted pursuant to section 173.56 of the Revised Code; 15557

(5) The individual has received services under the component 15558  
for the maximum time permitted by ~~this~~ section 173.543 of the 15559  
Revised Code. 15560

**Sec. 173.548.** An individual enrolled in the medicaid-funded 15561  
component of the assisted living program may choose a single 15562

occupancy room or multiple occupancy room in the residential care facility in which the individual resides. The choice of a multiple occupancy room is subject to approval pursuant to a process the director of aging shall establish in rules adopted under section 173.54 of the Revised Code. 15563  
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**Sec. 174.02.** (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the ~~department of~~ development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The ~~department development services agency~~ shall administer the fund. The Ohio housing finance agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the ~~department development services agency~~ shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised Code. Use of all money drawn from the fund is subject to the following restrictions: 15568  
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(1)(a) Not more than five per cent of the current year appropriation authority for the fund shall be allocated between grants to community development corporations for the community development corporation grant program and grants and loans to the Ohio community development finance fund, a private nonprofit 15590  
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corporation. 15595

(b) In any year in which the amount in the fund exceeds one 15596  
hundred thousand dollars and at least that much is allocated for 15597  
the uses described in this section, not less than one hundred 15598  
thousand dollars shall be used to provide training, technical 15599  
assistance, and capacity building assistance to nonprofit 15600  
development organizations. 15601

(2) Not more than ten per cent of any current year 15602  
appropriation authority for the fund shall be used for the 15603  
emergency shelter housing grants program to make grants to 15604  
private, nonprofit organizations and municipal corporations, 15605  
counties, and townships for emergency shelter housing for the 15606  
homeless and emergency shelter facilities serving unaccompanied 15607  
youth seventeen years of age and younger. The grants shall be 15608  
distributed pursuant to rules the director adopts and qualify as 15609  
matching funds for funds obtained pursuant to the McKinney Act, 15610  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 15611

(3) In any fiscal year in which the amount in the fund 15612  
exceeds the amount awarded pursuant to division (A)(1)(b) of this 15613  
section by at least two hundred fifty thousand dollars, at least 15614  
two hundred fifty thousand dollars from the fund shall be provided 15615  
to the department of aging for the resident services coordinator 15616  
program as established in section 173.08 of the Revised Code. 15617

(4) Of all current year appropriation authority for the fund, 15618  
not more than five per cent shall be used for administration. 15619

(5) Not less than forty-five per cent of the funds awarded 15620  
during any one fiscal year shall be for grants and loans to 15621  
nonprofit organizations under section 174.03 of the Revised Code. 15622

(6) Not less than fifty per cent of the funds awarded during 15623  
any one fiscal year, excluding the amounts awarded pursuant to 15624  
divisions (A)(1), (2), and (7) of this section, shall be for 15625

grants and loans for activities that provide housing and housing 15626  
assistance to families and individuals in rural areas and small 15627  
cities that are not eligible to participate as a participating 15628  
jurisdiction under the "HOME Investment Partnerships Act," 104 15629  
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 15630

(7) No money in the fund shall be used to pay for any legal 15631  
services other than the usual and customary legal services 15632  
associated with the acquisition of housing. 15633

(8) Money in the fund may be used as matching money for 15634  
federal funds received by the state, counties, municipal 15635  
corporations, and townships for the activities listed in section 15636  
174.03 of the Revised Code. 15637

(B) If, after the second quarter of any year, it appears to 15638  
the director of development services that the full amount of the 15639  
money in the fund designated in that year for activities that 15640  
provide housing and housing assistance to families and individuals 15641  
in rural areas and small cities under division (A) of this section 15642  
will not be used for that purpose, the director may reallocate all 15643  
or a portion of that amount for other housing activities. In 15644  
determining whether or how to reallocate money under this 15645  
division, the director may consult with and shall receive advice 15646  
from the housing trust fund advisory committee. 15647

**Sec. 174.09.** (A) The housing trust reserve fund is hereby 15648  
created in the state treasury. The fund shall consist of housing 15649  
trust fund fees collected by county recorders pursuant to section 15650  
317.36 of the Revised Code and deposited into the fund pursuant to 15651  
section 319.63 of the Revised Code. All investment earnings of the 15652  
fund shall be credited to the fund. 15653

(B) If, in the prior fiscal year, the housing trust fund fees 15654  
received by the treasurer of state under section 319.63 of the 15655  
Revised Code amount to less than fifty million dollars, the 15656

director of development services may request the director of 15657  
budget and management to transfer money from the housing trust 15658  
reserve fund to the low- and moderate-income housing trust fund 15659  
created under section 174.02 of the Revised Code. The amount 15660  
transferred, when combined with the housing trust fund fees 15661  
received by the treasurer of state in the prior fiscal year, shall 15662  
not exceed fifty million dollars. The director of development 15663  
services shall provide any additional information regarding a 15664  
transfer request that the director of budget and management may 15665  
require. Based on that information, the director of budget and 15666  
management shall determine the amount to be transferred. 15667

**Sec. 187.03.** (A) JobsOhio may perform such functions as 15668  
permitted and shall perform such duties as prescribed by law and 15669  
as set forth in any contract entered into under section 187.04 of 15670  
the Revised Code, but shall not be considered a state or public 15671  
department, agency, office, body, institution, or instrumentality 15672  
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 15673  
of the Revised Code. JobsOhio and its board of directors are not 15674  
subject to the following sections of Chapter 1702. of the Revised 15675  
Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 15676  
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 15677  
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 15678  
1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 15679  
division shall be construed to impair the powers and duties of the 15680  
Ohio ethics commission described in section 102.06 of the Revised 15681  
Code to investigate and enforce section 102.02 of the Revised Code 15682  
with regard to individuals required to file statements under 15683  
division (B)(2) of this section. 15684

(B)(1) Directors and employees of JobsOhio are not employees 15685  
or officials of the state and, except as provided in division 15686  
(B)(2) of this section, are not subject to Chapter 102., 124., 15687  
145., or 4117. of the Revised Code. 15688

(2) The chief investment officer, any other officer or 15689  
employee with significant administrative, supervisory, 15690  
contracting, or investment authority, and any director of JobsOhio 15691  
shall file, with the Ohio ethics commission, a financial 15692  
disclosure statement pursuant to section 102.02 of the Revised 15693  
Code that includes, in place of the information required by 15694  
divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, 15695  
the information required by divisions (A) and (B) of section 15696  
102.022 of the Revised Code. The governor shall comply with all 15697  
applicable requirements of section 102.02 of the Revised Code. 15698

(3) Actual or in-kind expenditures for the travel, meals, or 15699  
lodging of the governor or of any public official or employee 15700  
designated by the governor for the purpose of this division shall 15701  
not be considered a violation of section 102.03 of the Revised 15702  
Code if the expenditures are made by the corporation, or on behalf 15703  
of the corporation by any person, in connection with the 15704  
governor's performance of official duties related to JobsOhio. The 15705  
governor may designate any person, including a person who is a 15706  
public official or employee as defined in section 102.01 of the 15707  
Revised Code, for the purpose of this division if such 15708  
expenditures are made on behalf of the person in connection with 15709  
the governor's performance of official duties related to JobsOhio. 15710  
A public official or employee so designated by the governor shall 15711  
comply with all applicable requirements of section 102.02 of the 15712  
Revised Code. 15713

At the times and frequency agreed to under division (B)(2)(b) 15714  
of section 187.04 of the Revised Code, beginning in 2012, the 15715  
corporation shall file with the development services agency a 15716  
written report of all such expenditures paid or incurred during 15717  
the preceding calendar year. The report shall state the dollar 15718  
value and purpose of each expenditure, the date of each 15719  
expenditure, the name of the person that paid or incurred each 15720



expenditure, and the location, if any, where services or benefits 15721  
of an expenditure were received, provided that any such 15722  
information that may disclose proprietary information as defined 15723  
in division (C) of this section shall not be included in the 15724  
report. 15725

(4) The prohibition applicable to former public officials or 15726  
employees in division (A)(1) of section 102.03 of the Revised Code 15727  
does not apply to any person appointed to be a director or hired 15728  
as an employee of JobsOhio. 15729

(5) Notwithstanding division (A)(2) of section 145.01 of the 15730  
Revised Code, any person who is a former state employee shall no 15731  
longer be considered a public employee for purposes of Chapter 15732  
145. of the Revised Code upon commencement of employment with 15733  
JobsOhio. 15734

(6) Any director, officer, or employee of JobsOhio may 15735  
request an advisory opinion from the Ohio ethics commission with 15736  
regard to questions concerning the provisions of sections 102.02 15737  
and 102.022 of the Revised Code to which the person is subject. 15738

(C) Meetings of the board of directors at which a quorum of 15739  
the board is required to be physically present pursuant to 15740  
division (F) of section 187.01 of the Revised Code shall be open 15741  
to the public except, by a majority vote of the directors present 15742  
at the meeting, such a meeting may be closed to the public only 15743  
for one or more of the following purposes: 15744

(1) To consider business strategy of the corporation; 15745

(2) To consider proprietary information belonging to 15746  
potential applicants or potential recipients of business 15747  
recruitment, retention, or creation incentives. For the purposes 15748  
of this division, "proprietary information" means marketing plans, 15749  
specific business strategy, production techniques and trade 15750  
secrets, financial projections, or personal financial statements 15751

of applicants or members of the applicants' immediate family, 15752  
including, but not limited to, tax records or other similar 15753  
information not open to the public inspection. 15754

(3) To consider legal matters, including litigation, in which 15755  
the corporation is or may be involved; 15756

(4) To consider personnel matters related to an individual 15757  
employee of the corporation. 15758

(D) The board of directors shall establish a reasonable 15759  
method whereby any person may obtain the time and place of all 15760  
public meetings described in division (C) of this section. The 15761  
method shall provide that any person, upon request and payment of 15762  
a reasonable fee, may obtain reasonable advance notification of 15763  
all such meetings. 15764

(E) The board of directors shall promptly prepare, file, and 15765  
maintain minutes of all public meetings described in division (C) 15766  
of this section. 15767

(F) Not later than March 1, 2012, and the first day of March 15768  
of each year thereafter, the chief investment officer of JobsOhio 15769  
shall prepare and submit a report of the corporation's activities 15770  
for the preceding year to the governor, the speaker and minority 15771  
leader of the house of representatives, and the president and 15772  
minority leader of the senate. The annual report shall include the 15773  
following: 15774

(1) An analysis of the state's economy; 15775

(2) A description of the structure, operation, and financial 15776  
status of the corporation; 15777

(3) A description of the corporation's strategy to improve 15778  
the state economy and the standards of measure used to evaluate 15779  
its progress; 15780

(4) An evaluation of the performance of current strategies 15781

and major initiatives;	15782
(5) An analysis of any statutory or administrative barriers to successful economic development, business recruitment, and job growth in the state identified by JobsOhio during the preceding year.	15783 15784 15785 15786
<b>Sec. 191.04.</b> (A) In accordance with federal laws governing the confidentiality of individually identifiable health information, including the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act, a state agency may exchange protected health information with another state agency relating to eligibility for or enrollment in a health plan or relating to participation in a government program providing public benefits if the exchange of information is necessary for either or both of the following:	15787 15788 15789 15790 15791 15792 15793 15794 15795 15796 15797
(1) Operating a health plan;	15798
(2) Coordinating, or improving the administration or management of, the health care-related functions of at least one government program providing public benefits.	15799 15800 15801
(B) For fiscal years 2013, <del>2014, and 2015</del> <u>through 2017</u> only, a state agency also may exchange personally identifiable information with another state agency for purposes related to and in support of a health transformation initiative identified by the executive director of the office of health transformation pursuant to division (C) of section 191.06 of the Revised Code.	15802 15803 15804 15805 15806 15807
(C) With respect to a state agency that uses or discloses personally identifiable information, all of the following conditions apply:	15808 15809 15810
(1) The state agency shall use or disclose the information	15811

only as permitted or required by state and federal law. In 15812  
addition, if the information is obtained during fiscal year 2013, 15813  
2014, or 2015 from an exchange of personally identifiable 15814  
information permitted under division (B) of this section, the 15815  
agency shall also use or disclose the information in accordance 15816  
with all operating protocols that apply to the use or disclosure. 15817

(2) If the state agency is a state agency other than the 15818  
department of medicaid and it uses or discloses protected health 15819  
information that is related to a medicaid recipient and obtained 15820  
from the department of medicaid or another agency operating a 15821  
component of the medicaid program, the state agency shall comply 15822  
with all state and federal laws that apply to the department of 15823  
medicaid when that department, as the state's single state agency 15824  
to supervise the medicaid program, uses or discloses protected 15825  
health information. 15826

(3) A state agency shall implement administrative, physical, 15827  
and technical safeguards for the purpose of protecting the 15828  
confidentiality, integrity, and availability of personally 15829  
identifiable information the creation, receipt, maintenance, or 15830  
transmittal of which is affected or governed by this section. 15831

(4) If a state agency discovers an unauthorized use or 15832  
disclosure of unsecured protected health information or unsecured 15833  
individually identifiable health information, the state agency 15834  
shall, not later than seventy-two hours after the discovery, do 15835  
all of the following: 15836

(a) Identify the individuals who are the subject of the 15837  
protected health information or individually identifiable health 15838  
information; 15839

(b) Report the discovery and the names of all individuals 15840  
identified pursuant to division (C)(4)(a) of this section to all 15841  
other state agencies and the executive director of the office of 15842

health transformation or the executive director's designee; 15843

(c) Mitigate, to the extent reasonably possible, any 15844  
potential adverse effects of the unauthorized use or disclosure. 15845

(5) A state agency shall make available to the executive 15846  
director of the office of health transformation or the executive 15847  
director's designee, and to any other state or federal 15848  
governmental entity required by law to have access on that 15849  
entity's request, all internal practices, records, and 15850  
documentation relating to personally identifiable information it 15851  
receives, uses, or discloses that is affected or governed by this 15852  
section. 15853

(6) On termination or expiration of an operating protocol and 15854  
if feasible, a state agency shall return or destroy all personally 15855  
identifiable information received directly from or received on 15856  
behalf of another state agency. If the personally identifiable 15857  
information is not returned or destroyed, the state agency 15858  
maintaining the information shall extend the protections set forth 15859  
in this section for as long as it is maintained. 15860

(7) If a state agency enters into a subcontract or, when 15861  
required by 45 C.F.R. 164.502(e)(2), a business associate 15862  
agreement, the subcontract or business associate agreement shall 15863  
require the subcontractor or business associate to comply with the 15864  
terms of this section as if the subcontractor or business 15865  
associate were a state agency. 15866

**Sec. 191.06.** (A) The provisions of this section shall apply 15867  
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 15868

(B) The executive director of the office of health 15869  
transformation or the executive director's designee may facilitate 15870  
the coordination of operations and exchange of information between 15871  
state agencies. The purpose of the executive director's authority 15872

under this section is to support agency collaboration for health 15873  
transformation purposes, including modernization of the medicaid 15874  
program, streamlining of health and human services programs in 15875  
this state, and improving the quality, continuity, and efficiency 15876  
of health care and health care support systems in this state. 15877

(C) In furtherance of the authority of the executive director 15878  
of the office of health transformation under division (B) of this 15879  
section, the executive director or the executive director's 15880  
designee shall identify each health transformation initiative in 15881  
this state that involves the participation of two or more state 15882  
agencies and that permits or requires an interagency agreement to 15883  
be entered into for purposes of specifying each participating 15884  
agency's role in coordinating, operating, or funding the 15885  
initiative, or facilitating the exchange of data or other 15886  
information for the initiative. The executive director shall 15887  
publish a list of the identified health transformation initiatives 15888  
on the internet web site maintained by the office of health 15889  
transformation. 15890

(D) For each health transformation initiative that is 15891  
identified under division (C) of this section, the executive 15892  
director or the executive director's designee shall, in 15893  
consultation with each participating agency, adopt one or more 15894  
operating protocols. Notwithstanding any law enacted by the 15895  
general assembly or rule adopted by a state agency, the provisions 15896  
in a protocol shall supersede any provisions in an interagency 15897  
agreement, including an interagency agreement entered into under 15898  
section 5101.10 or 5162.35 of the Revised Code, that differ from 15899  
the provisions of the protocol. 15900

(E)(1) An operating protocol adopted under division (D) of 15901  
this section shall include both of the following: 15902

(a) All terms necessary to meet the requirements of "other 15903  
arrangements" between a covered entity and a business associate 15904

that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 15905

(b) If known, the date on which the protocol will terminate 15906  
or expire. 15907

(2) In addition, a protocol may specify the extent to which 15908  
each participating agency is responsible and accountable for 15909  
completing the tasks necessary for successful completion of the 15910  
initiative, including tasks relating to the following components 15911  
of the initiative: 15912

(a) Workflow; 15913

(b) Funding; 15914

(c) Exchange of data or other information that is 15915  
confidential pursuant to state or federal law. 15916

(F) An operating protocol adopted under division (D) of this 15917  
section shall have the same force and effect as an interagency 15918  
agreement or data sharing agreement, and each participating agency 15919  
shall comply with it. 15920

**Sec. 305.31.** The procedure for submitting to a referendum a 15921  
resolution adopted by a board of county commissioners under 15922  
division (H) of section 307.695 of the Revised Code that is not 15923  
submitted to the electors of the county for their approval or 15924  
disapproval; any resolution adopted by a board of county 15925  
commissioners pursuant to division (D)(1) of section 307.697, 15926  
section 322.02, 322.06, or 324.02, sections ~~1515.22~~ 940.31 and 15927  
~~1515.24~~ 940.33, division (B)(1) of section 4301.421, section 15928  
4504.02, 5739.021, or 5739.026, division (A)(6), (A)(10), or (M) 15929  
of section 5739.09, section 5741.021 or 5741.023, or division 15930  
(C)(1) of section 5743.024 of the Revised Code; or a rule adopted 15931  
pursuant to section 307.79 of the Revised Code shall be as 15932  
prescribed by this section. 15933

Except as otherwise provided in this paragraph, when a 15934

petition, signed by ten per cent of the number of electors who 15935  
voted for governor at the most recent general election for the 15936  
office of governor in the county, is filed with the county auditor 15937  
within thirty days after the date the resolution is passed or rule 15938  
is adopted by the board of county commissioners, or is filed 15939  
within forty-five days after the resolution is passed, in the case 15940  
of a resolution adopted pursuant to section 5739.021 of the 15941  
Revised Code that is passed within one year after a resolution 15942  
adopted pursuant to that section has been rejected or repealed by 15943  
the electors, requesting that the resolution be submitted to the 15944  
electors of the county for their approval or rejection, the county 15945  
auditor shall, after ten days following the filing of the 15946  
petition, and not later than four p.m. of the ninetieth day before 15947  
the day of election, transmit a certified copy of the text of the 15948  
resolution or rule to the board of elections. In the case of a 15949  
petition requesting that a resolution adopted under division 15950  
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 15951  
division (C)(1) of section 5743.024 of the Revised Code be 15952  
submitted to electors for their approval or rejection, the 15953  
petition shall be signed by seven per cent of the number of 15954  
electors who voted for governor at the most recent election for 15955  
the office of governor in the county. The county auditor shall 15956  
transmit the petition to the board together with the certified 15957  
copy of the resolution or rule. The board shall examine all 15958  
signatures on the petition to determine the number of electors of 15959  
the county who signed the petition. The board shall return the 15960  
petition to the auditor within ten days after receiving it, 15961  
together with a statement attesting to the number of such electors 15962  
who signed the petition. The board shall submit the resolution or 15963  
rule to the electors of the county, for their approval or 15964  
rejection, at the succeeding general election held in the county 15965  
in any year, or on the day of the succeeding primary election held 15966  
in the county in even-numbered years, occurring subsequent to 15967



ninety days after the auditor certifies the sufficiency and 15968  
validity of the petition to the board of elections. 15969

No resolution shall go into effect until approved by the 15970  
majority of those voting upon it. However, a rule shall take 15971  
effect and remain in effect unless and until a majority of the 15972  
electors voting on the question of repeal approve the repeal. 15973  
Sections 305.31 to 305.41 of the Revised Code do not prevent a 15974  
county, after the passage of any resolution or adoption of any 15975  
rule, from proceeding at once to give any notice or make any 15976  
publication required by the resolution or rule. 15977

The board of county commissioners shall make available to any 15978  
person, upon request, a certified copy of any resolution or rule 15979  
subject to the procedure for submitting a referendum under 15980  
sections 305.31 to 305.42 of the Revised Code beginning on the 15981  
date the resolution or rule is adopted by the board. The board may 15982  
charge a fee for the cost of copying the resolution or rule. 15983

As used in this section, "certified copy" means a copy 15984  
containing a written statement attesting that it is a true and 15985  
exact reproduction of the original resolution or rule. 15986

**Sec. 306.35.** Upon the creation of a regional transit 15987  
authority as provided by section 306.32 of the Revised Code, and 15988  
upon the qualifying of its board of trustees and the election of a 15989  
president and a vice-president, the authority shall exercise in 15990  
its own name all the rights, powers, and duties vested in and 15991  
conferred upon it by sections 306.30 to 306.53 of the Revised 15992  
Code. Subject to any reservations, limitations, and qualifications 15993  
that are set forth in those sections, the regional transit 15994  
authority: 15995

(A) May sue or be sued in its corporate name; 15996

(B) May make contracts in the exercise of the rights, powers, 15997

and duties conferred upon it; 15998

(C) May adopt and at will alter a seal and use such seal by 15999  
causing it to be impressed, affixed, reproduced, or otherwise 16000  
used, but failure to affix the seal shall not affect the validity 16001  
of any instrument; 16002

(D)(1) May adopt, amend, and repeal bylaws for the 16003  
administration of its affairs and rules for the control of the 16004  
administration and operation of transit facilities under its 16005  
jurisdiction, and for the exercise of all of its rights of 16006  
ownership in those transit facilities; 16007

(2) The regional transit authority also may adopt bylaws and 16008  
rules for the following purposes: 16009

(a) To prohibit selling, giving away, or using any beer or 16010  
intoxicating liquor on transit vehicles or transit property; 16011

(b) For the preservation of good order within or on transit 16012  
vehicles or transit property; 16013

(c) To provide for the protection and preservation of all 16014  
property and life within or on transit vehicles or transit 16015  
property; 16016

(d) To regulate and enforce the collection of fares. 16017

(3) Before a bylaw or rule adopted under division (D)(2) of 16018  
this section takes effect, the regional transit authority shall 16019  
provide for a notice of its adoption to be published once a week 16020  
for two consecutive weeks in a newspaper of general circulation 16021  
within the territorial boundaries of the regional transit 16022  
authority, or as provided in section 7.16 of the Revised Code. 16023

(4) No person shall violate any bylaw or rule of a regional 16024  
transit authority adopted under division (D)(2) of this section. 16025

(E) May fix, alter, and collect fares, rates, and rentals and 16026  
other charges for the use of transit facilities under its 16027

jurisdiction to be determined exclusively by it for the purpose of 16028  
providing for the payment of the expenses of the regional transit 16029  
authority, the acquisition, construction, improvement, extension, 16030  
repair, maintenance, and operation of transit facilities under its 16031  
jurisdiction, the payment of principal and interest on its 16032  
obligations, and to fulfill the terms of any agreements made with 16033  
purchasers or holders of any such obligations, or with any person 16034  
or political subdivision; 16035

(F) Shall have jurisdiction, control, possession, and 16036  
supervision of all property, rights, easements, licenses, moneys, 16037  
contracts, accounts, liens, books, records, maps, or other 16038  
property rights and interests conveyed, delivered, transferred, or 16039  
assigned to it; 16040

(G)(1) Except as provided in division (G)(2) of this section, 16041  
may acquire, construct, improve, extend, repair, lease, operate, 16042  
maintain, or manage transit facilities within or without its 16043  
territorial boundaries, considered necessary to accomplish the 16044  
purposes of its organization and make charges for the use of 16045  
transit facilities. 16046

(2) Beginning on July 1, 2011, a regional transit authority 16047  
shall not extend its service or facilities into a political 16048  
subdivision outside the territorial boundaries of the authority 16049  
without giving prior notice to the legislative authority of the 16050  
political subdivision. The legislative authority shall have thirty 16051  
days after receiving the notice to comment on the proposal. 16052

(H) May levy and collect taxes as provided in sections 306.40 16053  
and 306.49 of the Revised Code; 16054

(I) May issue bonds secured by its general credit as provided 16055  
in section 306.40 of the Revised Code; 16056

(J) May hold, encumber, control, acquire by donation, by 16057  
purchase for cash or by installment payments, by lease-purchase 16058

agreement, by lease with option to purchase, by borrowing from any 16059  
federal, state, or other governmental or private source, or by 16060  
condemnation, and may construct, own, lease as lessee or lessor, 16061  
use, and sell, real and personal property, or any interest or 16062  
right in real and personal property, within or without its 16063  
territorial boundaries, for the location or protection of transit 16064  
facilities and improvements and access to transit facilities and 16065  
improvements, the relocation of buildings, structures, and 16066  
improvements situated on lands acquired by the regional transit 16067  
authority, or for any other necessary purpose, or for obtaining or 16068  
storing materials to be used in constructing, maintaining, and 16069  
improving transit facilities under its jurisdiction; 16070

(K) May exercise the power of eminent domain to acquire 16071  
property or any interest in property, within or without its 16072  
territorial boundaries, that is necessary or proper for the 16073  
construction or efficient operation of any transit facility or 16074  
access to any transit facility under its jurisdiction in 16075  
accordance with section 306.36 of the Revised Code; 16076

(L) May provide by agreement with any county, including the 16077  
counties within its territorial boundaries, or any municipal 16078  
corporation or any combination of counties or municipal 16079  
corporations for the making of necessary surveys, appraisals, and 16080  
examinations preliminary to the acquisition or construction of any 16081  
transit facility and the amount of the expense for the surveys, 16082  
appraisals, and examinations to be paid by each such county or 16083  
municipal corporation; 16084

(M) May provide by agreement with any county, including the 16085  
counties within its territorial boundaries, or any municipal 16086  
corporation or any combination of those counties or municipal 16087  
corporations for the acquisition, construction, improvement, 16088  
extension, maintenance, or operation of any transit facility owned 16089  
or to be owned and operated by it or owned or to be owned and 16090

operated by any such county or municipal corporation and the terms 16091  
on which it shall be acquired, leased, constructed, maintained, or 16092  
operated, and the amount of the cost and expense of the 16093  
acquisition, lease, construction, maintenance, or operation to be 16094  
paid by each such county or municipal corporation; 16095

(N) May issue revenue bonds for the purpose of acquiring, 16096  
replacing, improving, extending, enlarging, or constructing any 16097  
facility or permanent improvement that it is authorized to 16098  
acquire, replace, improve, extend, enlarge, or construct, 16099  
including all costs in connection with and incidental to the 16100  
acquisition, replacement, improvement, extension, enlargement, or 16101  
construction, and their financing, as provided by section 306.37 16102  
of the Revised Code; 16103

(O) May enter into and supervise franchise agreements for the 16104  
operation of a transit system; 16105

(P) May accept the assignment of and supervise an existing 16106  
franchise agreement for the operation of a transit system; 16107

(Q) May exercise a right to purchase a transit system in 16108  
accordance with the acquisition terms of an existing franchise 16109  
agreement; and in connection with the purchase the regional 16110  
transit authority may issue revenue bonds as provided by section 16111  
306.37 of the Revised Code or issue bonds secured by its general 16112  
credit as provided in section 306.40 of the Revised Code; 16113

(R) May apply for and accept grants or loans from the United 16114  
States, the state, or any other public ~~body~~ or any private source 16115  
for the purpose of providing for the development or improvement of 16116  
transit facilities, mass transportation facilities, equipment, 16117  
techniques, methods, or services, and grants or loans needed to 16118  
exercise a right to purchase a transit system pursuant to 16119  
agreement with the owner of those transit facilities, or for 16120  
providing lawful financial assistance to existing transit systems; 16121

and may provide any consideration that may be required in order to 16122  
obtain those grants or loans from the United States, the state, or 16123  
other public ~~body~~ or private source, either of which grants or 16124  
loans may be evidenced by the issuance of revenue bonds as 16125  
provided by section 306.37 of the Revised Code or general 16126  
obligation bonds as provided by section 306.40 of the Revised 16127  
Code; 16128

(S) May employ and fix the compensation of consulting 16129  
engineers, superintendents, managers, and such other engineering, 16130  
construction, accounting and financial experts, attorneys, and 16131  
other employees and agents necessary for the accomplishment of its 16132  
purposes; 16133

(T) May procure insurance against loss to it by reason of 16134  
damages to its properties resulting from fire, theft, accident, or 16135  
other casualties or by reason of its liability for any damages to 16136  
persons or property occurring in the construction or operation of 16137  
transit facilities under its jurisdiction or the conduct of its 16138  
activities; 16139

(U) May maintain funds that it considers necessary for the 16140  
efficient performance of its duties; 16141

(V) May direct its agents or employees, when properly 16142  
identified in writing, after at least five days' written notice, 16143  
to enter upon lands within or without its territorial boundaries 16144  
in order to make surveys and examinations preliminary to the 16145  
location and construction of transit facilities, without liability 16146  
to it or its agents or employees except for actual damage done; 16147

(W) On its own motion, may request the appropriate zoning 16148  
board, as defined in section 4563.03 of the Revised Code, to 16149  
establish and enforce zoning regulations pertaining to any transit 16150  
facility under its jurisdiction in the manner prescribed by 16151  
sections 4563.01 to 4563.21 of the Revised Code; 16152

(X) If it acquires any existing transit system, shall assume 16153  
all the employer's obligations under any existing labor contract 16154  
between the employees and management of the system. If the board 16155  
acquires, constructs, controls, or operates any such facilities, 16156  
it shall negotiate arrangements to protect the interests of 16157  
employees affected by the acquisition, construction, control, or 16158  
operation. The arrangements shall include, but are not limited to: 16159

(1) The preservation of rights, privileges, and benefits 16160  
under existing collective bargaining agreements or otherwise, the 16161  
preservation of rights and benefits under any existing pension 16162  
plans covering prior service, and continued participation in 16163  
social security in addition to participation in the public 16164  
employees retirement system as required in Chapter 145. of the 16165  
Revised Code; 16166

(2) The continuation of collective bargaining rights; 16167

(3) The protection of individual employees against a 16168  
worsening of their positions with respect to their employment; 16169

(4) Assurances of employment to employees of those transit 16170  
systems and priority reemployment of employees terminated or laid 16171  
off; 16172

(5) Paid training or retraining programs; 16173

(6) Signed written labor agreements. 16174

The arrangements may include provisions for the submission of 16175  
labor disputes to final and binding arbitration. 16176

(Y) May provide for and maintain security operations, 16177  
including a transit police department, subject to section 306.352 16178  
of the Revised Code. Regional transit authority police officers 16179  
shall have the power and duty to act as peace officers within 16180  
transit facilities owned, operated, or leased by the transit 16181  
authority to protect the transit authority's property and the 16182

person and property of passengers, to preserve the peace, and to 16183  
enforce all laws of the state and ordinances and regulations of 16184  
political subdivisions in which the transit authority operates. 16185  
Regional transit authority police officers also shall have the 16186  
power and duty to act as peace officers when they render emergency 16187  
assistance outside their jurisdiction to any other peace officer 16188  
who is not a regional transit authority police officer and who has 16189  
arrest authority under section 2935.03 of the Revised Code. 16190  
Regional transit authority police officers may render emergency 16191  
assistance if there is a threat of imminent physical danger to the 16192  
peace officer, a threat of physical harm to another person, or any 16193  
other serious emergency situation and if either the peace officer 16194  
who is assisted requests emergency assistance or it appears that 16195  
the peace officer who is assisted is unable to request emergency 16196  
assistance and the circumstances observed by the regional transit 16197  
authority police officer reasonably indicate that emergency 16198  
assistance is appropriate. 16199

Before exercising powers of arrest and the other powers and 16200  
duties of a peace officer, each regional transit authority police 16201  
officer shall take an oath and give bond to the state in a sum 16202  
that the board of trustees prescribes for the proper performance 16203  
of the officer's duties. 16204

Persons employed as regional transit authority police 16205  
officers shall complete training for the position to which they 16206  
have been appointed as required by the Ohio peace officer training 16207  
commission as authorized in section 109.77 of the Revised Code, or 16208  
be otherwise qualified. The cost of the training shall be provided 16209  
by the regional transit authority. 16210

(Z) May procure a policy or policies insuring members of its 16211  
board of trustees against liability on account of damages or 16212  
injury to persons and property resulting from any act or omission 16213  
of a member in the member's official capacity as a member of the 16214



board or resulting solely out of the member's membership on the 16215  
board; 16216

(AA) May enter into any agreement for the sale and leaseback 16217  
or lease and leaseback of transit facilities, which agreement may 16218  
contain all necessary covenants for the security and protection of 16219  
any lessor or the regional transit authority including, but not 16220  
limited to, indemnification of the lessor against the loss of 16221  
anticipated tax benefits arising from acts, omissions, or 16222  
misrepresentations of the regional transit authority. In 16223  
connection with that transaction, the regional transit authority 16224  
may contract for insurance and letters of credit and pay any 16225  
premiums or other charges for the insurance and letters of credit. 16226  
The fiscal officer shall not be required to furnish any 16227  
certificate under section 5705.41 of the Revised Code in 16228  
connection with the execution of any such agreement. 16229

(BB) In regard to any contract entered into on or after March 16230  
19, 1993, for the rendering of services or the supplying of 16231  
materials or for the construction, demolition, alteration, repair, 16232  
or reconstruction of transit facilities in which a bond is 16233  
required for the faithful performance of the contract, may permit 16234  
the person awarded the contract to utilize a letter of credit 16235  
issued by a bank or other financial institution in lieu of the 16236  
bond; 16237

(CC) May enter into agreements with municipal corporations 16238  
located within the territorial jurisdiction of the regional 16239  
transit authority permitting regional transit authority police 16240  
officers employed under division (Y) of this section to exercise 16241  
full arrest powers, as provided in section 2935.03 of the Revised 16242  
Code, for the purpose of preserving the peace and enforcing all 16243  
laws of the state and ordinances and regulations of the municipal 16244  
corporation within the areas that may be agreed to by the regional 16245  
transit authority and the municipal corporation. 16246

Sec. 307.679. (A) As used in this section: 16247

(1) "Sports park" means any facility designed and constructed as a venue for public entertainment and recreation by the presentation of sporting and athletic events, or other events and exhibitions, including a facility designed to provide a site for one or more athletic or sports teams or activities, spectator facilities, parking facilities, walkways, and auxiliary facilities; real and personal property; property rights; easements; leasehold estates; and other interests appropriate for, or used in connection with, the operation of those facilities. "Sports park" includes sports complexes consisting of multiple athletic fields for youth and secondary school students and related spectator, parking, and auxiliary facilities. 16248  
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(2) "Sports park bonds" means bonds, notes, or any other debt issued by a county or a port authority for a project, including any bonds issued to refinance or otherwise refund such debt. 16260  
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(3) "Debt service charges" means the principal of and interest and any premium due on sports park bonds whether due at maturity or upon mandatory redemption, together with any required deposits to reserves for the payment of principal of and interest on such sports park bonds, and includes any payments required by a port authority to satisfy any of its obligations arising from any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in this section. 16263  
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(4) "Eligible corporation" means a nonprofit corporation that is organized under the laws of this state the authorized purposes of which encompasses the ability to construct, lease, and operate a sports park, including a nonprofit corporation established under Chapter 1702. or a community improvement corporation established under Chapter 1724. of the Revised Code. 16271  
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(5) "Operator" means the person that leases or subleases a 16277

sports park from a county, port authority, or eligible corporation 16278  
and that operates and manages the sports park. 16279

(6) "Port authority" means a port authority created under 16280  
Chapter 4582. of the Revised Code. 16281

(7) "Project" means acquiring, constructing, reconstructing, 16282  
renovating, rehabilitating, expanding, adding to, equipping, 16283  
furnishing, or otherwise improving a sports park. 16284

(8) "One purpose," "permanent improvement," and "person," 16285  
have the same meanings as in section 133.01 of the Revised Code. 16286

(B) The board of county commissioners of a county having a 16287  
population greater than seventy-five thousand but less than 16288  
seventy-eight thousand according to the 2010 federal decennial 16289  
census may enter into a cooperative agreement with a port 16290  
authority, eligible corporation, operator, or any other person 16291  
under which: 16292

(1) The board agrees to do any or all of the following: 16293

(a) Levy a tax or increase the rate of a tax under section 16294  
5739.09 of the Revised Code, as authorized by that section; 16295

(b) Acquire, convey, or lease real or other property for a 16296  
project; 16297

(c) Issue sports park bonds for a project; 16298

(d) Pledge and contribute all or a portion of the revenue 16299  
from a tax levied under section 5739.09 of the Revised Code, 16300  
together with any investment and earnings on that revenue, to pay 16301  
debt service charges; 16302

(e) Pledge and contribute nontax revenues, together with any 16303  
investment and earnings on such revenues, to pay the debt service 16304  
charges, and, as the board considers appropriate, use all or any 16305  
portion of a tax levied under section 5739.09 of the Revised Code 16306  
to maintain, pay, or otherwise satisfy county obligations and 16307

<u>expenses that such nontax revenues would otherwise pay;</u>	16308
<u>(f) Acquire, construct, reconstruct, renovate, rehabilitate,</u>	16309
<u>expand, add to, equip, furnish, or otherwise improve a sports</u>	16310
<u>park;</u>	16311
<u>(g) Authorize the port authority, eligible corporation,</u>	16312
<u>operator, or other person to administer on behalf of the county</u>	16313
<u>any contracts for a project.</u>	16314
<u>(2) The port authority agrees to do any or all of the</u>	16315
<u>following:</u>	16316
<u>(a) Acquire, convey, or lease real or other property for a</u>	16317
<u>project;</u>	16318
<u>(b) Issue sports park bonds for a project;</u>	16319
<u>(c) Acquire, construct, reconstruct, renovate, rehabilitate,</u>	16320
<u>expand, add to, equip, furnish, or otherwise improve a sports</u>	16321
<u>park;</u>	16322
<u>(d) Authorize the eligible corporation, operator, or other</u>	16323
<u>person to administer on behalf of the port authority any contracts</u>	16324
<u>for a project.</u>	16325
<u>(3) The eligible corporation agrees to do any or all of the</u>	16326
<u>following:</u>	16327
<u>(a) Acquire, convey, or lease real or other property for a</u>	16328
<u>project;</u>	16329
<u>(b) Acquire, construct, reconstruct, renovate, rehabilitate,</u>	16330
<u>expand, add to, equip, furnish, or otherwise improve a sports</u>	16331
<u>park;</u>	16332
<u>(c) Authorize the operator or another person to administer on</u>	16333
<u>behalf of the corporation any contracts for a project.</u>	16334
<u>(4) The operator agrees to do any or all of the following:</u>	16335
<u>(a) Acquire, convey, or lease real or other property for a</u>	16336

project; 16337

(b) Administer on behalf of the county, port authority, or corporation, any contracts for a project; 16338  
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(c) Lease a sports park from the county, port authority, or corporation on terms to be agreed upon between the operator and the lessor, including a lease-purchase agreement under which the operator agrees to acquire for one dollar the sports park at the later of the end of the lease or upon retirement of the sports park bonds; 16340  
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(d) Operate and maintain the sports park. 16346

(C) The pledges and contributions provided for in a cooperative agreement entered into under this section shall be for the period prescribed in the cooperative agreement, but shall not exceed the period necessary to retire any sports park bonds and to satisfy any sports park bond issuing authority's obligations arising from a guaranty agreement, reimbursement agreement, or other credit enhancement agreement relating to sports park bonds or to the revenues pledged to such bonds. 16347  
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The cooperative agreement shall provide for its termination, including termination of the pledges and contributions described in division (B) of this section if the sports park bonds have not been issued, sold, and delivered within two years after the effective date of the cooperative agreement. The cooperative agreement shall provide that any sports park bonds shall be secured by a trust agreement between the issuing authority and a corporate trustee that is a trust company or bank having the powers of a trust company. If the bonds are issued by the port authority, the county may be a party to such trust agreement for the purpose of securing the pledge by the county of its contribution to the corporation pursuant to division (B)(1) of this section. 16355  
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A pledge of money by a county under this section shall not be net indebtedness of the county for purposes of section 133.07 of the Revised Code. Transactions described in divisions (B)(1)(b), (2)(a), (3)(a), and (4)(a) and (c) of this section are not subject to the requirements and limitations of sections 307.02, 307.09, 307.12, 307.86, 307.862, and 4582.12 of the Revised Code. A project is a permanent improvement for one purpose for the purposes of Chapter 133. of the Revised Code.

**Sec. 319.63.** (A) During the first thirty days of each calendar quarter, the county auditor shall pay to the treasurer of state all amounts that the county recorder collected as housing trust fund fees pursuant to section 317.36 of the Revised Code during the previous calendar quarter. If payment is made to the treasurer of state within the first thirty days of the quarter, the county auditor may retain an administrative fee of one per cent of the amount of the trust fund fees collected during the previous calendar quarter.

(B) The treasurer of state shall deposit the first fifty million dollars of housing trust fund fees received each year pursuant to this section into the low- and moderate-income housing trust fund, created under section 174.02 of the Revised Code, ~~and~~. The treasurer of state shall deposit any amounts received each year in excess of fifty million dollars into the housing trust reserve fund created under section 174.09 of the Revised Code, unless the cash balance of the housing trust reserve fund is greater than fifteen million dollars. In that event, the treasurer of state shall deposit any amounts received each year in excess of fifty million dollars into the state general revenue fund.

(C) The county auditor shall deposit the administrative fee that the auditor is permitted to retain pursuant to division (A) of this section into the county general fund for the county

recorder to use in administering the trust fund fee. 16399

**Sec. 321.24.** (A) On or before the fifteenth day of February, 16400  
in each year, the county treasurer shall settle with the county 16401  
auditor for all taxes and assessments that the treasurer has 16402  
collected on the general duplicate of real and public utility 16403  
property at the time of making the settlement. If the county 16404  
treasurer has made or will make advance payments to the several 16405  
taxing districts of current year unpaid taxes under section 16406  
321.341 of the Revised Code before collecting them, the county 16407  
treasurer shall take the advance payments into account for 16408  
purposes of the settlement with the county auditor under this 16409  
division. 16410

(B) On or before the thirtieth day of June, in each year, the 16411  
treasurer shall settle with the auditor for all advance payments 16412  
of general personal and classified property taxes that the 16413  
treasurer has received at the time of making the settlement. 16414

(C) On or before the tenth day of August, in each year, the 16415  
treasurer shall settle with the auditor for all taxes and 16416  
assessments that the treasurer has collected on the general 16417  
duplicates of real and public utility property at the time of 16418  
making such settlement, not included in the preceding February 16419  
settlement. If the county treasurer has made or will make advance 16420  
payments to the several taxing districts of the current year 16421  
delinquent taxes under section 321.341 of the Revised Code before 16422  
collecting them, the county treasurer shall take the advance 16423  
payments into account for purposes of the settlement with the 16424  
county auditor under this division. 16425

(D) On or before the thirty-first day of October, in each 16426  
year, the treasurer shall settle with the auditor for all taxes 16427  
that the treasurer has collected on the general personal and 16428  
classified property duplicates, and for all advance payments of 16429

general personal and classified property taxes, not included in 16430  
the preceding June settlement, that the treasurer has received at 16431  
the time of making such settlement. 16432

(E) In the event the time for the payment of taxes is 16433  
extended, pursuant to section 323.17 of the Revised Code, the date 16434  
on or before which settlement for the taxes so extended must be 16435  
made, as herein prescribed, shall be deemed to be extended for a 16436  
like period of time. At each such settlement, the auditor shall 16437  
allow to the treasurer, on the moneys received or collected and 16438  
accounted for by the treasurer, the treasurer's fees, at the rate 16439  
or percentage allowed by law, at a full settlement of the 16440  
treasurer. 16441

(F) Within thirty days after the day of each settlement of 16442  
taxes required under divisions (A) and (C) of this section, the 16443  
treasurer shall certify to the tax commissioner any adjustments 16444  
that have been made to the amount certified previously pursuant to 16445  
section 319.302 of the Revised Code and that the settlement has 16446  
been completed. Upon receipt of such certification, the 16447  
commissioner shall provide for payment to the county treasurer 16448  
from the general revenue fund of an amount equal to one-half of 16449  
the amount certified by the treasurer in the preceding tax year 16450  
under section 319.302 of the Revised Code, less one-half of the 16451  
amount computed for all taxing districts in that county for the 16452  
current fiscal year under section 5703.80 of the Revised Code for 16453  
crediting to the property tax administration fund. Such payment 16454  
shall be credited upon receipt to the county's undivided income 16455  
tax fund, and the county auditor shall transfer to the county 16456  
general fund from the amount thereof the total amount of all fees 16457  
and charges which the auditor and treasurer would have been 16458  
authorized to receive had such section not been in effect and that 16459  
amount had been levied and collected as taxes. The county auditor 16460  
shall distribute the amount remaining among the various taxing 16461



districts in the county as if it had been levied, collected, and 16462  
settled as real property taxes. The amount distributed to each 16463  
taxing district shall be reduced by the total of the amounts 16464  
computed for the district under section 5703.80 of the Revised 16465  
Code, but the reduction shall not exceed the amount that otherwise 16466  
would be distributed to the taxing district under this division. 16467  
The tax commissioner shall make available to taxing districts such 16468  
information as is sufficient for a taxing district to be able to 16469  
determine the amount of the reduction in its distribution under 16470  
this section. 16471

(G)(1) Within thirty days after the day of the settlement 16472  
required in division (D) of this section, the county treasurer 16473  
shall notify the tax commissioner that the settlement has been 16474  
completed. Upon receipt of that notification, the commissioner 16475  
shall provide for payment to the county treasurer from the general 16476  
revenue fund of an amount equal to the amount certified under 16477  
former section 319.311 of the Revised Code and paid in the state's 16478  
fiscal year 2003 multiplied by the percentage specified in 16479  
division (G)(2) of this section. The payment shall be credited 16480  
upon receipt to the county's undivided income tax fund, and the 16481  
county auditor shall distribute the amount thereof among the 16482  
various taxing districts of the county as if it had been levied, 16483  
collected, and settled as personal property taxes. The amount 16484  
received by a taxing district under this division shall be 16485  
apportioned among its funds in the same proportion as the current 16486  
year's personal property taxes are apportioned. 16487

(2) Payments required under division (G)(1) of this section 16488  
shall be made at the following percentages of the amount certified 16489  
under former section 319.311 of the Revised Code and paid under 16490  
division (G)(1) of this section in the state's fiscal year 2003: 16491

(a) In fiscal year 2004, ninety per cent; 16492

(b) In fiscal year 2005, eighty per cent; 16493

(c) In fiscal year 2006, sixty-four per cent;	16494
(d) In fiscal year 2007, forty per cent;	16495
(e) In fiscal year 2008, thirty-two per cent;	16496
(f) In fiscal year 2009, sixteen per cent.	16497
After fiscal year 2009, no payments shall be made under	16498
division (G)(1) of this section.	16499
(H)(1) On or before the fifteenth day of April each year, the	16500
county treasurer shall settle with the county auditor for all	16501
manufactured home taxes that the county treasurer has collected on	16502
the manufactured home tax duplicate at the time of making the	16503
settlement.	16504
(2) On or before the fifteenth day of September each year,	16505
the county treasurer shall settle with the county auditor for all	16506
remaining manufactured home taxes that the county treasurer has	16507
collected on the manufactured home tax duplicate at the time of	16508
making the settlement.	16509
(3) If the time for payment of such taxes is extended under	16510
section 4503.06 of the Revised Code, the time for making the	16511
settlement as prescribed by divisions (H)(1) and (2) of this	16512
section is extended for a like period of time.	16513
(I) On or before the second Monday in September of each year,	16514
the county treasurer shall certify to the tax commissioner the	16515
total amount by which the manufactured home taxes levied in that	16516
year were reduced pursuant to section 319.302 of the Revised Code.	16517
Within ninety days after the receipt of such certification, the	16518
commissioner shall provide for payment to the county treasurer	16519
from the general revenue fund of an amount equal to the amount	16520
certified by the treasurer. Such payment shall be credited upon	16521
receipt to the county's undivided income tax fund, and the county	16522
auditor shall transfer to the county general fund from the amount	16523

thereof the total amount of all fees and charges that the auditor 16524  
and treasurer would have been authorized to receive had such 16525  
section not been in effect and that amount had been levied and 16526  
collected as manufactured home taxes. The county auditor shall 16527  
distribute the amount remaining among the various taxing districts 16528  
in the county as if it had been levied, collected, and settled as 16529  
manufactured home taxes. 16530

(J) On the same date as each settlement of taxes under 16531  
divisions (A) and (C) of this section, and notwithstanding any 16532  
other provision of this section, the county treasurer shall 16533  
provide for payment to the treasurer of state, from the county 16534  
undivided general tax fund, of an amount equal to the amount of 16535  
the taxes the treasurer has collected with respect to the tangible 16536  
personal property of electric companies and energy companies, as 16537  
those terms are defined in section 5727.01 of the Revised Code, 16538  
multiplied by a fraction, the numerator of which is the difference 16539  
between the percentage determined for that tax year under division 16540  
(B)(3) of section 5727.09 of the Revised Code and eighty-five per 16541  
cent, and the denominator of which is the percentage determined 16542  
for that tax year under that division. The treasurer of state 16543  
shall place all money transferred pursuant to this division to the 16544  
credit of the production equipment property tax replacement fund, 16545  
which is hereby created in the state treasury. 16546

**Sec. 323.13.** Except as provided in section 323.134 of the 16547  
Revised Code, immediately upon receipt of any tax duplicate from 16548  
the county auditor, but not less than twenty days prior to the 16549  
last date on which the first one-half taxes may be paid without 16550  
penalty as prescribed in section 323.12 or 323.17 of the Revised 16551  
Code, the county treasurer shall cause to be prepared and mailed 16552  
or delivered to each person charged on such duplicate with taxes 16553  
or to an agent designated by such person, the tax bill prescribed 16554  
by the commissioner of tax equalization under section 323.131 of 16555

the Revised Code. When taxes are paid by installments, the county treasurer shall mail or deliver to each person charged on such duplicate or the agent designated by such person, a second tax bill showing the amount due at the time of the second tax collection. The second-half tax bill shall be mailed or delivered at least twenty days prior to the close of the second-half tax collection period. The treasurer shall maintain a record of the person or agent to whom each bill is mailed or delivered.

After delivery of the delinquent land duplicate as prescribed in section 5721.011 of the Revised Code, the county treasurer may prepare and mail to each person in whose name property therein is listed an additional tax bill showing the total amount of delinquent taxes appearing on such duplicate against such property. The tax bill shall include a notice that the interest charge prescribed by division (B) of section 323.121 of the Revised Code has begun to accrue.

A change in the mailing address of any tax bill shall be made in writing to the county treasurer.

Upon certification by the county auditor of the apportionment of taxes following the transfer of a part of a tract or lot of real estate, and upon request by the owner of any transferred or remaining part of such tract or parcel, the treasurer shall cause to be prepared and mailed or delivered to such owner a tax bill for the taxes allocated to the owner's part, together with the penalties, interest, and other charges.

Failure to receive any bill required by this section does not excuse failure or delay to pay any taxes shown on such bill or, except as provided in division (B)(1) of section 5715.39 of the Revised Code, avoid any penalty, interest, or charge for such delay.

**Sec. 325.03.** Each county auditor shall be classified, for

salary purposes, according to the population of the county. All 16587  
county auditors shall receive annual compensation in accordance 16588  
with the following schedules and in accordance with section 325.18 16589  
of the Revised Code: 16590

~~(A) CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16592

~~FOR CALENDAR YEAR 2000~~ 16593

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$39,368</del>	16595
<del>2</del>	<del>20,001 — 40,000</del>	<del>41,706</del>	16596
<del>3</del>	<del>40,001 — 55,000</del>	<del>43,911</del>	16597
<del>4</del>	<del>55,001 — 70,000</del>	<del>45,376</del>	16598
<del>5</del>	<del>70,001 — 85,000</del>	<del>46,876</del>	16599
<del>6</del>	<del>85,001 — 95,000</del>	<del>51,801</del>	16600
<del>7</del>	<del>95,001 — 105,000</del>	<del>53,383</del>	16601
<del>8</del>	<del>105,001 — 125,000</del>	<del>54,927</del>	16602
<del>9</del>	<del>125,001 — 175,000</del>	<del>57,950</del>	16603
<del>10</del>	<del>175,001 — 275,000</del>	<del>59,911</del>	16604
<del>11</del>	<del>275,001 — 400,000</del>	<del>65,004</del>	16605
<del>12</del>	<del>400,001 — 550,000</del>	<del>67,213</del>	16606
<del>13</del>	<del>550,001 — 1,000,000</del>	<del>69,267</del>	16607
<del>14</del>	<del>Over 1,000,000</del>	<del>71,225</del>	16608

~~(B) CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16609

~~FOR CALENDAR YEAR 2001~~ 16610

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$40,549</del>	16612
<del>2</del>	<del>20,001 — 40,000</del>	<del>42,957</del>	16613
<del>3</del>	<del>40,001 — 55,000</del>	<del>45,228</del>	16614
<del>4</del>	<del>55,001 — 70,000</del>	<del>46,737</del>	16615
<del>5</del>	<del>70,001 — 85,000</del>	<del>48,282</del>	16616
<del>6</del>	<del>85,001 — 95,000</del>	<del>53,356</del>	16617
<del>7</del>	<del>95,001 — 105,000</del>	<del>54,983</del>	16618

8	<del>105,001 - 125,000</del>	<del>56,575</del>	16619
9	<del>125,001 - 175,000</del>	<del>59,690</del>	16620
10	<del>175,001 - 275,000</del>	<del>61,708</del>	16621
11	<del>275,001 - 400,000</del>	<del>66,953</del>	16622
12	<del>400,001 - 550,000</del>	<del>69,229</del>	16623
13	<del>550,001 - 1,000,000</del>	<del>71,345</del>	16624
14	<del>Over 1,000,000</del>	<del>73,362</del>	16625

~~(C)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 16626

FOR CALENDAR YEAR 2002 16627

Class	Population Range	Compensation	
1	1 - 20,000	\$41,765	16629
2	20,001 - 40,000	44,246	16630
3	40,001 - 55,000	46,585	16631
4	55,001 - 70,000	48,139	16632
5	70,001 - 85,000	49,731	16633
6	85,001 - 95,000	54,957	16634
7	95,001 - 105,000	56,633	16635
8	105,001 - 125,000	58,272	16636
9	125,001 - 175,000	61,480	16637
10	175,001 - 275,000	63,560	16638
11	275,001 - 400,000	68,962	16639
12	400,001 - 550,000	71,306	16640
13	550,001 - 1,000,000	73,485	16641
14	Over 1,000,000	75,563	16642

~~(D)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 16643

~~AFTER FOR~~ CALENDAR YEAR ~~2002~~ 2016 16644

Class	Population Range	Compensation	
1	1 - 20,000	<del>\$45,573</del> <u>56,103</u>	16646
2	20,001 - 35,000	<del>47,983</del> <u>59,069</u>	16647
3	35,001 - 55,000	<del>49,584</del> <u>61,039</u>	16648
4	55,001 - 95,000	<del>58,332</del> <u>71,810</u>	16649
5	95,001 - 200,000	<del>65,466</del> <u>80,592</u>	16650
6	200,001 - 400,000	<del>73,445</del> <u>90,414</u>	16651

7	400,001 - 1,000,000	77,829 <u>95,810</u>	16652
8	1,000,001 or more	80,164 <u>98,684</u>	16653

CLASSIFICATION AND COMPENSATION SCHEDULE 16654

FOR CALENDAR YEAR 2017 AND THEREAFTER 16655

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,091</u>	16657
<u>2</u>	<u>55,001 - 95,000</u>	<u>75,400</u>	16658
<u>3</u>	<u>95,001 - 200,000</u>	<u>84,621</u>	16659
<u>4</u>	<u>200,001 - 400,000</u>	<u>94,935</u>	16660
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>100,601</u>	16661
<u>6</u>	<u>1,000,001 or more</u>	<u>103,618</u>	16662

**Sec. 325.04.** Each county treasurer shall be classified, for 16663  
salary purposes, according to the population of the county. All 16664  
county treasurers shall receive annual compensation in accordance 16665  
with the following schedules and in accordance with section 325.18 16666  
of the Revised Code: 16667

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16668

~~FOR CALENDAR YEAR 2000~~ 16669

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<del>1</del>	<del>1 - 20,000</del>	<del>\$29,932</del>	16671
<del>2</del>	<del>20,001 - 40,000</del>	<del>32,426</del>	16672
<del>3</del>	<del>40,001 - 55,000</del>	<del>34,921</del>	16673
<del>4</del>	<del>55,001 - 70,000</del>	<del>37,415</del>	16674
<del>5</del>	<del>70,001 - 85,000</del>	<del>39,078</del>	16675
<del>6</del>	<del>85,001 - 95,000</del>	<del>42,404</del>	16676
<del>7</del>	<del>95,001 - 105,000</del>	<del>44,067</del>	16677
<del>8</del>	<del>105,001 - 125,000</del>	<del>45,729</del>	16678
<del>9</del>	<del>125,001 - 175,000</del>	<del>48,640</del>	16679
<del>10</del>	<del>175,001 - 275,000</del>	<del>50,718</del>	16680
<del>11</del>	<del>275,001 - 400,000</del>	<del>54,460</del>	16681
<del>12</del>	<del>400,001 - 550,000</del>	<del>56,538</del>	16682
<del>13</del>	<del>550,001 - 1,000,000</del>	<del>58,617</del>	16683

14	Over 1,000,000	60,695	16684
	CLASSIFICATION AND COMPENSATION SCHEDULE		16685
	FOR <del>CALENDAR</del> CALENDAR YEAR 2001		16686
Class	Population Range	Compensation	16687
1	1 - 20,000	\$33,399	16688
2	20,001 - 35,000	35,969	16689
3	35,001 - 55,000	38,537	16690
4	55,001 - 95,000	45,389	16691
5	95,001 - 200,000	52,240	16692
6	200,001 - 400,000	58,234	16693
7	400,001 - 1,000,000	62,516	16694
8	1,000,001 or more	64,704	16695
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16696
	<u>FOR CALENDAR YEAR 2016</u>		16697
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16698
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	16699
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	16700
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	16701
<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	16702
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	16703
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	16704
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	16705
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	16706
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16707
	<u>FOR CALENDAR YEAR 2017 AND THEREAFTER</u>		16708
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16709
<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	16710
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	16711
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	16712
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	16713
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	16714
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	16715



Sec. 325.06. (A) Each sheriff shall be classified, for salary 16716  
purposes, according to the population of the county. All sheriffs 16717  
shall receive annual compensation in accordance with the following 16718  
schedules and in accordance with section 325.18 of the Revised 16719  
Code: 16720

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16721

~~FOR CALENDER YEAR 2000~~ 16722

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$37,172</del>	16723
<del>2</del>	<del>20,001 — 40,000</del>	<del>39,666</del>	16724
<del>3</del>	<del>40,001 — 55,000</del>	<del>42,160</del>	16725
<del>4</del>	<del>55,001 — 70,000</del>	<del>43,824</del>	16726
<del>5</del>	<del>70,001 — 85,000</del>	<del>47,737</del>	16727
<del>6</del>	<del>85,001 — 95,000</del>	<del>49,401</del>	16728
<del>7</del>	<del>95,001 — 105,000</del>	<del>51,063</del>	16729
<del>8</del>	<del>105,001 — 125,000</del>	<del>52,727</del>	16730
<del>9</del>	<del>125,001 — 175,000</del>	<del>55,636</del>	16731
<del>10</del>	<del>175,001 — 275,000</del>	<del>62,216</del>	16732
<del>11</del>	<del>275,001 — 400,000</del>	<del>64,296</del>	16733
<del>12</del>	<del>400,001 — 600,000</del>	<del>69,699</del>	16734
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>71,778</del>	16735
<del>14</del>	<del>Over 1,000,000</del>	<del>73,857</del>	16736

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16737

~~FOR CALENDER CALENDAR YEAR 2001~~ 16738

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 - 20,000</del>	<del>\$40,855</del>	16739
<del>2</del>	<del>20,001 - 35,000</del>	<del>43,425</del>	16740
<del>3</del>	<del>35,001 - 55,000</del>	<del>45,139</del>	16741
<del>4</del>	<del>55,001 - 95,000</del>	<del>52,595</del>	16742
<del>5</del>	<del>95,001 - 200,000</del>	<del>64,082</del>	16743
<del>6</del>	<del>200,001 - 400,000</del>	<del>71,790</del>	16744
<del>7</del>	<del>400,001 - 1,000,000</del>	<del>76,073</del>	16745

8	1,000,001 or more	78,279	16748
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16749
	<u>FOR CALENDAR YEAR 2016</u>		16750
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16751
<u>1</u>	<u>1 - 20,000</u>	<u>\$50,295</u>	16752
<u>2</u>	<u>20,001 - 35,000</u>	<u>53,458</u>	16753
<u>3</u>	<u>35,001 - 55,000</u>	<u>55,568</u>	16754
<u>4</u>	<u>55,001 - 95,000</u>	<u>64,747</u>	16755
<u>5</u>	<u>95,001 - 200,000</u>	<u>78,888</u>	16756
<u>6</u>	<u>200,001 - 400,000</u>	<u>88,379</u>	16757
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>93,650</u>	16758
<u>8</u>	<u>1,000,001 or more</u>	<u>96,364</u>	16759
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16760
	<u>FOR CALENDAR YEAR 2017</u>		16761
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16762
<u>1</u>	<u>1 - 55,000</u>	<u>\$58,347</u>	16763
<u>2</u>	<u>55,001 - 95,000</u>	<u>67,985</u>	16764
<u>3</u>	<u>95,001 - 200,000</u>	<u>82,832</u>	16765
<u>4</u>	<u>200,001 - 400,000</u>	<u>92,797</u>	16766
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>98,332</u>	16767
<u>6</u>	<u>1,000,001 or more</u>	<u>101,182</u>	16768
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16769
	<u>FOR CALENDAR YEAR 2018</u>		16770
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16771
<u>1</u>	<u>1 - 55,000</u>	<u>\$61,624</u>	16772
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,384</u>	16773
<u>3</u>	<u>95,001 - 200,000</u>	<u>86,974</u>	16774
<u>4</u>	<u>200,001 - 400,000</u>	<u>97,437</u>	16775
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>103,249</u>	16776
<u>6</u>	<u>1,000,001 or more</u>	<u>106,241</u>	16777
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16778
	<u>FOR CALENDAR YEARS 2019 AND THEREAFTER</u>		16779
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16780

<u>1</u>	<u>1 - 55,000</u>	<u>\$64,327</u>	16781
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,953</u>	16782
<u>3</u>	<u>95,001 - 200,000</u>	<u>91,322</u>	16783
<u>4</u>	<u>200,001 - 400,000</u>	<u>102,309</u>	16784
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>108,411</u>	16785
<u>6</u>	<u>1,000,001 or more</u>	<u>111,553</u>	16786

(B) In addition to the annual compensation that a sheriff receives under this section for performing the duties of sheriff prescribed by law, each sheriff shall receive in consideration of the impact of Amended Substitute Senate Bill No. 2 of the 121st general assembly on the workload of the sheriff, an additional amount equal to one-eighth of the annual compensation that the sheriff receives under division (A) of this section and section 325.18 of the Revised Code. This additional compensation shall be paid biweekly from the county treasury if adequate funds have been appropriated by the general assembly. If adequate funds have been appropriated by the general assembly for the purposes of this section, not later than the fifteenth day of March and September of each year, the attorney general shall reimburse the fiscal officer of the county the amount of additional compensation paid under this division, the related amount of employer contributions made under Chapter 145. of the Revised Code as required by the public employees retirement board, and the related amount of the payments to the social security administration for employer contributions for Medicare part A. The fiscal officer shall deposit the revenue in the county treasury.

**Sec. 325.08.** Each clerk of the court of common pleas shall be classified, for salary purposes, according to the population of the county. All clerks of the court of common pleas shall receive annual compensation in accordance with the following schedules and in accordance with section 325.18 of the Revised Code:

<del>FOR CALENDER YEAR 2000</del>			
<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$29,932</del>	16813
<del>2</del>	<del>20,001 — 40,000</del>	<del>32,426</del>	16814
<del>3</del>	<del>40,001 — 55,000</del>	<del>34,921</del>	16815
<del>4</del>	<del>55,001 — 70,000</del>	<del>37,415</del>	16816
<del>5</del>	<del>70,001 — 85,000</del>	<del>39,078</del>	16817
<del>6</del>	<del>85,001 — 95,000</del>	<del>42,404</del>	16818
<del>7</del>	<del>95,001 — 105,000</del>	<del>44,067</del>	16819
<del>8</del>	<del>105,001 — 125,000</del>	<del>45,729</del>	16820
<del>9</del>	<del>125,001 — 175,000</del>	<del>48,640</del>	16821
<del>10</del>	<del>175,001 — 275,000</del>	<del>50,718</del>	16822
<del>11</del>	<del>275,001 — 400,000</del>	<del>54,460</del>	16823
<del>12</del>	<del>400,001 — 600,000</del>	<del>56,538</del>	16824
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>58,616</del>	16825
<del>14</del>	<del>Over 1,000,000</del>	<del>60,695</del>	16826

CLASSIFICATION AND COMPENSATION SCHEDULE

~~FOR CALENDER~~ CALENDAR YEAR 2001

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
1	1 - 20,000	\$33,399	16827
2	20,001 - 35,000	35,969	16828
3	35,001 - 55,000	38,537	16829
4	55,001 - 95,000	45,389	16830
5	95,001 - 200,000	52,240	16831
6	200,001 - 400,000	58,234	16832
7	400,001 - 1,000,000	62,516	16833
8	1,000,001 or more	64,704	16834

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2016

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	16835
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	16836
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	16837

<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	16846
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	16847
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	16848
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	16849
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	16850

CLASSIFICATION AND COMPENSATION SCHEDULE 16851

FOR CALENDAR YEAR 2017 AND THEREAFTER 16852

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16853
<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	16854
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	16855
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	16856
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	16857
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	16858
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	16859

**Sec. 325.09.** Each county recorder shall be classified, for 16860  
salary purposes, according to the population of the county. All 16861  
county recorders shall receive annual compensation in accordance 16862  
with the following schedules and in accordance with section 325.18 16863  
of the Revised Code: 16864

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16865

~~FOR CALENDAR YEAR 2000~~ 16866

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16867
<u>1</u>	<u>1 - 20,000</u>	<u>\$29,101</u>	16868
<u>2</u>	<u>20,001 - 40,000</u>	<u>31,595</u>	16869
<u>3</u>	<u>40,001 - 55,000</u>	<u>34,089</u>	16870
<u>4</u>	<u>55,001 - 70,000</u>	<u>35,752</u>	16871
<u>5</u>	<u>70,001 - 85,000</u>	<u>37,415</u>	16872
<u>6</u>	<u>85,001 - 95,000</u>	<u>40,741</u>	16873
<u>7</u>	<u>95,001 - 105,000</u>	<u>41,572</u>	16874
<u>8</u>	<u>105,001 - 125,000</u>	<u>42,404</u>	16875
<u>9</u>	<u>125,001 - 175,000</u>	<u>44,898</u>	16876
<u>10</u>	<u>175,001 - 275,000</u>	<u>47,392</u>	16877

11	<del>275,001 - 400,000</del>	<del>51,550</del>	16878
12	<del>400,001 - 600,000</del>	<del>54,044</del>	16879
13	<del>600,001 - 1,000,000</del>	<del>56,538</del>	16880
14	<del>Over 1,000,000</del>	<del>59,033</del>	16881

CLASSIFICATION AND COMPENSATION SCHEDULE 16882

FOR ~~CALENDAR~~ CALENDAR YEAR 2001 16883

Class	Population Range	Compensation	
1	1 - 20,000	\$32,543	16885
2	20,001 - 35,000	35,112	16886
3	35,001 - 55,000	36,825	16887
4	55,001 - 95,000	42,820	16888
5	95,001 - 200,000	48,815	16889
6	200,001 - 400,000	55,665	16890
7	400,001 - 1,000,000	60,803	16891
8	1,000,001 or more	63,479	16892

CLASSIFICATION AND COMPENSATION SCHEDULE 16893

FOR CALENDAR YEAR 2016 16894

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$40,061</u>	16896
<u>2</u>	<u>20,001 - 35,000</u>	<u>43,223</u>	16897
<u>3</u>	<u>35,001 - 55,000</u>	<u>45,333</u>	16898
<u>4</u>	<u>55,001 - 95,000</u>	<u>52,713</u>	16899
<u>5</u>	<u>95,001 - 200,000</u>	<u>60,094</u>	16900
<u>6</u>	<u>200,001 - 400,000</u>	<u>68,525</u>	16901
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	16902
<u>8</u>	<u>1,000,001 or more</u>	<u>78,144</u>	16903

CLASSIFICATION AND COMPENSATION SCHEDULE 16904

FOR CALENDAR YEAR 2017 AND THEREAFTER 16905

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$47,599</u>	16907
<u>2</u>	<u>55,001 - 95,000</u>	<u>55,349</u>	16908
<u>3</u>	<u>95,001 - 200,000</u>	<u>63,098</u>	16909
<u>4</u>	<u>200,001 - 400,000</u>	<u>71,951</u>	16910

<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	16911
<u>6</u>	<u>1,000,001 or more</u>	<u>82,051</u>	16912

Sec. 325.10. Each county commissioner shall be classified, 16913  
for salary purposes, according to the population of the county. 16914  
All county commissioners shall receive annual compensation in 16915  
accordance with the following schedules and in accordance with 16916  
section 325.18 of the Revised Code: 16917

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16918

~~FOR CALENDER YEAR 2000~~ 16919

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$28,006</del>	16921
<del>2</del>	<del>20,001 — 40,000</del>	<del>30,932</del>	16922
<del>3</del>	<del>40,001 — 55,000</del>	<del>33,858</del>	16923
<del>4</del>	<del>55,001 — 70,000</del>	<del>36,784</del>	16924
<del>5</del>	<del>70,001 — 85,000</del>	<del>39,710</del>	16925
<del>6</del>	<del>85,001 — 95,000</del>	<del>43,890</del>	16926
<del>7</del>	<del>95,001 — 105,000</del>	<del>45,980</del>	16927
<del>8</del>	<del>105,001 — 125,000</del>	<del>48,070</del>	16928
<del>9</del>	<del>125,001 — 175,000</del>	<del>51,205</del>	16929
<del>10</del>	<del>175,001 — 275,000</del>	<del>54,340</del>	16930
<del>11</del>	<del>275,001 — 400,000</del>	<del>59,565</del>	16931
<del>12</del>	<del>400,001 — 600,000</del>	<del>63,745</del>	16932
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>67,925</del>	16933
<del>14</del>	<del>Over 1,000,000</del>	<del>72,105</del>	16934

CLASSIFICATION AND COMPENSATION SCHEDULE 16935

FOR ~~CALENDER~~ CALENDAR YEAR 2001 16936

Class	Population Range	Compensation	
1	1 - 20,000	\$31,860	16938
2	20,001 - 35,000	34,874	16939
3	35,001 - 55,000	37,888	16940
4	55,001 - 95,000	47,359	16941
5	95,001 - 200,000	55,970	16942

6	200,001 - 400,000	65,656	16943
7	400,001 - 1,000,000	74,269	16944
8	1,000,001 or more	78,874	16945

CLASSIFICATION AND COMPENSATION SCHEDULE 16946

FOR CALENDAR YEAR 2016 16947

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$39,221</u>	16949
<u>2</u>	<u>20,001 - 35,000</u>	<u>42,932</u>	16950
<u>3</u>	<u>35,001 - 55,000</u>	<u>46,642</u>	16951
<u>4</u>	<u>55,001 - 95,000</u>	<u>58,300</u>	16952
<u>5</u>	<u>95,001 - 200,000</u>	<u>68,901</u>	16953
<u>6</u>	<u>200,001 - 400,000</u>	<u>80,825</u>	16954
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>91,429</u>	16955
<u>8</u>	<u>1,000,001 or more</u>	<u>97,098</u>	16956

CLASSIFICATION AND COMPENSATION SCHEDULE 16957

FOR CALENDAR YEAR 2017 AND THEREAFTER 16958

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$48,974</u>	16960
<u>2</u>	<u>55,001 - 95,000</u>	<u>61,215</u>	16961
<u>3</u>	<u>95,001 - 200,000</u>	<u>72,346</u>	16962
<u>4</u>	<u>200,001 - 400,000</u>	<u>84,866</u>	16963
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,000</u>	16964
<u>6</u>	<u>1,000,001 or more</u>	<u>101,953</u>	16965

**Sec. 325.11.** (A) Each prosecuting attorney shall be 16966  
classified, for salary purposes, according to the population of 16967  
the county. All prosecuting attorneys shall receive annual 16968  
compensation in accordance with the following schedules and in 16969  
accordance with section 325.18 of the Revised Code: 16970

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16971

~~FOR CALENDAR YEAR 2000 FOR~~ 16972

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~ 16973

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
			16974



<del>1</del>	<del>1 — 20,000</del>	<del>\$43,235</del>	16975
<del>2</del>	<del>20,001 — 40,000</del>	<del>44,898</del>	16976
<del>3</del>	<del>40,001 — 55,000</del>	<del>46,561</del>	16977
<del>4</del>	<del>55,001 — 70,000</del>	<del>48,224</del>	16978
<del>5</del>	<del>70,001 — 85,000</del>	<del>49,471</del>	16979
<del>6</del>	<del>85,001 — 95,000</del>	<del>52,381</del>	16980
<del>7</del>	<del>95,001 — 105,000</del>	<del>53,628</del>	16981
<del>8</del>	<del>105,001 — 125,000</del>	<del>54,875</del>	16982
<del>9</del>	<del>125,001 — 175,000</del>	<del>56,538</del>	16983
<del>10</del>	<del>175,001 — 275,000</del>	<del>58,201</del>	16984
<del>11</del>	<del>275,001 — 400,000</del>	<del>61,527</del>	16985
<del>12</del>	<del>400,001 — 600,000</del>	<del>64,853</del>	16986
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>66,516</del>	16987
<del>14</del>	<del>Over 1,000,000</del>	<del>69,010</del>	16988

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16989

~~FOR CALENDER YEAR 2000 FOR~~ 16990

~~PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE~~ 16991

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$76,651</del>	16992
<del>2</del>	<del>20,001 — 40,000</del>	<del>76,651</del>	16993
<del>3</del>	<del>40,001 — 55,000</del>	<del>86,233</del>	16994
<del>4</del>	<del>55,001 — 70,000</del>	<del>86,233</del>	16995
<del>5</del>	<del>70,001 — 85,000</del>	<del>95,815</del>	16996
<del>6</del>	<del>85,001 — 95,000</del>	<del>95,815</del>	16997
<del>7</del>	<del>95,001 — 105,000</del>	<del>95,815</del>	16998
<del>8</del>	<del>105,001 — 125,000</del>	<del>95,815</del>	16999
<del>9</del>	<del>125,001 — 175,000</del>	<del>95,815</del>	17000
<del>10</del>	<del>175,001 — 275,000</del>	<del>95,815</del>	17001
<del>11</del>	<del>275,001 — 400,000</del>	<del>95,815</del>	17002
<del>12</del>	<del>400,001 — 600,000</del>	<del>95,815</del>	17003
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>95,815</del>	17004
<del>14</del>	<del>Over 1,000,000</del>	<del>95,815</del>	17005

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 17006

	FOR <del>CALENDER</del> <u>CALENDAR</u> YEAR 2001 FOR		17008
	PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE		17009
Class	Population Range	Compensation	17010
1	1 - 20,000	\$46,245	17011
2	20,001 - 35,000	47,958	17012
3	35,001 - 55,000	49,671	17013
4	55,001 - 95,000	55,237	17014
5	95,001 - 200,000	59,947	17015
6	200,001 - 400,000	66,799	17016
7	400,001 - 1,000,000	71,079	17017
8	1,000,001 or more	73,709	17018
	CLASSIFICATION AND COMPENSATION SCHEDULE		17019
	FOR <del>CALENDER</del> <u>CALENDAR</u> YEAR 2001 FOR		17020
	PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE		17021
Class	Population Range	Compensation	17022
1	1 - 20,000	\$78,952	17023
2	20,001 - 35,000	88,821	17024
3	35,001 - 55,000	88,821	17025
4	55,001 - 95,000	98,689	17026
5	95,001 - 200,000	98,689	17027
6	200,001 - 400,000	98,689	17028
7	400,001 - 1,000,000	101,085	17029
8	1,000,001 or more	103,480	17030
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17031
	<u>FOR CALENDAR YEAR 2016 FOR</u>		17032
	<u>PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE</u>		17033
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17034
<u>1</u>	<u>1 - 20,000</u>	<u>\$56,929</u>	17035
<u>2</u>	<u>20,001 - 35,000</u>	<u>59,037</u>	17036
<u>3</u>	<u>35,001 - 55,000</u>	<u>61,146</u>	17037
<u>4</u>	<u>55,001 - 95,000</u>	<u>67,999</u>	17038
<u>5</u>	<u>95,001 - 200,000</u>	<u>73,798</u>	17039
<u>6</u>	<u>200,001 - 400,000</u>	<u>82,233</u>	17040

7	<u>400,001 - 1,000,000</u>	<u>87,502</u>	17041
8	<u>1,000,001 or more</u>	<u>90,739</u>	17042

CLASSIFICATION AND COMPENSATION SCHEDULE 17043

FOR CALENDAR YEAR 2016 FOR 17044

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 17045

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$97,193</u>	17047
<u>2</u>	<u>20,001 - 35,000</u>	<u>109,342</u>	17048
<u>3</u>	<u>35,001 - 55,000</u>	<u>109,342</u>	17049
<u>4</u>	<u>55,001 - 95,000</u>	<u>121,488</u>	17050
<u>5</u>	<u>95,001 - 200,000</u>	<u>121,488</u>	17051
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	17052
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	17053
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	17054

CLASSIFICATION AND COMPENSATION SCHEDULE 17055

FOR CALENDAR YEAR 2017 FOR 17056

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 17057

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,203</u>	17059
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,399</u>	17060
<u>3</u>	<u>95,001 - 200,000</u>	<u>77,488</u>	17061
<u>4</u>	<u>200,001 - 400,000</u>	<u>86,344</u>	17062
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>91,877</u>	17063
<u>6</u>	<u>1,000,001 or more</u>	<u>95,276</u>	17064

CLASSIFICATION AND COMPENSATION SCHEDULE 17065

FOR CALENDAR YEAR 2017 FOR 17066

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 17067

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$114,809</u>	17069
<u>2</u>	<u>55,001 - 95,000</u>	<u>127,563</u>	17070
<u>3</u>	<u>95,001 - 200,000</u>	<u>127,563</u>	17071
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	17072
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	17073

<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	17074
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17075
	<u>FOR CALENDAR YEAR 2018 FOR</u>		17076
	<u>PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE</u>		17077
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17078
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,413</u>	17079
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,969</u>	17080
<u>3</u>	<u>95,001 - 200,000</u>	<u>81,363</u>	17081
<u>4</u>	<u>200,001 - 400,000</u>	<u>90,662</u>	17082
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,471</u>	17083
<u>6</u>	<u>1,000,001 or more</u>	<u>100,040</u>	17084
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17085
	<u>FOR CALENDAR YEAR 2018 FOR</u>		17086
	<u>PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE</u>		17087
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17088
<u>1</u>	<u>1 - 55,000</u>	<u>\$120,549</u>	17089
<u>2</u>	<u>55,001 - 95,000</u>	<u>133,941</u>	17090
<u>3</u>	<u>95,001 - 200,000</u>	<u>133,941</u>	17091
<u>4</u>	<u>200,001 - 400,000</u>	<u>133,941</u>	17092
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>137,194</u>	17093
<u>6</u>	<u>1,000,001 or more</u>	<u>140,447</u>	17094
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17095
	<u>FOR CALENDAR YEARS 2019 AND THEREAFTER FOR</u>		17096
	<u>PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE</u>		17097
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17098
<u>1</u>	<u>1 - 55,000</u>	<u>\$70,784</u>	17099
<u>2</u>	<u>55,001 - 95,000</u>	<u>78,717</u>	17100
<u>3</u>	<u>95,001 - 200,000</u>	<u>85,431</u>	17101
<u>4</u>	<u>200,001 - 400,000</u>	<u>95,195</u>	17102
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>101,294</u>	17103
<u>6</u>	<u>1,000,001 or more</u>	<u>105,042</u>	17104
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17105
	<u>FOR CALENDAR YEARS 2019 AND THEREAFTER FOR</u>		17106

<u>PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE</u>			17107
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17108
<u>1</u>	<u>1 - 55,000</u>	<u>\$126,577</u>	17109
<u>2</u>	<u>55,001 - 95,000</u>	<u>140,638</u>	17110
<u>3</u>	<u>95,001 - 200,000</u>	<u>140,638</u>	17111
<u>4</u>	<u>200,001 - 400,000</u>	<u>140,638</u>	17112
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>144,053</u>	17113
<u>6</u>	<u>1,000,001 or more</u>	<u>147,469</u>	17114
<u>(B) Notwithstanding the compensation specified in division</u>			17115
<u>(A) of this section, a prosecuting attorney in a county with a</u>			17116
<u>population of one million one or more who does not engage in the</u>			17117
<u>private practice of law shall receive in calendar year 2020 and in</u>			17118
<u>each calendar year thereafter annual compensation in an amount</u>			17119
<u>equal to the total compensation paid to a judge of the court of</u>			17120
<u>common pleas of that county pursuant to sections 141.04 and 141.05</u>			17121
<u>of the Revised Code for the same calendar year, reduced by one</u>			17122
<u>hundred dollars.</u>			17123
<u>(C) A prosecuting attorney shall not engage in the private</u>			17124
<u>practice of law unless before taking office the prosecuting</u>			17125
<u>attorney notifies the board of county commissioners of the</u>			17126
<u>intention to engage in the private practice of law.</u>			17127
A prosecuting attorney may elect to engage or not to engage			17128
in the private practice of law before the commencement of each new			17129
term of office, and a prosecuting attorney who engages in the			17130
private practice of law who intends not to engage in the private			17131
practice of law during the prosecuting attorney's next term of			17132
office shall so notify the board of county commissioners. A			17133
prosecuting attorney who elects not to engage in the private			17134
practice of law may, for a period of six months after taking			17135
office, engage in the private practice of law for the purpose of			17136
concluding the affairs of private practice of law without any			17137
diminution of salary as provided for in division (A) of this			17138

section and in section 325.18 of the Revised Code. 17139

~~(C)~~(D) As used in this section, "salary" does not include any 17140  
portion of the cost, premium, or charge for health, medical, 17141  
hospital, dental, or surgical benefits, or any combination of 17142  
those benefits, covering the prosecuting attorney and paid on that 17143  
person's behalf by a governmental entity. 17144

**Sec. 325.14.** (A) Each county engineer shall be classified, 17145  
for salary purposes, according to the population of the county. 17146  
All county engineers shall receive annual compensation in 17147  
accordance with the following schedules and in accordance with 17148  
section 325.18 of the Revised Code: 17149

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 17150

~~FOR CALENDAR YEAR 2000 FOR~~ 17151

~~COUNTY ENGINEERS WITH A PRIVATE PRACTICE~~ 17152

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$44,898</del>	17153
<del>2</del>	<del>20,001 — 40,000</del>	<del>46,893</del>	17154
<del>3</del>	<del>40,001 — 55,000</del>	<del>48,889</del>	17155
<del>4</del>	<del>55,001 — 70,000</del>	<del>50,884</del>	17156
<del>5</del>	<del>70,001 — 85,000</del>	<del>52,215</del>	17157
<del>6</del>	<del>85,001 — 95,000</del>	<del>53,545</del>	17158
<del>7</del>	<del>95,001 — 105,000</del>	<del>54,875</del>	17159
<del>8</del>	<del>105,001 — 125,000</del>	<del>55,707</del>	17160
<del>9</del>	<del>125,001 — 175,000</del>	<del>57,370</del>	17161
<del>10</del>	<del>175,001 — 275,000</del>	<del>59,033</del>	17162
<del>11</del>	<del>275,001 — 400,000</del>	<del>60,695</del>	17163
<del>12</del>	<del>400,001 — 600,000</del>	<del>62,358</del>	17164
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>64,021</del>	17165
<del>14</del>	<del>Over 1,000,000</del>	<del>66,516</del>	17166

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 17167

~~FOR CALENDAR YEAR 2000 FOR~~ 17168

~~COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE~~ 17170

Class	Population Range	Compensation	
<del>1</del>	<del>1—20,000</del>	<del>\$64,694</del>	17172
<del>2</del>	<del>20,001—40,000</del>	<del>66,690</del>	17173
<del>3</del>	<del>40,001—55,000</del>	<del>68,686</del>	17174
<del>4</del>	<del>55,001—70,000</del>	<del>70,681</del>	17175
<del>5</del>	<del>70,001—85,000</del>	<del>72,011</del>	17176
<del>6</del>	<del>85,001—95,000</del>	<del>73,342</del>	17177
<del>7</del>	<del>95,001—105,000</del>	<del>74,672</del>	17178
<del>8</del>	<del>105,001—125,000</del>	<del>75,503</del>	17179
<del>9</del>	<del>125,001—175,000</del>	<del>77,166</del>	17180
<del>10</del>	<del>175,001—275,000</del>	<del>78,829</del>	17181
<del>11</del>	<del>275,001—400,000</del>	<del>80,492</del>	17182
<del>12</del>	<del>400,001—600,000</del>	<del>82,155</del>	17183
<del>13</del>	<del>600,001—1,000,000</del>	<del>83,818</del>	17184
<del>14</del>	<del>Over 1,000,000</del>	<del>86,312</del>	17185

CLASSIFICATION AND COMPENSATION SCHEDULE 17186

FOR CALENDAR YEAR 2001 FOR 17187

COUNTY ENGINEERS WITH A PRIVATE PRACTICE 17188

Class	Population Range	Compensation	
1	1 - 20,000	\$48,300	17190
2	20,001 - 35,000	50,356	17191
3	35,001 - 55,000	52,411	17192
4	55,001 - 95,000	56,521	17193
5	95,001 - 200,000	60,803	17194
6	200,001 - 400,000	64,229	17195
7	400,001 - 1,000,000	68,510	17196
8	1,000,001 or more	71,182	17197

CLASSIFICATION AND COMPENSATION SCHEDULE 17198

FOR CALENDAR YEAR 2001 FOR 17199

COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE 17200

Class	Population Range	Compensation	
1	1 - 20,000	\$68,691	17202

2	20,001 - 35,000	70,746	17203
3	35,001 - 55,000	72,801	17204
4	55,001 - 95,000	76,912	17205
5	95,001 - 200,000	81,193	17206
6	200,001 - 400,000	84,619	17207
7	400,001 - 1,000,000	88,901	17208
8	1,000,001 or more	91,568	17209

CLASSIFICATION AND COMPENSATION SCHEDULE 17210

FOR CALENDAR YEAR 2016 FOR 17211

COUNTY ENGINEERS WITH A PRIVATE PRACTICE 17212

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17213
<u>1</u>	<u>1 - 20,000</u>	<u>\$59,460</u>	17214
<u>2</u>	<u>20,001 - 35,000</u>	<u>61,991</u>	17215
<u>3</u>	<u>35,001 - 55,000</u>	<u>64,520</u>	17216
<u>4</u>	<u>55,001 - 95,000</u>	<u>69,580</u>	17217
<u>5</u>	<u>95,001 - 200,000</u>	<u>74,851</u>	17218
<u>6</u>	<u>200,001 - 400,000</u>	<u>79,068</u>	17219
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>84,339</u>	17220
<u>8</u>	<u>1,000,001 or more</u>	<u>87,628</u>	17221

CLASSIFICATION AND COMPENSATION SCHEDULE 17222

FOR CALENDAR YEAR 2016 FOR 17223

COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE 17224

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17225
<u>1</u>	<u>1 - 20,000</u>	<u>\$84,563</u>	17226
<u>2</u>	<u>20,001 - 35,000</u>	<u>87,091</u>	17227
<u>3</u>	<u>35,001 - 55,000</u>	<u>89,622</u>	17228
<u>4</u>	<u>55,001 - 95,000</u>	<u>94,683</u>	17229
<u>5</u>	<u>95,001 - 200,000</u>	<u>99,953</u>	17230
<u>6</u>	<u>200,001 - 400,000</u>	<u>104,169</u>	17231
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>109,442</u>	17232
<u>8</u>	<u>1,000,001 or more</u>	<u>112,725</u>	17233

CLASSIFICATION AND COMPENSATION SCHEDULE 17234

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 17235



COUNTY ENGINEERS WITH A PRIVATE PRACTICE

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<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,746</u>	17238
<u>2</u>	<u>55,001 - 95,000</u>	<u>73,059</u>	17239
<u>3</u>	<u>95,001 - 200,000</u>	<u>78,594</u>	17240
<u>4</u>	<u>200,001 - 400,000</u>	<u>83,022</u>	17241
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>88,556</u>	17242
<u>6</u>	<u>1,000,001 or more</u>	<u>92,009</u>	17243

CLASSIFICATION AND COMPENSATION SCHEDULE

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FOR CALENDAR YEAR 2017 AND THEREAFTER FOR

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COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE

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<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$94,103</u>	17248
<u>2</u>	<u>55,001 - 95,000</u>	<u>99,417</u>	17249
<u>3</u>	<u>95,001 - 200,000</u>	<u>104,950</u>	17250
<u>4</u>	<u>200,001 - 400,000</u>	<u>109,378</u>	17251
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>114,914</u>	17252
<u>6</u>	<u>1,000,001 or more</u>	<u>118,361</u>	17253

Such salary may be paid monthly out of the general county fund or out of the county's share of the fund derived from the receipts from motor vehicle licenses, as distributed by section 4501.04 of the Revised Code, and the county's share of the fund derived from the motor vehicle fuel tax, as distributed by section 5735.27 of the Revised Code, as the board of county commissioners directs, upon the warrant of the county auditor and shall be in lieu of all fees, costs, per diem or other allowances, and other perquisites, of whatever kind, which any engineer collects and receives. The engineer shall be the county tax map draftperson, but shall receive no additional compensation for performing the duties of that position. When the engineer performs service in connection with ditches or drainage works, the engineer shall charge and collect the per diem allowances or other fees provided by law and shall pay all of those allowances and fees, monthly,

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into the county treasury to the credit of the general county fund. 17269  
The engineer shall pay into the county treasury all allowances and 17270  
fees collected when the engineer performs services under sections 17271  
315.28 to 315.34 of the Revised Code. 17272

(B) A county engineer may elect to engage or not to engage in 17273  
the private practice of engineering or surveying before the 17274  
commencement of each new term of office, and a county engineer who 17275  
elects not to engage in the private practice of engineering or 17276  
surveying may, for a period of six months after taking office, 17277  
engage in the private practice of engineering or surveying for the 17278  
purpose of concluding the affairs of private practice without any 17279  
diminution of salary as provided in division (A) of this section 17280  
and in section 325.18 of the Revised Code. 17281

**Sec. 325.15.** (A) Each coroner shall be classified, for salary 17282  
purposes, according to the population of the county. All coroners 17283  
shall receive annual compensation in accordance with the following 17284  
schedules and in accordance with section 325.18 of the Revised 17285  
Code: 17286

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 17287  
~~FOR CALENDAR YEAR 2000 FOR~~ 17288  
~~CORONERS WITH A PRIVATE PRACTICE~~ 17289

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$16,628</del>	17291
<del>2</del>	<del>20,001 — 40,000</del>	<del>18,293</del>	17292
<del>3</del>	<del>40,001 — 55,000</del>	<del>20,786</del>	17293
<del>4</del>	<del>55,001 — 70,000</del>	<del>23,280</del>	17294
<del>5</del>	<del>70,001 — 85,000</del>	<del>25,774</del>	17295
<del>6</del>	<del>85,001 — 95,000</del>	<del>31,595</del>	17296
<del>7</del>	<del>95,001 — 105,000</del>	<del>34,089</del>	17297
<del>8</del>	<del>105,001 — 125,000</del>	<del>36,584</del>	17298
<del>9</del>	<del>125,001 — 175,000</del>	<del>39,909</del>	17299

10	<del>175,001 — 275,000</del>	<del>42,404</del>	17300
11	<del>275,001 — 400,000</del>	<del>49,054</del>	17301
12	<del>400,001 — 600,000</del>	<del>52,380</del>	17302
13	<del>600,001 — 1,000,000</del>	<del>55,706</del>	17303
14	<del>Over 1,000,000</del>	<del>59,032</del>	17304
	<del>CLASSIFICATION AND COMPENSATION SCHEDULE</del>		17305
	<del>FOR CALENDAR YEAR 2000 FOR</del>		17306
	<del>CORONERS WITHOUT A PRIVATE PRACTICE</del>		17307
Class	Population Range	Compensation	17308
10	<del>175,001 — 275,000</del>	<del>\$95,815</del>	17309
11	<del>275,001 — 400,000</del>	<del>95,815</del>	17310
12	<del>400,001 — 600,000</del>	<del>95,815</del>	17311
13	<del>600,001 — 1,000,000</del>	<del>95,815</del>	17312
14	<del>Over 1,000,000</del>	<del>95,815</del>	17313
	<del>CLASSIFICATION AND COMPENSATION SCHEDULE</del>		17314
	<del>FOR CALENDAR YEAR 2001 FOR</del>		17315
	<del>CORONERS WITH A PRIVATE PRACTICE</del>		17316
Class	Population Range	Compensation	17317
1	1 - 20,000	\$18,842	17318
2	20,001 - 35,000	21,410	17319
3	35,001 - 55,000	23,978	17320
4	55,001 - 95,000	35,112	17321
5	95,001 - 200,000	43,676	17322
6	200,001 - 400,000	53,951	17323
7	400,001 - 1,000,000	60,803	17324
8	1,000,001 or more	64,451	17325
	<del>CLASSIFICATION AND COMPENSATION SCHEDULE</del>		17326
	<del>FOR CALENDAR YEAR 2001 FOR</del>		17327
	<del>CORONERS WITHOUT A PRIVATE PRACTICE</del>		17328
Class	Population Range	Compensation	17329
5	175,001 - 200,000	\$98,689	17330
6	200,001 - 400,000	98,689	17331
7	400,001 - 1,000,000	101,085	17332

8 1,000,001 or more 103,480 17333

CLASSIFICATION AND COMPENSATION SCHEDULE 17334

FOR CALENDAR YEAR 2016 FOR 17335

CORONERS WITH A PRIVATE PRACTICE 17336

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$23,195</u>	17338
<u>2</u>	<u>20,001 - 35,000</u>	<u>26,357</u>	17339
<u>3</u>	<u>35,001 - 55,000</u>	<u>29,518</u>	17340
<u>4</u>	<u>55,001 - 95,000</u>	<u>43,223</u>	17341
<u>5</u>	<u>95,001 - 200,000</u>	<u>53,769</u>	17342
<u>6</u>	<u>200,001 - 400,000</u>	<u>66,418</u>	17343
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	17344
<u>8</u>	<u>1,000,001 or more</u>	<u>79,343</u>	17345

CLASSIFICATION AND COMPENSATION SCHEDULE 17346

FOR CALENDAR YEAR 2016 FOR 17347

CORONERS WITHOUT A PRIVATE PRACTICE 17348

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>5</u>	<u>175,001 - 200,000</u>	<u>\$121,488</u>	17350
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	17351
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	17352
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	17353

CLASSIFICATION AND COMPENSATION SCHEDULE 17354

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 17355

CORONERS WITH A PRIVATE PRACTICE 17356

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$30,993</u>	17358
<u>2</u>	<u>55,001 - 95,000</u>	<u>45,384</u>	17359
<u>3</u>	<u>95,001 - 200,000</u>	<u>56,458</u>	17360
<u>4</u>	<u>200,001 - 400,000</u>	<u>69,739</u>	17361
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	17362
<u>6</u>	<u>1,000,001 or more</u>	<u>83,310</u>	17363

CLASSIFICATION AND COMPENSATION SCHEDULE 17364

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 17365

<u>CORONERS WITHOUT A PRIVATE PRACTICE</u>			17366
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17367
<u>3</u>	<u>175,001 - 200,000</u>	<u>\$127,563</u>	17368
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	17369
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	17370
<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	17371

(B) A coroner in a county with a population of one hundred  
seventy-five thousand one or more shall not engage in the private  
practice of medicine unless, before taking office, the coroner  
notifies the board of county commissioners of the intention to  
engage in that private practice.

A coroner in a county with a population of one hundred  
seventy-five thousand one or more shall elect to engage or not to  
engage in the private practice of medicine before the commencement  
of each new term of office, and a coroner in such a county who  
engages in the private practice of medicine but who intends not to  
engage in the private practice of medicine during the coroner's  
next term of office shall so notify the board of county  
commissioners as specified in this division. For a period of six  
months after taking office, a coroner who elects not to engage in  
the private practice of medicine may engage in the private  
practice of medicine, without any reduction of the salary as  
provided in division (A) of this section and in section 325.18 of  
the Revised Code, for the purpose of concluding the affairs of the  
coroner's private practice of medicine.

**Sec. 339.06.** (A) The board of county hospital trustees, upon  
completion of construction or leasing and equipping of a county  
hospital, shall assume and continue the operation of the hospital.

(B) The board of county hospital trustees shall have the  
entire management and control of the county hospital. The board  
may in writing delegate its management and control of the county

hospital to the administrator of the county hospital employed 17397  
under section 339.07 of the Revised Code. The board shall 17398  
establish such rules for the hospital's government, management, 17399  
control, and the admission of persons as are expedient. 17400

(C) The board of county hospital trustees has control of the 17401  
property of the county hospital, including management and disposal 17402  
of surplus property other than real estate or an interest in real 17403  
estate. 17404

(D) With respect to the use of funds by the board of county 17405  
hospital trustees and its accounting for the use of funds, all of 17406  
the following apply: 17407

(1) The board of county hospital trustees has control of all 17408  
funds used in the county hospital's operation, including moneys 17409  
received from the operation of the hospital, moneys appropriated 17410  
for its operation by the board of county commissioners, and moneys 17411  
resulting from special levies submitted by the board of county 17412  
commissioners as provided for in section 5705.22 of the Revised 17413  
Code. 17414

(2) Of the funds used in the county hospital's operation, all 17415  
or part of any amount determined not to be necessary to meet 17416  
current demands on the hospital may be invested by the board of 17417  
county hospital trustees or its designee in any classifications of 17418  
securities and obligations eligible for deposit or investment of 17419  
county moneys pursuant to section 135.35 of the Revised Code, 17420  
subject to the approval of the board's written investment policy 17421  
by the county investment advisory committee established pursuant 17422  
to section 135.341 of the Revised Code. If a county hospital is 17423  
based in a county that has adopted a charter under Section 3 of 17424  
Article X, Ohio Constitution, such funds may be invested by the 17425  
board of county hospital trustees as provided in this division or 17426  
in an ordinance adopted by the legislative authority of the 17427  
county, in either case subject to approval by the county 17428

investment advisory committee, or as provided in section 339.061 17429  
of the Revised Code. 17430

(3) Annually, not later than sixty days before the end of the 17431  
fiscal year used by the county hospital, the board of county 17432  
hospital trustees shall submit its proposed budget for the ensuing 17433  
fiscal year to the board of county commissioners for that board's 17434  
review. The board of county commissioners shall review and approve 17435  
the proposed budget by the first day of the fiscal year to which 17436  
the budget applies. If the board of county commissioners has not 17437  
approved the budget by the first day of the fiscal year to which 17438  
the budget applies, the budget is deemed to have been approved by 17439  
the board on the first day of that fiscal year. 17440

(4) The board of county hospital trustees shall not expend 17441  
funds received from taxes collected pursuant to any tax levied 17442  
under section 5705.22 of the Revised Code or the amount 17443  
appropriated to the county hospital by the board of county 17444  
commissioners in the annual appropriation measure for the county 17445  
until its budget for the applicable fiscal year is approved in 17446  
accordance with division (C)(3) of this section. At any time the 17447  
amount received from those sources differs from the amount shown 17448  
in the approved budget, the board of county commissioners may 17449  
require the board of county hospital trustees to revise the county 17450  
hospital budget accordingly. 17451

(5) Funds under the control of the board of county hospital 17452  
trustees may be disbursed by the board, consistent with the 17453  
approved budget, for the uses and purposes of the county hospital; 17454  
for the replacement of necessary equipment; for the acquisition, 17455  
leasing, or construction of permanent improvements to county 17456  
hospital property; or for making a donation authorized by division 17457  
(E) of this section. Each disbursement of funds shall be made on a 17458  
voucher signed by signatories designated and approved by the board 17459  
of county hospital trustees. 17460

(6) The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and expenditures for the ensuing fiscal year under section 5705.28 of the Revised Code unless the board of county commissioners levies a tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners.

(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners.

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

(a) "Bank" has the same meaning as in section 1101.01 of the



Revised Code. 17491

(b) "Savings and loan association" has the same meaning as in 17492  
section 1151.01 of the Revised Code. 17493

(c) "Savings bank" has the same meaning as in section 1161.01 17494  
of the Revised Code. 17495

(2) The board of county hospital trustees may enter into a 17496  
contract for a secured line of credit with a bank, savings and 17497  
loan association, or savings bank if the contract meets all of the 17498  
following requirements: 17499

(a) The term of the contract does not exceed one year, except 17500  
that the contract may provide for the automatic renewal of the 17501  
contract for up to four additional one-year periods if, on the 17502  
date of automatic renewal, the aggregate outstanding draws 17503  
remaining unpaid under the secured line of credit do not exceed 17504  
fifty per cent of the maximum amount that can be drawn under the 17505  
secured line of credit. 17506

(b) The contract provides that the bank, savings and loan 17507  
association, or savings bank shall not commence a civil action 17508  
against the board of county commissioners, any member of the 17509  
board, or the county to recover the principal, interest, or any 17510  
charges or other amounts that remain outstanding on the secured 17511  
line of credit at the time of any default by the board of county 17512  
hospital trustees. 17513

(c) The contract provides that no assets other than those of 17514  
the county hospital can be used to secure the line of credit. 17515

(d) The terms and conditions of the contract comply with all 17516  
state and federal statutes and rules governing the extension of a 17517  
secured line of credit. 17518

(3) Any obligation incurred by a board of county hospital 17519  
trustees under division (F)(2) of this section is an obligation of 17520

that board only and not a general obligation of the board of 17521  
county commissioners or the county within the meaning of division 17522  
(Q) of section 133.01 of the Revised Code. 17523

(4) Notwithstanding anything to the contrary in the Revised 17524  
Code, the board of county hospital trustees may secure the line of 17525  
credit authorized under division (F)(2) of this section by the 17526  
grant of a security interest in any part or all of its tangible 17527  
personal property and intangible personal property, including its 17528  
deposit accounts, accounts receivable, or both. 17529

(5) No board of county hospital trustees shall at any time 17530  
have more than one secured line of credit under division (F)(2) of 17531  
this section. 17532

(G) The board of county hospital trustees shall establish a 17533  
schedule of charges for all services and treatment rendered by the 17534  
county hospital. It may provide for the free treatment in the 17535  
hospital of soldiers, sailors, and marines of the county, under 17536  
such conditions and rules as it prescribes. 17537

(H) The board of county hospital trustees may designate the 17538  
amounts and forms of insurance protection to be provided, and the 17539  
board of county commissioners shall assist in obtaining such 17540  
protection. The expense of providing the protection shall be paid 17541  
from hospital operating funds. 17542

(I) The board of county hospital trustees may authorize a 17543  
county hospital and each of its units, hospital board members, 17544  
designated hospital employees, and medical staff members to be a 17545  
member of and maintain membership in any local, state, or national 17546  
group or association organized and operated for the promotion of 17547  
the public health and welfare or advancement of the efficiency of 17548  
hospital administration and in connection therewith to use tax 17549  
funds for the payment of dues and fees and related expenses but 17550  
nothing in this section prohibits the board from using receipts 17551

from hospital operation, other than tax funds, for the payment of 17552  
such dues and fees. 17553

(J) The following apply to the board of county hospital 17554  
trustees in relation to its employees and the employees of the 17555  
county hospital: 17556

(1) The board shall adopt the wage and salary schedule for 17557  
employees. 17558

(2) The board may employ the hospital's administrator 17559  
pursuant to section 339.07 of the Revised Code, and the 17560  
administrator may employ individuals for the hospital in 17561  
accordance with that section. 17562

(3) The board may employ assistants as necessary to perform 17563  
its clerical work, superintend properly the construction of the 17564  
county hospital, and pay the hospital's expenses. Such employees 17565  
may be paid from funds provided for the county hospital. 17566

(4) The board may hire, by contract or as salaried employees, 17567  
such management consultants, accountants, attorneys, engineers, 17568  
architects, construction managers, and other professional advisors 17569  
as it determines are necessary and desirable to assist in the 17570  
management of the programs and operation of the county hospital. 17571  
Such professional advisors may be paid from county hospital 17572  
operating funds. 17573

(5) Notwithstanding section 325.19 of the Revised Code, the 17574  
board may grant to employees any fringe benefits the board 17575  
determines to be customary and usual in the nonprofit hospital 17576  
field in its community, including, but not limited to: 17577

(a) Additional vacation leave with full pay for full-time 17578  
employees, including full-time hourly rate employees, after 17579  
service of one year; 17580

(b) Vacation leave and holiday pay for part-time employees on 17581

a pro rata basis;	17582
(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;	17583 17584 17585
(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	17586 17587
(e) Moving expenses for new employees;	17588
(f) Discounts on hospital supplies and services.	17589
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	17590 17591 17592 17593
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	17594 17595
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	17596 17597 17598 17599
(9) The board may provide employee recognition awards and hold employee recognition dinners.	17600 17601
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	17602 17603
(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.	17604 17605 17606 17607 17608 17609 17610
The board of county hospital trustees may pay reasonable	17611

expenses for recruiting or retaining physicians and other 17612  
appropriate health care practitioners. 17613

(L) The board of county hospital trustees may retain counsel 17614  
and institute legal action in its own name for the collection of 17615  
delinquent accounts. The board may also employ any other lawful 17616  
means for the collection of delinquent accounts. 17617

Sec. 339.061. (A) As used in this section, "charter county 17618  
hospital" means a county hospital based in a county that has 17619  
adopted a charter under Section 3 of Article X, Ohio Constitution. 17620

(B) The board of county hospital trustees of a charter county 17621  
hospital shall hold and administer all money received from the 17622  
operation of the county hospital, including money arising from 17623  
rendering medical services to patients, whether received from the 17624  
patient or on behalf of the patient, including inpatient and 17625  
outpatient fees, laboratory and other procedure fees, physician 17626  
services, and all other fees, deposits, charges, receipts, and 17627  
income received as a result of the operation of the county 17628  
hospital and medical staff. 17629

(C) The board of county hospital trustees of a charter county 17630  
hospital shall invest money described in division (B) of this 17631  
section pursuant to an investment policy adopted by the board in a 17632  
public meeting. The investment policy does not take effect unless 17633  
it is approved by the county investment advisory committee 17634  
established pursuant to section 135.341 of the Revised Code. The 17635  
investment policy shall provide for all of the following: 17636

(1) That all fiduciaries shall discharge their duties with 17637  
the care, skill, prudence, and diligence under the circumstances 17638  
then prevailing that a prudent person acting in like capacity and 17639  
familiar with such matters would use in the conduct of an 17640  
enterprise of a like character and with like aims; 17641

(2) That at least twenty-five per cent of the average amount 17642  
of the investment portfolio over the course of the preceding 17643  
fiscal year shall be invested, as a reserve, in securities of the 17644  
United States government or of its agencies or instrumentalities, 17645  
the treasurer of state's Ohio subdivisions fund, obligations of 17646  
this state or any political subdivision of this state, 17647  
certificates of deposit of any national bank located in this 17648  
state, written repurchase agreements with any eligible financial 17649  
institution in this state that is a member of the federal reserve 17650  
system or federal home loan bank, money market funds, or bankers 17651  
acceptances maturing in two hundred seventy days or less that are 17652  
eligible for purchase by the federal reserve system; 17653

(3) That money not required to be invested as a reserve under 17654  
division (C)(2) of this section may be pooled with other 17655  
institutional funds and invested in accordance with section 17656  
1715.52 of the Revised Code; 17657

(4) The establishment of an investment committee within the 17658  
board of county hospital trustees, which shall meet at least 17659  
quarterly, to review and recommend revisions to the board's 17660  
investment policy and to advise the board on investments made 17661  
under division (C) of this section for the purpose of assisting 17662  
the board in meeting its obligations as a fiduciary under that 17663  
division. The policy shall authorize the committee to retain the 17664  
services of an investment advisor who meets both of the following 17665  
qualifications: 17666

(a) The advisor is licensed by the division of securities 17667  
under section 1707.141 of the Revised Code or is registered with 17668  
the United States securities and exchange commission. 17669

(b) The advisor has experience in the management of 17670  
investments of public funds, especially in the investment of state 17671  
government investment portfolios, or is an institution eligible to 17672  
be a public depository as described in section 135.03 of the 17673

Revised Code. 17674

(D) Title to investments made by a board of county hospital trustees with money described in division (B) of this section shall not be vested in the county but shall be held in trust by the board. 17675  
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(E) Authority provided by this section is supplemental to the authority granted under division (D) of section 339.06 of the Revised Code and authority granted under the ordinances or charter of the county. 17679  
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**Sec. 340.03.** (A) Subject to rules issued by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, the board of alcohol, drug addiction, and mental health services shall: 17683  
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(1) Serve as the community addiction and mental health services planning agency for the county or counties under its jurisdiction, and in so doing it shall: 17688  
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(a) Evaluate the need for facilities and community addiction and mental health services; 17691  
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(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community addiction and mental health needs, evaluate strengths and challenges, and set priorities for community addiction and mental health services, including treatment and prevention. When the board sets priorities for the operation of addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under 17693  
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programs developed in relation to the mandate established in 17704  
section 5119.17 of the Revised Code; 17705

(c) In accordance with guidelines issued by the director of 17706  
mental health and addiction services after consultation with board 17707  
representatives, annually develop and submit to the department of 17708  
mental health and addiction services a community addiction and 17709  
mental health services plan listing ~~community~~ addiction and mental 17710  
health services needs, including the needs of all residents of the 17711  
district currently receiving inpatient services in state-operated 17712  
hospitals, the needs of other populations as required by state or 17713  
federal law or programs, the needs of all children subject to a 17714  
determination made pursuant to section 121.38 of the Revised Code, 17715  
and priorities for facilities and community addiction and mental 17716  
health services during the period for which the plan will be in 17717  
effect. 17718

In alcohol, drug addiction, and mental health service 17719  
districts that have separate alcohol and drug addiction services 17720  
and community mental health boards, the alcohol and drug addiction 17721  
services board shall submit a community addiction services plan 17722  
and the community mental health board shall submit a community 17723  
mental health services plan. Each board shall consult with its 17724  
counterpart in developing its plan and address the interaction 17725  
between the local addiction services and mental health services 17726  
systems and populations with regard to needs and priorities in 17727  
developing its plan. 17728

The department shall approve or disapprove the plan, in whole 17729  
or in part, according to the criteria developed pursuant to 17730  
section 5119.22 of the Revised Code. Eligibility for state and 17731  
federal funding shall be contingent upon an approved plan or 17732  
relevant part of a plan. 17733

If a board determines that it is necessary to amend a plan 17734  
that has been approved under this division, the board shall submit 17735



a proposed amendment to the director. The director may approve or 17736  
disapprove all or part of the amendment. The director shall inform 17737  
the board of the reasons for disapproval of all or part of an 17738  
amendment and of the criteria that must be met before the 17739  
amendment may be approved. The director shall provide the board an 17740  
opportunity to present its case on behalf of the amendment. The 17741  
director shall give the board a reasonable time in which to meet 17742  
the criteria, and shall offer the board technical assistance to 17743  
help it meet the criteria. 17744

The board shall operate in accordance with the plan approved 17745  
by the department. 17746

(d) Promote, arrange, and implement working agreements with 17747  
social agencies, both public and private, and with judicial 17748  
agencies. 17749

(2) Investigate, or request another agency to investigate, 17750  
any complaint alleging abuse or neglect of any person receiving 17751  
services from a community addiction or mental health services 17752  
provider ~~certified under section 5119.36 of the Revised Code~~ or 17753  
alleging abuse or neglect of a resident receiving addiction 17754  
services or with mental illness or severe mental disability 17755  
residing in a residential facility licensed under section 5119.34 17756  
of the Revised Code. If the investigation substantiates the charge 17757  
of abuse or neglect, the board shall take whatever action it 17758  
determines is necessary to correct the situation, including 17759  
notification of the appropriate authorities. Upon request, the 17760  
board shall provide information about such investigations to the 17761  
department. 17762

(3) For the purpose of section 5119.36 of the Revised Code, 17763  
cooperate with the director of mental health and addiction 17764  
services in visiting and evaluating whether the addiction or 17765  
mental health services of a community addiction or mental health 17766  
services provider satisfy the certification standards established 17767

by rules adopted under that section; 17768

(4) In accordance with criteria established under division 17769  
(E) of section 5119.22 of the Revised Code, conduct program audits 17770  
that review and evaluate the quality, effectiveness, and 17771  
efficiency of addiction and mental health services provided 17772  
through its community addiction and mental health ~~contracted~~ 17773  
services providers and submit its findings and recommendations to 17774  
the department of mental health and addiction services; 17775

(5) In accordance with section 5119.34 of the Revised Code, 17776  
review an application for a residential facility license and 17777  
provide to the department of mental health and addiction services 17778  
any information about the applicant or facility that the board 17779  
would like the department to consider in reviewing the 17780  
application; 17781

(6) Audit, in accordance with rules adopted by the auditor of 17782  
state pursuant to section 117.20 of the Revised Code, at least 17783  
annually all programs and services provided under contract with 17784  
the board. In so doing, the board may contract for or employ the 17785  
services of private auditors. A copy of the fiscal audit report 17786  
shall be provided to the director of mental health and addiction 17787  
services, the auditor of state, and the county auditor of each 17788  
county in the board's district. 17789

(7) Recruit and promote local financial support for addiction 17790  
and mental health services from private and public sources; 17791

(8)(a) Enter into contracts with public and private 17792  
facilities for the operation of facility services and enter into 17793  
contracts with public and private community addiction and mental 17794  
health ~~service~~ services providers for the provision of ~~community~~ 17795  
addiction and mental health services. The board may not contract 17796  
with a residential facility subject to section 5119.34 of the 17797  
Revised Code unless the facility is licensed by the director of 17798

mental health and addiction services ~~and~~. The board may not 17799  
contract with a community addiction or mental health services 17800  
provider to provide ~~community~~ addiction or mental health services 17801  
unless the services are certified by the director of mental health 17802  
and addiction services under section 5119.36 of the Revised Code. 17803  
Section 307.86 of the Revised Code does not apply to contracts 17804  
entered into under this division. In contracting with a community 17805  
addiction or mental health services provider, a board shall 17806  
consider the cost effectiveness of addiction or mental health 17807  
services provided by that provider and the quality and continuity 17808  
of care, and may review cost elements, including salary costs, of 17809  
the services to be provided. A utilization review process may be 17810  
established as part of the contract for services entered into 17811  
between a board and a community addiction or mental health 17812  
services provider. The board may establish this process in a way 17813  
that is most effective and efficient in meeting local needs. 17814

If either the board or a facility or community addiction or 17815  
mental health services provider with which the board contracts 17816  
under this division proposes not to renew the contract or proposes 17817  
substantial changes in contract terms, the other party shall be 17818  
given written notice at least one hundred twenty days before the 17819  
expiration date of the contract. During the first sixty days of 17820  
this one hundred twenty-day period, both parties shall attempt to 17821  
resolve any dispute through good faith collaboration and 17822  
negotiation in order to continue to provide services to persons in 17823  
need. If the dispute has not been resolved sixty days before the 17824  
expiration date of the contract, either party may notify the 17825  
department of mental health and addiction services of the 17826  
unresolved dispute. The director may require both parties to 17827  
submit the dispute to a third party with the cost to be shared by 17828  
the board and the facility or provider. The third party shall 17829  
issue to the board, the facility or provider, and the department 17830  
recommendations on how the dispute may be resolved twenty days 17831

prior to the expiration date of the contract, unless both parties 17832  
agree to a time extension. The director shall adopt rules 17833  
establishing the procedures of this dispute resolution process. 17834

(b) With the prior approval of the director of mental health 17835  
and addiction services, a board may operate a facility or provide 17836  
~~a community~~ an addiction or mental health service as follows, if 17837  
there is no other qualified private or public facility or 17838  
community addiction or mental health services provider that is 17839  
immediately available and willing to operate such a facility or 17840  
provide the service: 17841

(i) In an emergency situation, any board may operate a 17842  
facility or provide ~~a community~~ an addiction or mental health 17843  
service in order to provide essential services for the duration of 17844  
the emergency~~+~~. 17845

(ii) In a service district with a population of at least one 17846  
hundred thousand but less than five hundred thousand, a board may 17847  
operate a facility or provide ~~a community~~ an addiction or mental 17848  
health service for no longer than one year~~+~~. 17849

(iii) In a service district with a population of less than 17850  
one hundred thousand, a board may operate a facility or provide ~~a~~ 17851  
~~community~~ an addiction or mental health service for no longer than 17852  
one year, except that such a board may operate a facility or 17853  
provide ~~a community~~ an addiction or mental health service for more 17854  
than one year with the prior approval of the director and the 17855  
prior approval of the board of county commissioners, or of a 17856  
majority of the boards of county commissioners if the district is 17857  
a joint-county district. 17858

The director shall not give a board approval to operate a 17859  
facility or provide ~~a community~~ an addiction or mental health 17860  
service under division (A)(8)(b)(ii) or (iii) of this section 17861  
unless the director determines that it is not feasible to have the 17862

department operate the facility or provide the service. 17863

The director shall not give a board approval to operate a 17864  
facility or provide a ~~community~~ an addiction or mental health 17865  
service under division (A)(8)(b)(iii) of this section unless the 17866  
director determines that the board will provide greater 17867  
administrative efficiency and more or better services than would 17868  
be available if the board contracted with a private or public 17869  
facility or community addiction or mental health services 17870  
provider. 17871

The director shall not give a board approval to operate a 17872  
facility previously operated by a person or other government 17873  
entity unless the board has established to the director's 17874  
satisfaction that the person or other government entity cannot 17875  
effectively operate the facility or that the person or other 17876  
government entity has requested the board to take over operation 17877  
of the facility. The director shall not give a board approval to 17878  
provide a ~~community~~ an addiction or mental health service 17879  
previously provided by a community addiction or mental health 17880  
services provider unless the board has established to the 17881  
director's satisfaction that the provider cannot effectively 17882  
provide the service or that the provider has requested the board 17883  
take over providing the service. 17884

The director shall review and evaluate a board's operation of 17885  
a facility and provision of ~~community~~ addiction or mental health 17886  
~~service~~ services under division (A)(8)(b) of this section. 17887

Nothing in division (A)(8)(b) of this section authorizes a 17888  
board to administer or direct the daily operation of any facility 17889  
or community addiction or mental health services provider, but a 17890  
facility or provider may contract with a board to receive 17891  
administrative services or staff direction from the board under 17892  
the direction of the governing body of the facility or provider. 17893

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community addiction or mental health services providers in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;	17894 17895 17896 17897 17898 17899
(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the services under the jurisdiction of the board, including a fiscal accounting;	17900 17901 17902 17903
(11) Establish, to the extent resources are available, a continuum of care, which provides for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the continuum include, but are not limited to, the following components in accordance with section 5119.21 of the Revised Code:	17904 17905 17906 17907 17908 17909
(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;	17910 17911
(b) Assistance for persons receiving <u>addiction or mental health</u> services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;	17912 17913 17914 17915
(c) Addiction and mental health services, including, <del>but not limited to,</del> outpatient, residential, partial hospitalization, and, where appropriate, inpatient care;	17916 17917 17918
(d) Emergency services and crisis intervention;	17919
(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;	17920 17921
(f) The provision of services designed to develop social, community, and personal living skills;	17922 17923

(g) Access to a wide range of housing and the provision of residential treatment and support;	17924 17925
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	17926 17927 17928
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	17929 17930 17931 17932 17933
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	17934 17935
(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	17936 17937 17938
(12) Establish a method for evaluating referrals for <del>involuntary commitment</del> <u>court-ordered treatment</u> and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to <del>involuntary hospitalization</del> <u>court-ordered treatment</u> and <del>what alternative treatment is</del> <u>whether alternatives to hospitalization are</u> available and appropriate, <del>if any</del> ;	17939 17940 17941 17942 17943 17944 17945 17946
(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the listed services submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to severely mentally	17947 17948 17949 17950 17951 17952 17953 17954

disabled persons residing within its service district. The board 17955  
shall establish the procedure for authorizing payment for 17956  
services, which may include prior authorization in appropriate 17957  
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 17958  
section, the board may provide for services directly to a severely 17959  
mentally disabled person when life or safety is endangered and 17960  
when no community mental health services provider is available to 17961  
provide the service. 17962

(14) Ensure that ~~apartments or rooms~~ housing built, 17963  
subsidized, renovated, rented, owned, or leased by the board or a 17964  
community addiction or mental health services provider ~~have~~ has 17965  
been approved as meeting minimum fire safety standards and that 17966  
persons residing in the ~~rooms or apartments are receiving~~ housing 17967  
have access to appropriate and necessary services, including 17968  
culturally relevant services, from a community addiction or mental 17969  
health services provider. This division does not apply to 17970  
residential facilities licensed pursuant to section 5119.34 of the 17971  
Revised Code. 17972

(15) Establish a mechanism for obtaining advice and 17973  
involvement of persons receiving ~~publicly funded~~ addiction or 17974  
mental health services on matters pertaining to addiction and 17975  
mental health services in the alcohol, drug addiction, and mental 17976  
health service district; 17977

(16) Perform the duties required by rules adopted under 17978  
section 5119.22 of the Revised Code regarding referrals by the 17979  
board or mental health services providers under contract with the 17980  
board of individuals with mental illness or severe mental 17981  
disability to residential facilities ~~as defined in division~~ 17982  
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 17983  
Code and effective arrangements for ongoing mental health services 17984  
for the individuals. The board is accountable in the manner 17985  
specified in the rules for ensuring that the ongoing mental health 17986



services are effectively arranged for the individuals. 17987

(B) The board shall establish such rules, operating 17988  
procedures, standards, and bylaws, and perform such other duties 17989  
as may be necessary or proper to carry out the purposes of this 17990  
chapter. 17991

(C) A board of alcohol, drug addiction, and mental health 17992  
services may receive by gift, grant, devise, or bequest any 17993  
moneys, lands, or property for the benefit of the purposes for 17994  
which the board is established, and may hold and apply it 17995  
according to the terms of the gift, grant, or bequest. All money 17996  
received, including accrued interest, by gift, grant, or bequest 17997  
shall be deposited in the treasury of the county, the treasurer of 17998  
which is custodian of the alcohol, drug addiction, and mental 17999  
health services funds to the credit of the board and shall be 18000  
available for use by the board for purposes stated by the donor or 18001  
grantor. 18002

(D) No board member or employee of a board of alcohol, drug 18003  
addiction, and mental health services shall be liable for injury 18004  
or damages caused by any action or inaction taken within the scope 18005  
of the board member's official duties or the employee's 18006  
employment, whether or not such action or inaction is expressly 18007  
authorized by this section or any other section of the Revised 18008  
Code, unless such action or inaction constitutes willful or wanton 18009  
misconduct. Chapter 2744. of the Revised Code applies to any 18010  
action or inaction by a board member or employee of a board taken 18011  
within the scope of the board member's official duties or 18012  
employee's employment. For the purposes of this division, the 18013  
conduct of a board member or employee shall not be considered 18014  
willful or wanton misconduct if the board member or employee acted 18015  
in good faith and in a manner that the board member or employee 18016  
reasonably believed was in or was not opposed to the best 18017  
interests of the board and, with respect to any criminal action or 18018

proceeding, had no reasonable cause to believe the conduct was 18019  
unlawful. 18020

(E) The meetings held by any committee established by a board 18021  
of alcohol, drug addiction, and mental health services shall be 18022  
considered to be meetings of a public body subject to section 18023  
121.22 of the Revised Code. 18024

**Sec. 340.034.** All of the following apply to the recovery 18025  
housing required by section 340.033 of the Revised Code to be 18026  
included in the array of treatment ~~and support~~ services and 18027  
recovery support for all levels of opioid and co-occurring drug 18028  
addiction that are part of the continuum of care established by 18029  
each board of alcohol, drug addiction, and mental health services 18030  
pursuant to division (A)(11) of section 340.03 of the Revised 18031  
Code: 18032

(A) The recovery housing shall not be ~~owned or operated~~ 18033  
subject to residential facility licensure by a residential 18034  
facility as defined in the department of mental health and 18035  
addiction services under section 5119.34 of the Revised Code ~~and~~ 18036  
~~instead.~~ In addition, the recovery housing shall not be owned and 18037  
operated by the following: 18038

~~(1) Except as provided in division (A)(2) of this section, a~~ 18039  
~~community addiction services provider or other local~~ 18040  
~~nongovernmental organization (including a peer run recovery~~ 18041  
~~organization), as appropriate to the needs of the board's service~~ 18042  
~~district;~~ 18043

~~(2) The board, if either a board of alcohol, drug addiction,~~ 18044  
~~and mental health services unless any of the following applies:~~ 18045

~~(a)(1) The board owns and operates the recovery housing on~~ 18046  
~~the effective date of this section September 15, 2016.~~ 18047

~~(b)(2) The board utilizes local funds in the development,~~ 18048

purchase, or operation of the recovery housing. 18049

(3) The board determines that there is ~~an emergency~~ a need 18050  
for the board to assume the ownership and operation of the 18051  
recovery housing such as when an existing owner and operator of 18052  
the recovery housing goes out of business, and the board considers 18053  
the assumption of ownership and operation of the recovery housing 18054  
to be ~~its last resort~~ in the best interest of the community. 18055

(B) The recovery housing shall have protocols for all of the 18056  
following: 18057

(1) Administrative oversight; 18058

(2) Quality standards; 18059

(3) Policies and procedures, including house rules, for its 18060  
residents to which the residents must agree to adhere. 18061

(C) Family members of the recovery housing's residents may 18062  
reside in the recovery housing to the extent the recovery 18063  
housing's protocols permit. 18064

(D) The recovery housing shall not limit a resident's 18065  
duration of stay to an arbitrary or fixed amount of time. Instead, 18066  
each resident's duration of stay shall be determined by the 18067  
resident's needs, progress, and willingness to abide by the 18068  
recovery housing's protocols, in collaboration with the recovery 18069  
housing's owner and operator, and, if appropriate, in consultation 18070  
and integration with a community addiction services provider. 18071

(E) The recovery housing may permit its residents to receive 18072  
medication-assisted treatment ~~at the recovery housing.~~ 18073

(F) ~~The~~ A recovery housing resident may ~~not provide community~~ 18074  
~~addiction services but may assist a resident in obtaining~~ 18075  
~~community~~ receive addiction services that are certified by the 18076  
department of mental health and addiction services under section 18077  
5119.36 of the Revised Code. ~~The community addiction services may~~ 18078

~~be provided at the recovery housing or elsewhere.~~ 18079

Sec. 340.035. A board of alcohol, drug addiction, and mental health services may advocate on behalf of medicaid recipients enrolled in medicaid managed care organizations and medicaid-eligible individuals, any of whom have been identified as needing addiction or mental health services. 18080  
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18082  
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**Sec. 340.04.** In addition to such other duties as may be lawfully imposed, the executive director of a board of alcohol, drug addiction, and mental health services shall: 18085  
18086  
18087

(A) Serve as executive officer of the board and subject to the prior approval of the board for each contract, execute contracts on its behalf; 18088  
18089  
18090

(B) Supervise services and facilities provided, operated, contracted, or supported by the board to the extent of determining that services and facilities are being administered in conformity with this chapter and rules of the director of mental health and addiction services; 18091  
18092  
18093  
18094  
18095

(C) Provide consultation to community addiction and mental health services providers providing services supported by the board; 18096  
18097  
18098

(D) Recommend to the board the changes necessary to increase the effectiveness of addiction and mental health services and other matters necessary or desirable to carry out this chapter; 18099  
18100  
18101

(E) Employ and remove from office such employees and consultants in the classified civil service and, subject to the approval of the board, employ and remove from office such other employees and consultants as may be necessary for the work of the board, and fix their compensation and reimbursement within the limits set by the salary schedule and the budget approved by the board; 18102  
18103  
18104  
18105  
18106  
18107  
18108

(F) Encourage the development and expansion of preventive, 181109  
treatment, rehabilitative, and consultative services in the field 181110  
of addiction and mental health services with emphasis on 181111  
continuity of care; 181112

(G) Prepare for board approval an annual report of the 181113  
services and facilities under the jurisdiction of the board, 181114  
including a fiscal accounting of all services; 181115

(H) Conduct such studies as may be necessary and practicable 181116  
for the promotion of mental health, promotion of addiction 181117  
services, and the prevention of mental illness, emotional 181118  
disorders, and addiction; 181119

(I) Authorize the county auditor, or in a joint-county 181200  
district the county auditor designated as the auditor for the 181201  
district, to issue warrants for the payment of board obligations 181202  
approved by the board, provided that all payments from funds 181203  
distributed to the board by the department of mental health and 181204  
addiction services are in accordance with the budget submitted 181205  
pursuant to section 340.08 of the Revised Code, as approved by the 181206  
department of mental health and addiction services. 181207

**Sec. 340.05.** A community addiction or mental health services 181208  
provider that receives a complaint alleging abuse or neglect of an 181209  
individual with mental illness or severe mental disability, or an 181210  
individual receiving addiction services, who resides in a 181211  
residential facility ~~as defined in division (A)(9)(b) of licensed~~ 181212  
under section 5119.34 of the Revised Code shall report the 181213  
complaint to the board of alcohol, drug addiction, and mental 181214  
health services serving the alcohol, drug addiction, and mental 181215  
health service district in which the residential facility is 181216  
located. A board of alcohol, drug addiction, and mental health 181217  
services that receives such a complaint or a report from a 181218  
community addiction or mental health services provider of such a 181219

complaint shall report the complaint to the director of mental 18140  
health and addiction services for the purpose of the director 18141  
conducting an investigation under section 5119.34 of the Revised 18142  
Code. The board may enter the facility with or without the 18143  
director and, if the health and safety of a resident is in 18144  
immediate danger, take any necessary action to protect the 18145  
resident. The board's action shall not violate any resident's 18146  
rights specified in rules adopted by the department of mental 18147  
health and addiction services under section 5119.34 of the Revised 18148  
Code. The board shall immediately report to the director regarding 18149  
the board's actions under this section. 18150

**Sec. 340.07.** The board of county commissioners of any county 18151  
participating in an alcohol, drug addiction, and mental health 18152  
service district or joint-county district, upon receipt from the 18153  
board of alcohol, drug addition, and mental health services of a 18154  
resolution so requesting, may appropriate money to such board for 18155  
the operation, lease, acquisition, construction, renovation, and 18156  
maintenance of addiction or mental health services providers and 18157  
facilities in accordance with the comprehensive community 18158  
~~addiction and~~ mental health and addiction services budget approved 18159  
by the department of mental health and addiction services pursuant 18160  
to section ~~340.08~~ 5119.22 of the Revised Code. 18161

**Sec. 340.12.** ~~No~~ As used in this section, "disability" has the 18162  
same meaning as in section 4112.01 of the Revised Code. 18163

No board of alcohol, drug addiction, and mental health 18164  
services or any community addiction or mental health services 18165  
provider under contract with such a board shall discriminate in 18166  
the provision of services under its authority, in employment, or 18167  
under a contract on the basis of race, color, religion, creed, 18168  
sex, age, national origin, or disability. 18169

Each board and each community addiction or mental health 18170  
services provider shall have a written affirmative action program. 18171  
The affirmative action program shall include goals for the 18172  
employment and effective utilization of, including contracts with, 18173  
members of economically disadvantaged groups as defined in 18174  
division (E)(1) of section 122.71 of the Revised Code in 18175  
percentages reflecting as nearly as possible the composition of 18176  
the alcohol, drug addiction, and mental health service district 18177  
served by the board. Each board and provider shall file a 18178  
description of the affirmative action program and a progress 18179  
report on its implementation with the department of mental health 18180  
and addiction services. 18181

**Sec. 340.15.** (A) A public children services agency that 18182  
identifies a child by a risk assessment conducted pursuant to 18183  
section 5153.16 of the Revised Code as being at imminent risk of 18184  
being abused or neglected because of an addiction of a parent, 18185  
guardian, or custodian of the child to a drug of abuse or alcohol 18186  
shall refer the child's addicted parent, guardian, or custodian 18187  
and, if the agency determines that the child needs alcohol or 18188  
other drug addiction services, the child to a community addiction 18189  
services provider ~~certified by the department of mental health and~~ 18190  
~~addiction services under section 5119.36 of the Revised Code.~~ A 18191  
public children services agency that is sent a court order issued 18192  
pursuant to division (B) of section 2151.3514 of the Revised Code 18193  
shall refer the addicted parent or other caregiver of the child 18194  
identified in the court order to a community addiction services 18195  
provider ~~certified by the department of mental health and~~ 18196  
~~addiction services under section 5119.36 of the Revised Code.~~ On 18197  
receipt of a referral under this division and to the extent 18198  
funding identified under division (A)(1) of section 340.08 of the 18199  
Revised Code is available, the provider shall provide the 18200  
following services to the addicted parent, guardian, custodian, or 18201

caregiver and child in need of addiction services:	18202
(1) If it is determined pursuant to an initial screening to be needed, assessment and appropriate treatment;	18203 18204
(2) Documentation of progress in accordance with a treatment plan developed for the addicted parent, guardian, custodian, caregiver, or child;	18205 18206 18207
(3) If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code and the order requires the specified parent or other caregiver of the child to submit to alcohol or other drug testing during, after, or both during and after, treatment, testing in accordance with the court order.	18208 18209 18210 18211 18212 18213
(B) The services described in division (A) of this section shall have a priority as provided in the addiction and mental health services plan and budget established pursuant to sections 340.03 and 340.08 of the Revised Code. Once a referral has been received pursuant to this section, the public children services agency and the addiction services provider shall, in accordance with 42 C.F.R. Part 2, share with each other any information concerning the persons and services described in that division that the agency and provider determine are necessary to share. If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code, the results and recommendations of the addiction services provider also shall be provided and used as described in division (D) of that section. Information obtained or maintained by the agency or provider pursuant to this section that could enable the identification of any person described in division (A) of this section is not a public record subject to inspection or copying under section 149.43 of the Revised Code.	18214 18215 18216 18217 18218 18219 18220 18221 18222 18223 18224 18225 18226 18227 18228 18229 18230 18231
<b>Sec. 341.34.</b> (A) As used in this section, "building or	18232



structure" includes, but is not limited to, a modular unit, 18233  
building, or structure and a movable unit, building, or structure. 18234

(B)(1) The board of county commissioners of any county, by 18235  
resolution, may dedicate and permit the use, as a minimum security 18236  
jail, of any vacant or abandoned public building or structure 18237  
owned by the county that has not been dedicated to or is not then 18238  
in use for any county or other public purpose, or any building or 18239  
structure rented or leased by the county. The board of county 18240  
commissioners of any county, by resolution, also may dedicate and 18241  
permit the use, as a minimum security jail, of any building or 18242  
structure purchased by or constructed by or for the county. 18243  
Subject to divisions (B)(3) and (C) of this section, upon the 18244  
effective date of such a resolution, the specified building or 18245  
structure shall be used, in accordance with this section, for the 18246  
confinement of persons who meet one of the following conditions: 18247

(a) The person is sentenced to a term of imprisonment for a 18248  
traffic violation or a misdemeanor or is sentenced to a 18249  
residential sanction in the jail for a felony of the fourth or 18250  
fifth degree pursuant to sections 2929.11 to 2929.19 of the 18251  
Revised Code, and the jail administrator or the jail 18252  
administrator's designee has classified the person as a minimal 18253  
security risk. In determining the person's classification under 18254  
this division, the administrator or designee shall consider all 18255  
relevant factors, including, but not limited to, the person's 18256  
escape risk and propensity for assaultive or violent behavior, 18257  
based upon the person's prior and current behavior. 18258

(b) The person is charged with a traffic violation, a 18259  
misdemeanor, or a felony of the fourth or fifth degree and has had 18260  
bail set and has not been released on bail and is confined in a 18261  
county or municipal jail pending trial, and the jail administrator 18262  
or the jail administrator's designee has classified the person as 18263  
a minimal security risk. In determining the person's 18264

classification under this division, the administrator or designee 18265  
shall consider all relevant factors, including, but not limited 18266  
to, the person's escape risk and propensity for assaultive or 18267  
violent behavior, based upon the person's prior and current 18268  
behavior. Nothing in this division authorizes the operation or 18269  
management of a minimum security jail by a private entity. 18270

(c) The person is an inmate transferred by order of a judge 18271  
of the sentencing court upon the request of the sheriff, 18272  
administrator, jailer, or other person responsible for operating 18273  
the jail other than a contractor as defined in section 9.06 of the 18274  
Revised Code, who is named in the request as being suitable for 18275  
confinement in a minimum security facility. 18276

(2) The board of county commissioners of any county, by 18277  
resolution, may affiliate with one or more adjacent counties, or 18278  
with one or more municipal corporations located within the county 18279  
or within an adjacent county, and dedicate and permit the use, as 18280  
a minimum security jail, of any vacant or abandoned public 18281  
building or structure owned by any of the affiliating counties or 18282  
municipal corporations that has not been dedicated to or is not 18283  
then in use for any public purpose, or any building or structure 18284  
rented or leased by any of the affiliating counties or municipal 18285  
corporations. The board of county commissioners of any county, by 18286  
resolution, also may affiliate with one or more adjacent counties 18287  
or with one or more municipal corporations located within the 18288  
county or within an adjacent county and dedicate and permit the 18289  
use, as a minimum security jail, of any building or structure 18290  
purchased by or constructed by or for any of the affiliating 18291  
counties or municipal corporations. Any counties and municipal 18292  
corporations that affiliate for purposes of this division shall 18293  
enter into an agreement that establishes the responsibilities for 18294  
the operation and for the cost of operation of the minimum 18295  
security jail. Subject to divisions (B)(3) and (C) of this 18296

section, upon the effective date of a resolution adopted under 18297  
this division, the specified building or structure shall be used, 18298  
in accordance with this section, for the confinement of persons 18299  
who meet one of the following conditions: 18300

(a) The person is sentenced to a term of imprisonment for a 18301  
traffic violation, a misdemeanor, or a violation of an ordinance 18302  
of any municipal corporation, or is sentenced to a residential 18303  
sanction in the jail for a felony of the fourth or fifth degree 18304  
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 18305  
the jail administrator or the jail administrator's designee has 18306  
classified the person as a minimal security risk. In determining 18307  
the person's classification under this division, the administrator 18308  
or designee shall consider all relevant factors, including, but 18309  
not limited to, the person's escape risk and propensity for 18310  
assaultive or violent behavior, based upon the person's prior and 18311  
current behavior. 18312

(b) The person is charged with a traffic violation, a 18313  
misdemeanor, or a felony of the fourth or fifth degree and has had 18314  
bail set and has not been released on bail and is confined in a 18315  
county jail pending trial, and the jail administrator or the jail 18316  
administrator's designee has classified the person as a minimal 18317  
security risk. In determining the person's classification under 18318  
this division, the administrator or designee shall consider all 18319  
relevant factors, including, but not limited to, the person's 18320  
escape risk and propensity for assaultive or violent behavior, 18321  
based upon the person's prior and current behavior. Nothing in 18322  
this division authorizes the operation or management of a minimum 18323  
security jail by a private entity. 18324

(c) The person is an inmate transferred by order of a judge 18325  
of the sentencing court upon the request of the sheriff, 18326  
administrator, jailer, or other person responsible for operating 18327  
the jail other than a contractor as defined in section 9.06 of the 18328

Revised Code, who is named in the request as being suitable for 18329  
confinement in a minimum security facility. 18330

(3) No person shall be confined in a building or structure 18331  
dedicated as a minimum security jail under division (B)(1) or (2) 18332  
of this section unless the judge who sentenced the person to the 18333  
term of imprisonment for the traffic violation or the misdemeanor 18334  
specifies that the term of imprisonment is to be served in that 18335  
jail, and division (B)(1) or (2) of this section permits the 18336  
confinement of the person in that jail or unless the judge who 18337  
sentenced the person to the residential sanction for the felony 18338  
specifies that the residential sanction is to be served in a jail, 18339  
and division (B)(1) or (2) of this section permits the confinement 18340  
of the person in that jail. If a rented or leased building or 18341  
structure is so dedicated, the building or structure may be used 18342  
as a minimum security jail only during the period that it is 18343  
rented or leased by the county or by an affiliated county or 18344  
municipal corporation. If a person convicted of a misdemeanor is 18345  
confined to a building or structure dedicated as a minimum 18346  
security jail under division (B)(1) or (2) of this section and the 18347  
sheriff, administrator, jailer, or other person responsible for 18348  
operating the jail other than a contractor as defined in section 18349  
9.06 of the Revised Code determines that it would be more 18350  
appropriate for the person so confined to be confined in another 18351  
jail or workhouse facility, the sheriff, administrator, jailer, or 18352  
other person may transfer the person so confined to a more 18353  
appropriate jail or workhouse facility. 18354

(C) All of the following apply to a building or structure 18355  
that is dedicated pursuant to division (B)(1) or (2) of this 18356  
section for use as a minimum security jail: 18357

(1) To the extent that the use of the building or structure 18358  
as a minimum security jail requires a variance from any county, 18359  
municipal corporation, or township zoning regulations or 18360

ordinances, the variance shall be granted. 18361

(2) Except as provided in this section, the building or 18362  
structure shall not be used to confine any person unless it is in 18363  
substantial compliance with any applicable housing, fire 18364  
prevention, sanitation, health, and safety codes, regulations, or 18365  
standards. 18366

(3) Unless such satisfaction or compliance is required under 18367  
the standards described in division (C)(4) of this section, and 18368  
notwithstanding any other provision of state or local law to the 18369  
contrary, the building or structure need not satisfy or comply 18370  
with any state or local building standard or code in order to be 18371  
used to confine a person for the purposes specified in division 18372  
(B) of this section. 18373

(4) The building or structure shall not be used to confine 18374  
any person unless it is in compliance with all minimum standards 18375  
and minimum renovation, modification, and construction criteria 18376  
for minimum security jails that have been proposed by the 18377  
department of rehabilitation and correction, through its bureau of 18378  
adult detention, under section 5120.10 of the Revised Code. 18379

(5) The building or structure need not be renovated or 18380  
modified into a secure detention facility in order to be used 18381  
solely to confine a person for the purposes specified in divisions 18382  
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 18383

(6) The building or structure shall be used, equipped, 18384  
furnished, and staffed in the manner necessary to provide adequate 18385  
and suitable living, sleeping, food service or preparation, 18386  
drinking, bathing and toilet, sanitation, and other necessary 18387  
facilities, furnishings, and equipment. 18388

(D) Except as provided in this section, a minimum security 18389  
jail dedicated and used under this section shall be considered to 18390  
be part of the jail, workhouse, or other correctional facilities 18391

of the county or the affiliated counties and municipal 18392  
corporations for all purposes under the law. All persons confined 18393  
in such a minimum security jail shall be and shall remain, in all 18394  
respects, under the control of the county authority that has 18395  
responsibility for the management and operation of the jail, 18396  
workhouse, or other correctional facilities of the county or, if 18397  
it is operated by any affiliation of counties or municipal 18398  
corporations, under the control of the specified county or 18399  
municipal corporation with that authority, provided that, if the 18400  
person was convicted of a felony and is serving a residential 18401  
sanction in the facility, all provisions of law that pertain to 18402  
persons convicted of a felony that would not by their nature 18403  
clearly be inapplicable apply regarding the person. A minimum 18404  
security jail dedicated and used under this section shall be 18405  
managed and maintained in accordance with policies and procedures 18406  
adopted by the board of county commissioners or the affiliated 18407  
counties and municipal corporations governing the safe and 18408  
healthful operation of the jail, the confinement and supervision 18409  
of the persons sentenced to it, and their participation in work 18410  
release or similar rehabilitation programs. In addition to other 18411  
rules of conduct and discipline, the rights of ingress and egress 18412  
of persons confined in a minimum security jail dedicated and used 18413  
under this section shall be subject to reasonable restrictions. 18414  
Every person confined in a minimum security jail dedicated and 18415  
used under this section shall be given verbal and written 18416  
notification, at the time of the person's admission to the jail, 18417  
that purposely leaving, or purposely failing to return to, the 18418  
jail without proper authority or permission constitutes the felony 18419  
offense of escape. 18420

(E) If a person who has been convicted of or pleaded guilty 18421  
to an offense is sentenced to a term of imprisonment or a 18422  
residential sanction in a minimum security jail as described in 18423  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 18424

an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)~~(b)~~(c) or (B)(2)~~(b)~~(c) of this section, at the time of reception and at other times the person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the jail may cause a convicted offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

**Sec. 343.01.** (A) In order to comply with division (B) of section 3734.52 of the Revised Code, the board of county commissioners of each county shall do one of the following:

(1) Establish, by resolution, and maintain a county solid waste management district under this chapter that consists of all the incorporated and unincorporated territory within the county except as otherwise provided in division (A) of this section;

(2) With the boards of county commissioners of one or more other counties establish, by agreement, and maintain a joint solid waste management district under this chapter that consists of all the incorporated and unincorporated territory within the counties forming the joint district except as otherwise provided in division (A) of this section.

If a municipal corporation is located in more than one solid waste management district, the entire municipal corporation shall be considered to be included in and shall be under the jurisdiction of the district in which a majority of the population

of the municipal corporation resides. 18456

A county and joint district established to comply with 18457  
division (B) of section 3734.52 of the Revised Code shall have a 18458  
population of not less than one hundred twenty thousand unless, in 18459  
the instance of a county district, the board of county 18460  
commissioners has obtained an exemption from that requirement 18461  
under division (C)(1) or (2) of that section. Each joint district 18462  
established to comply with an order issued under division (D) of 18463  
that section shall have a population of at least one hundred 18464  
twenty thousand. 18465

(B) The boards of county commissioners of the counties 18466  
establishing a joint district constitute, collectively, the board 18467  
of directors of the joint district, except that if a county with a 18468  
form of legislative authority other than a board of county 18469  
commissioners participates, it shall be represented on the board 18470  
of directors by three persons appointed by the legislative 18471  
authority. 18472

The agreement to establish and maintain a joint district 18473  
shall be ratified by resolution of the board of county 18474  
commissioners of each participating county. Upon ratification, the 18475  
board of directors shall take control of and manage the joint 18476  
district subject to this chapter, except that, in the case of a 18477  
joint district formed pursuant to division (C), (D), or (E) of 18478  
section 343.012 of the Revised Code, the board of directors shall 18479  
take control of and manage the district when the formation of the 18480  
district becomes final under the applicable division. A majority 18481  
of the board of directors constitutes a quorum, and a majority 18482  
vote is required for the board to act. 18483

A county participating in a joint district may contribute 18484  
lands or rights or interests therein, money, other personal 18485  
property or rights or interests therein, or services to the 18486  
district. The agreement shall specify any contributions of 18487



participating counties and the rights of the participating 18488  
counties in lands or personal property, or rights or interests 18489  
therein, contributed to or otherwise acquired by the joint 18490  
district. The agreement may be amended or added to by a majority 18491  
vote of the board of directors, but no amendment or addition shall 18492  
divest a participating county of any right or interest in lands or 18493  
personal property without its consent. 18494

The board of directors may appoint and fix the compensation 18495  
of employees of, accept gifts, devises, and bequests for, and take 18496  
other actions necessary to control and manage the joint district. 18497  
Employees of the district shall be considered county employees for 18498  
the purposes of Chapter 124. of the Revised Code and other 18499  
provisions of state law applicable to employees. Instead of or in 18500  
addition to appointing employees of the district, the board of 18501  
directors may agree to use employees of one or more of the 18502  
participating counties in the service of the joint district and to 18503  
share in their compensation in any manner that may be agreed upon. 18504

The board of directors shall do one of the following: 18505

(1) Designate the county auditor, including any other 18506  
official acting in a capacity similar to a county auditor under a 18507  
county charter, of a county participating in the joint district as 18508  
the fiscal officer of the district, and the county treasurer, or 18509  
other official acting in a capacity similar to a county treasurer 18510  
under a county charter, of that county as the treasurer of the 18511  
district. The designated county officials shall perform any 18512  
applicable duties for the district as each typically performs for 18513  
the county of which the individual is an official, except as 18514  
otherwise may be provided in any bylaws or resolutions adopted by 18515  
the board of directors. The board of directors may pay to that 18516  
county any amount agreed upon by the board of directors and the 18517  
board of county commissioners of that county to reimburse that 18518  
county for the cost properly allocable to the service of its 18519

officials as fiscal officer and treasurer of the joint district. 18520

(2) Appoint one individual who is neither a county auditor 18521  
nor a county treasurer, and who may be an employee of the 18522  
district, to serve as both the treasurer of the district and its 18523  
fiscal officer. That individual shall act as custodian of the 18524  
funds of the board and the district and shall maintain all 18525  
accounts of the district. Any reference in this chapter or Chapter 18526  
3734. of the Revised Code to a county auditor or county treasurer 18527  
serving as fiscal officer of a district or custodian of any funds 18528  
of a board or district is deemed to refer to an individual 18529  
appointed under division (B)(2) of this section. 18530

The fiscal officer of a district shall establish a general 18531  
fund and any other necessary funds for the district. 18532

(C) A board of county commissioners of a county district or 18533  
board of directors of a joint district may acquire, by purchase or 18534  
lease, construct, improve, enlarge, replace, maintain, and operate 18535  
such solid waste collection systems within their respective 18536  
districts and such solid waste facilities within or outside their 18537  
respective districts as are necessary for the protection of the 18538  
public health. A board of county commissioners may acquire within 18539  
its county real property or any estate, interest, or right 18540  
therein, by appropriation or any other method, for use by a county 18541  
or joint district in connection with such facilities. 18542  
Appropriation proceedings shall be conducted in accordance with 18543  
sections 163.01 to 163.22 of the Revised Code. 18544

(D) The sanitary engineer or sanitary engineering department 18545  
of a county maintaining a district and any sanitary engineer or 18546  
sanitary engineering department of a county in a joint district, 18547  
as determined by the board of directors, in addition to other 18548  
duties assigned to that engineer or department, shall assist the 18549  
board of county commissioners or directors in the performance of 18550  
their duties under this chapter and sections 3734.52 to 3734.575 18551

of the Revised Code and shall be charged with any other duties and 18552  
services in relation thereto that the board prescribes. A board 18553  
may employ registered professional engineers to assist the 18554  
sanitary engineer in those duties and also may employ financial 18555  
advisers and any other professional services it considers 18556  
necessary to assist it in the construction, financing, and 18557  
maintenance of solid waste collection or other solid waste 18558  
facilities. Such contracts of employment shall not require the 18559  
certificate provided in section 5705.41 of the Revised Code. 18560  
Payment for such services may be made from the general fund or any 18561  
other fund legally available for that use at times that are agreed 18562  
upon or as determined by the board of county commissioners or 18563  
directors, and the funds may be reimbursed from the proceeds of 18564  
bonds or notes issued to pay the cost of any improvement to which 18565  
the services related. 18566

(E)(1) The prosecuting attorney of the county shall serve as 18567  
the legal advisor of a county district and shall provide such 18568  
services to the board of county commissioners of the district as 18569  
are required or authorized to be provided to other county boards 18570  
under Chapter 309. of the Revised Code, except that, if the board 18571  
considers it to be necessary or appropriate, the board, on its own 18572  
initiative, may employ an attorney or other legal counsel on an 18573  
annual basis to serve as the legal advisor of the district in 18574  
place of the prosecuting attorney. When the prosecuting attorney 18575  
is serving as the district's legal advisor and the board considers 18576  
it to be necessary or appropriate, the board, on its own 18577  
initiative, may employ an attorney or other legal counsel to 18578  
represent or advise the board regarding a particular matter in 18579  
place of the prosecuting attorney. The employment of an attorney 18580  
or other legal counsel on an annual basis or in a particular 18581  
matter is not subject to or governed by sections 305.14 and 309.09 18582  
of the Revised Code. 18583

Notwithstanding the employment of an attorney or other legal 18584  
counsel on an annual basis to serve as the district's legal 18585  
advisor, the board may require written opinions or instructions 18586  
from the prosecuting attorney under section 309.09 of the Revised 18587  
Code in matters connected with its official duties as though the 18588  
prosecuting attorney were serving as the legal advisor of the 18589  
district. 18590

(2) The board of directors of a joint district may designate 18591  
the prosecuting attorney of one of the counties forming the 18592  
district to serve as the legal advisor of the district. When so 18593  
designated, the prosecuting attorney shall provide such services 18594  
to the joint district as are required or authorized to be provided 18595  
to county boards under Chapter 309. of the Revised Code. The board 18596  
of directors may pay to that county any amount agreed upon by the 18597  
board of directors and the board of county commissioners of that 18598  
county to reimburse that county for the cost properly allocable to 18599  
the services of its prosecuting attorney as the legal advisor of 18600  
the joint district. When that prosecuting attorney is so serving 18601  
and the board considers it to be necessary or appropriate, the 18602  
board, on its own initiative, may employ an attorney or other 18603  
legal counsel to represent or advise the board regarding a 18604  
particular matter in place of the prosecuting attorney. 18605

Instead of designating the prosecuting attorney of one of the 18606  
counties forming the district to be the legal advisor of the 18607  
district, the board of directors may employ on an annual basis an 18608  
attorney or other legal counsel to serve as the district's legal 18609  
advisor. Notwithstanding the employment of an attorney or other 18610  
legal counsel as the district's legal advisor, the board of 18611  
directors may require written opinions or instructions from the 18612  
prosecuting attorney of any of the counties forming the district 18613  
in matters connected with the board's official duties, and the 18614  
prosecuting attorney shall provide the written opinion or 18615

instructions as though the prosecuting attorney had been 18616  
designated to serve as the district's legal advisor under division 18617  
(E)(2) of this section. 18618

(F) A board of county commissioners may issue bonds or bond 18619  
anticipation notes of the county to pay the cost of preparing 18620  
general and detailed plans and other data required for the 18621  
construction of solid waste facilities in connection with a county 18622  
or joint district. A board of directors of a joint solid waste 18623  
management district may issue bonds or bond anticipation notes of 18624  
the joint solid waste management district to pay the cost of 18625  
preparing general and detailed plans and other data required for 18626  
the construction of solid waste facilities in connection with a 18627  
joint district. The bonds and notes shall be issued in accordance 18628  
with Chapter 133. of the Revised Code, except that the maximum 18629  
maturity of bonds issued for that purpose shall not exceed ten 18630  
years. Bond anticipation notes may be paid from the proceeds of 18631  
bonds issued either to pay the cost of the solid waste facilities 18632  
or to pay the cost of the plans and other data. 18633

(G) To the extent authorized by the solid waste management 18634  
plan of the district approved under section 3734.521 or 3734.55 of 18635  
the Revised Code or subsequent amended plans of the district 18636  
approved under section 3734.521 or 3734.56 of the Revised Code, 18637  
the board of county commissioners of a county district or board of 18638  
directors of a joint district may adopt, publish, and enforce 18639  
rules doing any of the following: 18640

(1) Prohibiting or limiting the receipt of solid wastes 18641  
generated outside the district or outside a service area 18642  
prescribed in the solid waste management plan or amended plan, at 18643  
facilities located within the solid waste management district, 18644  
consistent with the projections contained in the plan or amended 18645  
plan under divisions (A)(6) and (7) of section 3734.53 of the 18646  
Revised Code. However, rules adopted by a board under division 18647

(G)(1) of this section may be adopted and enforced with respect to 18648  
solid waste disposal facilities in the solid waste management 18649  
district that are not owned by a county or the solid waste 18650  
management district only if the board submits an application to 18651  
the director of environmental protection that demonstrates that 18652  
there is insufficient capacity to dispose of all solid wastes that 18653  
are generated within the district at the solid waste disposal 18654  
facilities located within the district and the director approves 18655  
the application. The demonstration in the application shall be 18656  
based on projections contained in the plan or amended plan of the 18657  
district. The director shall establish the form of the 18658  
application. The approval or disapproval of such an application by 18659  
the director is an action that is appealable under section 3745.04 18660  
of the Revised Code. 18661

In addition, the director of environmental protection may 18662  
issue an order modifying a rule adopted under division (G)(1) of 18663  
this section to allow the disposal in the district of solid wastes 18664  
from another county or joint solid waste management district if 18665  
all of the following apply: 18666

(a) The district in which the wastes were generated does not 18667  
have sufficient capacity to dispose of solid wastes generated 18668  
within it for six months following the date of the director's 18669  
order. 18670

(b) No new solid waste facilities will begin operation during 18671  
those six months in the district in which the wastes were 18672  
generated and, despite good faith efforts to do so, it is 18673  
impossible to site new solid waste facilities within the district 18674  
because of its high population density. 18675

(c) The district in which the wastes were generated has made 18676  
good faith efforts to negotiate with other districts to 18677  
incorporate its disposal needs within those districts' solid waste 18678  
management plans, including efforts to develop joint facilities 18679

authorized under section 343.02 of the Revised Code, and the 18680  
efforts have been unsuccessful+   18681

(d) The district in which the wastes were generated has 18682  
located a facility willing to accept the district's solid wastes 18683  
for disposal within the receiving district+   18684

(e) The district in which the wastes were generated has 18685  
demonstrated to the director that the conditions specified in 18686  
divisions (G)(1)(a) to (d) of this section have been met+   18687

(f) The director finds that the issuance of the order will be 18688  
consistent with the state solid waste management plan and that 18689  
receipt of the out-of-district wastes will not limit the capacity 18690  
of the receiving district to dispose of its in-district wastes to 18691  
less than eight years. 18692

~~Any~~ 18693

Any order issued under division (G)(1) of this section shall 18694  
not become final until thirty days after it has been served by 18695  
certified mail upon the county or joint solid waste management 18696  
district that will receive the out-of-district wastes. 18697

(2) Governing the maintenance, protection, and use of solid 18698  
waste collection or other solid waste facilities located within 18699  
its district. The rules adopted under division (G)(2) of this 18700  
section shall not establish design standards for solid waste 18701  
facilities and shall be consistent with the solid waste provisions 18702  
of Chapter 3734. of the Revised Code and the rules adopted under 18703  
those provisions. The rules adopted under division (G)(2) of this 18704  
section may prohibit any person, municipal corporation, township, 18705  
or other political subdivision from constructing, enlarging, or 18706  
modifying any solid waste facility until general plans and 18707  
specifications for the proposed improvement have been submitted to 18708  
and approved by the board of county commissioners or board of 18709  
directors as complying with the solid waste management plan or 18710

amended plan of the district. The construction of such a facility 18711  
shall be done under the supervision of the county sanitary 18712  
engineer or, in the case of a joint district, a county sanitary 18713  
engineer designated by the board of directors, and any person, 18714  
municipal corporation, township, or other political subdivision 18715  
proposing or constructing such improvements shall pay to the 18716  
county or joint district all expenses incurred by the board in 18717  
connection therewith. The sanitary engineer may enter upon any 18718  
public or private property for the purpose of making surveys or 18719  
examinations necessary for designing solid waste facilities or for 18720  
supervising the construction, enlargement, modification, or 18721  
operation of any such facilities. No person, municipal 18722  
corporation, township, or other political subdivision shall forbid 18723  
or interfere with the sanitary engineer or the sanitary engineer's 18724  
authorized assistants entering upon such property for that 18725  
purpose. If actual damage is done to property by the making of the 18726  
surveys and examinations, a board shall pay the reasonable value 18727  
of that damage to the owner of the property damaged, and the cost 18728  
shall be included in the financing of the improvement for which 18729  
the surveys and examinations are made. 18730

(3) Governing the development and implementation of a program 18731  
for the inspection of solid wastes generated outside the 18732  
boundaries of this state that are disposed of at solid waste 18733  
facilities included in the district's solid waste management plan 18734  
or amended plan. A board of county commissioners or board of 18735  
directors or its authorized representative may enter upon the 18736  
premises of any solid waste facility included in the district's 18737  
solid waste management plan or amended plan for the purpose of 18738  
conducting the inspections required or authorized by the rules 18739  
adopted under division (G)(3) of this section. No person, 18740  
municipal corporation, township, or other political subdivision 18741  
shall forbid or interfere with a board of county commissioners or 18742  
directors or its authorized representative entering upon the 18743



premises of any such solid waste facility for that purpose. 18744

(4) Exempting the owner or operator of any existing or 18745  
proposed solid waste facility provided for in the plan or amended 18746  
plan from compliance with any amendment to a township zoning 18747  
resolution adopted under section 519.12 of the Revised Code or to 18748  
a county rural zoning resolution adopted under section 303.12 of 18749  
the Revised Code that rezoned or redistricted the parcel or 18750  
parcels upon which the facility is to be constructed or modified 18751  
and that became effective within two years prior to the filing of 18752  
an application for a permit required under division (A)(2)(a) of 18753  
section 3734.05 of the Revised Code to open a new or modify an 18754  
existing solid waste facility. 18755

(H) A board of county commissioners or board of directors may 18756  
enter into a contract with any person, municipal corporation, 18757  
township, or other political subdivision for the operation and 18758  
maintenance of any solid waste facilities regardless of whether 18759  
the facilities are owned or leased by the county or joint district 18760  
or the contractor. 18761

(I)(1) No person, municipal corporation, township, or other 18762  
political subdivision shall tamper with or damage any solid waste 18763  
facility constructed under this chapter or any apparatus or 18764  
accessory connected therewith or pertaining thereto, fail or 18765  
refuse to comply with the applicable rules adopted by a board of 18766  
county commissioners or directors under division (G)(1), (2), (3), 18767  
or (4) of this section, refuse to permit an inspection or 18768  
examination by a sanitary engineer as authorized under division 18769  
(G)(2) of this section, or refuse to permit an inspection by a 18770  
board of county commissioners or directors or its authorized 18771  
representative as required or authorized by rules adopted under 18772  
division (G)(3) of this section. 18773

(2) If the board of county commissioners of a county district 18774  
or board of directors of a joint district has established facility 18775

designations under section 343.013, 343.014, or 343.015 of the Revised Code, or the director has established facility designations in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, no person, municipal corporation, township, or other political subdivision shall deliver, or cause the delivery of, any solid wastes generated within a county or joint district to any solid waste facility other than the facility designated under section 343.013, 343.014, or 343.015 of the Revised Code, or in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, except that source separated recyclable materials may be taken to any legitimate recycling facility. Upon the request of a person or the legislative authority of a municipal corporation or township, the board of county commissioners of a county district or board of directors of a joint district may grant a waiver authorizing the delivery of all or any portion of the solid wastes generated in a municipal corporation or township to a solid waste facility other than the facility designated under section 343.013, 343.014, or 343.015 of the Revised Code, or in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, regardless of whether the other facility is located within or outside of the district, if the board finds that delivery of those solid wastes to the other facility is not inconsistent with the projections contained in the district's initial or amended plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code as approved or ordered to be implemented and will not adversely affect the implementation and financing of the district's initial or amended plan pursuant to the implementation schedule contained in it under divisions (A)(12)(a) to (d) of that section. The board shall act on a

request for such a waiver within ninety days after receiving the 18809  
request. Upon granting such a waiver, the board shall send notice 18810  
of that fact to the director. The notice shall indicate to whom 18811  
the waiver was granted. Any waiver or authorization granted by a 18812  
board on or before October 29, 1993, shall continue in force until 18813  
the board takes action concerning the same entity under this 18814  
division or until action is taken under division (G) of section 18815  
343.014 of the Revised Code. 18816

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 18817  
apply to the construction, operation, use, repair, enlargement, or 18818  
modification of either of the following: 18819

(1) A solid waste facility owned by a generator of solid 18820  
wastes when the solid waste facility exclusively disposes of solid 18821  
wastes generated at one or more premises owned by the generator 18822  
regardless of whether the facility is located on a premises where 18823  
the wastes are generated; 18824

(2) A facility that exclusively disposes of wastes that are 18825  
generated from the combustion of coal, or from the combustion of 18826  
primarily coal in combination with scrap tires, that is not 18827  
combined in any way with garbage at one or more premises owned by 18828  
the generator. 18829

(K)(1) A member of the board of county commissioners of a 18830  
county solid waste management district, member of the board of 18831  
directors of a joint solid waste management district, member of 18832  
the board of trustees of a regional solid waste management 18833  
authority managing a county or joint solid waste management 18834  
district, or officer or employee of any solid waste management 18835  
district, for the purposes of sections 102.03, 102.04, 2921.41, 18836  
and 2921.42 of the Revised Code, shall not be considered to be 18837  
directly or indirectly interested in, or improperly influenced by, 18838  
any of the following: 18839

(a) A contract entered into under this chapter or section 18840  
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 18841  
the district and any county forming the district, municipal 18842  
corporation or township located within the district, or health 18843  
district having territorial jurisdiction within the district, of 18844  
which that member, officer, or employee also is an officer or 18845  
employee, but only to the extent that any interest or influence 18846  
could arise from holding public office or employment with the 18847  
political subdivision or health district; 18848

(b) A contract entered into under this chapter or section 18849  
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 18850  
the district and a county planning commission organized under 18851  
section 713.22 of the Revised Code, or regional planning 18852  
commission created under section 713.21 of the Revised Code, 18853  
having territorial jurisdiction within the district, of which that 18854  
member also is a member, officer, or employee, but only to the 18855  
extent that any interest or influence could arise from holding 18856  
public office or employment with the commission; 18857

(c) An expenditure of money made by the district for the 18858  
benefit of any county forming the district, municipal corporation 18859  
or township located within the district, or health district or 18860  
county or regional planning commission having territorial 18861  
jurisdiction within the district, of which that member also is a 18862  
member, officer, or employee, but only to the extent that any 18863  
interest or influence could arise from holding public office or 18864  
employment with the political subdivision, health district, or 18865  
commission; 18866

(d) An expenditure of money made for the benefit of the 18867  
district by any county forming the district, municipal corporation 18868  
or township located within the district, or health district or 18869  
county or regional planning commission having territorial 18870  
jurisdiction within the district, of which that member also is a 18871

member, officer, or employee, but only to the extent that any 18872  
interest or influence could arise from holding public office or 18873  
employment with the political subdivision, health district, or 18874  
commission. 18875

(2) A solid waste management district, county, municipal 18876  
corporation, township, health district, or planning commission 18877  
described or referred to in divisions (K)(1)(a) to (d) of this 18878  
section shall not be construed to be the business associate of a 18879  
person who is concurrently a member of the board of county 18880  
commissioners, directors, or trustees, or an officer or employee, 18881  
of the district and an officer or employee of that municipal 18882  
corporation, county, township, health district, or planning 18883  
commission for the purposes of sections 102.03, 2921.42, and 18884  
2921.43 of the Revised Code. Any person who is concurrently a 18885  
member of the board of county commissioners, directors, or 18886  
trustees, or an officer or employee, of a solid waste management 18887  
district so described or referred to and an officer or employee of 18888  
a county, municipal corporation, township, health district, or 18889  
planning commission so described or referred to may participate 18890  
fully in deliberations concerning and vote on or otherwise 18891  
participate in the approval or disapproval of any contract or 18892  
expenditure of funds described in those divisions as a member of 18893  
the board of county commissioners or directors, or an officer or 18894  
employee, of a county or joint solid waste management district; 18895  
member of the board of trustees, or an officer or employee, of a 18896  
regional solid waste management authority managing a county or 18897  
joint solid waste management district; member of the legislative 18898  
authority, or an officer or employee, of a county forming the 18899  
district; member of the legislative authority, or an officer or 18900  
employee, of a municipal corporation or township located within 18901  
the district; member of the board of health, or an officer or 18902  
employee, of a health district having territorial jurisdiction 18903  
within the district; or member of the planning commission, or an 18904

officer or employee of a county or regional planning commission 18905  
having territorial jurisdiction within the district. 18906

(3) Nothing in division (K)(1) or (2) of this section shall 18907  
be construed to exempt any member of the board of county 18908  
commissioners, directors, or trustees, or an officer or employee, 18909  
of a solid waste management district from a conflict of interest 18910  
arising because of a personal or private business interest. 18911

(4) A member of the board of county commissioners of a county 18912  
solid waste management district, board of directors of a joint 18913  
solid waste management district, or board of trustees of a 18914  
regional solid waste management authority managing a county or 18915  
joint solid waste management district, or an officer or employee, 18916  
of any such solid waste management district, neither shall be 18917  
disqualified from holding any other public office or position of 18918  
employment nor be required to forfeit any other public office or 18919  
position of employment by reason of serving as a member of the 18920  
board of county commissioners, directors, or trustees, or as an 18921  
officer or employee, of the district, notwithstanding any 18922  
requirement to the contrary under the common law of this state or 18923  
the Revised Code. 18924

(L) As used in this chapter: 18925

(1) "Board of health," "disposal," "health district," "scrap 18926  
tires," and "solid waste transfer facility" have the same meanings 18927  
as in section 3734.01 of the Revised Code. 18928

(2) "Change in district composition" and "change" have the 18929  
same meaning as in section 3734.521 of the Revised Code. 18930

(3)(a) Except as provided in division (L)(3)(b) or (c), and 18931  
(d), of this section, "solid wastes" has the same meaning as in 18932  
section 3734.01 of the Revised Code. 18933

(b) If the solid waste management district is not one that 18934  
resulted from proceedings for a change in district composition 18935

under sections 343.012 and 3734.521 of the Revised Code, until 18936  
such time as an amended solid waste management plan is approved 18937  
under section 3734.56 of the Revised Code, "solid wastes" need not 18938  
include scrap tires unless the solid waste management policy 18939  
committee established under section 3734.54 of the Revised Code 18940  
for the district chooses to include the management of scrap tires 18941  
in the district's initial solid waste management plan prepared 18942  
under sections 3734.54 and 3734.55 of the Revised Code. 18943

(c) If the solid waste management district is one resulting 18944  
from proceedings for a change in district composition under 18945  
sections 343.012 and 3734.521 of the Revised Code and if the 18946  
change involves an existing district that is operating under 18947  
either an initial solid waste management plan approved or prepared 18948  
and ordered to be implemented under section 3734.55 of the Revised 18949  
Code or an initial or amended plan approved or prepared and 18950  
ordered to be implemented under section 3734.521 of the Revised 18951  
Code that does not provide for the management of scrap tires and 18952  
scrap tire facilities, until such time as the amended plan of the 18953  
district resulting from the change is approved under section 18954  
3734.56 of the Revised Code, "solid wastes" need not include scrap 18955  
tires unless the solid waste management policy committee 18956  
established under division (C) of section 3734.521 of the Revised 18957  
Code for the district chooses to include the management of scrap 18958  
tires in the district's initial or amended solid waste management 18959  
plan prepared under section 3734.521 of the Revised Code in 18960  
connection with the change proceedings. 18961

(d) If the policy committee chooses to include the management 18962  
of scrap tires in an initial plan prepared under sections 3734.54 18963  
and 3734.55 of the Revised Code or in an initial or amended plan 18964  
prepared under section 3734.521 of the Revised Code, the board of 18965  
county commissioners or directors shall execute all of the duties 18966  
imposed and may exercise any or all of the rights granted under 18967

this section for the purpose of managing solid wastes that consist 18968  
of scrap tires. 18969

(4)(a) Except as provided in division (L)(4)(b) or (c), and 18970  
(d) of this section, "facility" has the same meaning as in section 18971  
3734.01 of the Revised Code and also includes any solid waste 18972  
transfer, recycling, or resource recovery facility. 18973

(b) If the solid waste management district is not one that 18974  
resulted from proceedings for a change in district composition 18975  
under sections 343.012 and 3734.521 of the Revised Code, until 18976  
such time as an amended solid waste management plan is approved 18977  
under section 3734.56 of the Revised Code, "facility" need not 18978  
include any scrap tire collection, storage, monocell, monofill, or 18979  
recovery facility unless the solid waste management policy 18980  
committee established under section 3734.54 of the Revised Code 18981  
for the district chooses to include the management of scrap tire 18982  
facilities in the district's initial solid waste management plan 18983  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 18984

(c) If the solid waste management district is one resulting 18985  
from proceedings for a change in district composition under 18986  
sections 343.012 and 3734.521 of the Revised Code and if the 18987  
change involves an existing district that is operating under 18988  
either an initial solid waste management plan approved under 18989  
section 3734.55 of the Revised Code or an initial or amended plan 18990  
approved or prepared and ordered to be implemented under section 18991  
3734.521 of the Revised Code that does not provide for the 18992  
management of scrap tires and scrap tire facilities, until such 18993  
time as the amended plan of the district resulting from the change 18994  
is approved under section 3734.56 of the Revised Code, "facility" 18995  
need not include scrap tires unless the solid waste management 18996  
policy committee established under division (C) of section 18997  
3734.521 of the Revised Code for the district chooses to include 18998  
the management of scrap tires in the district's initial or amended 18999



solid waste management plan prepared under section 3734.521 of the Revised Code in connection with the change proceedings.

(d) If the policy committee chooses to include the management of scrap tires in an initial plan prepared under sections 3734.54 and 3734.55 of the Revised Code or in an initial or amended plan prepared under section 3734.521 of the Revised Code, the board of county commissioners or directors shall execute all of the duties imposed and may exercise any or all of the rights granted under this section for the purpose of managing solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities.

(M) As used in this section:

(1) "Source separated recyclable materials" means materials that are separated from other solid wastes at the location where the materials are generated for the purpose of recycling the materials at a legitimate recycling facility.

(2) "Legitimate recycling facility" has the same meaning as in rule 3745-27-01 of the Administrative Code.

**Sec. 349.01.** As used in this chapter:

(A) "New community" means a community or ~~an addition~~ development of property in relation to an existing community planned ~~pursuant to this chapter~~ so that ~~it~~ the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

~~In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "new community" may mean a~~

~~community or development of property planned under this chapter in relation to an existing community so that the community includes facilities for the conduct of community activities, and is designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities for the community.~~

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

~~In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, a~~ A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district,

or any municipal corporation, county, or port authority that owns 19061  
the land within a new community district, or has the ability to 19062  
acquire such land, either by voluntary acquisition or condemnation 19063  
in order to eliminate slum, blighted, and deteriorated or 19064  
deteriorating areas and to prevent the recurrence thereof. ~~In the~~ 19065  
~~case of a new community authority established within three years~~ 19066  
~~after March 22, 2012, the effective date of H.B. 225 of the 129th~~ 19067  
~~general assembly, "developer~~ "Developer" may also mean a person, 19068  
municipal corporation, county, or port authority that controls 19069  
land within a new community district through leases of at least 19070  
~~forty~~ seventy-five years' duration. 19071

(F) "Organizational board of commissioners" means the 19072  
following: 19073

(1) For a new community district that is located in only one 19074  
county, the board of county commissioners of that county; 19075

(2) For a new community district that is located in more than 19076  
one county, a board consisting of the members of the board of 19077  
county commissioners of each of the counties in which the district 19078  
is located, provided that action of the board shall require a 19079  
majority vote of the members of each separate board of county 19080  
commissioners; or 19081

(3) For a new community district that is located entirely 19082  
within the boundaries of a municipal corporation or for a new 19083  
community district where more than half of the new community 19084  
district is located within the boundaries of the most populous 19085  
municipal corporation of a county, the legislative authority of 19086  
the municipal corporation. 19087

(G) "Land acquisition" means the acquisition of real property 19088  
and interests in real property as part of a new community 19089  
development program. 19090

(H) "Land development" means the process of clearing and 19091

grading land, making, installing, or constructing water 19092  
distribution systems, sewers, sewage collection systems, steam, 19093  
gas, and electric lines, roads, streets, curbs, gutters, 19094  
sidewalks, storm drainage facilities, and other installations or 19095  
work, whether within or without the new community district, and 19096  
the construction of community facilities. 19097

(I)~~(1)~~ "Community facilities" means all real property, 19098  
buildings, structures, or other facilities, including related 19099  
fixtures, equipment, and furnishings, to be owned, operated, 19100  
financed, constructed, and maintained under this chapter or in 19101  
furtherance of community activities, including public, community, 19102  
village, neighborhood, or town buildings, centers and plazas, 19103  
auditoriums, day care centers, recreation halls, educational 19104  
facilities, health care facilities including hospital facilities 19105  
as defined in section 140.01 of the Revised Code, 19106  
telecommunications facilities, including all facilities necessary 19107  
to provide telecommunications service as defined in section 19108  
4927.01 of the Revised Code, recreational facilities, natural 19109  
resource facilities, including parks and other open space land, 19110  
lakes and streams, cultural facilities, community streets and 19111  
off-street parking facilities, pathway and bikeway systems, 19112  
pedestrian underpasses and overpasses, lighting facilities, design 19113  
amenities, or other community facilities, and buildings needed in 19114  
connection with water supply or sewage disposal installations, or 19115  
energy facilities including those for renewable or sustainable 19116  
energy sources, and steam, gas, or electric lines or installation. 19117

~~(2) In the case of a new community authority established 19118  
within three years after March 22, 2012, the effective date of 19119  
H.B. 225 of the 129th general assembly, "community facilities" may 19120  
mean, in addition to the facilities authorized in division (I)(1) 19121  
of this section, any community facilities that are owned, 19122  
operated, financed, constructed, or maintained for, relating to, 19123~~

~~or in furtherance of community activities, including, but not~~ 19124  
~~limited to, town buildings or other facilities, health care~~ 19125  
~~facilities including, but limited to, hospital facilities, and~~ 19126  
~~off-street parking facilities.~~ 19127

(J) "Cost" as applied to a new community development program 19128  
means all costs related to land acquisition and land development, 19129  
the acquisition, construction, maintenance, and operation of 19130  
community facilities and offices of the community authority, and 19131  
of providing furnishings and equipment therefor, financing charges 19132  
including interest prior to and during construction and for the 19133  
duration of the new community development program, planning 19134  
expenses, engineering expenses, administrative expenses including 19135  
working capital, and all other expenses necessary and incident to 19136  
the carrying forward of the new community development program. 19137

(K) "Income source" means any and all sources of income to 19138  
the community authority, including community development charges 19139  
of which the new community authority is the beneficiary as 19140  
provided in section 349.07 of the Revised Code, rentals, user fees 19141  
and other charges received by the new community authority, any 19142  
gift or grant received, any moneys received from any funds 19143  
invested by or on behalf of the new community authority, and 19144  
proceeds from the sale or lease of land and community facilities. 19145

(L) "Community development charge" means: 19146

(1) A dollar amount which shall be determined on the basis of 19147  
the assessed valuation of real property or interests in real 19148  
property in a new community district owned, sold, leased, or 19149  
otherwise conveyed by the developer or the new community 19150  
authority, the income of the residents of such property subject to 19151  
such charge under section 349.07 of the Revised Code, if such 19152  
property is devoted to residential uses or to the profits, gross 19153  
receipts, or other revenues of any business including, but not 19154  
limited to, rentals received from leases of real property located 19155

in the district, a uniform or other fee on each parcel of such 19156  
real property ~~originally owned~~, sold, leased, or otherwise 19157  
conveyed by the developer or new community authority, or any 19158  
combination of the foregoing bases. 19159

~~(2) For a new community authority that is established within 19160  
three years after March 22, 2012, the effective date of H.B. 225 19161  
of the 129th general assembly, "community development charge" 19162  
includes, in addition to the charges authorized in division (L)(1) 19163  
of this section, a charge determined on the basis of all or a part 19164  
of the income of the residents of real property within the new 19165  
community district if such property is devoted to residential 19166  
uses, or all or a part of the profits, gross receipts, or other 19167  
revenues of any business operating in the new community district, 19168  
including, but not limited to, rentals received from leases of 19169  
real property located in the district. If a new community 19170  
authority imposes a community development charge determined on the 19171  
basis of rentals received from leases of real property, 19172  
improvements of any real property located in the new community 19173  
district and subject to that charge may not be exempted from 19174  
taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of 19175  
the Revised Code. 19176~~

(M) "Proximate city" means the following: 19177

(1) For a new community district other than a new community 19178  
district described in division (M)(2) or (3) of this section, any 19179  
city that, as of the date of filing of the petition under section 19180  
349.03 of the Revised Code, is the city with the greatest 19181  
population located in the county in which the proposed new 19182  
community district is located, is the city with the greatest 19183  
population located in an adjoining county if any portion of such 19184  
city is within five miles of any part of the boundaries of such 19185  
district, or exercises extraterritorial subdivision authority 19186  
under section 711.09 of the Revised Code with respect to any part 19187

of such district. 19188

~~In the case of a new community authority that is established~~ 19189  
~~within three years after March 22, 2012, the effective date of~~ 19190  
~~H.B. 225 of the 129th general assembly, "proximate city" may mean~~ 19191  
a (2) A municipal corporation in which, at the time of filing the 19192  
petition under section 349.03 of the Revised Code, any portion of 19193  
the proposed new community district is located, ~~or.~~ 19194

(3) For a new community district other than a new community 19195  
district described in division (M)(2) of this section, if at the 19196  
time of that filing the petition under section 349.03 of the 19197  
Revised Code, more than one-half of the proposed district is 19198  
contained within a joint economic development district created 19199  
under sections 715.70 to 715.83 of the Revised Code, the township 19200  
containing the greatest portion of the territory of the joint 19201  
economic development district. 19202

(N) "Community activities" means cultural, educational, 19203  
governmental, recreational, residential, industrial, commercial, 19204  
distribution and research activities, or any combination thereof 19205  
that includes residential activities. 19206

**Sec. 349.03.** (A) Proceedings for the organization of a new 19207  
community authority shall be initiated by a petition filed by the 19208  
developer in the office of the clerk of the organizational board 19209  
of ~~county~~ commissioners ~~of one of the counties in which all or~~ 19210  
~~part of the proposed new community district is located.~~ Such 19211  
petition shall be signed by the developer and may be signed by 19212  
each proximate city. The legislative authorities of each such 19213  
proximate city shall act in behalf of such city. Such petition 19214  
shall contain: 19215

(1) The name of the proposed new community authority; 19216

(2) The address where the principal office of the authority 19217

will be located or the manner in which the location will be 19218  
selected; 19219

(3) A map and a full and accurate description of the 19220  
boundaries of the new community district together with a 19221  
description of the properties within such boundaries, if any, 19222  
which will not be included in the new community district. 19223

The total acreage included in such district shall not be less 19224  
than one thousand acres, all of which acreage shall be owned by, 19225  
or under the control through leases of at least seventy-five 19226  
years' duration, options, or contracts to purchase, of the 19227  
developer, if the developer is a private entity unless one of the 19228  
following applies: 19229

(a) The district is wholly contained within municipal 19230  
corporations. 19231

~~(b) In the case of a new community authority that is 19232  
established within three years after the effective date of H.B. 19233  
225 of the 129th general assembly, more More than one-half of the 19234  
proposed district is, at the time of filing the petition under 19235  
this section 349.03 of the Revised Code, contained within a joint 19236  
economic development district created under sections 715.70 to 19237  
715.83 of the Revised Code. 19238~~

~~The acreage included in a proposed district shall be 19239  
developable as one functionally interrelated community. In the 19240  
case of a new community authority established on or after July 7, 19241  
2010, and before January 1, 2012, such leases may be of not less 19242  
than forty years' duration, and the acreage may be developable so 19243  
that the community is one functionally interrelated community. 19244~~

(4) A statement setting forth the zoning regulations proposed 19245  
for zoning the area within the boundaries of the new community 19246  
district for comprehensive development as a new community, and if 19247  
the area has been zoned for such development, a certified copy of 19248



the applicable zoning regulations therefor; 19249

(5) A current plan indicating the proposed development 19250  
program for the new community district, the land acquisition and 19251  
land development activities, community facilities, services 19252  
proposed to be undertaken by the new community authority under 19253  
such program, the proposed method of financing such activities and 19254  
services, including a description of the bases, timing, and manner 19255  
of collecting any proposed community development charges, and the 19256  
projected total residential population of, and employment within, 19257  
the new community; 19258

(6) A suggested number of members, consistent with section 19259  
349.04 of the Revised Code, for the board of trustees; 19260

(7) A preliminary economic feasibility analysis, including 19261  
the area development pattern and demand, location and proposed new 19262  
community district size, present and future socio-economic 19263  
conditions, public services provision, financial plan, and the 19264  
developer's management capability; 19265

(8) A statement that the development will comply with all 19266  
applicable environmental laws and regulations. 19267

Upon the filing of such petition, the organizational board of 19268  
commissioners shall determine whether such petition complies with 19269  
the requirements of this section as to form and substance. The 19270  
board in subsequent proceedings may at any time permit the 19271  
petition to be amended in form and substance to conform to the 19272  
facts by correcting any errors in the description of the proposed 19273  
new community district or in any other particular. 19274

Upon the determination of the organizational board of 19275  
commissioners that a sufficient petition has been filed in 19276  
accordance with this section, the board shall fix the time and 19277  
place of a hearing on the petition for the establishment of the 19278  
proposed new community authority. Such hearing shall be held not 19279

less than ninety-five nor more than one hundred fifteen days after 19280  
the petition filing date, except that if the petition has been 19281  
signed by all proximate cities or if the organizational board of 19282  
commissioners is the legislative authority of the only proximate 19283  
city for the proposed new community district, such hearing shall 19284  
be held not less than thirty nor more than forty-five days after 19285  
the petition filing date. The clerk of the organizational board of 19286  
county commissioners with which the petition was filed shall give 19287  
notice thereof by publication once each week for three consecutive 19288  
weeks, or as provided in section 7.16 of the Revised Code, in a 19289  
newspaper of general circulation in any county of which a portion 19290  
is within the proposed new community district. ~~Such~~ Except where 19291  
the organizational board of commissioners is the legislative 19292  
authority of the only proximate city for the proposed new 19293  
community district, such clerk shall also give written notice of 19294  
the date, time, and place of the hearing and furnish a certified 19295  
copy of the petition to the clerk of the legislative authority of 19296  
each proximate city which has not signed such petition. ~~In~~ Except 19297  
where the organizational board of commissioners is the legislative 19298  
authority of the only proximate city for the proposed new 19299  
community district, in the event that the legislative authority of 19300  
a proximate city which did not sign the petition does not approve 19301  
by ordinance, resolution, or motion the establishment of the 19302  
proposed new community authority and does not deliver such 19303  
ordinance, resolution, or motion to the clerk of the 19304  
organizational board of county commissioners with which the 19305  
petition was filed within ninety days following the date of the 19306  
first publication of the notice of the public hearing, the 19307  
organizational board of commissioners shall cancel such public 19308  
hearing and terminate the proceedings for the establishment of the 19309  
new community authority. 19310

Upon the hearing, if the organizational board of 19311  
commissioners determines by resolution that the proposed new 19312

community district will be conducive to the public health, safety, 19313  
convenience, and welfare, and is intended to result in the 19314  
development of a new community, the board shall by its resolution, 19315  
~~entered of record in its journal and the journal of the board of~~ 19316  
~~county commissioners with which the petition was filed,~~ declare 19317  
the new community authority to be organized and a body politic and 19318  
corporate with the corporate name designated in the resolution, 19319  
and define the boundary of the new community district. In 19320  
addition, the resolution shall provide the method of selecting the 19321  
board of trustees of the new community authority and fix the 19322  
surety for their bonds in accordance with section 349.04 of the 19323  
Revised Code. 19324

If the organizational board of commissioners finds that the 19325  
establishment of the district will not be conducive to the public 19326  
health, safety, convenience, or welfare, or is not intended to 19327  
result in the development of a new community, it shall reject the 19328  
petition thereby terminating the proceedings for the establishment 19329  
of the new community authority. 19330

(B) At any time after the creation of a new community 19331  
authority, the developer may file an application with the clerk of 19332  
the organizational board of ~~county~~ commissioners ~~of the county in~~ 19333  
with which the original petition was filed, setting forth a 19334  
general description of territory it desires to add or to delete 19335  
from such district, that such change will be conducive to the 19336  
public health, safety, convenience, and welfare, and will be 19337  
consistent with the development of a new community and will not 19338  
jeopardize the plan of the new community. If the developer is not 19339  
a municipal corporation, port authority, or county, all of such an 19340  
addition to such a district shall be owned by, or under the 19341  
control through leases of at least seventy-five years' duration, 19342  
options, or contracts to purchase, of the developer. ~~In the case~~ 19343  
~~of a new community authority established on or after July 7, 2010,~~ 19344

~~and before January 1, 2012, such leases may be of not less than~~ 19345  
~~forty years' duration.~~ Upon the filing of the application, the 19346  
organizational board of commissioners shall follow the same 19347  
procedure as required by this section in relation to the petition 19348  
for the establishment of the proposed new community. 19349

(C) If all or any part of the new community district is 19350  
annexed to one or more existing municipal corporations, their 19351  
legislative authorities may appoint persons to replace any 19352  
appointed citizen member of the board of trustees. The number of 19353  
such trustees to be replaced by the municipal corporation shall be 19354  
the number, rounded to the lowest integer, bearing the 19355  
proportionate relationship to the number of existing appointed 19356  
citizen members as the acreage of the new community district 19357  
within such municipal corporation bears to the total acreage of 19358  
the new community district. If any such municipal corporation 19359  
chooses to replace an appointed citizen member, it shall do so by 19360  
ordinance, the term of the trustee being replaced shall terminate 19361  
thirty days from the date of passage of such ordinance, and the 19362  
trustee to be replaced shall be determined by lot. Each newly 19363  
appointed member shall assume the term of the member's 19364  
predecessor. 19365

**Sec. 349.04.** The following method of selecting a board of 19366  
trustees is deemed to be a compelling state interest. Within ten 19367  
days after the new community authority has been established, as 19368  
provided in section 349.03 of the Revised Code, an initial board 19369  
of trustees shall be appointed as follows: the organizational 19370  
board of commissioners shall appoint by resolution at least three, 19371  
but not more than six, citizen members of the board of trustees to 19372  
represent the interests of present and future residents and 19373  
employers of the new community district and one member to serve as 19374  
a representative of local government, and the developer shall 19375  
appoint a number of members equal to the number of citizen members 19376

~~to serve as representatives of the developer. In the case of a new  
community authority established within three years after March 22,  
2012, the citizen members may represent present and future  
employers within the new community district and any present or  
future residents of the district.~~

Members shall serve two-year overlapping terms, with two of  
each of the initial citizen and developer members appointed to  
serve initial one-year terms. The organizational board of  
commissioners shall adopt, by further resolution adopted within  
one year of such resolution establishing such initial board of  
trustees, a method for selection of successor members thereof  
which determines the projected total population of the projected  
new community and meets the following criteria:

(A) The appointed citizen members shall be replaced by  
elected citizen members according to a schedule established by the  
organizational board of commissioners calculated to achieve one  
such replacement each time the new community district gains a  
proportion, having a numerator of one and a denominator of twice  
the number of citizen members, of its projected total population  
until such time as all of the appointed citizen members are  
replaced.

(B) Representatives of the developer shall be replaced by  
elected citizen members according to a schedule established by the  
organizational board of commissioners calculated to achieve one  
such replacement each time the new community district gains a  
proportion, having a numerator of one and a denominator equal to  
the number of developer members, of its projected total population  
until such time as all of the developer's representatives are  
replaced.

(C) The representative of local government shall be replaced  
by an elected citizen member at the time the new community  
district gains three-quarters of its projected total population.

Elected citizen members of the board of trustees shall be 19409  
elected by a majority of the residents of the new community 19410  
district voting at elections held at the times and in the manner 19411  
provided in a resolution of the organizational board of 19412  
commissioners. Each citizen member except an appointed citizen 19413  
member shall be a qualified elector who resides within the new 19414  
community district. The organizational board of commissioners, by 19415  
resolution, may adopt an alternative method of selecting or 19416  
electing successor members of the board of trustees provided that 19417  
if an alternative method of selection is adopted for a new 19418  
community authority organized prior to March 22, 2012, the board 19419  
of trustees of that authority shall be limited in the collection 19420  
of a community development charge, collected pursuant to division 19421  
(Q) of section 349.06 of the Revised Code, and the issuance of 19422  
bonds or notes, issued pursuant to section 349.08 of the Revised 19423  
Code, to the amount or to the extent otherwise permitted for a 19424  
board of trustees whose members are not elected by residents of 19425  
the new community district. If the alternative method provides for 19426  
the election of citizen members, the elections may be held at the 19427  
times and in the manner provided in the petition or in a 19428  
resolution of the organizational board of commissioners, and the 19429  
elected citizen members shall be qualified electors who reside in 19430  
the new community district. 19431

Citizen members shall not be employees of or have financial 19432  
interest in the developer. If a vacancy occurs in the office of a 19433  
member other than a member appointed by the developer, the 19434  
organizational board of commissioners may appoint a successor 19435  
member for the remainder of the unexpired term. Any appointed 19436  
member of the board of trustees may at any time be removed by the 19437  
organizational board of commissioners for misfeasance, 19438  
nonfeasance, or malfeasance in office. Members appointed by the 19439  
developer may also at any time be removed by the developer without 19440  
a showing of cause. 19441

Each member of the board of trustees, before entering upon 19442  
official duties, shall take and subscribe to an oath before an 19443  
officer authorized to administer oaths in Ohio that the member 19444  
will honestly and faithfully perform the duties of the member's 19445  
office. Such oath shall be filed in the office of the clerk of the 19446  
organizational board of ~~county~~ commissioners ~~in~~ with which the 19447  
petition was filed. Upon taking the oath, the board of trustees 19448  
shall elect one of its number as chairperson and another as 19449  
vice-chairperson, and shall appoint suitable persons as secretary 19450  
and treasurer who need not be members of the board. The treasurer 19451  
shall be the fiscal officer of the authority. The board shall 19452  
adopt by-laws governing the administration of the affairs of the 19453  
new community authority. Each member of the board shall post a 19454  
bond for the faithful performance of official duties and give 19455  
surety therefor in such amount, but not less than ten thousand 19456  
dollars, as the resolution creating such board shall prescribe. 19457

All of the powers of the new community authority shall be 19458  
exercised by its board of trustees, but without relief of such 19459  
responsibility, such powers may be delegated to committees of the 19460  
board or its officers and employees in accordance with its 19461  
by-laws. A majority of the board shall constitute a quorum, and a 19462  
concurrence of a majority of a quorum in any matter within the 19463  
board's duties is sufficient for its determination, provided a 19464  
quorum is present when such concurrence is had and a majority of 19465  
those members constituting such quorum are trustees not appointed 19466  
by the developer. All trustees shall be empowered to vote on all 19467  
matters within the authority of the board of trustees, and no vote 19468  
by a member appointed by the developer shall be construed to give 19469  
rise to civil or criminal liability for conflict of interest on 19470  
the part of public officials. 19471

**Sec. 349.06.** In furtherance of the purposes of this chapter, 19472  
a new community authority may: 19473

(A) Acquire by purchase, lease, gift, or otherwise, on such	19474
terms and in such manner as it considers proper, real and personal	19475
property or any estate, interest, or right therein, within or	19476
without the new community district;	19477
(B) Improve, maintain, sell, lease or otherwise dispose of	19478
real and personal property and community facilities, on such terms	19479
and in such manner as it considers proper;	19480
(C) Landscape and otherwise aesthetically improve areas	19481
within the new community district, including but not limited to	19482
maintenance, landscaping and other community improvement services;	19483
(D) Provide, engage in, or otherwise sponsor recreational,	19484
educational, health, social, vocational, cultural, beautification,	19485
and amusement activities and related services primarily for	19486
residents of <del>the district. In the case of a new community</del>	19487
<del>authority established within three years after the effective date</del>	19488
<del>of H.B. 225 of the 129th general assembly, such activities and</del>	19489
<del>services may be for residents of, visitors to, employees working</del>	19490
within, or employers operating businesses in the district, or any	19491
combination thereof.	19492
(E) Fix, alter, impose, collect and receive service and user	19493
fees, rentals, and other charges to cover all costs in carrying	19494
out the new community development program;	19495
(F) Adopt, modify, and enforce reasonable rules and	19496
regulations governing the use of community facilities;	19497
(G) Employ such managers, administrative officers, agents,	19498
engineers, architects, attorneys, contractors, sub-contractors,	19499
and employees as may be appropriate in the exercise of the rights,	19500
powers and duties conferred upon it, prescribe the duties and	19501
compensation for such persons, require bonds to be given by any	19502
such persons and by officers of the authority for the faithful	19503
performance of their duties, and fix the amount and surety	19504



therefor; and pay the same; 19505

(H) Sue and be sued in its corporate name; 19506

(I) Make and enter into all contracts and agreements and 19507  
execute all instruments relating to a new community development 19508  
program, including contracts with the developer and other persons 19509  
or entities related thereto for land acquisition and land 19510  
development; acquisition, construction, and maintenance of 19511  
community facilities; the provision of community services and 19512  
management and coordinating services; with federal, state, 19513  
interstate, regional, and local agencies and political 19514  
subdivisions or combinations thereof in connection with the 19515  
financing of such program, and with any municipal corporation or 19516  
other public body, or combination thereof, providing for the 19517  
acquisition, construction, improvement, extension, maintenance or 19518  
operation of joint lands or facilities or for the provision of any 19519  
services or activities relating to and in furtherance of a new 19520  
community development program, including the creation of or 19521  
participation in a regional transit authority created pursuant to 19522  
the Revised Code; 19523

(J) Apply for and accept grants, loans or commitments of 19524  
guarantee or insurance including any guarantees of community 19525  
authority bonds and notes, from the United States, the state, or 19526  
other public body or other sources, and provide any consideration 19527  
which may be required in order to obtain such grants, loans or 19528  
contracts of guarantee or insurance. Such loans or contracts of 19529  
guarantee or insurance may be evidenced by the issuance of bonds 19530  
as provided in section 349.08 of the Revised Code; 19531

(K) Procure insurance against loss to it by reason of damage 19532  
to its properties resulting from fire, theft, accident, or other 19533  
casualties, or by reason of its liability for any damages to 19534  
persons or property occurring in the construction or operation of 19535  
facilities or areas under its jurisdiction or the conduct of its 19536

activities;	19537
(L) Maintain such funds or reserves as it considers necessary	19538
for the efficient performance of its duties;	19539
(M) Enter agreements with the boards of education of any	19540
school districts in which all or part of the new community	19541
district lies, whereby the community authority may acquire	19542
property for, may construct and equip, and may sell, lease,	19543
dedicate, with or without consideration, or otherwise transfer	19544
lands, schools, classrooms, or other facilities, whether or not	19545
within the new community district, from the authority to the	19546
school district for school and related purposes;	19547
(N) Prepare plans for acquisition and development of lands	19548
and facilities, and enter into agreements with city, county, or	19549
regional planning commissions to perform or obtain all or any part	19550
of planning services for the new community district;	19551
(O) Engage in planning for the new community district, which	19552
may be predominantly residential and open space, and prepare or	19553
approve a development plan or plans therefor, and engage in land	19554
acquisitions and land development in accordance with such plan or	19555
plans;	19556
(P) Issue new community authority bonds and notes and	19557
community authority refunding bonds, payable solely from the	19558
income source provided in section 349.08 of the Revised Code,	19559
unless the bonds are refunded by refunding bonds, for the purpose	19560
of paying any part of the cost as applied to the new community	19561
development program or parts thereof;	19562
(Q) Enforce any covenants running with the land of which the	19563
new community authority is the beneficiary, including but not	19564
limited to the collection by any and all appropriate means of any	19565
community development charge deemed to be a covenant running with	19566
the land and enforceable by the new community authority pursuant	19567

to section 349.07 of the Revised Code; and to waive, reduce, or 19568  
terminate any community development charge of which it is the 19569  
beneficiary to the extent not needed for any of the purposes 19570  
provided in section 349.07 of the Revised Code, the procedure for 19571  
which shall be provided in such covenants, and if new community 19572  
authority bonds have been issued pledging any such community 19573  
development charge, to the extent not prohibited in the resolution 19574  
authorizing the issuance of such new community authority bonds or 19575  
the trust agreement or indenture of mortgage securing the bonds; 19576

(R) Appropriate for its use, under sections 163.01 to 163.22 19577  
of the Revised Code, any land, easement, rights, rights-of-way, 19578  
franchises, or other property in the new community district 19579  
required by the authority for community facilities. The authority 19580  
may not so appropriate any land, easement, rights, rights-of-way, 19581  
franchises, or other property that is not included in the new 19582  
community district. 19583

~~(S) In the case of a new community authority established~~ 19584  
~~within three years after the effective date of H.B. 225 of the~~ 19585  
~~129th general assembly, enter~~ Enter into any agreements as may be 19586  
necessary, appropriate, or useful to support a new community 19587  
development program, including, but not limited to, cooperative 19588  
agreements or other agreements with political subdivisions for 19589  
services, materials, or products; for the administration, 19590  
calculation, or collection of community development charges; or 19591  
for sharing of revenue derived from community development charges, 19592  
community facilities, or other sources. The agreements may be made 19593  
with or without consideration as the parties determine. 19594

**Sec. 349.07.** Notwithstanding any other rule of law, any 19595  
covenant or agreement in deeds, land contracts, leases and any 19596  
other instruments or conveyance by which real estate or any 19597  
interest in real estate is conveyed by or to the developer or by 19598

the new community authority to any person or entity, including the developer, whereby such person or entity agrees, by acceptance of any such instrument of conveyance containing said covenant of agreement, to pay annually or semiannually a community development charge for the benefit and use of the new community authority to cover all or part of the cost of the acquisition, construction, operation and maintenance of land, land development and community facilities, the debt service thereof and any other cost incurred by the authority in the exercise of the powers granted by Chapter 349. of the Revised Code shall be deemed to be a covenant running with the land and shall, in any event and without regard to technical classification, after such instrument has been duly recorded in the land records of the county, be fully binding on behalf of and enforceable by the new community authority against each such person or entity and all successors and assigns of the property conveyed by such instrument of conveyance.

No purchase agreement for any real estate or interest in real estate upon which a community development charge exists by reason of a covenant running with the land shall be enforceable by the seller or binding upon the purchaser unless such purchase agreement specifically refers to such community development charge and identifies the volume and page number of the deed records of the county in which the covenant running with the land establishing such community development charge is recorded, provided that in the event a conveyance of such real estate or interest in real estate is made pursuant to a purchase agreement which does not make such reference and identification, the covenant shall continue to be deemed to be a covenant running with the land fully binding on behalf of and enforceable by the community authority against such person or entity accepting the conveyance pursuant to such purchase agreement.

~~When any community development charge is not paid when due,~~

~~the~~ The new community authority may certify the community 19631  
development charge to the county auditor, who shall enter the 19632  
unpaid charge on the tax list and duplicates of real property 19633  
opposite the parcel against which it is charged, and certify the 19634  
charge to the county treasurer. An unpaid community development 19635  
charge is a lien on property against which it is charged from the 19636  
date the charge is entered on the tax list, and shall be collected 19637  
in the manner provided for the collection of real property taxes. 19638  
Once the charge is collected, it shall be paid immediately to the 19639  
new community district. 19640

No community development charge established pursuant to this 19641  
chapter shall be construed as prohibiting or limiting the taxing 19642  
power of municipal corporations. 19643

**Sec. 349.14.** Except as provided in section 349.03 of the 19644  
Revised Code, or as otherwise provided in a resolution adopted by 19645  
the organizational board of commissioners of a new community 19646  
authority ~~established within three years after the effective date~~ 19647  
~~of H.B. 225 of the 129th general assembly,~~ a new community 19648  
authority organized under this chapter may be dissolved only on 19649  
the vote of a majority of the voters of the new community district 19650  
at a special election called by the board of trustees on the 19651  
question of dissolution. Such an election may be called only after 19652  
the board has determined that the new community development 19653  
program has been completed, when no community authority bonds or 19654  
notes are outstanding, and other legal indebtedness of the 19655  
authority has been discharged or provided for, and only after 19656  
there has been filed with the board of trustees a petition 19657  
requesting such election, signed by a number of qualified electors 19658  
residing in the new community district equal to not less than 19659  
eight per cent of the total vote cast for all candidates for 19660  
governor in the new community district at the most recent general 19661  
election at which a governor was elected. If a majority of the 19662

votes cast favor dissolution, the board of trustees shall, by 19663  
resolution, declare the authority dissolved and thereupon the 19664  
community authority shall be dissolved. A certified copy of the 19665  
resolution shall, within fifteen days after its adoption, be filed 19666  
with the clerk of the organizational board of ~~county~~ commissioners 19667  
of the county ~~in~~ with which the petition for the organization of 19668  
the new community authority was filed. 19669

Upon dissolution of a new community authority, the powers 19670  
thereof shall cease to exist. Any property of the new community 19671  
authority shall vest with a municipal corporation, county, or 19672  
township in which that property is located ~~within the corporate~~ 19673  
~~limits of a municipality shall vest in that municipal corporation~~ 19674  
~~and all other property of the community authority shall vest in~~ 19675  
~~the county in which said property is located. In the case of a new~~ 19676  
~~community authority established within three years after the~~ 19677  
~~effective date of H.B. 225 of the 129th general assembly, such~~ 19678  
~~property not vested in a municipal corporation may also be vested~~ 19679  
~~in the township where the property is located, or with the~~ 19680  
developer of the new community authority or the developer's 19681  
designee, all as provided in a resolution adopted by the 19682  
organizational board of commissioners. Any vesting of property in 19683  
a municipal corporation, township, or county shall be subject to 19684  
acceptance of the property by resolution of the legislative 19685  
authority of the municipal corporation, board of township 19686  
trustees, or board of county commissioners, as applicable. If the 19687  
legislative authority of a municipal corporation, board of 19688  
township trustees, or board of county commissioners declines to 19689  
accept the property, the property vests with the developer or the 19690  
developer's designee. Any funds of the community authority at the 19691  
time of dissolution shall be transferred to the municipal 19692  
corporation and county or township, as provided in a resolution, 19693  
in which the new community district is located in the proportion 19694  
to the assessed valuation of taxable real property of the new 19695

community authority within such municipal corporation and township 19696  
or county or township as said valuation appears on the current 19697  
assessment rolls. 19698

**Sec. 355.02.** (A) Each board of county commissioners may adopt 19699  
a resolution to establish a county local healthier buckeye 19700  
council. If a local council is established, the resolution shall 19701  
specify the organization of the council and shall designate a 19702  
member to serve as a staffing agent and, if the board determines 19703  
necessary, a member to serve as a fiscal agent. The board may 19704  
revise the council's organization as necessary by adopting a 19705  
resolution. 19706

(B)(1) The board may invite any person or entity to become a 19707  
member of the council, including a public or private agency or 19708  
group that funds, advocates, or provides care coordination 19709  
services, provides or promotes private employment or educational 19710  
services, or otherwise contributes to the well being of 19711  
individuals and families any of the following: 19712

(a) Individuals with community leadership experience; 19713

(b) Individuals with experience leading others; 19714

(c) Individuals likely to receive healthier buckeye services 19715  
and participate in healthier buckeye programs; 19716

(d) Representatives from public and private entities, 19717  
including any of the following: 19718

(i) Employers; 19719

(ii) Municipal corporations, counties, and townships; 19720

(iii) Courts, including those with specialized court programs 19721  
certified by the Ohio supreme court; 19722

(iv) Law enforcement; 19723

(v) Faith-based social services organizations; 19724

<u>(vi) Foundations;</u>	19725
<u>(vii) Public health, including free clinics;</u>	19726
<u>(viii) Child support enforcement agencies;</u>	19727
<u>(ix) Children services agencies;</u>	19728
<u>(x) Child care providers;</u>	19729
<u>(xi) Preschool programs;</u>	19730
<u>(xii) Primary and secondary schools;</u>	19731
<u>(xiii) Colleges and universities;</u>	19732
<u>(xiv) Mental health and addiction services providers;</u>	19733
<u>(xv) Medicaid care coordinators or service providers;</u>	19734
<u>(xvi) Emergency or urgent care services providers;</u>	19735
<u>(xvii) Transportation providers;</u>	19736
<u>(xviii) Housing providers;</u>	19737
<u>(xix) The boy scouts of America, 4-H clubs, boys and girls clubs of America, and other similar organizations.</u>	19738 19739
<u>(2) The board may form a multi-county council in accordance with division (C) of this section.</u>	19740 19741
<u>(C)(1) The boards of county commissioners of any two or more counties, by entering into a written agreement, may form a joint local healthier buckeye council. The agreement shall be ratified by resolution of the board of county commissioners of each county that entered into the agreement. Each board of county commissioners that enters into an agreement shall give notice of the agreement to the Ohio healthier buckeye advisory council.</u>	19742 19743 19744 19745 19746 19747 19748
<u>(2) An agreement to establish a joint local healthier buckeye council may set forth procedures or standards necessary for the joint local healthier buckeye council to perform its duties and operate efficiently.</u>	19749 19750 19751 19752



(3) Costs incurred in operating a joint local healthier buckeye council shall be paid from a joint general fund created by the council, except as may be otherwise provided in the agreement. 19753  
19754  
19755

(4) If a joint local healthier buckeye council is established, all references in the Revised Code to a local healthier buckeye council shall apply to the joint local council. 19756  
19757  
19758

**Sec. 355.03. (A) A ~~county~~ local healthier buckeye council ~~may~~ ~~de~~ shall promote all of the following:** 19759  
19760

~~(A)(1)~~ A cooperative and effective environment in all communities to maximize opportunities for individuals and families to achieve and maintain optimal health in all aspects, thereby achieving greater productivity and reducing reliance on publicly funded assistance programs; 19761  
19762  
19763  
19764  
19765

~~Promote means~~ (2) Means by which council members or the entities the members represent may reduce the reliance of individuals and families on publicly funded assistance programs using both of the following: 19766  
19767  
19768  
19769

~~(1)(a)~~ Programs that have been demonstrated to be effective and have one or more of the following features: 19770  
19771

~~(a)(i)~~ Low costs; 19772

~~(b)(ii)~~ Use volunteer workers; 19773

~~(c)(iii)~~ Use incentives to encourage designated behaviors; 19774

~~(d)(iv)~~ Are led by peers. 19775

~~(2)(b)~~ Practices that identify and seek to eliminate barriers to achieving greater financial independence for individuals and families who receive services from or participate in programs operated by council members or the entities the members represent. 19776  
19777  
19778  
19779

~~(B) Promote care~~ (3) Care coordination among physical health, behavioral health, social, employment, education, and housing 19780  
19781

service providers within the county~~+~~. 19782

(B) A local healthier buckeye council shall develop a 19783  
healthier buckeye plan that promotes the objectives set forth in 19784  
division (A) of this section and submit the council's healthier 19785  
buckeye plan to the board of county commissioners that created the 19786  
council and to the Ohio healthier buckeye advisory council. 19787

(C) A local healthier buckeye council shall convene at least 19788  
once per year. 19789

(D) A local healthier buckeye council shall organize itself 19790  
in accordance with section 355.02 of the Revised Code and any 19791  
other applicable provisions of law. 19792

~~(C) Collect~~ (E) A local healthier buckeye council shall 19793  
collect and analyze data regarding individuals or families who 19794  
receive services from or participate in programs operated by 19795  
council members or the entities the members represent. 19796

(F) Beginning one year after the effective date of this 19797  
amendment, each local healthier buckeye council shall submit an 19798  
annual report of the council's performance to the Ohio healthier 19799  
buckeye council. 19800

(G) A local healthier buckeye council may apply for, receive, 19801  
and oversee the administration of grants. 19802

**Sec. 355.04.** ~~A county~~ local healthier buckeye council ~~may~~ 19803  
shall report the following information to the joint medicaid 19804  
oversight committee created in section 103.41 of the Revised Code 19805  
and to the Ohio healthier buckeye advisory council: 19806

(A) Notification that the ~~county~~ local council has been 19807  
established and information regarding the council's organization, 19808  
plan, and activities; 19809

(B) Information regarding enrollment or outcome data 19810  
collected under division ~~(C)~~(E) of section 355.03 of the Revised 19811

Code;	19812
(C) Recommendations regarding the best practices for the administration and delivery of publicly funded assistance programs or other services or programs provided by council members or the entities the members represent;	19813 19814 19815 19816
(D) Recommendations regarding the best practices in care coordination.	19817 19818
<u>Sec. 503.55. (A) As used in this section:</u>	19819
<u>(1) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.</u>	19820 19821 19822 19823 19824 19825 19826
<u>(2) "Township expenses" includes fees, costs, assessments, fines, penalties, payments, or any other expense a person owes or otherwise pays to a township.</u>	19827 19828 19829
<u>(B) Notwithstanding any other section of the Revised Code and except as provided in division (D) of this section, a board of township trustees may adopt a resolution authorizing the acceptance of payments by financial transaction devices for township expenses. The resolution shall include the following:</u>	19830 19831 19832 19833 19834
<u>(1) A specification of those township offices that are authorized to accept payments by financial transaction devices;</u>	19835 19836
<u>(2) A list of township expenses that may be paid for through the use of a financial transaction device;</u>	19837 19838
<u>(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for township expenses. Uniform acceptance of financial transaction</u>	19839 19840 19841

devices among different types of township expenses is not 19842  
required. 19843

(4) The amount, if any, authorized as a surcharge or 19844  
convenience fee under division (E) of this section for persons 19845  
using a financial transaction device. Uniform application of 19846  
surcharges or convenience fees among different types of township 19847  
expenses is not required. 19848

(5) A specific provision as provided in division (G) of this 19849  
section requiring the payment of a penalty if a payment made by 19850  
means of a financial transaction device is returned or dishonored 19851  
for any reason. 19852

The board's resolution also shall designate the township 19853  
fiscal officer as an administrative agent to solicit proposals, 19854  
within guidelines established by the board in the resolution and 19855  
in compliance with the procedures provided in division (C) of this 19856  
section, from financial institutions, issuers of financial 19857  
transaction devices, and processors of financial transaction 19858  
devices, to make recommendations about those proposals to the 19859  
board, and to assist township offices in implementing the 19860  
township's financial transaction devices program. 19861

(C) The township shall follow the procedures provided in this 19862  
division whenever it plans to contract with financial 19863  
institutions, issuers of financial transaction devices, or 19864  
processors of financial transaction devices for the purposes of 19865  
this section. The township fiscal officer shall request proposals 19866  
from financial institutions, issuers of financial transaction 19867  
devices, or processors of financial transaction devices, as 19868  
appropriate in accordance with the resolution adopted under 19869  
division (B) of this section. Upon receiving the proposals, the 19870  
fiscal officer shall review them and make a recommendation to the 19871  
board of trustees on which proposals to accept. The board of 19872  
trustees shall consider the fiscal officer's recommendation and 19873

review all proposals submitted, and then may choose to contract 19874  
with any or all of the entities submitting proposals, as 19875  
appropriate. The board of trustees shall provide any financial 19876  
institution, issuer, or processor that submitted a proposal, but 19877  
with which the board does not enter into a contract, notice that 19878  
its proposal is rejected. The notice shall state the reasons for 19879  
the rejection, indicate whose proposals were accepted, and provide 19880  
a copy of the terms and conditions of the successful bids. 19881

(D) A board of township trustees adopting a resolution under 19882  
this section shall post a copy of the resolution in each township 19883  
office accepting payment by a financial transaction device. 19884

Each township office subject to the board's resolution 19885  
adopted under division (B) of this section may use only the 19886  
financial institutions, issuers of financial transaction devices, 19887  
and processors of financial transaction devices with which the 19888  
board of township trustees contracts, and each such office is 19889  
subject to the terms of those contracts. 19890

(E) A board of township trustees may establish a surcharge or 19891  
convenience fee that may be imposed upon a person making payment 19892  
by a financial transaction device. The surcharge or convenience 19893  
fee shall not be imposed unless authorized or otherwise permitted 19894  
by the rules prescribed by an agreement governing the use and 19895  
acceptance of the financial transaction device. 19896

If a surcharge or convenience fee is imposed, every township 19897  
office accepting payment by a financial transaction device shall 19898  
clearly post a notice in that office, and shall notify each person 19899  
making a payment by such a device, about the surcharge or fee. 19900  
Notice to each person making a payment shall be provided 19901  
regardless of the medium used to make the payment and in a manner 19902  
appropriate to that medium. Each notice shall include all of the 19903  
following: 19904

(1) A statement that there is a surcharge or convenience fee 19905  
for using a financial transaction device; 19906

(2) The total amount of the charge or fee expressed in 19907  
dollars and cents for each transaction, or the rate of the charge 19908  
or fee expressed as a percentage of the total amount of the 19909  
transaction, whichever is applicable; 19910

(3) A clear statement that the surcharge or convenience fee 19911  
is nonrefundable. 19912

(F) If a person elects to make a payment to the township by a 19913  
financial transaction device and a surcharge or convenience fee is 19914  
imposed, the payment of the surcharge or fee shall be considered 19915  
voluntary and the surcharge or fee is not refundable. 19916

(G) If a person makes payment by financial transaction device 19917  
and the payment is returned or dishonored for any reason, the 19918  
person is liable to the township for payment of a penalty over and 19919  
above the amount of the expense due. The board of township 19920  
trustees shall determine the amount of the penalty, which may be 19921  
either a fee not to exceed twenty dollars or payment of the amount 19922  
necessary to reimburse the township for banking charges, legal 19923  
fees, or other expenses incurred by the township in collecting the 19924  
returned or dishonored payment. The remedies and procedures 19925  
provided in this section are in addition to any other available 19926  
civil or criminal remedies provided by law. 19927

(H) No person making any payment by financial transaction 19928  
device to a township office shall be relieved from liability for 19929  
the underlying obligation except to the extent that the township 19930  
realizes final payment of the underlying obligation in cash or its 19931  
equivalent. If final payment is not made by the financial 19932  
transaction device issuer or other guarantor of payment in the 19933  
transaction, the underlying obligation shall survive and the 19934  
township shall retain all remedies for enforcement that would have 19935

applied if the transaction had not occurred. 19936

(I) A township official or employee who accepts a financial 19937  
transaction device payment in accordance with this section and any 19938  
applicable state or local policies or rules is immune from 19939  
personal liability for the final collection of such payments. 19940

**Sec. 503.56. (A) As used in this section:** 19941

(1) "Tourism development district" means a district 19942  
designated by a township under this section. 19943

(2) "Territory of a tourism development district" means all 19944  
of the area included within the territorial boundaries of a 19945  
tourism development district. 19946

(3) "Business" means a sole proprietorship, a corporation for 19947  
profit, a pass-through entity as defined in section 5733.04 of the 19948  
Revised Code, the federal government, the state, the state's 19949  
political subdivisions, a nonprofit organization, or a school 19950  
district. A business "operates within the proposed district" if 19951  
the business would be subject to a tax levied in the proposed 19952  
tourism development district pursuant to division (A)(2) of 19953  
section 5739.101 of the Revised Code. 19954

(4) "Owner" means a partner of a partnership, a member of a 19955  
limited liability company, a majority shareholder of an S 19956  
corporation, a person with a majority ownership interest in a 19957  
pass-through entity, or any officer, employee, or agent with the 19958  
authority to make decisions legally binding upon a business. The 19959  
signature of any owner of a business operates as the signature of 19960  
the business. 19961

(5) "Eligible township" means a township wholly or partly 19962  
located in a county having a population greater than three hundred 19963  
seventy-five thousand but less than four hundred thousand that 19964  
levies taxes under section 5739.021 or 5739.026 of the Revised 19965

Code, the aggregate rate of which does not exceed one-half of one 19966  
per cent on the effective date of the enactment of this section. 19967

(B)(1) The board of trustees of an eligible township, by 19968  
resolution, may declare an unincorporated area of the township to 19969  
be a tourism development district for the purpose of fostering and 19970  
developing tourism in the district if all of the following 19971  
criteria are met: 19972

(a) The district's area does not exceed two hundred acres. 19973

(b) All territory in the district is contiguous. 19974

(c) Before adopting that resolution or ordinance, the board 19975  
holds at least two public hearings concerning the creation of the 19976  
tourism development district. 19977

(d) Before adopting the resolution or ordinance, the board 19978  
receives a petition signed by every record owner of a parcel of 19979  
real property located in the proposed district and the owner of 19980  
every business that operates in the proposed district. 19981

(e) The board adopts the resolution on or before December 31, 19982  
2018. 19983

(2) The petition described in division (B)(1)(d) of this 19984  
section shall include an explanation of the taxes and charges that 19985  
may be levied or imposed in the proposed district. 19986

(3) The board shall certify the resolution to the tax 19987  
commissioner within five days after its adoption, along with a 19988  
description of the boundaries of the district authorized in the 19989  
resolution. That description shall include sufficient information 19990  
for the commissioner to determine if the address of a vendor is 19991  
within the boundaries of the district. 19992

(4) Subject to the limitations of division (B)(1)(a) and (b) 19993  
of this section, the board of trustees of an eligible township may 19994  
enlarge the territory of an existing tourism development district 19995



in the manner prescribed for the creation of a district under 19996  
divisions (B)(1) to (3) of this section, except that the petition 19997  
described in division (B)(1)(d) of this section must be signed by 19998  
every record owner of a parcel of real property located in the 19999  
area proposed to be added to the district and the owner of every 20000  
business that operates in the area proposed to be added to the 20001  
district. 20002

(C) For the purpose of fostering and developing tourism in a 20003  
tourism development district, a lessor leasing real property in a 20004  
tourism development district may impose and collect a uniform fee 20005  
on each parcel of real property leased by the lessor, to be paid 20006  
by each of the person's lessees. A lessee is subject to such a fee 20007  
only if the lease separately states the amount of the fee. Before 20008  
a lessor may impose and collect such a fee, the lessor shall file 20009  
a copy of such lease with the fiscal officer of the township that 20010  
designated the tourism development district. A lessor that imposes 20011  
such a fee shall remit all collections of the fee to the fiscal 20012  
officer of the township in which the real property is located. 20013

The board shall establish all regulations necessary to 20014  
provide for the administration and remittance of such fees. The 20015  
regulations may prescribe the time for payment of the fee, and may 20016  
provide for the imposition of a penalty or interest, or both, for 20017  
late remittances, provided that the penalty does not exceed ten 20018  
per cent of the amount of fee due, and the rate at which interest 20019  
accrues does not exceed the rate per annum prescribed pursuant to 20020  
section 5703.47 of the Revised Code. The regulations shall 20021  
provide, after deducting the real and actual costs of 20022  
administering the fee, that the revenue be used exclusively for 20023  
fostering and developing tourism within the tourism development 20024  
district. 20025

(D) The board of trustees of an eligible township that has 20026  
designated a tourism development district under this section may 20027

levy one or both of the taxes authorized under section 503.57 or 20028  
5739.101 of the Revised Code. 20029

(E) On or before the first day of each January and June, 20030  
beginning after the designation of the tourism development 20031  
district, the fiscal officer of the township shall certify a list 20032  
of vendors located within the tourism development district to the 20033  
tax commissioner, which shall include the name, address, and 20034  
vendor's license number for each vendor. 20035

**Sec. 503.57.** (A) As used in this section: 20036

(1) "Admission" means the right or privilege to enter into a 20037  
place. 20038

(2) "Tourism development district" means a district 20039  
designated by a township under section 503.56 of the Revised Code. 20040

(3) "Territory of a tourism development district" means all 20041  
of the area included within the territorial boundaries of a 20042  
tourism development district. 20043

(B) For the purpose of fostering and developing tourism 20044  
within a tourism development district and paying the costs of 20045  
administering the tax, the legislative authority of a township 20046  
may, by resolution, levy a tax upon all of the following: 20047

(1) Amounts paid for admission to any place, including 20048  
parking lots and facilities, located in the territory of a tourism 20049  
development district; 20050

(2) Amounts paid for tickets or cards of admission to 20051  
theaters, operas, and other places of amusement located in the 20052  
territory of a tourism development district, sold at places other 20053  
than the ticket offices of such places, over and above the amounts 20054  
representing the established price therefor at such ticket 20055  
offices; 20056

(3) Amounts paid for admission to any public performance at 20057

any roof garden, cabaret, or other similar entertainment venue 20058  
located in the territory of a tourism development district, in 20059  
which the charge for admission is a service or cover charge; 20060

(4) Amounts paid as annual membership dues by every club or 20061  
organization maintaining a golf course located in the territory of 20062  
a tourism development district; 20063

(5) Green fees paid to a golf course located in the territory 20064  
of a tourism development district either under club or private 20065  
ownership. 20066

(C) The rate of a tax levied under this section shall not 20067  
exceed five per cent of the admission charge, membership dues, or 20068  
green fees. Every person receiving any payment on which a tax is 20069  
levied under this section shall collect the amount of the tax from 20070  
the person making the admission payment. 20071

(D) The legislative authority of a township levying a tax 20072  
pursuant to this section shall establish all regulations necessary 20073  
to provide for the administration of the tax. The regulations may 20074  
prescribe the time for payment of the tax, and may provide for the 20075  
imposition of a penalty or interest, or both, for late payments, 20076  
provided that the penalty does not exceed ten per cent of the 20077  
amount of tax due, and the rate at which interest accrues does not 20078  
exceed the rate per annum prescribed pursuant to section 5703.47 20079  
of the Revised Code. The regulations shall provide, after 20080  
deducting the real and actual costs of administering the tax, that 20081  
the revenue be used exclusively for fostering and developing 20082  
tourism within the tourism development district in which the tax 20083  
is levied. 20084

**Sec. 505.101.** The board of township trustees of any township 20085  
may, by resolution, enter into a contract, without advertising or 20086  
bidding, for the purchase or sale of motor vehicles, materials, 20087  
equipment, or supplies from or to any department, agency, or 20088

political subdivision of the state, for the purchase of services 20089  
with a soil and water conservation district established under 20090  
Chapter ~~1515.~~ 940. of the Revised Code, for the purchase of 20091  
supplies, services, materials, and equipment with a regional 20092  
planning commission pursuant to division (D) of section 713.23 of 20093  
the Revised Code, or for the purchase of services from an 20094  
educational service center under section 3313.846 of the Revised 20095  
Code. The resolution shall: 20096

(A) Set forth the maximum amount to be paid as the purchase 20097  
price for the motor vehicles, materials, equipment, supplies, or 20098  
services; 20099

(B) Describe the type of motor vehicles, materials, 20100  
equipment, supplies, or services that are to be purchased; 20101

(C) Appropriate sufficient funds to pay the purchase price 20102  
for the motor vehicles, materials, equipment, supplies, or 20103  
services, except that no such appropriation is necessary if funds 20104  
have been previously appropriated for the purpose and remain 20105  
unencumbered at the time the resolution is adopted. 20106

Sec. 505.1010. A board of township trustees may purchase real 20107  
or personal property at public auction by adopting a resolution to 20108  
designate an individual, officer, or employee to represent the 20109  
board and tender bids at the auction. Any purchase made at a 20110  
public auction shall be subject to a maximum purchase price 20111  
established by resolution of the board or an appraisal obtained 20112  
before the auction and approved by the board of township trustees. 20113  
A purchase made under this section shall comply with division (D) 20114  
of section 5705.41 of the Revised Code. 20115

Sec. 505.24. Each (A) In calendar year 2016, each township 20116  
trustee is entitled to compensation as follows: 20117

~~(A) Except as otherwise provided in division (B) of this 20118~~

~~section,~~ in an amount for each day of service in the business of 20119  
the township, to be paid from the township treasury as follows: 20120

(1) In townships having a budget of two hundred fifty 20121  
thousand dollars or less, ~~twenty~~ thirty-eight dollars and 20122  
forty-nine cents per day for not more than two hundred days; 20123

(2) In townships having a budget of more than two hundred 20124  
fifty thousand but not more than ~~one~~ five hundred thousand 20125  
dollars, ~~twenty-four~~ forty-four dollars and fifty-seven cents per 20126  
day for not more than two hundred days; 20127

(3) In townships having a budget of more than ~~one~~ five 20128  
hundred thousand but not more than ~~two~~ seven hundred fifty 20129  
thousand dollars, ~~twenty-eight~~ forty-seven dollars and fifty 20130  
twenty-seven cents per day for not more than two hundred days; 20131

(4) In townships having a budget of more than ~~two~~ seven 20132  
hundred fifty thousand but not more than one million five hundred 20133  
thousand dollars, ~~thirty-three~~ fifty-four dollars and one cent per 20134  
day for not more than two hundred days; 20135

(5) In townships having a budget of more than one million 20136  
five hundred thousand but not more than ~~seven~~ three million five 20137  
hundred ~~fifty~~ thousand dollars, ~~thirty-five~~ fifty-nine dollars and 20138  
forty-two cents per day for not more than two hundred days; 20139

(6) In townships having a budget of more than ~~seven~~ three 20140  
million five hundred ~~fifty~~ thousand but not more than ~~one~~ six 20141  
million ~~five hundred thousand~~ dollars, ~~forty~~ sixty-four dollars 20142  
and eighty-two cents per day for not more than two hundred days; 20143

(7) In townships having a budget of more than ~~one~~ six million 20144  
~~five hundred thousand~~ but not more than ~~three~~ ten million ~~five~~ 20145  
~~hundred thousand~~ dollars, ~~forty-four~~ eighty-three dollars and 20146  
ninety-nine cents per day for not more than two hundred days; 20147

(8) In townships having a budget of more than ~~three~~ ten 20148

million five hundred thousand dollars but not more than six 20149  
million dollars, ~~forty-eight~~ one hundred seven dollars and 20150  
ninety-eight cents per day for not more than two hundred days; 20151

~~(9) In townships having a budget of more than six million 20152  
dollars, fifty two dollars per day for not more than two hundred 20153  
days. 20154~~

(B) ~~Beginning in~~ In calendar year ~~1999~~ 2017, the amounts paid 20155  
as specified in division (A) of this section shall be ~~replaced by~~ 20156  
the following amounts: 20157

~~(1) In calendar year 1999, the amounts specified in division 20158  
(A) of this section increased by three per cent; 20159~~

~~(2) In calendar year 2000, the amounts determined under 20160  
division (B)(1) of this section increased by three per cent; 20161~~

~~(3) In calendar year 2001, the amounts determined under 20162  
division (B)(2) of this section increased by three per cent; 20163~~

~~(4) In calendar year 2002, except in townships having a 20164  
budget of more than six million dollars, the amounts determined 20165  
under division (B)(3) of this section increased by three per cent; 20166  
in townships having a budget of more than six million but not more 20167  
than ten million dollars, seventy dollars per day for not more 20168  
than two hundred days; and in townships having a budget of more 20169  
than ten million dollars, ninety dollars per day for not more than 20170  
two hundred days; 20171~~

~~(5) In calendar years 2003 through 2008, the amounts 20172  
determined under division (B) of this section for the immediately 20173  
preceding calendar year increased by the lesser of the following: 20174~~

~~(a) Three per cent; 20175~~

~~(b) The percentage increase, if any, in the consumer price 20176  
index over the twelve month period that ends on the thirtieth day 20177  
of September of the immediately preceding calendar year, rounded 20178~~

~~to the nearest one tenth of one increased by five per cent;~~ 20179

~~(6) In calendar year 2009 and thereafter, the amount~~ 20180  
~~determined under division (B) of this section for calendar year~~ 20181  
~~2008.~~ 20182

~~As used in division (B) of this section, "consumer price~~ 20183  
~~index" has the same meaning as in section 325.18 of the Revised~~ 20184  
~~Code.~~ 20185

~~(C) In calendar year 2018 and thereafter, each township~~ 20186  
~~trustee is entitled to compensation in the amount determined under~~ 20187  
~~division (B) of this section.~~ 20188

~~(D) Whenever members of a board of township trustees are~~ 20189  
~~compensated per diem and not by annual salary, the board shall~~ 20190  
~~establish, by resolution, a method by which each member of the~~ 20191  
~~board shall periodically notify the township fiscal officer of the~~ 20192  
~~number of days spent in the service of the township and the kinds~~ 20193  
~~of services rendered on those days. The per diem compensation~~ 20194  
~~shall be paid from the township general fund or from other~~ 20195  
~~township funds in such proportions as the kinds of services~~ 20196  
~~performed may require. The notice shall be filed with the township~~ 20197  
~~fiscal officer and preserved for inspection by any persons~~ 20198  
~~interested.~~ 20199

By unanimous vote, a board of township trustees may adopt a 20200  
method of compensation consisting of an annual salary to be paid 20201  
in equal monthly payments. If the office of trustee is held by 20202  
more than one person during any calendar year, each person holding 20203  
the office shall receive payments for only those months, and any 20204  
fractions of those months, during which the person holds the 20205  
office. The amount of the annual salary approved by the board 20206  
shall be no more than the maximum amount that could be received 20207  
annually by a trustee if the trustee were paid on a per diem basis 20208  
as specified in this division, and shall be paid from the township 20209

general fund or from other township funds in such proportions as 20210  
the board may specify by resolution. Each trustee shall certify 20211  
the percentage of time spent working on matters to be paid from 20212  
the township general fund and from other township funds in such 20213  
proportions as the kinds of services performed. A board of 20214  
township trustees that has adopted a salary method of compensation 20215  
may return to a method of compensation on a per diem basis as 20216  
specified in this division by a majority vote. Any change in the 20217  
method of compensation shall be effective on the first day of 20218  
January of the year following the year during which the board has 20219  
voted to change the method of compensation. 20220

**Sec. 505.701.** The board of trustees of any township, through 20221  
unanimous vote of its membership, may designate, participate in, 20222  
and cooperate with any community improvement corporation organized 20223  
under Chapter 1724. of the Revised Code and may give financial or 20224  
other assistance, including any fees generated by the corporation, 20225  
to that corporation to defray ~~its administrative~~ the expenses of 20226  
the corporation. The corporation may use the board's contributions 20227  
for any of its functions under Chapter 1724. of the Revised Code 20228  
subject to any limitations as may be provided by resolution of the 20229  
board of trustees. Any moneys contributed by the board ~~for this~~ 20230  
~~purpose to the corporation~~ shall be drawn from the general fund of 20231  
the township not otherwise appropriated. 20232

In addition, the board may purchase real property for the 20233  
purpose of transferring that property to the community improvement 20234  
corporation. In order to finance the purchase of that real 20235  
property, the board may issue general obligation bonds of the 20236  
township in accordance with Chapter 133. of the Revised Code, for 20237  
which the full faith and credit of the township shall be pledged. 20238

**Sec. 505.86.** (A) As used in this section, ~~"total:~~ 20239



"Party in interest" means an owner of record of the real property on which the building or structure is located, and includes a holder of a legal or equitable lien of record on the real property or the building or other structure. 20240  
20241  
20242  
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"Total cost" means any costs incurred due to the use of employees, materials, or equipment of the township, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this section. 20244  
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(B) A board of township trustees, by resolution, may provide for the removal, repair, or securance of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by any fire department under contract with the township or by the county building department or other authority responsible under Chapter 3781. of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, or buildings or other structures that have been declared to be in a condition dangerous to life or health, or unfit for human habitation by the board of health of the general health district of which the township is a part. 20249  
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At least thirty days prior to the removal, repair, or securance of any insecure, unsafe, or structurally defective building or other structure, the board of township trustees shall give notice by certified mail, return receipt requested, to each party in interest of its intention with respect to the removal, repair, or securance ~~to the holders of legal or equitable liens of record upon the real property on which the building is located and to owners of record of the property~~ of an insecure, unsafe, or structurally defective or unfit building or other structure. 20261  
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If the ~~owner's~~ address of a party in interest is unknown and cannot reasonably be obtained, it is sufficient to publish the 20270  
20271

notice once in a newspaper of general circulation in the township. 20272

(C)(1) If the board of trustees, in a resolution adopted 20273  
under this section, pursues action to remove any insecure, unsafe, 20274  
or structurally defective building or other structure, the notice 20275  
shall include a statement informing the parties in interest that 20276  
each party in interest is entitled to a hearing if the party in 20277  
interest requests a hearing in writing within thirty days after 20278  
which the notice was mailed. The written request for a hearing 20279  
shall be made to the township fiscal officer. 20280

(2) If a party in interest timely requests a hearing, the 20281  
board shall set the date, time, and place for the hearing and 20282  
notify the party in interest by certified mail, return receipt 20283  
requested. The date set for the hearing shall be within fifteen 20284  
days, but not earlier than seven days, after the party in interest 20285  
has requested a hearing, unless otherwise agreed to by both the 20286  
board and the party in interest. The hearing shall be recorded by 20287  
stenographic or electronic means. 20288

(3) The board shall make an order deciding the matter not 20289  
later than thirty days after a hearing, or not later than thirty 20290  
days after mailing notice to the parties in interest if no party 20291  
in interest requested a hearing. The order may dismiss the matter 20292  
or direct the removal, repair, or securance of the building or 20293  
other structure. At any time, a party in interest may consent to 20294  
an order. 20295

(4) A party in interest who requested and participated in a 20296  
hearing, and who is adversely affected by the order of the board, 20297  
may appeal the order under section 2506.01 of the Revised Code. 20298

~~The owners of record of the property or the holders of liens~~ 20299  
~~of record upon the property~~ (D) At any time, a party in interest 20300  
may enter into an agreement with the board of township trustees to 20301  
perform the removal, repair, or securance of the insecure, unsafe, 20302

or structurally defective or unfit building or other structure. ~~if~~ 20303

(E) If an emergency exists, as determined by the board, 20304  
notice may be given other than by certified mail and less than 20305  
thirty days prior to the removal, repair, or securance. 20306

~~(C) A board may collect the~~ (F) The total cost of removing, 20307  
repairing, or securing buildings or other structures that have 20308  
been declared insecure, unsafe, structurally defective, or unfit 20309  
for human habitation, or of making emergency corrections of 20310  
hazardous conditions, when approved by the board, shall be paid 20311  
out of the township general fund from moneys not otherwise 20312  
appropriated, except that, if the costs incurred exceed five 20313  
hundred dollars, the board may borrow moneys from a financial 20314  
institution to pay for the costs in whole or in part. 20315

The total cost may be collected by either of the following 20316  
methods: 20317

(1) The board may have the fiscal officer of the township 20318  
certify the total costs, together with a proper description of the 20319  
lands to the county auditor who shall place the costs upon the tax 20320  
duplicate. The costs are a lien upon the lands from and after the 20321  
date of entry. ~~The costs shall be collected as other taxes and~~ 20322  
~~returned to the township general fund.~~ 20323

(2) The board may commence a civil action to recover the 20324  
total costs from the owner of record of the real property on which 20325  
the building or structure is located. 20326

~~(D)~~(G) Any board of township trustees may, whenever a policy 20327  
or policies of insurance are in force providing coverage against 20328  
the peril of fire on a building or structure and the loss agreed 20329  
to between the named insured or insureds and the company or 20330  
companies is more than five thousand dollars and equals or exceeds 20331  
sixty per cent of the aggregate limits of liability on all fire 20332  
policies covering the building or structure on the property, 20333

accept security payments and follow the procedures of divisions 20334  
(C) and (D) of section 3929.86 of the Revised Code. 20335

**Sec. 507.09.** (A) ~~Except as otherwise provided in division (D)~~ 20336  
~~of this section~~ In calendar year 2016, the township fiscal officer 20337  
shall be entitled to compensation as follows: 20338

(1) In townships having a budget of two hundred fifty 20339  
thousand dollars or less, ~~three ten~~ thousand ~~five three~~ hundred 20340  
ninety-eight dollars; 20341

(2) In townships having a budget of more than two hundred 20342  
fifty thousand but not more than ~~one five~~ hundred thousand 20343  
dollars, ~~five thirteen~~ thousand ~~five three~~ hundred seventy 20344  
dollars; 20345

(3) In townships having a budget of more than ~~one five~~ 20346  
hundred thousand but not more than ~~two seven~~ hundred fifty 20347  
thousand dollars, ~~seven fourteen~~ thousand ~~seven eight~~ hundred 20348  
fifty-four dollars; 20349

(4) In townships having a budget of more than ~~two seven~~ 20350  
hundred fifty thousand but not more than one million five hundred 20351  
thousand dollars, ~~nine seventeen~~ thousand ~~nine eight~~ hundred 20352  
twenty-six dollars; 20353

(5) In townships having a budget of more than one million 20354  
five hundred thousand but not more than ~~seven three million five~~ 20355  
hundred ~~fifty~~ thousand dollars, ~~eleven twenty~~ thousand seven 20356  
hundred ninety-six dollars; 20357

(6) In townships having a budget of more than ~~seven three~~ 20358  
million five hundred ~~fifty~~ thousand but not more than ~~one six~~ 20359  
million ~~five hundred thousand~~ dollars, ~~thirteen twenty-two~~ 20360  
thousand two hundred eighty-two dollars; 20361

(7) In townships having a budget of more than ~~one six~~ million 20362  
~~five hundred thousand~~ but not more than ~~three ten~~ million five 20363

~~hundred thousand~~ dollars, ~~fifteen~~ twenty-five thousand ~~four~~ five  
hundred seventy-three dollars; 20364  
20365

(8) In townships having a budget of more than ~~three~~ ten  
million ~~five hundred thousand dollars but not more than six~~  
million dollars, ~~sixteen~~ twenty-nine thousand five hundred  
eighty-five dollars; 20366  
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~~(9) In townships having a budget of more than six million~~  
~~dollars, seventeen thousand six hundred dollars.~~ 20370  
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(B) In calendar year 2017, the compensation determined under  
division (A) of this section shall be increased by five per cent. 20372  
20373

(C) In calendar year 2018 and thereafter, the township fiscal  
officer shall be entitled to the compensation determined under  
division (B) of this section. 20374  
20375  
20376

(D) Any township fiscal officer may elect to receive less 20377  
than the compensation the fiscal officer is entitled to under 20378  
~~division (A) of this section.~~ Any township fiscal officer electing 20379  
to do this shall so notify the board of township trustees in 20380  
writing, and the board shall include this notice in the minutes of 20381  
its next board meeting. 20382

~~(C)~~(E) The compensation of the township fiscal officer shall 20383  
be paid in equal monthly payments. If the office of township 20384  
fiscal officer is held by more than one person during any calendar 20385  
year, each person holding the office shall receive payments for 20386  
only those months, and any fractions of those months, during which 20387  
the person holds the office. 20388

A township fiscal officer may be compensated from the 20389  
township general fund or from other township funds based on the 20390  
proportion of time the township fiscal officer spends providing 20391  
services related to each fund. A township fiscal officer must 20392  
document the amount of time the township fiscal officer spends 20393  
providing services related to each fund by certification 20394

specifying the percentage of time spent working on matters to be 20395  
paid from the township general fund or from other township funds 20396  
in such proportions as the kinds of services performed. 20397

~~(D) Beginning in calendar year 1999, the township fiscal 20398  
officer shall be entitled to compensation as follows: 20399~~

~~(1) In calendar year 1999, the compensation specified in 20400  
division (A) of this section increased by three per cent; 20401~~

~~(2) In calendar year 2000, the compensation determined under 20402  
division (D)(1) of this section increased by three per cent; 20403~~

~~(3) In calendar year 2001, the compensation determined under 20404  
division (D)(2) of this section increased by three per cent; 20405~~

~~(4) In calendar year 2002, except in townships having a 20406  
budget of more than six million dollars, the compensation 20407  
determined under division (D)(3) of this section increased by 20408  
three per cent; in townships having a budget of more than six 20409  
million but not more than ten million dollars, nineteen thousand 20410  
eight hundred ten dollars; and in townships having a budget of 20411  
more than ten million dollars, twenty thousand nine hundred 20412  
dollars; 20413~~

~~(5) In calendar year 2003, the compensation determined under 20414  
division (D)(4) of this section increased by three per cent or the 20415  
percentage increase in the consumer price index as described in 20416  
division (D)(7)(b) of this section, whichever percentage is lower; 20417~~

~~(6) In calendar year 2004, except in townships having a 20418  
budget of more than six million dollars, the compensation 20419  
determined under division (D)(5) of this section for the calendar 20420  
year 2003 increased by three per cent or the percentage increase 20421  
in the consumer price index as described in division (D)(7)(b) of 20422  
this section, whichever percentage is lower; in townships having a 20423  
budget of more than six million but not more than ten million 20424  
dollars, twenty two thousand eighty seven dollars; and in 20425~~

~~townships having a budget of more than ten million dollars,~~ 20426  
~~twenty five thousand five hundred fifty three dollars;~~ 20427

~~(7) In calendar years 2005 through 2008, the compensation~~ 20428  
~~determined under division (D) of this section for the immediately~~ 20429  
~~preceding calendar year increased by the lesser of the following:~~ 20430

~~(a) Three per cent;~~ 20431

~~(b) The percentage increase, if any, in the consumer price~~ 20432  
~~index over the twelve month period that ends on the thirtieth day~~ 20433  
~~of September of the immediately preceding calendar year, rounded~~ 20434  
~~to the nearest one tenth of one per cent;~~ 20435

~~(8) In calendar year 2009 and thereafter, the amount~~ 20436  
~~determined under division (D) of this section for calendar year~~ 20437  
~~2008.~~ 20438

~~As used in this division, "consumer price index" has the same~~ 20439  
~~meaning as in section 325.18 of the Revised Code.~~ 20440

**Sec. 507.11.** (A) The board of township trustees may 20441  
authorize, by resolution, township officers and employees to incur 20442  
obligations of two thousand five hundred dollars or less on behalf 20443  
of the township, or it may authorize, by resolution, the township 20444  
administrator to so authorize township officers and employees. The 20445  
obligations incurred on behalf of the township by a township 20446  
officer or employee acting pursuant to any such resolution shall 20447  
be subsequently approved by the adoption of a formal resolution of 20448  
the board of township trustees. 20449

(B)(1) No money belonging to the township shall be paid out, 20450  
except upon an order signed by at least two of the township 20451  
trustees, and countersigned by the township fiscal officer. 20452

(2) As provided in division (E) of section 9.37 of the 20453  
Revised Code, and notwithstanding division (B)(1) of this section, 20454  
a board of township trustees may adopt a resolution authorizing 20455

the payment of lawful obligations of the township by direct 20456  
deposit of funds by electronic transfer in accordance with section 20457  
9.37 of the Revised Code. 20458

**Sec. 517.07.** Upon application, the board of township trustees 20459  
shall sell at a reasonable price the number of lots as public 20460  
wants demand for burial purposes. Purchasers of lots or other 20461  
interment rights, upon complying with the terms of sale, may 20462  
receive deeds for the lots or rights which the board shall execute 20463  
and which shall be recorded by the township fiscal officer in a 20464  
book for that purpose. The expense of recording shall be paid by 20465  
the person receiving the deed. Upon the application of a head of a 20466  
family living in the township, the board shall, without charge, 20467  
make and deliver to the applicant a deed for a suitable lot or 20468  
right for the ~~burial~~ interment of the applicant's family, if, in 20469  
the opinion of the board and by reason of the circumstances of the 20470  
family, the payment would be oppressive. 20471

The terms of sale and any deed for lots executed after July 20472  
24, 1986, for an entombment, columbarium, or other interment right 20473  
executed on or after the effective date of this amendment, may 20474  
include the following requirements: 20475

(A) The grantee shall provide to the board of township 20476  
trustees, in writing, a list of the names and addresses of the 20477  
persons to whom the grantee's property would pass by intestate 20478  
succession. 20479

(B) The grantee shall notify the board in writing of any 20480  
subsequent changes in the name or address of any persons to whom 20481  
property would descend. 20482

(C) Any person who receives a township cemetery lot or right 20483  
by gift, inheritance, or any other means other than the original 20484  
conveyance shall, within one year after receiving the interest, 20485  
give written notice of the person's name and address to the board 20486



having control of the cemetery, and shall notify the board of any 20487  
subsequent changes in the person's name or address. 20488

The terms of sale and any deed for any lots or rights 20489  
executed in compliance with the notification requirements set 20490  
forth in divisions (A), (B), and (C) of this section shall state 20491  
that the board of township trustees shall have right of reentry to 20492  
the cemetery lot or right if the notification requirements are not 20493  
met. At least ninety days before establishing reentry, the board 20494  
shall send a notice by certified mail to the last known owner at 20495  
the owner's last known address to inform the owner that the 20496  
owner's interest in the lot or right will cease unless the 20497  
notification requirements are met. If the owner's address is 20498  
unknown and cannot reasonably be obtained, it is sufficient to 20499  
publish the notice once in a newspaper of general circulation in 20500  
the county. In order to establish reentry, the board shall pass a 20501  
resolution stating that the conditions of the sale or of the deed 20502  
have not been fulfilled, and that the board reclaims its interest 20503  
in the lot or right. 20504

The board may limit the terms of sale or the deed for a 20505  
cemetery lot or right by specifying that the owner, a member of 20506  
the owner's family, or an owner's descendant must use the lot, 20507  
tomb, or columbarium, or at least ~~one burial place within a~~ 20508  
portion of the lot, tomb, or columbarium, within a specified time 20509  
period. The board may specify this time period to be at least 20510  
twenty but not more than fifty years, with right of renewal 20511  
provided at no cost. At least ninety days prior to the termination 20512  
date for use of the cemetery lot, tomb, or columbarium, the board 20513  
shall send a notice to the owner to inform the owner that the 20514  
owner's interest in the lot or right will cease on the termination 20515  
date unless the owner contracts for renewal by that date. The 20516  
board shall send the notice by certified mail to the owner if the 20517  
owner is a resident of the township or is a nonresident whose 20518

address is known. If the owner's address is unknown and cannot 20519  
reasonably be obtained, it is sufficient to publish the notice 20520  
once in a newspaper of general circulation in the county. 20521

The terms of sale and any deed for lots or rights conveyed 20522  
with a termination date shall state that the board shall have 20523  
right of reentry to the lot or right at the end of the specified 20524  
time period if the lot, tomb, or columbarium, is not used within 20525  
this time period or renewed for an extended period. In order to 20526  
establish reentry, the board shall pass a resolution stating that 20527  
the conditions of the sale or of the deed have not been fulfilled, 20528  
and that the board reclaims its interest in the lot or right. The 20529  
board shall compensate owners of unused lots or rights who do not 20530  
renew the terms of sale or the deed by paying the owner eighty per 20531  
cent of the purchase price. The board may repurchase any cemetery 20532  
lot or right from its owner at any time at a price that is 20533  
mutually agreed upon by the board and the owner. 20534

Sec. 517.073. The board of township trustees may reenter a 20535  
lot for which the terms of sale or deed was executed prior to July 20536  
24, 1986, or an entombment, columbarium, or other interment right 20537  
for which the terms of sale or deed was executed prior to the 20538  
effective date of this section, if the board determines the lot or 20539  
right is unused and adopts a resolution creating a procedure for 20540  
right of reentry in accordance with this section. The resolution 20541  
shall state that the board of township trustees has the right of 20542  
reentry to the cemetery lot or right purchased prior to July 24, 20543  
1986, or prior to the effective date of this section. Before 20544  
reentering a lot or right, the board shall send a notice by 20545  
certified mail to the last known owner at the owner's last known 20546  
address to inform the owner that the owner's interest in the lot 20547  
or right will cease unless the owner or owner's heir responds by a 20548  
specified date. If the owner's address is unknown and cannot be 20549  
obtained reasonably, it is sufficient to publish the notice once 20550

in a newspaper of general circulation in the county. To establish reentry, the board shall pass a resolution stating that the owner has not responded by the specified date, and that the board reclaims its interest in the lot or right. 20551  
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At least ninety days prior to the termination date for use of the cemetery lot, tomb, or columbarium, the board shall send a notice to the owner to inform the owner that the owner's interest in the lot or right will cease on the termination date unless the owner or owner's heir contracts for renewal by that date. The board shall send the notice by certified mail to the owner if the owner is a resident of the township or is a nonresident whose address is known. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county. 20555  
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In order to establish reentry, the board shall pass a resolution stating that because of the lack of response to notice sent by certified mail that provided a termination date, the board reclaims its interest in the lot or right. 20565  
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**Sec. 517.15.** A board of township trustees may create a permanent cemetery endowment fund for the purpose of maintaining, improving, and beautifying township cemeteries and burial lots in township cemeteries. The fund shall consist of money arising from the following sources: 20569  
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(A) Gifts, devises, or bequests received for the purpose of maintaining, improving, or beautifying township cemeteries; 20574  
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(B) Charges added to the price regularly charged for burial lots for the purpose of maintaining, improving, or beautifying township cemeteries; 20576  
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(C) Contributions of money from the township general fund; 20579

(D) An individual agreement with the purchaser of a burial 20580

lot providing that a part of the purchase price is to be applied 20581  
to the purpose of maintaining, improving, or beautifying any 20582  
burial lot designated and named by the purchaser; 20583

(E) Individual gifts, devises, or bequests made for the 20584  
maintenance, improvement, and beautification of any burial lot 20585  
designated and named by the person making the gift, devise, or 20586  
bequest. 20587

Upon unanimous consent of the board of trustees, the board 20588  
may use the principal of the fund if the board is unable to 20589  
maintain, improve, and beautify township cemeteries using only the 20590  
income from the fund. 20591

**Sec. 715.014.** (A) As used in this section: 20592

(1) "Tourism development district" means a district 20593  
designated by a municipal corporation under this section. 20594

(2) "Territory of a tourism development district" means all 20595  
of the area included within the territorial boundaries of a 20596  
tourism development district. 20597

(3) "Business" and "owner" have the same meanings as in 20598  
section 503.56 of the Revised Code. 20599

(4) "Eligible municipal corporation" means a municipal 20600  
corporation wholly or partly located in a county having a 20601  
population greater than three hundred seventy-five thousand but 20602  
less than four hundred thousand that levies taxes under section 20603  
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 20604  
which does not exceed one-half of one per cent on the effective 20605  
date of the enactment of this section. 20606

(5) "Fiscal officer" means the city auditor, village clerk, 20607  
or other municipal officer having the duties and functions of a 20608  
city auditor or village clerk. 20609

(B)(1) The legislative authority of an eligible municipal 20610

corporation, by resolution or ordinance, may declare an area of 20611  
the municipal corporation to be a tourism development district for 20612  
the purpose of fostering and developing tourism in the district if 20613  
all of the following criteria are met: 20614

(a) The district's area does not exceed two hundred acres. 20615

(b) All territory in the district is contiguous. 20616

(c) Before adopting the resolution or ordinance, the 20617  
legislative authority holds at least two public hearings 20618  
concerning the creation of the tourism development district. 20619

(d) Before adopting the resolution or ordinance, the 20620  
legislative authority receives a petition signed by every record 20621  
owner of a parcel of real property located in the proposed 20622  
district and the owner of every business that operates in the 20623  
proposed district. 20624

(e) The legislative authority adopts the resolution or 20625  
ordinance on or before December 31, 2018. 20626

(2) The petition described in division (B)(1)(d) of this 20627  
section shall include an explanation of the taxes and charges that 20628  
may be levied or imposed in the proposed district. 20629

(3) The legislative authority shall certify the resolution or 20630  
ordinance to the tax commissioner within five days after its 20631  
adoption, along with a description of the boundaries of the 20632  
district authorized in the resolution. That description shall 20633  
include sufficient information for the commissioner to determine 20634  
if the address of a vendor is within the boundaries of the 20635  
district. 20636

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 20637  
of this section, the legislative authority of an eligible 20638  
municipal corporation may enlarge the territory of an existing 20639  
tourism development district in the manner prescribed for the 20640

creation of a district under divisions (B)(1) to (3) of this 20641  
section, except that the petition described in division (B)(1)(d) 20642  
of this section must be signed by every record owner of a parcel 20643  
of real property located in the area proposed to be added to the 20644  
district and the owner of every business that operates in the area 20645  
proposed to be added to the district. 20646

(C) For the purpose of fostering and developing tourism in a 20647  
tourism development district, a lessor leasing real property in a 20648  
tourism development district may impose and collect a uniform fee 20649  
on each parcel of real property leased by the lessor, to be paid 20650  
by each of the person's lessees. A lessee is subject to such a fee 20651  
only if the lease separately states the amount of the fee. Before 20652  
a lessor may impose and collect such a fee, the lessor shall file 20653  
a copy of such lease with the fiscal officer. A lessor that 20654  
imposes such a fee shall remit all collections of the fee to the 20655  
municipal corporation in which the real property is located. 20656

The legislative authority of that municipal corporation shall 20657  
establish all regulations necessary to provide for the 20658  
administration and remittance of such fees. The regulations may 20659  
prescribe the time for payment of the fee, and may provide for the 20660  
imposition of a penalty or interest, or both, for late 20661  
remittances, provided that the penalty does not exceed ten per 20662  
cent of the amount of fee due, and the rate at which interest 20663  
accrues does not exceed the rate per annum prescribed pursuant to 20664  
section 5703.47 of the Revised Code. The regulations shall 20665  
provide, after deducting the real and actual costs of 20666  
administering the fee, that the revenue be used exclusively for 20667  
fostering and developing tourism within the tourism development 20668  
district. 20669

(D) The legislative authority of an eligible municipal 20670  
corporation that has designated a tourism development district may 20671  
levy the tax authorized under section 5739.101 of the Revised 20672

Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

(E) On or before the first day of each January and June, beginning after the designation of the tourism development district, the fiscal officer shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

**Sec. 717.01.** Each municipal corporation may do any of the following:

(A) Acquire by purchase or condemnation real estate with or without buildings on it, and easements or interests in real estate;

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct;

(C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;

(D) Purchase turnpike roads and make them free;

(E) Construct wharves and landings on navigable waters;

(F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses;

(G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits;

(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;	20703 20704 20705 20706
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	20707 20708
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	20709 20710
(K) Construct free public libraries and reading rooms, and free recreation centers;	20711 20712
(L) Establish free public baths and municipal lodging houses;	20713
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	20714 20715 20716
(N) Provide land for and improve parks, boulevards, and public playgrounds;	20717 20718
(O) Construct hospitals and pesthouses;	20719
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	20720 20721
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	20722 20723 20724
(R) Construct or improve viaducts, bridges, and culverts;	20725
(S)(1) Construct any building necessary for the police or fire department;	20726 20727
(2) Purchase fire engines or fire boats;	20728
(3) Construct water towers or fire cisterns;	20729
(4) Place underground the wires or signal apparatus of any police or fire department.	20730 20731



(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation; 20732  
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(U) Construct subways under any street or boulevard or elsewhere; 20734  
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(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal corporation may take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce, which property or facilities are required for the proper and convenient operation of the utility or carrier, unless provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere at the sole cost of the municipal corporation. 20736  
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(W) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for the making of necessary surveys, appraisals, and examinations preliminary to the acquisition or construction of any airport or airport facility and pay the portion of the expense of the surveys, appraisals, and examinations as set forth in the agreement; 20753  
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(X) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for the acquisition, construction, maintenance, or operation of any airport or airport facility owned or to be owned and operated by the regional airport authority or owned or to be owned and 20759  
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operated by the municipal corporation and pay the portion of the 20764  
expense of it as set forth in the agreement; 20765

(Y) Acquire by gift, purchase, lease, or condemnation, land, 20766  
forest, and water rights necessary for conservation of forest 20767  
reserves, water parks, or reservoirs, either within or without the 20768  
limits of the municipal corporation, and improve and equip the 20769  
forest and water parks with structures, equipment, and 20770  
reforestation necessary or appropriate for any purpose for the 20771  
utilization of any of the forest and water benefits that may 20772  
properly accrue therefrom to the municipal corporation; 20773

(Z) Acquire real property by purchase, gift, or devise and 20774  
construct and maintain on it public swimming pools, either within 20775  
or outside the limits of the municipal corporation; 20776

(AA) Construct or rehabilitate, equip, maintain, operate, and 20777  
lease facilities for housing of elderly persons and for persons of 20778  
low and moderate income, and appurtenant facilities. No municipal 20779  
corporation shall deny housing accommodations to or withhold 20780  
housing accommodations from elderly persons or persons of low and 20781  
moderate income because of race, color, religion, sex, familial 20782  
status as defined in section 4112.01 of the Revised Code, military 20783  
status as defined in that section, disability as defined in that 20784  
section, ancestry, or national origin. Any elderly person or 20785  
person of low or moderate income who is denied housing 20786  
accommodations or has them withheld by a municipal corporation 20787  
because of race, color, religion, sex, familial status as defined 20788  
in section 4112.01 of the Revised Code, military status as defined 20789  
in that section, disability as defined in that section, ancestry, 20790  
or national origin may file a charge with the Ohio civil rights 20791  
commission as provided in Chapter 4112. of the Revised Code. 20792

(BB) Acquire, rehabilitate, and develop rail property or rail 20793  
service, and enter into agreements with the Ohio rail development 20794  
commission, boards of county commissioners, boards of township 20795

trustees, legislative authorities of other municipal corporations, 20796  
with other governmental agencies or organizations, and with 20797  
private agencies or organizations in order to achieve those 20798  
purposes; 20799

(CC) Appropriate and contribute money to a soil and water 20800  
conservation district for use under Chapter ~~1515-~~ 940. of the 20801  
Revised Code; 20802

(DD) Authorize the board of county commissioners, pursuant to 20803  
a contract authorizing the action, to contract on the municipal 20804  
corporation's behalf for the administration and enforcement within 20805  
its jurisdiction of the state building code by another county or 20806  
another municipal corporation located within or outside the 20807  
county. The contract for administration and enforcement shall 20808  
provide for obtaining certification pursuant to division (E) of 20809  
section 3781.10 of the Revised Code for the exercise of 20810  
administration and enforcement authority within the municipal 20811  
corporation seeking those services and shall specify which 20812  
political subdivision is responsible for securing that 20813  
certification. 20814

(EE) Expend money for providing and maintaining services and 20815  
facilities for senior citizens. 20816

"Airport," "landing field," and "air navigation facility," as 20817  
defined in section 4561.01 of the Revised Code, apply to division 20818  
(V) of this section. 20819

As used in divisions (W) and (X) of this section, "airport" 20820  
and "airport facility" have the same meanings as in section 308.01 20821  
of the Revised Code. 20822

As used in division (BB) of this section, "rail property" and 20823  
"rail service" have the same meanings as in section 4981.01 of the 20824  
Revised Code. 20825

**Sec. 718.01.** Any term used in this chapter that is not 20826  
otherwise defined in this chapter has the same meaning as when 20827  
used in a comparable context in laws of the United States relating 20828  
to federal income taxation or in Title LVII of the Revised Code, 20829  
unless a different meaning is clearly required. If a term used in 20830  
this chapter that is not otherwise defined in this chapter is used 20831  
in a comparable context in both the laws of the United States 20832  
relating to federal income tax and in Title LVII of the Revised 20833  
Code and the use is not consistent, then the use of the term in 20834  
the laws of the United States relating to federal income tax shall 20835  
control over the use of the term in Title LVII of the Revised 20836  
Code. 20837

As used in this chapter: 20838

(A)(1) "Municipal taxable income" means the following: 20839

(a) For a person other than an individual, income reduced by 20840  
exempt income to the extent otherwise included in income and then, 20841  
as applicable, apportioned or situated to the municipal corporation 20842  
under section 718.02 of the Revised Code, and further reduced by 20843  
any pre-2017 net operating loss carryforward available to the 20844  
person for the municipal corporation. 20845

(b)(i) For an individual who is a resident of a municipal 20846  
corporation other than a qualified municipal corporation, income 20847  
reduced by exempt income to the extent otherwise included in 20848  
income, then reduced as provided in division (A)(2) of this 20849  
section, and further reduced by any pre-2017 net operating loss 20850  
carryforward available to the individual for the municipal 20851  
corporation. 20852

(ii) For an individual who is a resident of a qualified 20853  
municipal corporation, Ohio adjusted gross income reduced by 20854  
income exempted, and increased by deductions excluded, by the 20855  
qualified municipal corporation from the qualified municipal 20856

corporation's tax ~~on or before December 31, 2013~~. If a qualified 20857  
municipal corporation, on or before December 31, 2013, exempts 20858  
income earned by individuals who are not residents of the 20859  
qualified municipal corporation and net profit of persons that are 20860  
not wholly located within the qualified municipal corporation, 20861  
such individual or person shall have no municipal taxable income 20862  
for the purposes of the tax levied by the qualified municipal 20863  
corporation and may be exempted by the qualified municipal 20864  
corporation from the requirements of section 718.03 of the Revised 20865  
Code. 20866

(c) For an individual who is a nonresident of a municipal 20867  
corporation, income reduced by exempt income to the extent 20868  
otherwise included in income and then, as applicable, apportioned 20869  
or sitused to the municipal corporation under section 718.02 of 20870  
the Revised Code, then reduced as provided in division (A)(2) of 20871  
this section, and further reduced by any pre-2017 net operating 20872  
loss carryforward available to the individual for the municipal 20873  
corporation. 20874

(2) In computing the municipal taxable income of a taxpayer 20875  
who is an individual, the taxpayer may subtract, as provided in 20876  
division (A)(1)(b)(i) or (c) of this section, the amount of the 20877  
individual's employee business expenses reported on the 20878  
individual's form 2106 that the individual deducted for federal 20879  
income tax purposes for the taxable year, subject to the 20880  
limitation imposed by section 67 of the Internal Revenue Code. For 20881  
the municipal corporation in which the taxpayer is a resident, the 20882  
taxpayer may deduct all such expenses allowed for federal income 20883  
tax purposes. For a municipal corporation in which the taxpayer is 20884  
not a resident, the taxpayer may deduct such expenses only to the 20885  
extent the expenses are related to the taxpayer's performance of 20886  
personal services in that nonresident municipal corporation. 20887

(B) "Income" means the following: 20888

(1)(a) For residents, all income, salaries, qualifying wages, 20889  
commissions, and other compensation from whatever source earned or 20890  
received by the resident, including the resident's distributive 20891  
share of the net profit of pass-through entities owned directly or 20892  
indirectly by the resident and any net profit of the resident, 20893  
except as provided in division (D)(4) of this section. 20894

(b) For the purposes of division (B)(1)(a) of this section: 20895

(i) Any net operating loss of the resident incurred in the 20896  
taxable year and the resident's distributive share of any net 20897  
operating loss generated in the same taxable year and attributable 20898  
to the resident's ownership interest in a pass-through entity 20899  
shall be allowed as a deduction, for that taxable year and the 20900  
following five taxable years, against any other net profit of the 20901  
resident or the resident's distributive share of any net profit 20902  
attributable to the resident's ownership interest in a 20903  
pass-through entity until fully utilized, subject to division 20904  
(B)(1)(d) of this section; 20905

(ii) The resident's distributive share of the net profit of 20906  
each pass-through entity owned directly or indirectly by the 20907  
resident shall be calculated without regard to any net operating 20908  
loss that is carried forward by that entity from a prior taxable 20909  
year and applied to reduce the entity's net profit for the current 20910  
taxable year. 20911

(c) Division (B)(1)(b) of this section does not apply with 20912  
respect to any net profit or net operating loss attributable to an 20913  
ownership interest in an S corporation unless shareholders' 20914  
distributive shares of net profits from S corporations are subject 20915  
to tax in the municipal corporation as provided in division 20916  
(C)(14)(b) or (c) of this section. 20917

(d) Any amount of a net operating loss used to reduce a 20918  
taxpayer's net profit for a taxable year shall reduce the amount 20919

of net operating loss that may be carried forward to any 20920  
subsequent year for use by that taxpayer. In no event shall the 20921  
cumulative deductions for all taxable years with respect to a 20922  
taxpayer's net operating loss exceed the original amount of that 20923  
net operating loss available to that taxpayer. 20924

(2) In the case of nonresidents, all income, salaries, 20925  
qualifying wages, commissions, and other compensation from 20926  
whatever source earned or received by the nonresident for work 20927  
done, services performed or rendered, or activities conducted in 20928  
the municipal corporation, including any net profit of the 20929  
nonresident, but excluding the nonresident's distributive share of 20930  
the net profit or loss of only pass-through entities owned 20931  
directly or indirectly by the nonresident. 20932

(3) For taxpayers that are not individuals, net profit of the 20933  
taxpayer; 20934

(4) Lottery, sweepstakes, gambling and sports winnings, 20935  
winnings from games of chance, and prizes and awards. If the 20936  
taxpayer is a professional gambler for federal income tax 20937  
purposes, the taxpayer may deduct related wagering losses and 20938  
expenses to the extent authorized under the Internal Revenue Code 20939  
and claimed against such winnings. 20940

(C) "Exempt income" means all of the following: 20941

(1) The military pay or allowances of members of the armed 20942  
forces of the United States or members of their reserve 20943  
components, including the national guard of any state; 20944

(2)(a) Except as provided in division (C)(2)(b) of this 20945  
section, intangible income; 20946

(b) A municipal corporation that taxed any type of intangible 20947  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 20948  
116th general assembly, may continue to tax that type of income if 20949  
a majority of the electors of the municipal corporation voting on 20950

the question of whether to permit the taxation of that type of 20951  
intangible income after 1988 voted in favor thereof at an election 20952  
held on November 8, 1988. 20953

(3) Social security benefits, railroad retirement benefits, 20954  
unemployment compensation, pensions, retirement benefit payments, 20955  
payments from annuities, and similar payments made to an employee 20956  
or to the beneficiary of an employee under a retirement program or 20957  
plan, disability payments received from private industry or local, 20958  
state, or federal governments or from charitable, religious or 20959  
educational organizations, and the proceeds of sickness, accident, 20960  
or liability insurance policies. As used in division (C)(3) of 20961  
this section, "unemployment compensation" does not include 20962  
supplemental unemployment compensation described in section 20963  
3402(o)(2) of the Internal Revenue Code. 20964

(4) The income of religious, fraternal, charitable, 20965  
scientific, literary, or educational institutions to the extent 20966  
such income is derived from tax-exempt real estate, tax-exempt 20967  
tangible or intangible property, or tax-exempt activities. 20968

(5) Compensation paid under section 3501.28 or 3501.36 of the 20969  
Revised Code to a person serving as a precinct election official 20970  
to the extent that such compensation does not exceed one thousand 20971  
dollars for the taxable year. Such compensation in excess of one 20972  
thousand dollars for the taxable year may be subject to taxation 20973  
by a municipal corporation. A municipal corporation shall not 20974  
require the payer of such compensation to withhold any tax from 20975  
that compensation. 20976

(6) Dues, contributions, and similar payments received by 20977  
charitable, religious, educational, or literary organizations or 20978  
labor unions, lodges, and similar organizations; 20979

(7) Alimony and child support received; 20980

(8) Compensation for personal injuries or for damages to 20981



property from insurance proceeds or otherwise, excluding 20982  
compensation paid for lost salaries or wages or compensation from 20983  
punitive damages; 20984

(9) Income of a public utility when that public utility is 20985  
subject to the tax levied under section 5727.24 or 5727.30 of the 20986  
Revised Code. Division (C)(9) of this section does not apply for 20987  
purposes of Chapter 5745. of the Revised Code. 20988

(10) Gains from involuntary conversions, interest on federal 20989  
obligations, items of income subject to a tax levied by the state 20990  
and that a municipal corporation is specifically prohibited by law 20991  
from taxing, and income of a decedent's estate during the period 20992  
of administration except such income from the operation of a trade 20993  
or business; 20994

(11) Compensation or allowances excluded from federal gross 20995  
income under section 107 of the Internal Revenue Code; 20996

(12) Employee compensation that is not qualifying wages as 20997  
defined in division (R) of this section; 20998

(13) Compensation paid to a person employed within the 20999  
boundaries of a United States air force base under the 21000  
jurisdiction of the United States air force that is used for the 21001  
housing of members of the United States air force and is a center 21002  
for air force operations, unless the person is subject to taxation 21003  
because of residence or domicile. If the compensation is subject 21004  
to taxation because of residence or domicile, tax on such income 21005  
shall be payable only to the municipal corporation of residence or 21006  
domicile. 21007

(14)(a) Except as provided in division (C)(14)(b) or (c) of 21008  
this section, an S corporation shareholder's distributive share of 21009  
net profits of the S corporation, other than any part of the 21010  
distributive share of net profits that represents wages as defined 21011  
in section 3121(a) of the Internal Revenue Code or net earnings 21012

from self-employment as defined in section 1402(a) of the Internal Revenue Code. 21013  
21014

(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation. 21015  
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(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date voted in favor of that question at an election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state. 21022  
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(d) A municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation voted in favor of a question at an election held under division (C)(14)(b) or (c) 21040  
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of this section. The municipal corporation shall specify by 21045  
resolution or ordinance that the tax applies to the distributive 21046  
share of a shareholder of an S corporation in the hands of the 21047  
shareholder of the S corporation. 21048

(15) To the extent authorized under a resolution or ordinance 21049  
adopted by a municipal corporation before January 1, 2016, all or 21050  
a portion of the income of individuals or a class of individuals 21051  
under eighteen years of age. 21052

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 21053  
(d) of this section, qualifying wages described in division (B)(1) 21054  
or (E) of section 718.011 of the Revised Code to the extent the 21055  
qualifying wages are not subject to withholding for the municipal 21056  
corporation under either of those divisions. 21057

(b) The exemption provided in division (C)(16)(a) of this 21058  
section does not apply with respect to the municipal corporation 21059  
in which the employee resided at the time the employee earned the 21060  
qualifying wages. 21061

(c) The exemption provided in division (C)(16)(a) of this 21062  
section does not apply to qualifying wages that an employer elects 21063  
to withhold under division (D)(2) of section 718.011 of the 21064  
Revised Code. 21065

(d) The exemption provided in division (C)(16)(a) of this 21066  
section does not apply to qualifying wages if both of the 21067  
following conditions apply: 21068

(i) For qualifying wages described in division (B)(1) of 21069  
section 718.011 of the Revised Code, the employee's employer 21070  
withholds and remits tax on the qualifying wages to the municipal 21071  
corporation in which the employee's principal place of work is 21072  
situated, or, for qualifying wages described in division (E) of 21073  
section 718.011 of the Revised Code, the employee's employer 21074  
withholds and remits tax on the qualifying wages to the municipal 21075

corporation in which the employer's fixed location is located; 21076

(ii) The employee receives a refund of the tax described in 21077  
division (C)(16)(d)(i) of this section on the basis of the 21078  
employee not performing services in that municipal corporation. 21079

(17)(a) Except as provided in division (C)(17)(b) or (c) of 21080  
this section, compensation that is not qualifying wages paid to a 21081  
nonresident individual for personal services performed in the 21082  
municipal corporation on not more than twenty days in a taxable 21083  
year. 21084

(b) The exemption provided in division (C)(17)(a) of this 21085  
section does not apply under either of the following 21086  
circumstances: 21087

(i) The individual's base of operation is located in the 21088  
municipal corporation. 21089

(ii) The individual is a professional athlete, professional 21090  
entertainer, or public figure, and the compensation is paid for 21091  
the performance of services in the individual's capacity as a 21092  
professional athlete, professional entertainer, or public figure. 21093  
For purposes of division (C)(17)(b)(ii) of this section, 21094  
"professional athlete," "professional entertainer," and "public 21095  
figure" have the same meanings as in section 718.011 of the 21096  
Revised Code. 21097

(c) Compensation to which division (C)(17) of this section 21098  
applies shall be treated as earned or received at the individual's 21099  
base of operation. If the individual does not have a base of 21100  
operation, the compensation shall be treated as earned or received 21101  
where the individual is domiciled. 21102

(d) For purposes of division (C)(17) of this section, "base 21103  
of operation" means the location where an individual owns or rents 21104  
an office, storefront, or similar facility to which the individual 21105  
regularly reports and at which the individual regularly performs 21106

personal services for compensation.	21107
(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.	21108 21109 21110 21111 21112 21113 21114 21115 21116 21117 21118
(19) Income the taxation of which is prohibited by the constitution or laws of the United States.	21119 21120
Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.	21121 21122 21123 21124 21125
(D)(1) "Net profit" for a person other than an individual means adjusted federal taxable income.	21126 21127
(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (E)(8) of this section.	21128 21129 21130 21131 21132 21133 21134
(3) For the purposes of this chapter, and notwithstanding division (D)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity,	21135 21136 21137

but shall instead be included in the net profit of the owner of 21138  
the disregarded entity. 21139

(4) For the purposes of this chapter, and notwithstanding any 21140  
other provision of this chapter, the net profit of a publicly 21141  
traded partnership that makes the election described in division 21142  
(D)(4) of this section shall be taxed as if the partnership were a 21143  
C corporation, and shall not be treated as the net profit or 21144  
income of any owner of the partnership. 21145

A publicly traded partnership that is treated as a 21146  
partnership for federal income tax purposes and that is subject to 21147  
tax on its net profits in one or more municipal corporations in 21148  
this state may elect to be treated as a C corporation for 21149  
municipal income tax purposes. The publicly traded partnership 21150  
shall make the election in every municipal corporation in which 21151  
the partnership is subject to taxation on its net profits. The 21152  
election shall be made on the annual tax return filed in each such 21153  
municipal corporation. The publicly traded partnership shall not 21154  
be required to file the election with any municipal corporation in 21155  
which the partnership is not subject to taxation on its net 21156  
profits, but division (D)(4) of this section applies to all 21157  
municipal corporations in which an individual owner of the 21158  
partnership resides. 21159

(E) "Adjusted federal taxable income," for a person required 21160  
to file as a C corporation, or for a person that has elected to be 21161  
taxed as a C corporation under division (D)(4) of this section, 21162  
means a C corporation's federal taxable income before net 21163  
operating losses and special deductions as determined under the 21164  
Internal Revenue Code, adjusted as follows: 21165

(1) Deduct intangible income to the extent included in 21166  
federal taxable income. The deduction shall be allowed regardless 21167  
of whether the intangible income relates to assets used in a trade 21168  
or business or assets held for the production of income. 21169

(2) Add an amount equal to five per cent of intangible income	21170
deducted under division (E)(1) of this section, but excluding that	21171
portion of intangible income directly related to the sale,	21172
exchange, or other disposition of property described in section	21173
1221 of the Internal Revenue Code;	21174
(3) Add any losses allowed as a deduction in the computation	21175
of federal taxable income if the losses directly relate to the	21176
sale, exchange, or other disposition of an asset described in	21177
section 1221 or 1231 of the Internal Revenue Code;	21178
(4)(a) Except as provided in division (E)(4)(b) of this	21179
section, deduct income and gain included in federal taxable income	21180
to the extent the income and gain directly relate to the sale,	21181
exchange, or other disposition of an asset described in section	21182
1221 or 1231 of the Internal Revenue Code;	21183
(b) Division (E)(4)(a) of this section does not apply to the	21184
extent the income or gain is income or gain described in section	21185
1245 or 1250 of the Internal Revenue Code.	21186
(5) Add taxes on or measured by net income allowed as a	21187
deduction in the computation of federal taxable income;	21188
(6) In the case of a real estate investment trust or	21189
regulated investment company, add all amounts with respect to	21190
dividends to, distributions to, or amounts set aside for or	21191
credited to the benefit of investors and allowed as a deduction in	21192
the computation of federal taxable income;	21193
(7) Deduct, to the extent not otherwise deducted or excluded	21194
in computing federal taxable income, any income derived from a	21195
transfer agreement or from the enterprise transferred under that	21196
agreement under section 4313.02 of the Revised Code;	21197
(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d)	21198
of this section, deduct any net operating loss incurred by the	21199
person in a taxable year beginning on or after January 1, 2017.	21200

The amount of such net operating loss shall be deducted from 21201  
net profit that is reduced by exempt income to the extent 21202  
necessary to reduce municipal taxable income to zero, with any 21203  
remaining unused portion of the net operating loss carried forward 21204  
to not more than five consecutive taxable years following the 21205  
taxable year in which the loss was incurred, but in no case for 21206  
more years than necessary for the deduction to be fully utilized. 21207

(b) No person shall use the deduction allowed by division 21208  
(E)(8) of this section to offset qualifying wages. 21209

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 21210  
or 2022, a person may not deduct, for purposes of an income tax 21211  
levied by a municipal corporation that levies an income tax before 21212  
January 1, 2016, more than fifty per cent of the amount of the 21213  
deduction otherwise allowed by division (E)(8)(a) of this section. 21214

(ii) For taxable years beginning in 2023 or thereafter, a 21215  
person may deduct, for purposes of an income tax levied by a 21216  
municipal corporation that levies an income tax before January 1, 21217  
2016, the full amount allowed by division (E)(8)(a) of this 21218  
section. 21219

(d) Any pre-2017 net operating loss carryforward deduction 21220  
that is available must be utilized before a taxpayer may deduct 21221  
any amount pursuant to division (E)(8) of this section. 21222

(e) Nothing in ~~divisions~~ division (E)(8)(c)(i) ~~and (ii)~~ of 21223  
this section precludes a person from carrying forward, for ~~the~~ 21224  
~~period otherwise permitted under division (E)(8)(a) of this~~ 21225  
~~section~~ use with respect to any return filed for a taxable year 21226  
beginning after 2018, any amount of net operating loss that was 21227  
not fully utilized by operation of ~~divisions~~ division (E)(8)(c)(i) 21228  
~~and (ii)~~ of this section. To the extent that an amount of net 21229  
operating loss that was not fully utilized in one or more taxable 21230  
years by operation of division (E)(8)(c)(i) of this section is 21231



carried forward for use with respect to a return filed for a 21232  
taxable year beginning in 2019, 2020, 2021, or 2022, the 21233  
limitation described in division (E)(8)(c)(i) of this section 21234  
shall apply to the amount carried forward. 21235

(9) Deduct any net profit of a pass-through entity owned 21236  
directly or indirectly by the taxpayer and included in the 21237  
taxpayer's federal taxable income unless an affiliated group of 21238  
corporations includes that net profit in the group's federal 21239  
taxable income in accordance with division (E)(3)(b) of section 21240  
718.06 of the Revised Code. 21241

(10) Add any loss incurred by a pass-through entity owned 21242  
directly or indirectly by the taxpayer and included in the 21243  
taxpayer's federal taxable income unless an affiliated group of 21244  
corporations includes that loss in the group's federal taxable 21245  
income in accordance with division (E)(3)(b) of section 718.06 of 21246  
the Revised Code. 21247

If the taxpayer is not a C corporation, is not a disregarded 21248  
entity that has made the election described in division (L)(2) of 21249  
this section, is not a publicly traded partnership that has made 21250  
the election described in division (D)(4) of this section, and is 21251  
not an individual, the taxpayer shall compute adjusted federal 21252  
taxable income under this section as if the taxpayer were a C 21253  
corporation, except guaranteed payments and other similar amounts 21254  
paid or accrued to a partner, former partner, shareholder, former 21255  
shareholder, member, or former member shall not be allowed as a 21256  
deductible expense unless such payments are in consideration for 21257  
the use of capital and treated as payment of interest under 21258  
section 469 of the Internal Revenue Code or United States treasury 21259  
regulations. Amounts paid or accrued to a qualified self-employed 21260  
retirement plan with respect to a partner, former partner, 21261  
shareholder, former shareholder, member, or former member of the 21262  
taxpayer, amounts paid or accrued to or for health insurance for a 21263

partner, former partner, shareholder, former shareholder, member, 21264  
or former member, and amounts paid or accrued to or for life 21265  
insurance for a partner, former partner, shareholder, former 21266  
shareholder, member, or former member shall not be allowed as a 21267  
deduction. 21268

Nothing in division (E) of this section shall be construed as 21269  
allowing the taxpayer to add or deduct any amount more than once 21270  
or shall be construed as allowing any taxpayer to deduct any 21271  
amount paid to or accrued for purposes of federal self-employment 21272  
tax. 21273

(F) "Schedule C" means internal revenue service schedule C 21274  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 21275  
Code. 21276

(G) "Schedule E" means internal revenue service schedule E 21277  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 21278  
Code. 21279

(H) "Schedule F" means internal revenue service schedule F 21280  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 21281  
Code. 21282

(I) "Internal Revenue Code" has the same meaning as in 21283  
section 5747.01 of the Revised Code. 21284

(J) "Resident" means an individual who is domiciled in the 21285  
municipal corporation as determined under section 718.012 of the 21286  
Revised Code. 21287

(K) "Nonresident" means an individual that is not a resident. 21288

(L)(1) "Taxpayer" means a person subject to a tax levied on 21289  
income by a municipal corporation in accordance with this chapter. 21290  
"Taxpayer" does not include a grantor trust or, except as provided 21291  
in division (L)(2)(a) of this section, a disregarded entity. 21292

(2)(a) A single member limited liability company that is a 21293

disregarded entity for federal tax purposes may be a separate 21294  
taxpayer from its single member in all Ohio municipal corporations 21295  
in which it either filed as a separate taxpayer or did not file 21296  
for its taxable year ending in 2003, if all of the following 21297  
conditions are met: 21298

(i) The limited liability company's single member is also a 21299  
limited liability company. 21300

(ii) The limited liability company and its single member were 21301  
formed and doing business in one or more Ohio municipal 21302  
corporations for at least five years before January 1, 2004. 21303

(iii) Not later than December 31, 2004, the limited liability 21304  
company and its single member each made an election to be treated 21305  
as a separate taxpayer under division (L) of this section as this 21306  
section existed on December 31, 2004. 21307

(iv) The limited liability company was not formed for the 21308  
purpose of evading or reducing Ohio municipal corporation income 21309  
tax liability of the limited liability company or its single 21310  
member. 21311

(v) The Ohio municipal corporation that was the primary place 21312  
of business of the sole member of the limited liability company 21313  
consented to the election. 21314

(b) For purposes of division (L)(2)(a)(v) of this section, a 21315  
municipal corporation was the primary place of business of a 21316  
limited liability company if, for the limited liability company's 21317  
taxable year ending in 2003, its income tax liability was greater 21318  
in that municipal corporation than in any other municipal 21319  
corporation in Ohio, and that tax liability to that municipal 21320  
corporation for its taxable year ending in 2003 was at least four 21321  
hundred thousand dollars. 21322

(M) "Person" includes individuals, firms, companies, joint 21323  
stock companies, business trusts, estates, trusts, partnerships, 21324

limited liability partnerships, limited liability companies, 21325  
associations, C corporations, S corporations, governmental 21326  
entities, and any other entity. 21327

(N) "Pass-through entity" means a partnership not treated as 21328  
an association taxable as a C corporation for federal income tax 21329  
purposes, a limited liability company not treated as an 21330  
association taxable as a C corporation for federal income tax 21331  
purposes, an S corporation, or any other class of entity from 21332  
which the income or profits of the entity are given pass-through 21333  
treatment for federal income tax purposes. "Pass-through entity" 21334  
does not include a trust, estate, grantor of a grantor trust, or 21335  
disregarded entity. 21336

(O) "S corporation" means a person that has made an election 21337  
under subchapter S of Chapter 1 of Subtitle A of the Internal 21338  
Revenue Code for its taxable year. 21339

(P) "Single member limited liability company" means a limited 21340  
liability company that has one direct member. 21341

(Q) "Limited liability company" means a limited liability 21342  
company formed under Chapter 1705. of the Revised Code or under 21343  
the laws of another state. 21344

(R) "Qualifying wages" means wages, as defined in section 21345  
3121(a) of the Internal Revenue Code, without regard to any wage 21346  
limitations, adjusted as follows: 21347

(1) Deduct the following amounts: 21348

(a) Any amount included in wages if the amount constitutes 21349  
compensation attributable to a plan or program described in 21350  
section 125 of the Internal Revenue Code. 21351

(b) Any amount included in wages if the amount constitutes 21352  
payment on account of a disability related to sickness or an 21353  
accident paid by a party unrelated to the employer, agent of an 21354

employer, or other payer.	21355
(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	21356 21357 21358 21359 21360 21361
(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	21362 21363 21364 21365 21366 21367 21368
(e) Any amount included in wages that is exempt income.	21369
(2) Add the following amounts:	21370
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	21371 21372
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.	21373 21374 21375 21376 21377 21378 21379 21380
(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.	21381 21382 21383 21384

(d) Any amount that is supplemental unemployment compensation	21385
benefits described in section 3402(o)(2) of the Internal Revenue	21386
Code and not included in wages.	21387
(e) Any amount received that is treated as self-employment	21388
income for federal tax purposes in accordance with section	21389
1402(a)(8) of the Internal Revenue Code.	21390
(f) Any amount not included in wages if all of the following	21391
apply:	21392
(i) For the taxable year the amount is employee compensation	21393
<u>that is earned outside of the United States and that either is</u>	21394
included in the taxpayer's gross income for federal income tax	21395
purposes <u>or would have been included in the taxpayer's gross</u>	21396
<u>income for such purposes if the taxpayer did not elect to exclude</u>	21397
<u>the income under section 911 of the Internal Revenue Code;</u>	21398
(ii) For no preceding taxable year did the amount constitute	21399
wages as defined in section 3121(a) of the Internal Revenue Code;	21400
(iii) For no succeeding taxable year will the amount	21401
constitute wages; and	21402
(iv) For any taxable year the amount has not otherwise been	21403
added to wages pursuant to either division (R)(2) of this section	21404
or section 718.03 of the Revised Code, as that section existed	21405
before the effective date of H.B. 5 of the 130th general assembly,	21406
<u>March 23, 2015.</u>	21407
(S) "Intangible income" means income of any of the following	21408
types: income yield, interest, capital gains, dividends, or other	21409
income arising from the ownership, sale, exchange, or other	21410
disposition of intangible property including, but not limited to,	21411
investments, deposits, money, or credits as those terms are	21412
defined in Chapter 5701. of the Revised Code, and patents,	21413
copyrights, trademarks, tradenames, investments in real estate	21414
investment trusts, investments in regulated investment companies,	21415

and appreciation on deferred compensation. "Intangible income" 21416  
does not include prizes, awards, or other income associated with 21417  
any lottery winnings, gambling winnings, or other similar games of 21418  
chance. 21419

(T) "Taxable year" means the corresponding tax reporting 21420  
period as prescribed for the taxpayer under the Internal Revenue 21421  
Code. 21422

(U) "Tax administrator" means the individual charged with 21423  
direct responsibility for administration of an income tax levied 21424  
by a municipal corporation in accordance with this chapter, and 21425  
also includes the following: 21426

(1) A municipal corporation acting as the agent of another 21427  
municipal corporation; 21428

(2) A person retained by a municipal corporation to 21429  
administer a tax levied by the municipal corporation, but only if 21430  
the municipal corporation does not compensate the person in whole 21431  
or in part on a contingency basis; 21432

(3) The central collection agency or the regional income tax 21433  
agency or their successors in interest, or another entity 21434  
organized to perform functions similar to those performed by the 21435  
central collection agency and the regional income tax agency. 21436

(V) "Employer" means a person that is an employer for federal 21437  
income tax purposes. 21438

(W) "Employee" means an individual who is an employee for 21439  
federal income tax purposes. 21440

(X) "Other payer" means any person, other than an 21441  
individual's employer or the employer's agent, that pays an 21442  
individual any amount included in the federal gross income of the 21443  
individual. "Other payer" includes casino operators and video 21444  
lottery terminal sales agents. 21445

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	21446 21447
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	21448 21449
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Revised Code.	21450 21451 21452 21453
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	21454 21455 21456 21457
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	21458 21459 21460 21461 21462 21463
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	21464 21465 21466
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.	21467 21468 21469 21470 21471
(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.	21472 21473
(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does	21474 21475



not include unutilized losses resulting from basis limitations, 21476  
at-risk limitations, or passive activity loss limitations. 21477

(HH) "Casino operator" and "casino facility" have the same 21478  
meanings as in section 3772.01 of the Revised Code. 21479

(II) "Video lottery terminal" has the same meaning as in 21480  
section 3770.21 of the Revised Code. 21481

(JJ) "Video lottery terminal sales agent" means a lottery 21482  
sales agent licensed under Chapter 3770. of the Revised Code to 21483  
conduct video lottery terminals on behalf of the state pursuant to 21484  
section 3770.21 of the Revised Code. 21485

(KK) "Postal service" means the United States postal service. 21486

(LL) "Certified mail," "express mail," "United States mail," 21487  
"postal service," and similar terms include any delivery service 21488  
authorized pursuant to section 5703.056 of the Revised Code. 21489

(MM) "Postmark date," "date of postmark," and similar terms 21490  
include the date recorded and marked in the manner described in 21491  
division (B)(3) of section 5703.056 of the Revised Code. 21492

(NN) "Related member" means a person that, with respect to 21493  
the taxpayer during all or any portion of the taxable year, is 21494  
either a related entity, a component member as defined in section 21495  
1563(b) of the Internal Revenue Code, or a person to or from whom 21496  
there is attribution of stock ownership in accordance with section 21497  
1563(e) of the Internal Revenue Code except, for purposes of 21498  
determining whether a person is a related member under this 21499  
division, "twenty per cent" shall be substituted for "5 percent" 21500  
wherever "5 percent" appears in section 1563(e) of the Internal 21501  
Revenue Code. 21502

(OO) "Related entity" means any of the following: 21503

(1) An individual stockholder, or a member of the 21504  
stockholder's family enumerated in section 318 of the Internal 21505

Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (00)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;

(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (00)(1) to (3) of this section have been met.

(PP)(1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section

718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in

the resolution or ordinance or until fully utilized, whichever is 21569  
earlier. 21570

(TT) "Small employer" means any employer that had total 21571  
revenue of less than five hundred thousand dollars during the 21572  
preceding taxable year. For purposes of this division, "total 21573  
revenue" means receipts of any type or kind, including, but not 21574  
limited to, sales receipts; payments; rents; profits; gains, 21575  
dividends, and other investment income; compensation; commissions; 21576  
premiums; money; property; grants; contributions; donations; 21577  
gifts; program service revenue; patient service revenue; premiums; 21578  
fees, including premium fees and service fees; tuition payments; 21579  
unrelated business revenue; reimbursements; any type of payment 21580  
from a governmental unit, including grants and other allocations; 21581  
and any other similar receipts reported for federal income tax 21582  
purposes or under generally accepted accounting principles. "Small 21583  
employer" does not include the federal government; any state 21584  
government, including any state agency or instrumentality; any 21585  
political subdivision; or any entity treated as a government for 21586  
financial accounting and reporting purposes. 21587

(UU) "Audit" means the examination of a person or the 21588  
inspection of the books, records, memoranda, or accounts of a 21589  
person for the purpose of determining liability for a municipal 21590  
income tax. 21591

(VV) "Publicly traded partnership" means any partnership, an 21592  
interest in which is regularly traded on an established securities 21593  
market. A "publicly traded partnership" may have any number of 21594  
partners. 21595

**Sec. 718.04.** (A) Notwithstanding division (A) of section 21596  
715.013 of the Revised Code, a municipal corporation may levy a 21597  
tax on income and a withholding tax if such taxes are levied in 21598  
accordance with the provisions and limitations specified in this 21599

chapter. On or after January 1, 2016, the ordinance or resolution 21600  
levying such taxes, as adopted or amended by the legislative 21601  
authority of the municipal corporation, shall include all of the 21602  
following: 21603

(1) A statement that the tax is an annual tax levied on the 21604  
income of every person residing in or earning or receiving income 21605  
in the municipal corporation and that the tax shall be measured by 21606  
municipal taxable income; 21607

(2) A statement that the municipal corporation is levying the 21608  
tax in accordance with the limitations specified in this chapter 21609  
and that the resolution or ordinance thereby incorporates the 21610  
provisions of this chapter; 21611

(3) The rate of the tax; 21612

(4) Whether, and the extent to which, a credit, as described 21613  
in division (D) of this section, will be allowed against the tax; 21614

(5) The purpose or purposes of the tax; 21615

(6) Any other provision necessary for the administration of 21616  
the tax, provided that the provision does not conflict with any 21617  
provision of this chapter. 21618

(B) Any municipal corporation that, on or before ~~the~~ 21619  
~~effective date of the enactment of this section~~ March 23, 2015, 21620  
levies an income tax at a rate in excess of one per cent may 21621  
continue to levy the tax at the rate specified in the original 21622  
ordinance or resolution, provided that such rate continues in 21623  
effect as specified in the original ordinance or resolution. 21624

(C)(1) No municipal corporation shall tax income at other 21625  
than a uniform rate. 21626

(2) Except as provided in division (B) of this section, no 21627  
municipal corporation shall levy a tax on income at a rate in 21628  
excess of one per cent without having obtained the approval of the 21629

excess by a majority of the electors of the municipality voting on 21630  
the question at a general, primary, or special election. The 21631  
legislative authority of the municipal corporation shall file with 21632  
the board of elections at least ninety days before the day of the 21633  
election a copy of the ordinance together with a resolution 21634  
specifying the date the election is to be held and directing the 21635  
board of elections to conduct the election. The ballot shall be in 21636  
the following form: "Shall the Ordinance providing for a ... per 21637  
cent levy on income for (Brief description of the purpose of the 21638  
proposed levy) be passed? 21639

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

"

In the event of an affirmative vote, the proceeds of the levy may 21644  
be used only for the specified purpose. 21645

(D) A municipal corporation may, by ordinance or resolution, 21646  
grant a credit to residents of the municipal corporation for all 21647  
or a portion of the taxes paid to any municipal corporation, in 21648  
this state or elsewhere, by the resident or by a pass-through 21649  
entity owned, directly or indirectly, by a resident, on the 21650  
resident's distributive or proportionate share of the income of 21651  
the pass-through entity. A municipal corporation is not required 21652  
to refund taxes not paid to the municipal corporation. 21653

(E) Except as otherwise provided in this chapter, a municipal 21654  
corporation that levies an income tax in effect for taxable years 21655  
beginning before January 1, 2016, may continue to administer and 21656  
enforce the provisions of such tax for all taxable years beginning 21657  
before January 1, 2016, provided that the provisions of such tax 21658  
are consistent with this chapter as it existed prior to ~~the~~ 21659  
~~effective date of the enactment of this section~~ March 23, 2015. 21660

(F) Nothing in this chapter authorizes a municipal corporation to levy a tax on income, or to administer or collect such a tax or penalties or interest related to such a tax, contrary to the provisions and limitations specified in this chapter. No municipal corporation shall enforce an ordinance or resolution that conflicts with the provisions of this chapter.

(G)(1) Division (G) of this section applies to a municipal corporation that, at the time of entering into a written agreement under division (G)(2) of this section, shares the same territory as a city, local, or exempted village school district, to the extent that not more than thirty per cent of the territory of the municipal corporation is located outside the school district and a portion of the territory of the school district that is not located within the municipal corporation is located within another municipal corporation having a population of four hundred thousand or more according to the federal decennial census most recently completed before the agreement is entered into under division (G)(2) of this section.

(2) The legislative authority of a municipal corporation to which division (G) of this section applies may propose to the electors an income tax, one of the purposes of which shall be to provide financial assistance to the school district described in division (G)(1) of this section. Prior to proposing the tax, the legislative authority shall negotiate and enter into a written agreement with the board of education of that school district specifying the tax rate; the percentage or amount of tax revenue to be paid to the school district or the method of establishing or determining that percentage or amount, which may be subject to change periodically; the purpose for which the school district will use the money; the first year the tax will be levied; the date of the election on the question of the tax; and the method and schedule by which, and the conditions under which, the

municipal corporation will make payments to the school district. 21693  
The tax shall otherwise comply with the provisions and limitations 21694  
specified in this chapter. 21695

**Sec. 718.05.** (A) An annual return with respect to the income 21696  
tax levied by a municipal corporation shall be completed and filed 21697  
by every taxpayer for any taxable year for which the taxpayer is 21698  
liable for the tax. If the total credit allowed against the tax as 21699  
described in division (D) of section 718.04 of the Revised Code 21700  
for the year is equal to or exceeds the tax imposed by the 21701  
municipal corporation, no return shall be required unless the 21702  
municipal ordinance or resolution levying the tax requires the 21703  
filing of a return in such circumstances. 21704

(B) If an individual is deceased, any return or notice 21705  
required of that individual shall be completed and filed by that 21706  
decedent's executor, administrator, or other person charged with 21707  
the property of that decedent. 21708

(C) If an individual is unable to complete and file a return 21709  
or notice required by a municipal corporation in accordance with 21710  
this chapter, the return or notice required of that individual 21711  
shall be completed and filed by the individual's duly authorized 21712  
agent, guardian, conservator, fiduciary, or other person charged 21713  
with the care of the person or property of that individual. 21714

(D) Returns or notices required of an estate or a trust shall 21715  
be completed and filed by the fiduciary of the estate or trust. 21716

(E) No municipal corporation shall deny spouses the ability 21717  
to file a joint return. 21718

(F)(1) Each return required to be filed under this section 21719  
shall contain the signature of the taxpayer or the taxpayer's duly 21720  
authorized agent and of the person who prepared the return for the 21721  
taxpayer, and shall include the taxpayer's social security number 21722



or taxpayer identification number. Each return shall be verified 21723  
by a declaration under penalty of perjury. 21724

(2) A tax administrator may require a taxpayer who is an 21725  
individual to include, with each annual return, amended return, or 21726  
request for refund required under this section, copies of only the 21727  
following documents: all of the taxpayer's Internal Revenue 21728  
Service form W-2, "Wage and Tax Statements," including all 21729  
information reported on the taxpayer's federal W-2, as well as 21730  
taxable wages reported or withheld for any municipal corporation; 21731  
the taxpayer's Internal Revenue Service form 1040 or, in the case 21732  
of a return or request required by a qualified municipal 21733  
corporation, Ohio form IT-1040; and, with respect to an amended 21734  
tax return or refund request, any other documentation necessary to 21735  
support the refund request or the adjustments made in the amended 21736  
return. An individual taxpayer who files the annual return 21737  
required by this section electronically is not required to provide 21738  
paper copies of any of the foregoing to the tax administrator 21739  
unless the tax administrator requests such copies after the return 21740  
has been filed. 21741

(3) A tax administrator may require a taxpayer that is not an 21742  
individual to include, with each annual net profit return, amended 21743  
net profit return, or request for refund required under this 21744  
section, copies of only the following documents: the taxpayer's 21745  
Internal Revenue Service form 1041, form 1065, form 1120, form 21746  
1120-REIT, form 1120F, or form 1120S, and, with respect to an 21747  
amended tax return or refund request, any other documentation 21748  
necessary to support the refund request or the adjustments made in 21749  
the amended return. 21750

A taxpayer that is not an individual and that files an annual 21751  
net profit return electronically through the Ohio business gateway 21752  
or in some other manner shall either mail the documents required 21753  
under this division to the tax administrator at the time of filing 21754

or, if electronic submission is available, submit the documents 21755  
electronically through the Ohio business gateway. The department 21756  
of taxation shall publish a method of electronically submitting 21757  
the documents required under this division through the Ohio 21758  
business gateway on or before January 1, 2016. The department 21759  
shall transmit all documents submitted electronically under this 21760  
division to the appropriate tax administrator. 21761

(4) After a taxpayer files a tax return, the tax 21762  
administrator may request, and the taxpayer shall provide, any 21763  
information, statements, or documents required by the municipal 21764  
corporation to determine and verify the taxpayer's municipal 21765  
income tax liability. The requirements imposed under division (F) 21766  
of this section apply regardless of whether the taxpayer files on 21767  
a generic form or on a form prescribed by the tax administrator. 21768

(G)(1)(a) Except as otherwise provided in this chapter, each 21769  
individual income tax return required to be filed under this 21770  
section shall be completed and filed as required by the tax 21771  
administrator on or before the date prescribed for the filing of 21772  
state individual income tax returns under division (G) of section 21773  
5747.08 of the Revised Code. The taxpayer shall complete and file 21774  
the return or notice on forms prescribed by the tax administrator 21775  
or on generic forms, together with remittance made payable to the 21776  
municipal corporation or tax administrator. No remittance is 21777  
required if the amount shown to be due is ten dollars or less. 21778

(b) Except as otherwise provided in this chapter, each annual 21779  
net profit return required to be filed under this section by a 21780  
taxpayer that is not an individual shall be completed and filed as 21781  
required by the tax administrator on or before the fifteenth day 21782  
of the fourth month following the end of the taxpayer's taxable 21783  
year. The taxpayer shall complete and file the return or notice on 21784  
forms prescribed by the tax administrator or on generic forms, 21785  
together with remittance made payable to the municipal corporation 21786

or tax administrator. No remittance is required if the amount 21787  
shown to be due is ten dollars or less. 21788

(2)(a) Any taxpayer that has duly requested an automatic 21789  
six-month extension for filing the taxpayer's federal income tax 21790  
return shall automatically receive an extension for the filing of 21791  
a municipal income tax return. The extended due date of the 21792  
municipal income tax return shall be the fifteenth day of the 21793  
tenth month after the last day of the taxable year to which the 21794  
return relates. ~~An~~ 21795

(b) A taxpayer that has not requested or received a six-month 21796  
extension for filing the taxpayer's federal income tax return may 21797  
request that the tax administrator grant the taxpayer a six-month 21798  
extension of the date for filing the taxpayer's municipal income 21799  
tax return. If the request is received by the tax administrator on 21800  
or before the date the municipal income tax return is due, the tax 21801  
administrator shall grant the taxpayer's requested extension. 21802

(c) An extension of time to file under ~~this~~ division (G)(2) 21803  
of this section is not an extension of the time to pay any tax due 21804  
unless the tax administrator grants an extension of that date. 21805

(3) If the tax commissioner extends for all taxpayers the 21806  
date for filing state income tax returns under division (G) of 21807  
section 5747.08 of the Revised Code, a taxpayer shall 21808  
automatically receive an extension for the filing of a municipal 21809  
income tax return. The extended due date of the municipal income 21810  
tax return shall be the same as the extended due date of the state 21811  
income tax return. 21812

(4) If the tax administrator considers it necessary in order 21813  
to ensure the payment of the tax imposed by the municipal 21814  
corporation in accordance with this chapter, the tax administrator 21815  
may require taxpayers to file returns and make payments otherwise 21816  
than as provided in this section, including taxpayers not 21817

otherwise required to file annual returns. 21818

(5) To the extent that any provision in this division 21819  
conflicts with any provision in section 718.052 of the Revised 21820  
Code, the provision in that section prevails. 21821

(H)(1) For taxable years beginning after 2015, a municipal 21822  
corporation shall not require a taxpayer to remit tax with respect 21823  
to net profits if the amount due is less than ten dollars. 21824

(2) Any taxpayer not required to remit tax to a municipal 21825  
corporation for a taxable year pursuant to division (H)(1) of this 21826  
section shall file with the municipal corporation an annual net 21827  
profit return under division (F)(3) of this section. 21828

(I) This division shall not apply to payments required to be 21829  
made under division (B)(1)(a) or (2)(a) of section 718.03 of the 21830  
Revised Code. 21831

(1) If any report, claim, statement, or other document 21832  
required to be filed, or any payment required to be made, within a 21833  
prescribed period or on or before a prescribed date under this 21834  
chapter is delivered after that period or that date by United 21835  
States mail to the tax administrator or other municipal official 21836  
with which the report, claim, statement, or other document is 21837  
required to be filed, or to which the payment is required to be 21838  
made, the date of the postmark stamped on the cover in which the 21839  
report, claim, statement, or other document, or payment is mailed 21840  
shall be deemed to be the date of delivery or the date of payment. 21841  
"The date of postmark" means, in the event there is more than one 21842  
date on the cover, the earliest date imprinted on the cover by the 21843  
postal service. 21844

(2) If a payment is required to be made by electronic funds 21845  
transfer, the payment is considered to be made when the payment is 21846  
credited to an account designated by the tax administrator for the 21847  
receipt of tax payments, except that, when a payment made by 21848

electronic funds transfer is delayed due to circumstances not 21849  
under the control of the taxpayer, the payment is considered to be 21850  
made when the taxpayer submitted the payment. 21851

(J) The amounts withheld by an employer, the agent of an 21852  
employer, or an other payer as described in section 718.03 of the 21853  
Revised Code shall be allowed to the recipient of the compensation 21854  
as credits against payment of the tax imposed on the recipient by 21855  
the municipal corporation, unless the amounts withheld were not 21856  
remitted to the municipal corporation and the recipient colluded 21857  
with the employer, agent, or other payer in connection with the 21858  
failure to remit the amounts withheld. 21859

(K) Each return required by a municipal corporation to be 21860  
filed in accordance with this section shall include a box that the 21861  
taxpayer may check to authorize another person, including a tax 21862  
return preparer who prepared the return, to communicate with the 21863  
tax administrator about matters pertaining to the return. The 21864  
return or instructions accompanying the return shall indicate that 21865  
by checking the box the taxpayer authorizes the tax administrator 21866  
to contact the preparer or other person concerning questions that 21867  
arise during the examination or other review of the return and 21868  
authorizes the preparer or other person only to provide the tax 21869  
administrator with information that is missing from the return, to 21870  
contact the tax administrator for information about the 21871  
examination or other review of the return or the status of the 21872  
taxpayer's refund or payments, and to respond to notices about 21873  
mathematical errors, offsets, or return preparation that the 21874  
taxpayer has received from the tax administrator and has shown to 21875  
the preparer or other person. 21876

(L) The tax administrator of a municipal corporation shall 21877  
accept for filing a generic form of any income tax return, report, 21878  
or document required by the municipal corporation in accordance 21879  
with this chapter, provided that the generic form, once completed 21880

and filed, contains all of the information required by ordinance, 21881  
resolution, or rules adopted by the municipal corporation or tax 21882  
administrator, and provided that the taxpayer or tax return 21883  
preparer filing the generic form otherwise complies with the 21884  
provisions of this chapter and of the municipal corporation 21885  
ordinance or resolution governing the filing of returns, reports, 21886  
or documents. 21887

(M) When income tax returns, reports, or other documents 21888  
require the signature of a tax return preparer, the tax 21889  
administrator shall accept a facsimile of such a signature in lieu 21890  
of a manual signature. 21891

(N)(1) As used in this division, "worksite location" has the 21892  
same meaning as in section 718.011 of the Revised Code. 21893

(2) A person may notify a tax administrator that the person 21894  
does not expect to be a taxpayer with respect to the municipal 21895  
corporation for a taxable year if both of the following conditions 21896  
apply: 21897

(a) The person was required to file a tax return with the 21898  
municipal corporation for the immediately preceding taxable year 21899  
because the person performed services at a worksite location 21900  
within that municipal corporation. 21901

(b) The person no longer provides services in the municipal 21902  
corporation and does not expect to be subject to the municipal 21903  
corporation's income tax for the taxable year. 21904

The person shall provide the notice in a signed affidavit 21905  
that briefly explains the person's circumstances, including the 21906  
location of the previous worksite location and the last date on 21907  
which the person performed services or made any sales within the 21908  
municipal corporation. The affidavit also shall include the 21909  
following statement: "The affiant has no plans to perform any 21910  
services within the municipal corporation, make any sales in the 21911

municipal corporation, or otherwise become subject to the tax 21912  
levied by the municipal corporation during the taxable year. If 21913  
the affiant does become subject to the tax levied by the municipal 21914  
corporation for the taxable year, the affiant agrees to be 21915  
considered a taxpayer and to properly register as a taxpayer with 21916  
the municipal corporation if such a registration is required by 21917  
the municipal corporation's resolutions, ordinances, or rules." 21918  
The person shall sign the affidavit under penalty of perjury. 21919

(c) If a person submits an affidavit described in division 21920  
(N)(2) of this section, the tax administrator shall not require 21921  
the person to file any tax return for the taxable year unless the 21922  
tax administrator possesses information that conflicts with the 21923  
affidavit or if the circumstances described in the affidavit 21924  
change. Nothing in division (N) of this section prohibits the tax 21925  
administrator from performing an audit of the person. 21926

**Sec. 718.07.** ~~On and after January 1, 2002, each~~ The tax 21927  
~~administrator of a~~ municipal corporation that imposes a tax on 21928  
income in accordance with this chapter shall make electronic 21929  
versions of any rules or ordinances governing the tax available to 21930  
the public through the internet, including, but not limited to, 21931  
ordinances or rules governing the rate of tax; payment and 21932  
withholding of taxes; filing any prescribed returns, reports, or 21933  
other documents; dates for filing or paying taxes, including 21934  
estimated taxes; penalties, interest, assessment, and other 21935  
collection remedies; rights of taxpayers to appeal; ~~and~~ procedures 21936  
for filing appeals; and a summary of taxpayers' rights and 21937  
responsibilities. ~~On and after that date, any municipal~~ 21938  
~~corporation that requires taxpayers to file income tax returns,~~ 21939  
~~reports, or other documents~~ The tax administrator shall make 21940  
blanks of ~~such~~ any prescribed returns, reports, or documents, and 21941  
any instructions pertaining thereto, available to the public 21942  
electronically through the internet. Electronic versions of rules, 21943

ordinances, blanks, and instructions shall be made available 21944  
either by posting them on the electronic site established by the 21945  
tax commissioner under section 5703.49 of the Revised Code ~~or~~ and, 21946  
if the municipal corporation or tax administrator maintains an 21947  
electronic site for the posting of such documents that is 21948  
accessible through the internet, by posting them on ~~an~~ that 21949  
electronic site ~~established by the municipal corporation that is~~ 21950  
~~accessible through the internet.~~ If a municipal corporation or tax 21951  
administrator establishes such an electronic site, the municipal 21952  
corporation shall incorporate an electronic link between that site 21953  
and the site established pursuant to section 5703.49 of the 21954  
Revised Code, and shall provide to the tax commissioner the 21955  
uniform resource locator of the site established pursuant to this 21956  
division. 21957

**Sec. 718.37.** (A) A taxpayer aggrieved by an action or 21958  
omission of a tax administrator, a tax administrator's employee, 21959  
or an employee of the municipal corporation may bring an action 21960  
against the ~~tax administrator, against the~~ municipal corporation, 21961  
~~or against both,~~ for damages in the court of common pleas of the 21962  
county in which the municipal corporation is located, if all of 21963  
the following apply: 21964

(1) In the action or omission the tax administrator, the tax 21965  
administrator's employee, or the employee of the municipal 21966  
corporation frivolously disregards a provision of this chapter or 21967  
a rule or instruction of the tax administrator; 21968

(2) The action or omission occurred with respect to an audit 21969  
or an assessment and the review and collection proceedings 21970  
connected with the audit or assessment; 21971

(3) The tax administrator, the tax administrator's employee, 21972  
or the employee of the municipal corporation did not act 21973  
manifestly outside the scope of employment and did not act with 21974



malicious purpose, in bad faith, or in a wanton or reckless manner. 21975  
21976

(B) In any action brought under division (A) of this section, 21977  
upon a finding of liability on the part of the ~~tax administrator~~ 21978  
~~or the municipal corporation, the tax administrator or the~~ 21979  
municipal corporation shall be liable to the taxpayer in an amount 21980  
equal to the sum of the following: 21981

(1) Compensatory damages sustained by the taxpayer as a 21982  
result of the action or omission by the tax administrator, the tax 21983  
administrator's employee, or the employee of the municipal 21984  
corporation; 21985

(2) Reasonable costs of litigation and attorneys' fees 21986  
sustained by the taxpayer. 21987

(C) In the awarding of damages under division (B) of this 21988  
section, the court shall take into account the negligent actions 21989  
or omissions, if any, on the part of the taxpayer that contributed 21990  
to the damages, but shall not be bound by the provisions of 21991  
sections 2315.32 to 2315.36 of the Revised Code. 21992

(D) Whenever it appears to the court that a taxpayer's 21993  
conduct in the proceedings brought under division (A) of this 21994  
section is frivolous, the court may impose a penalty against the 21995  
taxpayer in an amount not to exceed ten thousand dollars which 21996  
shall be paid to the general fund of the municipal corporation. 21997

(E) Division (A) of this section does not apply to opinions 21998  
of the tax administrator or other information functions of the tax 21999  
administrator. 22000

(F) As used in this section, "frivolous" means that the 22001  
conduct of the tax administrator, an employee of the municipal 22002  
corporation or the tax administrator, the taxpayer, or the 22003  
taxpayer's counsel of record satisfies either of the following: 22004

(1) It obviously serves merely to harass or maliciously injure the tax administrator, the municipal corporation, or employees thereof if referring to the conduct of a taxpayer or the taxpayer's counsel of record, or to harass or maliciously injure the taxpayer if referring to the conduct of the tax administrator, the municipal corporation, or employees thereof;

(2) It is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

**Sec. 731.59.** All securities belonging to the treasury of any municipal corporation or to any fund thereof, other than the sinking fund, may be placed in the custody of any member of the federal reserve banking system, upon the issuance by such member of its custodian or other bailment receipt to the treasurer of the municipal corporation. Such custody shall be as a qualified trustee pursuant to division ~~(D)~~(E) of section 135.18 of the Revised Code, which shall be required to report to the treasurer, auditor of state, or an authorized outside auditor at any time upon request as to the identity, market value, and location of the document evidencing each security. Such securities, if not kept in the custody of a member of the federal reserve banking system, shall be in the custody of such treasurer and shall be kept ~~by him~~ in a safe deposit box or vault belonging to a regular depository of the municipal corporation. If such securities are so kept, such safe deposit box or vault shall be opened only in the presence of one or more of the three officers named in section 731.57 of the Revised Code, and only upon a warrant or order of the chief accounting officer directing the deposit or removal of securities purchased or sold or the clipping of interest coupons for collection. A report of whatever is placed in or removed from such safe deposit box or vault upon any such occasion shall be signed by the treasurer and by the witness required by this section, and

shall be returned to the chief accounting officer upon the same 22037  
day. Whenever any securities are so held for the municipal 22038  
corporation the officers having power to make such investments 22039  
shall be bonded in amounts to be stipulated by ordinance. Such 22040  
bonds may cover other contingencies in which such officers might 22041  
become liable to the municipal corporation. In the event 22042  
securities are deposited with a member of the federal reserve 22043  
banking system, such securities may be withdrawn or sold only upon 22044  
order of the three officers named in such section. 22045

All investments, except for investments by the municipal 22046  
corporation in the issues of such municipal corporation, shall be 22047  
made only through a member of the national association of 22048  
securities dealers, inc., through a bank, savings bank, or savings 22049  
and loan association regulated by the superintendent of financial 22050  
institutions, or through an institution regulated by the 22051  
comptroller of the currency, federal deposit insurance 22052  
corporation, board of governors of the federal reserve system, or 22053  
federal home loan bank board. Payment for investments shall be 22054  
made only upon the delivery of securities representing such 22055  
investments to the treasurer or qualified trustee. If the 22056  
securities transferred are not represented by a certificate, 22057  
payment shall be made only upon receipt of confirmation of 22058  
transfer from the custodian by the treasurer, governing board, or 22059  
qualified trustee. 22060

**Sec. 737.41.** (A) The legislative authority of a municipal 22061  
corporation in which is established a municipal court, other than 22062  
a county-operated municipal court, that has a department of 22063  
probation shall establish in the municipal treasury a municipal 22064  
probation services fund. The fund shall contain all moneys paid to 22065  
the treasurer of the municipal corporation under section 2951.021 22066  
of the Revised Code for deposit into the fund. The treasurer of 22067  
the municipal corporation shall disburse the money contained in 22068

the fund at the request of the municipal court department of 22069  
probation, for use only by that department for specialized staff, 22070  
purchase of equipment, purchase of services, reconciliation 22071  
programs for offenders and victims, other treatment programs, 22072  
including community addiction services providers ~~certified under~~ 22073  
~~section 5119.36 of the Revised Code~~, determined to be appropriate 22074  
by the chief probation officer, and other similar expenses related 22075  
to placing offenders under a community control sanction. 22076

(B) Any money in a municipal probation services fund at the 22077  
end of a fiscal year shall not revert to the treasury of the 22078  
municipal corporation but shall be retained in the fund. 22079

(C) As used in this section: 22080

(1) "County-operated municipal court" has the same meaning as 22081  
in section 1901.03 of the Revised Code. 22082

(2) "Community addiction services provider" has the same 22083  
meaning as in section 5119.01 of the Revised Code. 22084

(3) "Community control sanction" has the same meaning as in 22085  
section 2929.01 of the Revised Code. 22086

**Sec. 742.114.** (A) As used in this section and in section 22087  
742.116 of the Revised Code: 22088

(1) "Agent" means a dealer, as defined in section 1707.01 of 22089  
the Revised Code, who is licensed under sections 1707.01 to 22090  
1707.45 of the Revised Code or under comparable laws of another 22091  
state or of the United States. 22092

(2) "Minority business enterprise" has the same meaning as in 22093  
section 122.71 of the Revised Code. 22094

(3) "Ohio-qualified agent" means an agent designated as such 22095  
by the board of trustees of the fund. 22096

(4) "Ohio-qualified investment manager" means an investment 22097

manager designated as such by the board of trustees of the fund. 22098

(5) "Principal place of business" means an office in which 22099  
the agent regularly provides securities or investment advisory 22100  
services and solicits, meets with, or otherwise communicates with 22101  
clients. 22102

(B) The board of trustees of the fund shall, for the purposes 22103  
of this section, designate an agent as an Ohio-qualified agent if 22104  
the agent meets all of the following requirements: 22105

(1) The agent is subject to taxation under Chapter 5725., 22106  
5726., 5733., 5747., or 5751. of the Revised Code; 22107

(2) The agent is authorized to conduct business in this 22108  
state; 22109

(3) The agent maintains a principal place of business in this 22110  
state and employs at least five residents of this state. 22111

(C) The board shall adopt and implement a written policy to 22112  
establish criteria and procedures used to select agents to execute 22113  
securities transactions on behalf of the retirement system. The 22114  
policy shall address each of the following: 22115

(1) Commissions charged by the agent, both in the aggregate 22116  
and on a per share basis; 22117

(2) The execution speed and trade settlement capabilities of 22118  
the agent; 22119

(3) The responsiveness, reliability, and integrity of the 22120  
agent; 22121

(4) The nature and value of research provided by the agent; 22122

(5) Any special capabilities of the agent. 22123

(D)(1) The board shall, at least annually, establish a policy 22124  
with the goal to increase utilization by the board of 22125  
Ohio-qualified agents for the execution of domestic equity and 22126

fixed-income trades on behalf of the retirement system, when an 22127  
Ohio-qualified agent offers quality, services, and safety 22128  
comparable to other agents otherwise available to the board and 22129  
meets the criteria established under division (C) of this section. 22130

(2) The board shall review, at least annually, the 22131  
performance of the agents that execute securities transactions on 22132  
behalf of the board. 22133

(3) The board shall determine whether an agent is an 22134  
Ohio-qualified agent, meets the criteria established by the board 22135  
pursuant to division (C) of this section, and offers quality, 22136  
services, and safety comparable to other agents otherwise 22137  
available to the board. The board's determination shall be final. 22138

~~(E) The board shall, at least annually, submit to the Ohio 22139  
retirement study council a report containing the following 22140  
information:~~ 22141

~~(1) The name of each agent designated as an Ohio qualified 22142  
agent under this section;~~ 22143

~~(2) The name of each agent that executes securities 22144  
transactions on behalf of the board;~~ 22145

~~(3) The amount of equity and fixed income trades that are 22146  
executed by Ohio qualified agents, expressed as a percentage of 22147  
all equity and fixed income trades that are executed by agents on 22148  
behalf of the board;~~ 22149

~~(4) The compensation paid to Ohio qualified agents, expressed 22150  
as a percentage of total compensation paid to all agents that 22151  
execute securities transactions on behalf of the board;~~ 22152

~~(5) The amount of equity and fixed income trades that are 22153  
executed by agents that are minority business enterprises, 22154  
expressed as a percentage of all equity and fixed income trades 22155  
that are executed by agents on behalf of the board;~~ 22156

~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~ 22157  
22158

**Sec. 742.116.** (A) The board of trustees of the pension fund shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements: 22159  
22160  
22161  
22162

(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code; 22163  
22164

(2) The investment manager meets one of the following requirements: 22165  
22166

(a) Has its corporate headquarters or principal place of business in this state; 22167  
22168

(b) Employs at least five hundred individuals in this state; 22169

(c) Has a principal place of business in this state and employs at least ~~20~~ twenty residents of this state. 22170  
22171

(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following: 22172  
22173  
22174  
22175  
22176  
22177

(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products; 22178  
22179

(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria. 22180  
22181  
22182

(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other 22183  
22184  
22185

investment managers otherwise available to the board. The board's 22186  
determination shall be final. 22187

~~(C) The board shall, at least annually, submit to the Ohio 22188  
retirement study council a report containing the following 22189  
information: 22190~~

~~(1) The name of each investment manager designated as an 22191  
Ohio qualified investment manager under this section; 22192~~

~~(2) The name of each investment manager with which the board 22193  
contracts; 22194~~

~~(3) The amount of assets managed by Ohio qualified investment 22195  
managers, expressed as a percentage of the total assets held by 22196  
the retirement system and as a percentage of assets managed by 22197  
investment managers with which the board has contracted; 22198~~

~~(4) The compensation paid to Ohio qualified investment 22199  
managers, expressed as a percentage of total compensation paid to 22200  
all investment managers with which the board has contracted; 22201~~

~~(5) Any other information requested by the Ohio retirement 22202  
study council regarding the board's use of investment managers. 22203~~

**Sec. 742.462.** (A) As used in this section, "alternate payee," 22204  
"benefit," "lump sum payment," "participant," and "public 22205  
retirement program" have the same meanings as in section 3105.80 22206  
of the Revised Code. 22207

(B) On receipt of an order issued under section 3105.171 or 22208  
3105.65 of the Revised Code, the Ohio police and fire pension fund 22209  
shall determine whether the order meets the requirements of 22210  
sections 3105.80 to 3105.90 of the Revised Code. The fund shall 22211  
retain in the participant's record an order the fund determines 22212  
meets the requirements. Not later than sixty days after receipt, 22213  
the fund shall return to the court that issued the order any order 22214  
the fund determines does not meet the requirements. 22215



(C) The fund shall comply with an order retained under 22216  
division (B) of this section at the following times as 22217  
appropriate: 22218

(1) If the participant has applied for or is receiving a 22219  
benefit or has applied for but not yet received a lump sum 22220  
payment, as soon as practicable; 22221

(2) If the participant has not applied for a benefit or lump 22222  
sum payment, on application by the participant for a benefit or 22223  
lump sum payment. 22224

(D) If the fund transfers a participant's service credit or 22225  
contributions made by or on behalf of a participant to a public 22226  
retirement program that is not named in the order, the fund shall 22227  
do both of the following: 22228

(1) Notify the court that issued the order by sending the 22229  
court a copy of the order and the name and address of the public 22230  
retirement program to which the transfer was made; 22231

(2) Send a copy of the order to the public retirement program 22232  
to which the transfer was made. 22233

(E) If it receives a participant's service credit or 22234  
contributions and a copy of an order as provided in division (D) 22235  
of this section, the fund shall administer the order as if it were 22236  
the public retirement program named in the order. 22237

(F) If a participant's benefit or lump sum payment is or will 22238  
be subject to more than one order described in section 3105.81 of 22239  
the Revised Code or to an order described in section 3105.81 of 22240  
the Revised Code and a withholding order under section 3111.23 or 22241  
3113.21 of the Revised Code, the fund shall, after determining 22242  
that the amounts that are or will be withheld will cause the 22243  
benefit or lump sum payment to fall below the limits described in 22244  
section 3105.85 of the Revised Code, do all of the following: 22245

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the fund in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the fund. The fund is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The fund is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

**Sec. 742.47.** Except as provided in sections 742.461, 742.463, 742.464, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code, sums of money due or to become due to any individual from the Ohio police and fire pension fund are not liable to attachment, garnishment, levy, or seizure under any legal or equitable process or any other process of law whatsoever, whether those sums remain with the treasurer of the fund or any officer or agent of the board of trustees of the fund or are in the course of transmission to the individual entitled to them, but shall inure wholly to the benefit of that individual.

Sec. 743.50. (A) A municipal corporation that has established 22277  
and implemented a watershed management program with regard to a 22278  
reservoir for drinking water shall allow an owner of property that 22279  
is contiguous to property that constitutes a buffer around a body 22280  
of water that is part of such a reservoir to maintain property 22281  
that constitutes a buffer if the maintenance is for any of the 22282  
following: 22283

(1) Creation of an access path that is not wider than five 22284  
feet to the body of water; 22285

(2) Creation of a view corridor along adjacent property 22286  
boundaries; 22287

(3) Removal of invasive plant species as defined in section 22288  
901.50 of the Revised Code; 22289

(4) Creation and maintenance of a filter strip of plants and 22290  
grass that are native to the area surrounding the reservoir in 22291  
order to provide adequate filtering of wastewater and polluted 22292  
runoff from the owner's property to the body of water; 22293

(5) Beautification of the property. 22294

(B) A peace officer or other official with authority to cite 22295  
trespassers on property that is owned by a municipal corporation 22296  
and that constitutes a buffer as described in division (A) of this 22297  
section shall not issue a civil or criminal citation to an 22298  
individual who enters the property for the sole purpose of mowing 22299  
grass, weeds, or other vegetation or for any of the purposes 22300  
specified in that division. 22301

**Sec. 759.36.** At any joint meeting provided for by section 22302  
759.35 of the Revised Code, or at the joint meeting provided for 22303  
by section 759.34 of the Revised Code, by a majority vote of all 22304  
present counting members of the legislative authorities of 22305  
municipal corporations and of boards of township trustees, the 22306

meeting may elect a board of cemetery trustees consisting of three 22307  
members, of which one or more must be a member of each of the 22308  
separate boards of township trustees and legislative authorities 22309  
which comprise the union cemetery association represented by the 22310  
joint meeting. 22311

The board of cemetery trustees so elected shall have the 22312  
custody of the funds derived from the tax levy provided by section 22313  
759.34 of the Revised Code, and the political subdivision shall 22314  
pay the funds to the board of cemetery trustees upon its 22315  
application for them. The board of cemetery trustees also shall 22316  
have the custody of the funds derived from any tax levied by the 22317  
union cemetery district under Chapter 5705. of the Revised Code. 22318  
The board of cemetery trustees shall have all the powers and 22319  
perform all the duties exercised and performed by the director of 22320  
public service of a municipal corporation under sections 759.09 to 22321  
759.14 of the Revised Code. The board of cemetery trustees may 22322  
create a permanent endowment fund for the express purpose of 22323  
keeping the cemetery clean and in good order and may: 22324

(A) Add to the price regularly charged for lots a sum for 22325  
that purpose; 22326

(B) Receive gifts for that purpose; 22327

(C) Enter into separate agreements with the purchasers of 22328  
lots by which an agreed part of the purchase price shall 22329  
constitute a permanent fund; 22330

(D) Receive individual gifts for the fund, the income thereof 22331  
to be used for the upkeep and care of lots. 22332

When any such funds are received or created, they shall be a 22333  
permanent fund for such use and the income therefrom shall be used 22334  
only for such purpose, and the principal sum shall be kept and 22335  
invested under the same terms fixed by law for the investment of 22336  
the funds of a minor by ~~his~~ the minor's guardian except that upon 22337

unanimous consent of the board of cemetery trustees, the board may 22338  
use the principal of the fund if the board is unable to keep the 22339  
cemetery clean and in good order using only the income from the 22340  
fund. 22341

At the first election of the board of cemetery trustees, one 22342  
member shall be chosen for one year, one for two years, and one 22343  
for three years, together with the part of a year intervening 22344  
between the time of the election and the first day of January next 22345  
thereafter. Yearly thereafter, at the joint meeting held in May, 22346  
one member shall be chosen for three years commencing on the first 22347  
day of January next thereafter. Any regular or regularly called 22348  
joint meeting of the board of township trustees and municipal 22349  
legislative authority may fill vacancies occurring on the board of 22350  
cemetery trustees by a majority vote of the members present, the 22351  
election to be for the unexpired term. 22352

One member of the board of cemetery trustees or a person 22353  
selected by the board of trustees shall be designated the 22354  
clerk-treasurer for a term not to exceed two years. The 22355  
clerk-treasurer shall be compensated from the cemetery fund in an 22356  
amount fixed by the board of trustees in view of the size and 22357  
financial condition of the cemetery association. The 22358  
clerk-treasurer shall be charged with the duty of accounting for 22359  
the fund and shall be bonded in an amount equal to or greater than 22360  
the amount in the fund, but not less than one thousand dollars, 22361  
the bond to be subject to the approval of the board of cemetery 22362  
trustees and to be paid for from the cemetery funds. 22363

Any member of the board of cemetery trustees may be removed 22364  
by the joint meeting, on a two-thirds vote of all members entitled 22365  
to sit in such meeting, for misfeasance or malfeasance in office, 22366  
gross neglect of duty, or gross immorality, but no member shall be 22367  
so removed until ~~he has~~ having had at least ten days' notice in 22368  
writing, together with a copy of the charges against ~~him~~ the 22369

member, and an opportunity to appear and defend ~~himself~~ self 22370  
either in person or by counsel. 22371

**Sec. 901.08.** The director of agriculture shall appoint a 22372  
chief of the division of administration, a chief of the division 22373  
of animal health, a chief of the division of livestock 22374  
environmental permitting, a chief of the division of soil and 22375  
water conservation, a chief of the division of dairy, a chief of 22376  
the division of food safety, a chief of the division of markets, a 22377  
chief of the division of plant health, a chief of the division of 22378  
weights and measures, a chief of the division of meat inspection, 22379  
a chief of the division of consumer protection laboratory, a chief 22380  
of the division of enforcement, and a chief of the division of 22381  
amusement ride safety. 22382

**Sec. 901.21.** (A) As used in this section and section 901.22 22383  
of the Revised Code: 22384

(1) "Agricultural easement" has the same meaning as in 22385  
section 5301.67 of the Revised Code. 22386

(2) "Agriculture" means those activities occurring on land 22387  
devoted exclusively to agricultural use, as defined in section 22388  
5713.30 of the Revised Code, or on land that constitutes a 22389  
homestead. 22390

(3) "Homestead" means the portion of a farm on which is 22391  
located a dwelling house, yard, or outbuildings such as a barn or 22392  
garage. 22393

(B) The director of agriculture may acquire real property 22394  
used predominantly in agriculture and agricultural easements by 22395  
gift, devise, or bequest if, at the time an easement is granted, 22396  
such an easement is on land that is valued for purposes of real 22397  
property taxation at its current value for agricultural use under 22398  
section 5713.31 of the Revised Code or that constitutes a 22399

homestead. Any terms may be included in an agricultural easement 22400  
so acquired that are necessary or appropriate to preserve on 22401  
behalf of the grantor of the easement the favorable tax 22402  
consequences of the gift, devise, or bequest under the "Internal 22403  
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 22404  
The director, by any such means or by purchase or lease, may 22405  
acquire, or acquire the use of, stationary personal property or 22406  
equipment that is located on land acquired in fee by the director 22407  
under this section and that is necessary or appropriate for the 22408  
use of the land predominantly in agriculture. 22409

(C) The director may include, in an agricultural easement 22410  
acquired under division (B) of this section, a provision to 22411  
preserve a unique natural or physical feature on the land so long 22412  
as the use of the land remains predominantly agricultural. 22413

(D) The director may do all things necessary or appropriate 22414  
to retain the use of real property acquired in fee under division 22415  
(B) of this section predominantly in agriculture, including, 22416  
without limitation, performing any of the activities described in 22417  
division (A)(1) or (2) of section 5713.30 of the Revised Code or 22418  
entering into contracts to lease or rent the real property so 22419  
acquired to persons or governmental entities that will use the 22420  
land predominantly in agriculture. 22421

(E)(1) When the director considers it to be necessary or 22422  
appropriate, the director may sell real property acquired in fee, 22423  
and stationary personal property or equipment acquired by gift, 22424  
devise, bequest, or purchase, under division (B) of this section 22425  
on such terms as the director considers to be advantageous to this 22426  
state. 22427

(2) An agricultural easement acquired under division (B) of 22428  
this section may be extinguished under the circumstances 22429  
prescribed, and in accordance with the terms and conditions set 22430  
forth, in the instrument conveying the agricultural easement. 22431

(F) There is hereby created in the state treasury the 22432  
agricultural easement purchase fund. The fund shall consist of the 22433  
proceeds received from the sale of real and personal property 22434  
under division (E) of this section; moneys received due to the 22435  
extinguishment of agricultural easements acquired by the director 22436  
under division (B) of this section or section 5301.691 of the 22437  
Revised Code; moneys received due to the extinguishment of 22438  
agricultural easements purchased with the assistance of matching 22439  
grants made under section 901.22 of the Revised Code; gifts, 22440  
bequests, devises, and contributions received by the director for 22441  
the purpose of acquiring agricultural easements; and grants 22442  
received from public or private sources for the purpose of 22443  
purchasing agricultural easements. The fund shall be administered 22444  
by the director, and moneys in the fund shall be used by the 22445  
director exclusively to purchase agricultural easements under 22446  
division (A) of section 5301.691 of the Revised Code and provide 22447  
matching grants under section 901.22 of the Revised Code to 22448  
municipal corporations, counties, townships, soil and water 22449  
conservation districts established under Chapter ~~1515.~~ 940. of the 22450  
Revised Code, and charitable organizations described in division 22451  
(B) of section 5301.69 of the Revised Code for the purchase of 22452  
agricultural easements. Money in the fund shall be used only to 22453  
purchase agricultural easements on land that is valued for 22454  
purposes of real property taxation at its current value for 22455  
agricultural use under section 5713.31 of the Revised Code or that 22456  
constitutes a homestead when the easement is purchased. 22457

(G) There is hereby created in the state treasury the clean 22458  
Ohio agricultural easement fund. Twelve and one-half per cent of 22459  
net proceeds of obligations issued and sold pursuant to sections 22460  
151.01 and 151.09 of the Revised Code shall be deposited into the 22461  
fund. The fund shall be used by the director for the purposes of 22462  
this section, section 901.22 of the Revised Code, and the 22463  
provisions of sections 5301.67 to 5301.70 of the Revised Code 22464



governing agricultural easements. Investment earnings of the fund 22465  
shall be credited to the fund and may be used to pay costs 22466  
incurred by the director in administering those sections and 22467  
provisions. 22468

(H) The term of an agricultural easement purchased wholly or 22469  
in part with money from the clean Ohio agricultural easement fund 22470  
or the agricultural easement purchase fund shall be perpetual and 22471  
shall run with the land. 22472

**Sec. 901.22.** (A) The director of agriculture, in accordance 22473  
with Chapter 119. of the Revised Code, shall adopt rules that do 22474  
all of the following: 22475

(1) Establish procedures and eligibility criteria for making 22476  
matching grants to municipal corporations, counties, townships, 22477  
soil and water conservation districts established under Chapter 22478  
~~1515-~~ 940. of the Revised Code, and charitable organizations 22479  
described in division (B) of section 5301.69 of the Revised Code 22480  
for the purchase of agricultural easements. With respect to 22481  
agricultural easements that are purchased or proposed to be 22482  
purchased with such matching grants that consist in whole or in 22483  
part of moneys from the clean Ohio agricultural easement fund 22484  
created in section 901.21 of the Revised Code, the rules shall 22485  
establish all of the following: 22486

(a) Procedures for all of the following: 22487

(i) Soliciting and accepting applications for matching 22488  
grants; 22489

(ii) Participation by local governments and by the public in 22490  
the process of making matching grants to charitable organizations; 22491

(iii) Notifying local governments, charitable organizations, 22492  
and organizations that represent the interests of farmers of the 22493  
ranking system established in rules adopted under division 22494

(A)(1)(b) of this section.	22495
(b) A ranking system for applications for the matching grants	22496
that is based on the soil type, proximity of the land or other	22497
land that is conducive to agriculture as defined by rules adopted	22498
under this section and that is the subject of an application to	22499
other agricultural land or other land that is conducive to	22500
agriculture as defined by rules adopted under this section and	22501
that is already or is in the process of becoming permanently	22502
protected from development, farm stewardship, development	22503
pressure, and, if applicable, a local comprehensive land use plan	22504
involved with a proposed agricultural easement. The rules shall	22505
require that preference be given to proposed agricultural	22506
easements that involve the greatest proportion of all of the	22507
following:	22508
(i) Prime soils, unique or locally important soils,	22509
microclimates, or similar features;	22510
(ii) Land that is adjacent to or that is in close proximity	22511
to other agricultural land or other land that is conducive to	22512
agriculture as defined by rules adopted under this section and	22513
that is already or is in the process of becoming permanently	22514
protected from development, by agricultural easement or otherwise,	22515
so that a buffer would exist between the land involving the	22516
proposed agricultural easement and areas that have been developed	22517
or likely will be developed for purposes other than agriculture;	22518
(iii) The use of best management practices, including	22519
federally or state approved conservation plans, and a history of	22520
substantial compliance with applicable federal and state laws;	22521
(iv) Development pressure that is imminent, but not a result	22522
of current location in the direct path of urban development;	22523
(v) Areas identified for agricultural protection in local	22524
comprehensive land use plans.	22525

(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	22526 22527
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	22528 22529 22530 22531 22532 22533 22534 22535
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, soil and water conservation district, or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	22536 22537 22538 22539 22540 22541
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	22542 22543 22544 22545 22546 22547
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to the total value of the land at the time the easement was acquired;	22548 22549 22550 22551 22552
(c) A provision requiring that, upon receipt of the portion of the proceeds of a sale, exchange, or involuntary conversion described in division (A)(2)(b) of this section, the municipal corporation, county, township, soil and water conservation	22553 22554 22555 22556

district, or charitable organization remit to the director an 22557  
amount of money equal to the percentage of the cost of purchasing 22558  
the easement it received as a matching grant under this section. 22559

Moneys received by the director pursuant to rules adopted 22560  
under division (A)(2)(c) of this section shall be credited to the 22561  
agricultural easement purchase fund created in section 901.21 of 22562  
the Revised Code. 22563

(3) Establish a provision that provides a charitable 22564  
organization, municipal corporation, township, county, or soil and 22565  
water conservation district with the option of purchasing 22566  
agricultural easements either in installments or with a lump sum 22567  
payment. The rules shall include a requirement that a charitable 22568  
organization, municipal corporation, township, county, or soil and 22569  
water conservation district negotiate with the seller of the 22570  
agricultural easement concerning any installment payment terms, 22571  
including the dates and amounts of payments and the interest rate 22572  
on the outstanding balance. The rules also shall require the 22573  
director to approve any method of payment that is undertaken in 22574  
accordance with the rules adopted under division (A)(3) of this 22575  
section. 22576

(4) Establish any other requirements that the director 22577  
considers to be necessary or appropriate to implement or 22578  
administer a program to make matching grants under this section 22579  
and monitor those grants. 22580

(B) The director may develop guidelines regarding the 22581  
acquisition of agricultural easements by the department of 22582  
agriculture and the provisions of instruments conveying those 22583  
easements. The director may make the guidelines available to 22584  
public and private entities authorized to acquire and hold 22585  
agricultural easements. 22586

(C) The director may provide technical assistance in 22587

developing a program for the acquisition and monitoring of 22588  
agricultural easements to public and private entities authorized 22589  
to hold agricultural easements. The technical assistance may 22590  
include, without limitation, reviewing and providing advisory 22591  
recommendations regarding draft instruments conveying agricultural 22592  
easements. 22593

(D)(1) The director may make matching grants from the 22594  
agricultural easement purchase fund and the clean Ohio 22595  
agricultural easement fund to municipal corporations, counties, 22596  
townships, soil and water conservation districts, and charitable 22597  
organizations to assist those political subdivisions and 22598  
charitable organizations in purchasing agricultural easements. 22599  
Application for a matching grant shall be made on forms prescribed 22600  
and provided by the director. The matching grants shall be made in 22601  
compliance with the criteria and procedures established in rules 22602  
adopted under this section. Instruments conveying agricultural 22603  
easements purchased with matching grant funds provided under this 22604  
section, at a minimum, shall include the mandatory provisions set 22605  
forth in those rules. 22606

Matching grants made under this division using moneys from 22607  
the clean Ohio agricultural easement fund created in section 22608  
901.21 of the Revised Code may provide up to seventy-five per cent 22609  
of the value of an agricultural easement as determined by a 22610  
general real estate appraiser who is certified under Chapter 4763. 22611  
of the Revised Code or as determined through a points-based 22612  
appraisal system established under division (D)(2) of this 22613  
section. Not less than twenty-five per cent of the value of the 22614  
agricultural easement shall be provided by the recipient of the 22615  
matching grant or donated by the person who is transferring the 22616  
easement to the grant recipient. The amount of such a matching 22617  
grant used for the purchase of a single agricultural easement 22618  
shall not exceed one million dollars. 22619

(2) The director shall establish a points-based appraisal system for the purposes of division (D)(1) of this section. The director may include any or all of the following factors in the system:	22620 22621 22622 22623
(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code;	22624 22625 22626
(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update;	22627 22628
(c) Soil types and productivity;	22629
(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation;	22630 22631 22632 22633
(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development;	22634 22635
(f) Parcel size and roadway frontage of the land;	22636
(g) Existence of an agreement entered into under division (D) of section <del>1515.08</del> <u>940.06</u> of the Revised Code or of an operation and management plan developed under division (A) of section <del>1511.021</del> <u>939.03</u> of the Revised Code;	22637 22638 22639 22640
(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code;	22641 22642 22643 22644
(i) Any other factors that the director determines are necessary for inclusion in the system.	22645 22646
(E) An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical	22647 22648 22649

feature on the land so long as the use of the land remains 22650  
predominantly agricultural. 22651

(F) For any agricultural easement purchased with a matching 22652  
grant that consists in whole or in part of moneys from the clean 22653  
Ohio agricultural easement fund, the director shall be named as a 22654  
grantee on the instrument conveying the easement, as shall the 22655  
municipal corporation, county, township, soil and water 22656  
conservation district, or charitable organization that receives 22657  
the grant. 22658

(G)(1) The director shall monitor and evaluate the 22659  
effectiveness and efficiency of the agricultural easement program 22660  
as a farmland preservation tool. On or before July 1, 1999, and 22661  
the first day of July of each year thereafter, the director shall 22662  
prepare and submit a report to the chairpersons of the standing 22663  
committees of the senate and the house of representatives that 22664  
consider legislation regarding agriculture. The report shall 22665  
consider and address the following criteria to determine the 22666  
program's effectiveness: 22667

(a) The number of agricultural easements purchased during the 22668  
preceding year; 22669

(b) The location of those easements; 22670

(c) The number of acres of land preserved for agricultural 22671  
use; 22672

(d) The amount of money used by a municipal corporation, 22673  
township, county, or soil and water conservation district from any 22674  
fund to purchase the agricultural easements; 22675

(e) The number of state matching grants given to purchase the 22676  
agricultural easements; 22677

(f) The amount of state matching grant moneys used to 22678  
purchase the agricultural easements. 22679

(2) The report also shall consider and include, at a minimum, 22680  
the following information for each county to determine the 22681  
program's efficiency: 22682

(a) The total number of acres in the county; 22683

(b) The total number of acres in current agricultural use; 22684

(c) The total number of acres preserved for agricultural use 22685  
in the preceding year; 22686

(d) The average cost, per acre, of land preserved for 22687  
agricultural use in the preceding year. 22688

**Sec. 902.01.** As used in this chapter: 22689

(A) "Bonds" means bonds, notes, or other forms of evidences 22690  
of obligation issued in temporary or definitive form, including 22691  
refunding bonds and notes and bonds and notes issued in 22692  
anticipation of the issuance of bonds and renewal notes. 22693

(B) "Bond proceedings" means the resolution or ordinance or 22694  
the trust agreement or indenture of mortgage, or combination 22695  
thereof, authorizing or providing for the terms and conditions 22696  
applicable to bonds issued under authority of this chapter. 22697

(C) "Borrower" means the recipient of a loan or the lessee or 22698  
purchaser of a project under this chapter and is limited to a sole 22699  
proprietor, or to a partnership, joint venture, firm, association, 22700  
or corporation, a majority of whose stockholders, partners, 22701  
members, or associates are persons or the spouses of persons 22702  
related to each other within the fourth degree of kinship, 22703  
according to law, provided that the sole proprietor or at least 22704  
one of such related persons resides or will reside on or is or 22705  
will actively operate the project or the farm or agricultural 22706  
enterprise composed, in whole or in part, of the project, and 22707  
provided further that the sole proprietor or all of the 22708  
stockholders, members, partners, or associates are natural 22709



persons. The agricultural financing commission may establish 22710  
procedures for the determination of the eligibility of borrowers 22711  
under this chapter which determinations are conclusive in relation 22712  
to the validity and enforceability of bonds issued under bond 22713  
proceedings authorized in connection therewith, and in relation to 22714  
security interests given and leases, subleases, sale agreements, 22715  
loan agreements, and other agreements made in connection 22716  
therewith, all in accordance with their terms. 22717

(D) "Composite financing arrangement" means the sale of a 22718  
single issue of bonds to finance two or more projects, including, 22719  
but not limited to, a single issue of bonds for a group of loans 22720  
submitted by or through a single lending institution or with 22721  
credit enhancement from a single lending institution, or the sale 22722  
by or on behalf of one or more issuers of two or more issues or 22723  
lots of bonds under or pursuant to a single sale agreement, single 22724  
marketing arrangement, or single official statement, offering 22725  
circular, or other marketing document. 22726

(E) "Issuer" means the state, or any county or municipal 22727  
corporation of the state. 22728

(F) "Issuing authority" means ~~in the case of the state, the~~ 22729  
~~agricultural financing commission created by section 901.61 of the~~ 22730  
~~Revised Code;~~ in the case of a municipal corporation, the 22731  
legislative authority thereof; and in the case of a county, the 22732  
board of county commissioners or whatever officers, board, 22733  
commission, council, or other body might succeed to or assume the 22734  
legislative powers of the board of county commissioners. 22735

(G) "Lending institution" means any domestic building and 22736  
loan association as defined in section 1151.01 of the Revised 22737  
Code, any service corporation the entire stock of which is owned 22738  
by one or more such building and loan associations, a bank which 22739  
has its principal place of business located in this state, a bank 22740  
subsidiary corporation that is wholly owned by a bank having its 22741

principal place of business located in this state, any state or 22742  
federal governmental agency or instrumentality including without 22743  
limitation the federal land bank, production credit association, 22744  
or bank for cooperatives, or any of their local associations, or 22745  
any other financial institution or entity authorized to make 22746  
mortgage loans and qualified to do business in this state. 22747

(H) "Loan" includes a loan made to or through, or a deposit 22748  
with, a lending institution or a loan made directly to the owner 22749  
or operator of a project to finance one or more projects. 22750  
Notwithstanding any other provision of this chapter, loans from 22751  
proceeds of bonds issued under a composite financing arrangement 22752  
shall be made only to or through, or by a deposit with, a lending 22753  
institution, including the purchase of loans from lending 22754  
institutions, or be made in any other manner in which a lending 22755  
institution has been or is involved in the origination or credit 22756  
enhancement of the loan. 22757

(I) "Mortgage loan" means a loan secured by a mortgage, deed 22758  
of trust, or other security interest. 22759

(J) "Pledged facilities" means the project or projects 22760  
mortgaged or facilities the rentals, revenues, and other income, 22761  
charges, and moneys from which are pledged, or both, for the 22762  
payment of the principal of and interest on the bonds issued under 22763  
authority of section 902.04 of the Revised Code, and includes a 22764  
project for which a loan has been made under authority of this 22765  
chapter, in which case, references in this chapter to revenues of 22766  
such pledged facilities or from the disposition thereof include 22767  
payments made or to be made to or for the account of the issuer 22768  
pursuant to such loan. 22769

(K) "Project" means real or personal property, or both, 22770  
including undivided and other interests therein, acquired by gift 22771  
or purchase, constructed, reconstructed, enlarged, improved, 22772  
furnished, or equipped, or any combination thereof, by an issuer, 22773

or by others from the proceeds of bonds, located within the 22774  
boundaries of the issuer, and used or to be used by a borrower for 22775  
agricultural purposes as provided in division (D) of this section. 22776  
A project is hereby determined to qualify as facilities for 22777  
industry, commerce, distribution, or research described in Section 22778  
13 of Article VIII, Ohio Constitution. 22779

(L) "Purchase" means, with respect to loans, the purchase of 22780  
loans from, or other acquisition by an issuer of loans of, lending 22781  
institutions. 22782

(M) "Revenues" means the rentals, revenues, payments, 22783  
repayments, income, charges, and moneys derived or to be derived 22784  
from the use, lease, sublease, rental, sale, including installment 22785  
sale or conditional sale, or other disposition of pledged 22786  
facilities, or derived or to be derived pursuant to a loan made 22787  
for a project, bond proceeds to the extent provided in the bond 22788  
proceedings for the payment of principal of, or premium, if any, 22789  
or interest on the bonds, proceeds from any insurance, 22790  
condemnation, or guaranty pertaining to pledged facilities or the 22791  
financing thereof, any income and profit from the investment of 22792  
the proceeds of bonds or of any revenues, any fees and charges 22793  
received by or on behalf of an issuer for the services of or 22794  
commitments by the issuer, and moneys received in repayment of and 22795  
for interest on any loan made or purchased by an issuer, moneys 22796  
received by an issuer upon the sale of any bonds of the issuer 22797  
under section 902.04 of the Revised Code, any moneys received from 22798  
investment of funds of an issuer or from the sale of collateral 22799  
securing loans made or purchased by the issuer, including 22800  
collateral acquired by foreclosure or other action to enforce a 22801  
security interest, and any moneys received in payment of a claim 22802  
under insurance, guarantees, letters of credit, or otherwise with 22803  
respect to any loans made or purchased by an issuer or any 22804  
collateral held by the issuer of any bonds issued under this 22805

chapter. 22806

(N) "Security interest" means a mortgage, lien, or other 22807  
encumbrance on, or pledge or assignment of, or other security 22808  
interest with respect to all or any part of pledged facilities, 22809  
revenues, reserve funds, or other funds established under the bond 22810  
proceedings, or on, of, or with respect to, a lease, sublease, 22811  
sale, conditional sale, or installment sale agreement, loan 22812  
agreement, or any other agreement pertaining to the lease, 22813  
sublease, sale, or other disposition of a project or pertaining to 22814  
a loan made for a project, or any guaranty or insurance agreement 22815  
made with respect thereto, or any interest of the issuer therein, 22816  
or any other interest granted, assigned, purchased, or released to 22817  
secure payments of the principal of, premium, if any, or interest 22818  
on any bonds or to secure any other payments to be made by an 22819  
issuer under the bond proceedings. Any security interest under 22820  
this chapter may be prior or subordinate to or on a parity with 22821  
any other mortgage, lien, encumbrance, pledge, assignment, or 22822  
other security interest. 22823

**Sec. 903.01.** As used in this chapter: 22824

(A) "Agricultural animal" means any animal generally used for 22825  
food or in the production of food, including cattle, sheep, goats, 22826  
rabbits, poultry, and swine; horses; alpacas; llamas; and any 22827  
other animal included by the director of agriculture by rule. 22828  
"Agricultural animal" does not include fish or other aquatic 22829  
animals regardless of whether they are raised at fish hatcheries, 22830  
fish farms, or other facilities that raise aquatic animals. 22831

(B) "Animal feeding facility" means a lot, building, or 22832  
structure where both of the following conditions are met: 22833

(1) Agricultural animals have been, are, or will be stabled 22834  
or confined and fed or maintained there for a total of forty-five 22835  
days or more in any twelve-month period. 22836

(2) Crops, vegetative forage growth, or post-harvest residues 22837  
are not sustained in the normal growing season over any portion of 22838  
the lot, building, or structure. 22839

"Animal feeding facility" also includes land that is owned or 22840  
leased by or otherwise is under the control of the owner or 22841  
operator of the lot, building, or structure and on which manure 22842  
originating from agricultural animals in the lot, building, or 22843  
structure or a production area is or may be applied. 22844

Two or more animal feeding facilities under common ownership 22845  
shall be considered to be a single animal feeding facility for the 22846  
purposes of this chapter if they adjoin each other or if they use 22847  
a common area or system for the disposal of manure. 22848

(C) "Animal feeding operation" has the same meaning as 22849  
"animal feeding facility." 22850

(D) "Cattle" includes, but is not limited to, heifers, 22851  
steers, bulls, and cow and calf pairs. 22852

(E) "Concentrated animal feeding facility" means an animal 22853  
feeding facility with a total design capacity equal to or more 22854  
than the number of animals specified in any of the categories in 22855  
division (M) of this section. 22856

(F) "Concentrated animal feeding operation" means an animal 22857  
feeding facility that complies with one of the following: 22858

(1) Has a total design capacity equal to or more than the 22859  
number of animals specified in any of the categories in division 22860  
(M) of this section; 22861

(2) Satisfies the criteria in division (M), (Q), or (FF) of 22862  
this section; 22863

(3) Is designated by the director of agriculture as a medium 22864  
or small concentrated animal feeding operation pursuant to rules. 22865

(G) "Discharge" means to add from a point source to waters of 22866

the state.	22867
(H) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33 U.S.C. 1251 et. seq., as amended, and regulations adopted under it.	22868 22869 22870 22871
(I) "Finalized," with respect to the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code, means that all rules that are necessary for the administration of this chapter have been adopted and all employees of the department of agriculture that are necessary for the administration of this chapter have been employed.	22872 22873 22874 22875 22876 22877 22878
(J) "General permit" has the meaning that is established in rules.	22879 22880
(K) "Individual permit" has the meaning that is established in rules.	22881 22882
(L) "Installation permit" means a permit for the installation or modification of a disposal system or any part of a disposal system issued by the director of environmental protection under division (J)(1) of section 6111.03 of the Revised Code.	22883 22884 22885 22886
(M) "Large concentrated animal feeding operation" means an animal feeding facility that stables or confines at least the number of animals specified in any of the following categories:	22887 22888 22889
(1) Seven hundred mature dairy cattle whether milked or dry;	22890
(2) One thousand veal calves;	22891
(3) One thousand cattle other than mature dairy cattle or veal calves;	22892 22893
(4) Two thousand five hundred swine that each weigh fifty-five pounds or more;	22894 22895
(5) Ten thousand swine that each weigh less than fifty-five	22896

pounds;	22897
(6) Five hundred horses;	22898
(7) Ten thousand sheep or lambs;	22899
(8) Fifty-five thousand turkeys;	22900
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22901 22902
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22903 22904 22905
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22906 22907 22908
(12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22909 22910 22911
(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system.	22912 22913
(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section.	22914 22915 22916 22917
(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta.	22918 22919 22920 22921 22922 22923 22924
(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures	22925 22926

designed for the biological stabilization, holding, or storage of manure.	22927 22928
(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following:	22929 22930
(1) The facility stables or confines the number of animals specified in any of the following categories:	22931 22932
(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry;	22933 22934
(b) Three hundred to nine hundred ninety-nine veal calves;	22935
(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves;	22936 22937
(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more;	22938 22939
(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	22940 22941
(f) One hundred fifty to four hundred ninety-nine horses;	22942
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	22943 22944
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	22945 22946
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22947 22948 22949
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22950 22951 22952 22953
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a	22954 22955



manure handling system that is not a liquid manure handling system;	22956 22957
(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22958 22959 22960
(m) One thousand five hundred to four thousand nine hundred ninety-nine ducks if the animal feeding facility uses a liquid manure handling system.	22961 22962 22963
(2) The facility does one of the following:	22964
(a) Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans, or another similar device constructed by humans;	22965 22966 22967 22968
(b) Discharges pollutants directly into waters of the United States that originate outside of and that pass over, across, or through the facility or otherwise come into direct contact with the animals at the facility.	22969 22970 22971 22972
"Medium concentrated animal feeding operation" includes an animal feeding facility that is designated by the director as a medium concentrated animal feeding operation pursuant to rules.	22973 22974 22975
(R) "Mortality composting" means the controlled decomposition of organic solid material consisting of dead animals that stabilizes the organic fraction of the material.	22976 22977 22978
(S) "NPDES permit" means a permit issued under the national pollutant discharge elimination system established in section 402 of the Federal Water Pollution Control Act and includes the renewal of such a permit. "NPDES permit" includes the federally enforceable provisions of a permit to operate into which NPDES permit provisions have been incorporated.	22979 22980 22981 22982 22983 22984
(T) "Permit" includes an initial, renewed, or modified permit	22985

to install, permit to operate, NPDES permit, and installation	22986
permit unless expressly stated otherwise.	22987
(U) "Permit to install" means a permit issued under section	22988
903.02 of the Revised Code.	22989
(V) "Permit to operate" means a permit issued or renewed	22990
under section 903.03 of the Revised Code and includes incorporated	22991
NPDES permit provisions, if applicable.	22992
(W) "Person" has the same meaning as in section 1.59 of the	22993
Revised Code and also includes the state, any political	22994
subdivision of the state, any interstate body created by compact,	22995
the United States, or any department, agency, or instrumentality	22996
of any of those entities.	22997
(X) "Point source" has the same meaning as in the Federal	22998
Water Pollution Control Act.	22999
(Y) "Pollutant" means dredged spoil, solid waste, incinerator	23000
residue, filter backwash, sewage, garbage, sewage sludge,	23001
munitions, chemical wastes, biological materials, radioactive	23002
materials except those regulated under the "Atomic Energy Act of	23003
1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or	23004
discarded equipment, rock, sand, cellar dirt, and industrial,	23005
municipal, and agricultural waste, including manure, discharged	23006
into water. "Pollutant" does not include either of the following:	23007
(1) Sewage from vessels;	23008
(2) Water, gas, or other material that is injected into a	23009
well to facilitate production of oil or gas, or water derived in	23010
association with oil and gas production and disposed of in a well,	23011
if the well that is used either to facilitate production or for	23012
disposal purposes is approved by the state and if the state	23013
determines that the injection or disposal will not result in the	23014
degradation of ground or surface water resources.	23015

(Z) "Process generated waste water" means water that is	23016
directly or indirectly used in the operation of an animal feeding	23017
facility for any of the following:	23018
(1) Spillage or overflow from animal watering systems;	23019
(2) Washing, cleaning, or flushing pens, barns, manure pits,	23020
or other areas of an animal feeding facility;	23021
(3) Direct contact swimming, washing, or spray cooling of	23022
animals;	23023
(4) Dust control.	23024
(AA) "Process waste water" means any process generated waste	23025
water and any precipitation, including rain or snow, that comes	23026
into contact with manure, litter, bedding, or any other raw	23027
material or intermediate or final material or product used in or	23028
resulting from the production of animals or direct products such	23029
as milk or eggs.	23030
(BB) "Production area" means any of the following components	23031
of an animal feeding facility:	23032
(1) Animal confinement areas, including, but not limited to,	23033
open lots, housed lots, feedlots, confinement houses, stall barns,	23034
free stall barns, milkrooms, milking centers, cowyards, barnyards,	23035
medication pens, animal walkways, and stables;	23036
(2) Manure storage areas, including, but not limited to,	23037
manure storage or treatment facilities;	23038
(3) Raw material storage areas, including, but not limited	23039
to, feed silos, silage bunkers, commodity buildings, and bedding	23040
materials;	23041
(4) Waste containment areas, including, but not limited to,	23042
any of the following:	23043
(a) An egg washing or egg processing facility;	23044

(b) An area used in the storage, handling, treatment, or disposal of mortalities; 23045  
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(c) Settling basins, runoff ponds, liquid impoundments, and areas within berms and diversions that are designed and maintained to separate uncontaminated storm water runoff from contaminated water and to contain and treat contaminated storm water runoff. 23047  
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(CC) "Public meeting" means a nonadversarial public hearing at which a person may present written or oral statements for the director of agriculture's consideration and includes public hearings held under section 6111.12 of the Revised Code. 23051  
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~~(DD) "Review compliance certificate" means a certificate issued under section 903.04 of the Revised Code.~~ 23055  
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~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the Revised Code. 23057  
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~~(FF)~~(EE) "Small concentrated animal feeding operation" means an animal feeding facility that is not a large or medium concentrated animal feeding operation and that is designated by the director as a small concentrated animal feeding operation pursuant to rules. 23059  
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~~(GG)~~(FF) "Waters of the state" has the same meaning as in section 6111.01 of the Revised Code. 23064  
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**Sec. 903.03.** (A)(1) Not later than one hundred eighty days after March 15, 2001, the director of agriculture shall prepare a program for the issuance of permits to operate under this section. 23066  
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(2) Except for a concentrated animal feeding facility that is operating under an installation permit ~~or a review compliance certificate~~, on and after the date on which the director has finalized the program required under division (A)(1) of this section, no person shall own or operate a concentrated animal feeding facility without a permit to operate issued by the 23069  
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director under this section.	23075
(B) The director or the director's authorized representative	23076
may help an applicant for a permit to operate during the	23077
permitting process by providing guidance and technical assistance.	23078
(C) An applicant for a permit to operate shall submit a fee	23079
in an amount established by rule together with, except as	23080
otherwise provided in division (E) of this section, an application	23081
to the director on a form that the director prescribes and	23082
provides. The applicant shall include with the application all of	23083
the following information:	23084
(1) The name and address of the applicant, of all partners if	23085
the applicant is a partnership, of all members if the applicant is	23086
a limited liability company, or of all officers and directors if	23087
the applicant is a corporation, and of any other person who has a	23088
right to control or in fact controls management of the applicant	23089
or the selection of officers, directors, or managers of the	23090
applicant. As used in division (C)(1) of this section, "control"	23091
has the same meaning as in division (C)(1) of section 903.02 of	23092
the Revised Code.	23093
(2) Information concerning the applicant's past compliance	23094
with laws pertaining to environmental protection that is required	23095
to be provided under section 903.05 of the Revised Code, if	23096
applicable;	23097
(3) A manure management plan for the concentrated animal	23098
feeding facility that conforms to best management practices	23099
regarding the handling, storage, transportation, and land	23100
application of manure generated at the facility and that contains	23101
any other information required by rule;	23102
(4) An insect and rodent control plan for the concentrated	23103
animal feeding facility that conforms to best management practices	23104
and is prepared in accordance with section 903.06 of the Revised	23105

Code;	23106
(5) In the case of an application for a major concentrated animal feeding facility, written proof that the person who would be responsible for the supervision of the management and handling of manure at the facility has been issued a livestock manager certification in accordance with section 903.07 of the Revised Code or will obtain a livestock manager certification prior to applying any manure to land.	23107 23108 23109 23110 23111 23112 23113
(D) The director shall issue permits to operate in accordance with section 903.09 of the Revised Code. The director shall deny a permit to operate if either of the following applies:	23114 23115 23116
(1) The permit application contains misleading or false information.	23117 23118
(2) The manure management plan or insect and rodent control plan fails to conform to best management practices.	23119 23120
Additional grounds for the denial of a permit to operate shall be those established in this chapter and in rules.	23121 23122
(E) The director shall issue general permits to operate for categories of concentrated animal feeding facilities that will apply in lieu of individual permits to operate, provided that each category of facilities meets all of the criteria established in rules for general permits to operate. A person who is required to obtain a permit to operate shall submit to the director a notice of the person's intent to be covered under an existing general permit or, at the person's option, shall submit an application for an individual permit to operate. Upon receipt of a notice of intent to be covered under an existing general permit, the director shall notify the applicant in writing that the person is covered by the general permit if the person satisfies the criteria established in rules for eligibility for such coverage. If the person is ineligible for coverage under the general permit, the	23123 23124 23125 23126 23127 23128 23129 23130 23131 23132 23133 23134 23135 23136

director shall require the submission of an application for an individual permit to operate. 23137  
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(F) A permit to operate shall be valid for a period of five years. 23139  
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(G) A permit to operate may be renewed. An application for renewal of a permit to operate shall be submitted to the director at least one hundred eighty days prior to the expiration date of the permit to operate and shall comply with the requirements governing applications for permits to operate that are established under this section and by rules, including requirements pertaining to public notice and participation. 23141  
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(H) The director may modify, suspend, or revoke a permit to operate in accordance with rules. 23148  
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(I) The owner or operator of a concentrated animal feeding facility who proposes to make a major operational change at the facility shall submit an application for approval of the change to the director in accordance with rules. 23150  
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**Sec. 903.07.** (A) On and after the date that is established in rules by the director of agriculture, both of the following apply: 23154  
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(1) The management and handling of manure at a major concentrated animal feeding facility, including the land application of manure or the removal of manure from a manure storage or treatment facility, shall be conducted only by or under the supervision of a person holding a livestock manager certification issued under this section. A person managing or handling manure who is acting under the instructions and control of a person holding a livestock manager certification is considered to be under the supervision of the certificate holder if the certificate holder is responsible for the actions of the 23157  
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person and is available when needed even though the certificate 23167  
holder is not physically present at the time of the manure 23168  
management or handling. 23169

(2) No person shall transport and land apply annually or buy, 23170  
sell, or land apply annually the volume of manure established in 23171  
rules adopted by the director under division ~~(E)~~(D)(5) of section 23172  
903.10 of the Revised Code unless the person holds a livestock 23173  
manager certification issued under this section. 23174

(B) The director shall issue a livestock manager 23175  
certification to a person who has submitted a complete application 23176  
for certification on a form prescribed and provided by the 23177  
director, together with the appropriate application fee, and who 23178  
has completed successfully the required training and has passed 23179  
the required examination. The director may suspend or revoke a 23180  
livestock manager certification and may reinstate a suspended or 23181  
revoked livestock manager certification in accordance with rules. 23182

(C) Information required to be included in an application for 23183  
a livestock manager certification, the amount of the application 23184  
fee, requirements regarding training and the examination, 23185  
requirements governing the management and handling of manure, 23186  
including the land application of manure, and requirements 23187  
governing the keeping of records regarding the handling of manure, 23188  
including the land application of manure, shall be established in 23189  
rules. 23190

**Sec. 903.082.** (A) The director of agriculture may determine 23191  
that an animal feeding facility that is not a concentrated animal 23192  
feeding facility nevertheless shall be required to apply for and 23193  
receive a permit to operate when all of the following apply: 23194

(1) The director has ~~received from the chief of the division~~ 23195  
~~of soil and water resources in the department of natural resources~~ 23196  
~~a copy of an order issued~~ specified a corrective action to be 23197



~~taken under section ~~1511.02~~ 939.07 of the Revised Code ~~that~~ 23198  
~~specifies that the animal feeding facility has caused agricultural~~ 23199  
~~pollution by failure to comply with standards established under~~ 23200  
~~that section and that the animal feeding facility therefore should~~ 23201  
~~be required to be permitted as a concentrated animal feeding~~ 23202  
~~facility.~~ 23203~~

(2) The director or the director's authorized representative 23204  
has inspected the animal feeding facility. 23205

(3) The director or the director's authorized representative 23206  
finds that the facility is not being operated in a manner that 23207  
protects the waters of the state. 23208

(B) In a situation in which best management practices cannot 23209  
be implemented without modifying the existing animal feeding 23210  
facility, the owner or operator of the facility shall apply for a 23211  
permit to install for the facility. 23212

(C) In the case of an animal feeding facility for which a 23213  
permit to operate is required under this section, a permit to 23214  
operate shall not be required after the end of the five-year term 23215  
of the permit if the problems that caused the facility to be 23216  
required to obtain the permit have been corrected to the 23217  
director's satisfaction. 23218

**Sec. 903.09.** (A) Prior to issuing or modifying a permit to 23219  
install, permit to operate, or NPDES permit, the director of 23220  
agriculture shall issue a draft permit. The director or the 23221  
director's representative shall mail notice of the issuance of a 23222  
draft permit to the applicant and shall publish the notice once in 23223  
a newspaper of general circulation in the county in which the 23224  
concentrated animal feeding facility or discharger is located or 23225  
proposed to be located. The director shall mail notice of the 23226  
issuance of a draft permit and a copy of the draft permit to the 23227  
board of county commissioners of the county and the board of 23228

township trustees of the township in which the concentrated animal 23229  
feeding facility or discharger is located or proposed to be 23230  
located. The director or the director's representative also shall 23231  
provide notice of the issuance of a draft NPDES permit to any 23232  
other persons that are entitled to notice under the Federal Water 23233  
Pollution Control Act. Notice of the issuance of a draft permit to 23234  
install, permit to operate, or NPDES permit shall include the 23235  
address where written comments concerning the draft permit may be 23236  
submitted and the period of time during which comments will be 23237  
accepted as established by rule. 23238

If the director receives written comments in an amount that 23239  
demonstrates significant public interest, as defined by rule, in 23240  
the draft permit, the director shall schedule one public meeting 23241  
to provide information to the public and to hear comments 23242  
pertinent to the draft permit. The notice of the public meeting 23243  
shall be provided in the same manner as the notice of the issuance 23244  
of the draft permit. 23245

(B) If a person is required to obtain both a permit to 23246  
install and a permit to operate, including any permit to operate 23247  
with NPDES provisions, and public meetings are required for both 23248  
permits, the public meetings for the permits shall be combined. 23249

(C) The director shall apply the antidegradation policy 23250  
adopted under section 6111.12 of the Revised Code to permits 23251  
issued under this chapter to the same degree and under the same 23252  
circumstances as it applies to permits issued under Chapter 6111. 23253  
of the Revised Code. The director shall hold one public meeting to 23254  
consider antidegradation issues when such a meeting is required by 23255  
the antidegradation policy. When allowed by the antidegradation 23256  
policy, the director shall hold the public meeting on 23257  
antidegradation issues concurrently with any public meeting held 23258  
for the draft permit. 23259

(D) The director or the director's representative shall 23260  
publish notice of the issuance of a final permit to install, 23261  
permit to operate, or NPDES permit once in a newspaper of general 23262  
circulation in the county in which the concentrated animal feeding 23263  
facility or discharger is located. 23264

(E) Notice or a public meeting is not required for the 23265  
modification of a permit made with the consent of the permittee 23266  
for the correction of typographical errors. 23267

(F) The denial, modification, suspension, or revocation of a 23268  
permit to install, permit to operate, or NPDES permit without the 23269  
consent of the applicant or permittee shall be preceded by a 23270  
proposed action stating the director's intention to issue an order 23271  
with respect to the permit and the reasons for it. 23272

The director shall mail to the applicant or the permittee 23273  
notice of the director's proposed action to deny, modify, suspend, 23274  
or revoke a permit to install, permit to operate, or NPDES permit. 23275  
The director shall publish the notice once in a newspaper of 23276  
general circulation in the county in which the concentrated animal 23277  
feeding facility or concentrated animal feeding operation is 23278  
located or proposed to be located. The director shall mail a copy 23279  
of the notice of the proposed action to the board of county 23280  
commissioners of the county and to the board of township trustees 23281  
of the township in which the concentrated animal feeding facility 23282  
or concentrated animal feeding operation is located or proposed to 23283  
be located. The director also shall provide notice of the 23284  
director's proposed action to deny, modify, suspend, or revoke a 23285  
permit to install, permit to operate, or NPDES permit to any other 23286  
person that is entitled to notice under the Federal Water 23287  
Pollution Control Act. The notice of the director's proposed 23288  
action to deny, modify, suspend, or revoke a permit to install, 23289  
permit to operate, or NPDES permit shall include the address where 23290  
written comments concerning the director's proposed action may be 23291

submitted and the period of time during which comments will be 23292  
accepted as established by rule. If the director receives written 23293  
comments in an amount that demonstrates significant public 23294  
interest, as defined by rule, the director shall schedule one 23295  
public meeting to provide information to the public and to hear 23296  
comments pertinent to the proposed action. The notice of the 23297  
public meeting shall be provided in the same manner as the notice 23298  
of the director's proposed action. 23299

The director shall not issue an order that makes the proposed 23300  
action final until the applicant or permittee has had an 23301  
opportunity for an adjudication hearing in accordance with Chapter 23302  
119. of the Revised Code, except that section 119.12 of the 23303  
Revised Code does not apply. An order of the director that 23304  
finalizes the proposed action or an order issuing a permit without 23305  
a prior proposed action may be appealed to the environmental 23306  
review appeals commission under sections 3745.04 to 3745.06 of the 23307  
Revised Code. 23308

(G)(1) The director shall issue an order issuing or denying 23309  
an application for a permit to operate that contains NPDES 23310  
provisions or for a NPDES permit, as well as any application for a 23311  
permit to install that is submitted simultaneously, not later than 23312  
one hundred eighty days after receiving the application. 23313

(2) In the case of an application for a permit to install or 23314  
permit to operate that is not connected with an application for a 23315  
NPDES permit, the director shall issue or propose to deny the 23316  
permit not later than ninety days after receiving the application. 23317  
If the director has proposed to deny the permit to install or 23318  
permit to operate under division (G)(2) of this section, the 23319  
director shall issue an order denying the permit or, if the 23320  
director decides against the proposed denial, issuing the permit 23321  
not later than one hundred eighty days after receiving the 23322  
application. If the director denies the permit, the director shall 23323

notify the applicant in writing of the reason for the denial. 23324

(H) All rulemaking and the issuance of civil penalties under 23325  
this chapter shall comply with Chapter 119. of the Revised Code. 23326

(I) Upon the transfer of ownership of an animal feeding 23327  
facility for which a permit to install, an installation permit, a 23328  
~~review compliance certificate,~~ or a permit to operate that 23329  
contains no NPDES provisions has been issued, the permit ~~or~~ 23330  
~~certificate~~ shall be transferred to the new owner of the animal 23331  
feeding facility except as provided in division (C) of section 23332  
903.05 of the Revised Code. In the case of the transfer of 23333  
ownership of a point source for which a NPDES permit or a permit 23334  
to operate that contains NPDES provisions has been issued, the 23335  
permit shall be transferred in accordance with rules. 23336

(J) Applications for installation permits for animal feeding 23337  
facilities pending before the director of environmental protection 23338  
on the date on which the director of agriculture has finalized the 23339  
programs required under division (A)(1) of section 903.02 and 23340  
division (A)(1) of section 903.03 of the Revised Code shall be 23341  
transferred to the director of agriculture. In the case of an 23342  
applicant who is required to obtain a permit to install and a 23343  
permit to operate under sections 903.02 and 903.03, respectively, 23344  
of the Revised Code, the director of agriculture shall process the 23345  
pending application for an installation permit as an application 23346  
for a permit to install and a permit to operate. 23347

(K) Applications for NPDES permits for either of the 23348  
following that are pending before the director of environmental 23349  
protection on the date on which the United States environmental 23350  
protection agency approves the NPDES program submitted by the 23351  
director of agriculture under section 903.08 of the Revised Code 23352  
shall be transferred to the director of agriculture: 23353

(1) The discharge of pollutants from a concentrated animal 23354

feeding operation;	23355
(2) The discharge of storm water resulting from an animal feeding facility.	23356 23357
In the case of an applicant who is required to obtain a NPDES permit under section 903.08 of the Revised Code, the director of agriculture shall process the pending application as an application for a NPDES permit under that section.	23358 23359 23360 23361
<b>Sec. 903.10.</b> The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:	23362 23363 23364
(A) Establish all of the following concerning permits to install and permits to operate:	23365 23366
(1) A description of what constitutes a modification of a concentrated animal feeding facility;	23367 23368
(2) A description of what constitutes a major operational change at a concentrated animal feeding facility;	23369 23370
(3) The amount of the fee that must be submitted with each permit application and each application for a permit modification;	23371 23372
(4) Information that must be included in the designs and plans required to be submitted with an application for a permit to install and criteria for approving, disapproving, or requiring modification of the designs and plans;	23373 23374 23375 23376
(5) Information that must be included in a manure management plan required to be submitted with an application for a permit to operate;	23377 23378 23379
(6) Information that must be included in an application for the modification of an installation permit, a permit to install, or a permit to operate;	23380 23381 23382
(7) Information that must be included in an application for	23383

approval of a major operational change at a concentrated animal feeding facility;	23384
	23385
(8) Any additional information that must be included with a permit application;	23386
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(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	23388
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(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	23391
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	23393
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	23394
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(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	23398
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	23400
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	23401
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	23403
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	23404
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(B) <del>Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:</del>	23410
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	23412
(1) <del>The form of a certificate;</del>	23413

<del>(2) Criteria for what constitutes a significant capital expenditure under division (D) of that section;</del>	23414
<del>(3) Deadlines and procedures for submitting information under division (E)(2) of that section.</del>	23415
<del>(C) Establish best management practices that minimize water pollution, odors, insects, and rodents, that govern the land application of manure that originated at a concentrated animal feeding facility, and that govern all of the following activities that occur at a concentrated animal feeding facility:</del>	23416
(1) Manure management, including the storage, handling, transportation, and land application of manure. Rules adopted under division <del>(C)</del> <u>(B)</u> (1) of this section shall include practices that prevent surface and ground water contamination caused by the storage of manure or the land application of manure and prevent the contamination of water in drainage tiles that may be caused by that application.	23417
(2) Disposal of dead livestock;	23418
(3) Production of biodiesel, biomass energy, electric or heat energy, and biologically derived methane gas as those terms are defined in section 5713.30 of the Revised Code;	23419
(4) Any other activity that the director considers appropriate.	23420
Best management practices established in rules adopted under division <del>(C)</del> <u>(B)</u> of this section shall not conflict with best management practices established in rules that have been adopted under any other section of the Revised Code. The rules adopted under division <del>(C)</del> <u>(B)</u> of this section shall establish guidelines that require owners or operators of concentrated animal feeding facilities to consult with and work with local officials, including boards of county commissioners and boards of township trustees, in addressing issues related to local government	23421
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infrastructure needs and the financing of that infrastructure.	23445
<del>(D)</del> (C) Establish all of the following concerning insect and	23446
rodent control plans required under section 903.06 of the Revised	23447
Code:	23448
(1) The information to be included in an insect and rodent	23449
control plan;	23450
(2) Criteria for approving, disapproving, or requiring	23451
modification of an insect and rodent control plan;	23452
(3) Criteria for determining compliance with or violation of	23453
an insect and rodent control plan;	23454
(4) Procedures and standards for monitoring insect and rodent	23455
control plans;	23456
(5) Procedures and standards for enforcing insect and rodent	23457
control plans at concentrated animal feeding facilities at which	23458
insects or rodents constitute a nuisance or adversely affect	23459
public health;	23460
(6) The amount of civil penalties for violation of an insect	23461
and rodent control plan assessed by the director of agriculture	23462
under division (B) of section 903.16 of the Revised Code, provided	23463
that the rules adopted under division <del>(D)</del> (C)(6) of this section	23464
shall not establish a civil penalty of more than ten thousand	23465
dollars for a violation involving a concentrated animal feeding	23466
facility that is not a major concentrated animal feeding facility	23467
and shall not establish a civil penalty of more than twenty-five	23468
thousand dollars for a violation involving a major concentrated	23469
animal feeding facility;	23470
(7) The time period within which the director must approve or	23471
deny an insect and rodent control plan after receiving it;	23472
(8) Any other provisions necessary to administer and enforce	23473
section 903.12 of the Revised Code.	23474

<del>(E)</del> (D) Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	23475 23476 23477
(1) The information to be included in an application for a livestock manager certification and the amount of the application fee;	23478 23479 23480
(2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application of manure, removing manure held in a manure storage or treatment facility, and following best management practices established in rules for disposal of dead animals and manure management, including practices that control odor and protect the environment. The director may specify other types of recognized training programs that, if completed, are considered to satisfy the training and examination requirement.	23481 23482 23483 23484 23485 23486 23487 23488 23489 23490 23491 23492 23493
(3) Criteria and procedures for the issuance, denial, suspension, revocation, or reinstatement of a livestock manager certification;	23494 23495 23496
(4) The length of time during which livestock manager certifications will be valid and procedures for their renewal;	23497 23498
(5) The volume of manure that must be transported and land applied annually or the volume of manure that must be bought, sold, or land applied annually by a person in order for the person to be required to obtain a livestock manager certification under division (A)(2) of section 903.07 of the Revised Code;	23499 23500 23501 23502 23503
(6) Requirements governing the management and handling of manure, including the land application of manure;	23504 23505

(7) Requirements governing the keeping of records regarding the handling of manure, including the land application of manure;	23506 23507
(8) Any other provisions necessary to administer and enforce section 903.07 of the Revised Code.	23508 23509
<del>(F)</del> (E) Establish all of the following concerning NPDES permits:	23510 23511
(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	23512 23513 23514
(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	23515 23516
(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	23517 23518 23519
(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	23520 23521 23522 23523 23524 23525 23526 23527
(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	23528 23529 23530
(6) The amount of the fee that must be submitted with an application for a permit;	23531 23532
(7) Procedures for processing permit applications, including public notice and participation requirements;	23533 23534
(8) Procedures for notifying the United States environmental	23535

protection agency of the submission of permit applications, the 23536  
director's action on those applications, and any other reasonable 23537  
and relevant information; 23538

(9) Procedures for notifying and receiving and responding to 23539  
recommendations from other states whose waters may be affected by 23540  
the issuance of a permit; 23541

(10) Procedures for the transfer of permits to new owners or 23542  
operators; 23543

(11) Grounds and procedures for the issuance, denial, 23544  
modification, suspension, or revocation of permits, including 23545  
general permits; 23546

(12) A definition of "general NPDES permit" that establishes 23547  
categories of point sources to be covered under such a permit and 23548  
a definition of "individual NPDES permit" together with the 23549  
criteria for issuing a general NPDES permit and the criteria for 23550  
determining a person's eligibility to discharge under a general 23551  
NPDES permit. 23552

The rules adopted under division ~~(F)~~(E) of this section shall 23553  
be consistent with the requirements of the Federal Water Pollution 23554  
Control Act. 23555

~~(G)~~(F) Establish public notice and participation 23556  
requirements, in addition to the procedures established in rules 23557  
adopted under division ~~(F)~~(E)(7) of this section, for the 23558  
issuance, denial, modification, transfer, suspension, and 23559  
revocation of permits to install, permits to operate, and NPDES 23560  
permits consistent with section 903.09 of the Revised Code, 23561  
including a definition of what constitutes significant public 23562  
interest for the purposes of divisions (A) and (F) of section 23563  
903.09 of the Revised Code and procedures for public meetings. The 23564  
rules shall require that information that is presented at such a 23565  
public meeting be limited to the criteria that are applicable to 23566

the permit application that is the subject of the public meeting. 23567

~~(H)~~(G) Establish the amount of civil penalties assessed by 23568  
the director of agriculture under division (B) of section 903.16 23569  
of the Revised Code for violation of the terms and conditions of a 23570  
permit to install, or permit to operate, ~~or review compliance~~ 23571  
~~certificate~~, provided that the rules adopted under this division 23572  
shall not establish a civil penalty of more than ten thousand 23573  
dollars per day for each violation; 23574

~~(I)~~(H) Establish procedures for the protection of trade 23575  
secrets from public disclosure. The procedures shall authorize the 23576  
release of trade secrets to officers, employees, or authorized 23577  
representatives of the state, another state, or the United States 23578  
when necessary for an enforcement action brought under this 23579  
chapter or when otherwise required by the Federal Water Pollution 23580  
Control Act. The rules shall require at least ten days' written 23581  
notice to the person to whom a trade secret applies prior to the 23582  
release of the trade secret. Rules adopted under this division do 23583  
not apply to any information that is contained in applications, 23584  
including attachments, for NPDES permits and that is required to 23585  
be submitted under section 903.08 of the Revised Code or rules 23586  
adopted under division ~~(F)~~(E) of this section. 23587

~~(J)~~(I) Establish any other provisions necessary to administer 23588  
and enforce this chapter. 23589

**Sec. 903.11.** (A) The director of agriculture may enter into 23590  
contracts or agreements to carry out the purposes of this chapter 23591  
with any public or private person, including OSU extension, the 23592  
natural resources conservation service in the United States 23593  
department of agriculture, the environmental protection agency, 23594  
~~the division of soil and water resources in the department of~~ 23595  
~~natural resources~~, and soil and water conservation districts 23596  
established under Chapter ~~1515-~~ 940. of the Revised Code. However, 23597

the director shall not enter into a contract or agreement with a 23598  
private person for the review of applications for permits to 23599  
install, permits to operate, or NPDES permits, ~~or review~~ 23600  
~~compliance certificates~~ that are issued under this chapter or for 23601  
the inspection of a facility regulated under this chapter or with 23602  
any person for the issuance of any of those permits ~~or~~ 23603  
~~certificates~~ or for the enforcement of this chapter and rules 23604  
adopted under it. 23605

(B) The director may administer grants and loans using moneys 23606  
from the federal government and other sources, public or private, 23607  
for carrying out any of the director's functions. Nothing in this 23608  
chapter shall be construed to limit the eligibility of owners or 23609  
operators of animal feeding facilities or other agricultural 23610  
enterprises to receive moneys from the water pollution control 23611  
loan fund established under section 6111.036 of the Revised Code 23612  
and the nonpoint source pollution management fund established 23613  
under section 6111.037 of the Revised Code. 23614

The director of agriculture shall provide the director of 23615  
environmental protection with written recommendations for 23616  
providing financial assistance from those funds to agricultural 23617  
enterprises. The director of environmental protection shall 23618  
consider the recommendations in developing priorities for 23619  
providing financial assistance from the funds. 23620

**Sec. 903.12.** (A) The director of agriculture or the 23621  
director's authorized representative at reasonable times may enter 23622  
on any public or private property, real or personal, to make 23623  
investigations and inspections, including the sampling of 23624  
discharges and the inspection of discharge monitoring equipment, 23625  
or to otherwise execute duties that are necessary for the 23626  
administration and enforcement of this chapter. The director or 23627  
the director's authorized representative at reasonable times may 23628

examine and copy any records pertaining to discharges that are 23629  
subject to this chapter or any records that are required to be 23630  
maintained by the terms and conditions of a permit ~~or review~~ 23631  
~~compliance certificate~~ issued under this chapter. If refused 23632  
entry, the director or the director's authorized representative 23633  
may apply for and the court of common pleas having jurisdiction 23634  
may issue an appropriate warrant. 23635

(B) No person to whom a permit ~~or review compliance~~ 23636  
~~certificate~~ has been issued under this chapter shall refuse entry 23637  
to the director or the director's authorized representative or 23638  
purposely hinder or thwart the director or the director's 23639  
authorized representative in the exercise of any authority granted 23640  
under division (A) of this section. 23641

**Sec. 903.13.** In a private civil action for an alleged 23642  
nuisance related to agricultural activities conducted at a 23643  
concentrated animal feeding facility, it is an affirmative defense 23644  
if the person owning, operating, or otherwise responsible for the 23645  
concentrated animal feeding facility is in compliance with best 23646  
management practices established in the installation permit, or 23647  
permit to operate, ~~or review compliance certificate~~ issued for the 23648  
concentrated animal feeding facility and the agricultural 23649  
activities do not violate federal, state, and local laws governing 23650  
nuisances. 23651

**Sec. 903.16.** (A) The director of agriculture may propose to 23652  
require corrective actions and assess a civil penalty against an 23653  
owner or operator of a concentrated animal feeding facility if the 23654  
director or the director's authorized representative determines 23655  
that the owner or operator is not in compliance with section 23656  
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 23657  
the Revised Code, the terms and conditions of a permit to install, 23658

~~or~~ permit to operate, ~~or review compliance certificate~~ issued for 23659  
the concentrated animal feeding facility, including the 23660  
requirements established under division (C) of section 903.06 of 23661  
the Revised Code, or rules adopted under division (A), (B), (C), 23662  
(D), ~~(E)~~, or ~~(F)~~(I) of section 903.10 of the Revised Code. 23663  
However, the director may impose a civil penalty only if all of 23664  
the following occur: 23665

(1) The owner or operator is notified in writing of the 23666  
deficiencies resulting in noncompliance, the actions that the 23667  
owner or operator must take to correct the deficiencies, and the 23668  
time period within which the owner or operator must correct the 23669  
deficiencies and attain compliance. 23670

(2) After the time period specified in the notice has 23671  
elapsed, the director or the director's duly authorized 23672  
representative has inspected the concentrated animal feeding 23673  
facility, determined that the owner or operator is still not in 23674  
compliance, and issued a notice of an adjudication hearing. 23675

(3) The director affords the owner or operator an opportunity 23676  
for an adjudication hearing under Chapter 119. of the Revised Code 23677  
to challenge the director's determination that the owner or 23678  
operator is not in compliance or the imposition of the civil 23679  
penalty, or both. However, the owner or operator may waive the 23680  
right to an adjudication hearing. 23681

(B) If the opportunity for an adjudication hearing is waived 23682  
or if, after an adjudication hearing, the director determines that 23683  
a violation has occurred or is occurring, the director may issue 23684  
an order requiring compliance and assess the civil penalty. The 23685  
order and the assessment of the civil penalty may be appealed in 23686  
accordance with section 119.12 of the Revised Code. 23687

Civil penalties shall be assessed under this division as 23688  
follows: 23689



(1) A person who has violated section 903.02, or 903.03, ~~or~~ 23690  
903.04 of the Revised Code, the terms and conditions of a permit 23691  
to install, or permit to operate, ~~or review compliance~~ 23692  
~~certificate~~, or rules adopted under division (A), (B), (C), (D), 23693  
~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code shall pay a 23694  
civil penalty in an amount established in rules unless the 23695  
violation is of the requirements established under division (C) of 23696  
section 903.06 or division (A) of section 903.07 of the Revised 23697  
Code. 23698

(2) A person who has violated the requirements established 23699  
under division (C) of section 903.06 of the Revised Code shall pay 23700  
a civil penalty in an amount established in rules for each 23701  
violation. Each seven-day period during which a violation 23702  
continues constitutes a separate violation. 23703

(3) A person who has violated the requirements established 23704  
under division (A) of section 903.07 of the Revised Code shall pay 23705  
a civil penalty of not more than ten thousand dollars for each 23706  
violation. Each thirty-day period during which a violation 23707  
continues constitutes a separate violation. 23708

(C) The attorney general, upon the written request of the 23709  
director, shall bring an action for an injunction in any court of 23710  
competent jurisdiction against any person violating or threatening 23711  
to violate section 903.02, or 903.03, ~~or~~ 903.04 or division (A) of 23712  
section 903.07 of the Revised Code; the terms and conditions of a 23713  
permit to install, or permit to operate, ~~or review compliance~~ 23714  
~~certificate~~, including the requirements established under division 23715  
(C) of section 903.06 of the Revised Code; rules adopted under 23716  
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 23717  
the Revised Code; or an order issued under division (B) of this 23718  
section or division (B) of section 903.07 of the Revised Code. 23719

(D)(1) In lieu of seeking civil penalties under division (A) 23720  
of this section, the director may request the attorney general, in 23721

writing, to bring an action for a civil penalty in a court of 23722  
competent jurisdiction against any person that has violated or is 23723  
violating division (A) of section 903.07 of the Revised Code or 23724  
the terms and conditions of a permit to install, or permit to 23725  
operate, ~~or review compliance certificate~~, including the 23726  
requirements established under division (C) of section 903.06 of 23727  
the Revised Code. 23728

(2) The director may request the attorney general, in 23729  
writing, to bring an action for a civil penalty in a court of 23730  
competent jurisdiction against any person that has violated or is 23731  
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 23732  
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 23733  
~~(J)~~ (I) of section 903.10 of the Revised Code, or an order issued 23734  
under division (B) of this section or division (B) of section 23735  
903.07 of the Revised Code. 23736

(3) A person who has committed a violation for which the 23737  
attorney general may bring an action for a civil penalty under 23738  
division (D)(1) or (2) of this section shall pay a civil penalty 23739  
of not more than ten thousand dollars per violation. Each day that 23740  
a violation continues constitutes a separate violation. 23741

(E) In addition to any other penalties imposed under this 23742  
section, the director may impose an administrative penalty against 23743  
an owner or operator of a concentrated animal feeding facility if 23744  
the director or the director's authorized representative 23745  
determines that the owner or operator is not in compliance with 23746  
best management practices that are established in rules adopted 23747  
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 23748  
Code or in the permit to install, or permit to operate, ~~or review~~ 23749  
~~compliance certificate~~ issued for the facility. The administrative 23750  
penalty shall not exceed five thousand dollars. 23751

The director shall afford the owner or operator an 23752  
opportunity for an adjudication hearing under Chapter 119. of the 23753

Revised Code to challenge the director's determination under this 23754  
division, the director's imposition of an administrative penalty 23755  
under this division, or both. The director's determination and the 23756  
imposition of the administrative penalty may be appealed in 23757  
accordance with section 119.12 of the Revised Code. 23758

**Sec. 903.17.** (A) The director of agriculture may propose to 23759  
require corrective actions and assess a civil penalty against an 23760  
owner or operator of an animal feeding operation if the director 23761  
or the director's authorized representative determines that the 23762  
owner or operator is not in compliance with section 903.08 of the 23763  
Revised Code, the terms and conditions of a NPDES permit, the 23764  
NPDES provisions of a permit to operate, or rules adopted under 23765  
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 23766  
the director may impose a civil penalty only if all of the 23767  
following occur: 23768

(1) The owner or operator is notified in writing of the 23769  
deficiencies resulting in noncompliance, the actions that the 23770  
owner or operator must take to correct the deficiencies, and the 23771  
time period within which the owner or operator must correct the 23772  
deficiencies and attain compliance. 23773

(2) After the time period specified in the notice has 23774  
elapsed, the director or the director's duly authorized 23775  
representative has inspected the animal feeding operation, 23776  
determined that the owner or operator is still not in compliance, 23777  
and issued a notice of violation to require corrective actions. 23778

(3) The director affords the owner or operator an opportunity 23779  
for an adjudication hearing under Chapter 119. of the Revised Code 23780  
to challenge the director's determination that the owner or 23781  
operator is not in compliance or the imposition of the civil 23782  
penalty, or both. However, the owner or operator may waive the 23783  
right to an adjudication hearing. 23784

(B) If the opportunity for an adjudication hearing is waived 23785  
or if, after an adjudication hearing, the director determines that 23786  
a violation has occurred or is occurring, the director may issue 23787  
an order and assess a civil penalty of not more than ten thousand 23788  
dollars per violation against the violator. For purposes of 23789  
determining the civil penalty, each day that a violation continues 23790  
constitutes a separate and distinct violation. The order and the 23791  
assessment of the civil penalty may be appealed in accordance with 23792  
section 119.12 of the Revised Code. 23793

(C) To the extent consistent with the Federal Water Pollution 23794  
Control Act, the director shall consider technical feasibility and 23795  
economic costs in issuing orders under this section. 23796

(D)(1) The attorney general, upon the written request of the 23797  
director, shall bring an action for an injunction in any court of 23798  
competent jurisdiction against any person violating or threatening 23799  
to violate section 903.08 of the Revised Code, the terms and 23800  
conditions of a NPDES permit, the NPDES provisions of a permit to 23801  
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 23802  
the Revised Code, or an order issued under division (B) of this 23803  
section. 23804

(2) In lieu of seeking civil penalties under division (A) of 23805  
this section, the director may request, in writing, the attorney 23806  
general to bring an action for a civil penalty of not more than 23807  
ten thousand dollars per violation in a court of competent 23808  
jurisdiction against any person that has violated or is violating 23809  
section 903.08 of the Revised Code, the terms and conditions of a 23810  
NPDES permit, the NPDES provisions of a permit to operate, rules 23811  
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 23812  
Code, or an order issued under division (B) of this section. For 23813  
purposes of determining the civil penalty to be assessed under 23814  
division (B) of this section, each day that a violation continues 23815  
constitutes a separate and distinct violation. 23816

(E) In addition to any other penalties imposed under this 23817  
section, the director may impose an administrative penalty against 23818  
an owner or operator of an animal feeding operation if the 23819  
director or the director's authorized representative determines 23820  
that the owner or operator has discharged pollutants into waters 23821  
of the state in violation of section 903.08 of the Revised Code or 23822  
the terms and conditions of a NPDES permit or the NPDES provisions 23823  
of the permit to operate issued for the operation. The 23824  
administrative penalty shall not exceed five thousand dollars. 23825

The director shall afford the owner or operator an 23826  
opportunity for an adjudication hearing under Chapter 119. of the 23827  
Revised Code to challenge the director's determination under this 23828  
division, the director's imposition of an administrative penalty 23829  
under this division, or both. The director's determination and the 23830  
imposition of the administrative penalty may be appealed in 23831  
accordance with section 119.12 of the Revised Code. 23832

**Sec. 903.25.** An owner or operator of an animal feeding 23833  
facility who holds a permit to install, a permit to operate, a 23834  
~~review compliance certificate,~~ or a NPDES permit or who is 23835  
operating under an operation and management plan, as defined in 23836  
section ~~1511.01~~ 939.01 of the Revised Code, developed or approved 23837  
by the ~~chief of the division of soil and water resources in the~~ 23838  
~~department of natural resources under section 1511.02~~ director of 23839  
agriculture under section 939.02 of the Revised Code or by the 23840  
supervisors of the appropriate soil and water conservation 23841  
district under section ~~1515.08~~ 940.06 of the Revised Code shall 23842  
not be required by any political subdivision of the state or any 23843  
officer, employee, agency, board, commission, department, or other 23844  
instrumentality of a political subdivision to obtain a license, 23845  
permit, or other approval pertaining to manure, insects or 23846  
rodents, odor, or siting requirements for installation of an 23847  
animal feeding facility. 23848



(b) For basic slag and unacidulated phosphatic materials,	23879
available and total phosphorus (P) or phosphate (P <sub>2</sub> O <sub>5</sub> ) and the	23880
degree of fineness;	23881
(c) Additional plant nutrients guaranteed expressed as	23882
percentage of elements in the order and form as prescribed by	23883
rules adopted by the director of agriculture.	23884
(G) "Label" means any written or printed matter on the	23885
package or tag attached to it or on the pertinent delivery and	23886
billing invoice.	23887
(H) "Manufacture" means to process, granulate, blend, mix, or	23888
alter the composition of fertilizers for distribution.	23889
(I) "Mixed fertilizer" means any combination or mixture of	23890
fertilizer designed for use, or claimed to have value, in	23891
promoting plant growth, including fertilizer pesticide mixtures.	23892
(J) "Net weight" means the weight of a commodity excluding	23893
any packaging in pounds or metric equivalent, as determined by a	23894
sealed weighing device or other means prescribed by rules adopted	23895
by the director.	23896
(K) "Packaged fertilizer" means any type of fertilizer in	23897
closed containers of not over one hundred pounds or metric	23898
equivalent.	23899
(L) "Per cent" or "percentage" means the percentage of	23900
weight.	23901
(M) "Person" includes any partnership, association, firm,	23902
corporation, company, society, individual or combination of	23903
individuals, institution, park, or public agency administered by	23904
the state or any subdivision of the state.	23905
(N) "Product name" means a coined or specific designation	23906
applied to an individual fertilizer material or mixture of a fixed	23907
composition and derivation.	23908

(O) "Sale" means exchange of ownership or transfer of custody.	23909 23910
(P) "Official sample" means the sample of fertilizer taken and designated as official by the director.	23911 23912
(Q) "Specialty fertilizer" means any fertilizer designed, labeled, and distributed for uses other than the production of commercial crops.	23913 23914 23915
(R) "Ton" means a net weight of two thousand pounds.	23916
(S) "Fertilizer material" includes any of the following:	23917
(1) A material containing not more than one of the following primary plant nutrients:	23918 23919
(a) Nitrogen (N);	23920
(b) Phosphorus (P);	23921
(c) Potassium (K).	23922
(2) A material that has not less than eighty-five per cent of its plant nutrient content composed of a single chemical compound;	23923 23924
(3) A material that is derived from a residue or by-product of a plant or animal or a natural material deposit and has been processed in such a way that its plant nutrients content has not been materially changed except by purification and concentration.	23925 23926 23927 23928
(T) "Custom mixed fertilizer" means a fertilizer that is not premixed, but that is blended specifically to meet the nutrient needs of one specific customer.	23929 23930 23931
(U) "Director" or "director of agriculture" means the director of agriculture or the director's designee.	23932 23933
(V) "Lot" means an identifiable quantity of fertilizer that may be used as an official sample.	23934 23935
(W) "Unit" means twenty pounds of fertilizer or one per cent of a ton.	23936 23937



(X) "Anhydrous ammonia equipment" means, with regard to the 23938  
handling or storage of anhydrous ammonia, a container or 23939  
containers with a maximum capacity of not more than four thousand 23940  
nine hundred ninety-nine gallons or any appurtenances, pumps, 23941  
compressors, or interconnecting pipes associated with such a 23942  
container or containers. "Anhydrous ammonia equipment" does not 23943  
include equipment for the manufacture of anhydrous ammonia or the 23944  
storage of anhydrous ammonia either underground or in refrigerated 23945  
structures. 23946

(Y) "Anhydrous ammonia system" or "system" means, with regard 23947  
to the handling or storage of anhydrous ammonia, a container or 23948  
containers with a minimum capacity of not less than five thousand 23949  
gallons or any appurtenances, pumps, compressors, or 23950  
interconnecting pipes associated with such a container or 23951  
containers. "Anhydrous ammonia system" does not include equipment 23952  
for the manufacture of anhydrous ammonia or the storage of 23953  
anhydrous ammonia either underground or in refrigerated 23954  
structures. 23955

(Z) "Agricultural production" means the cultivation, 23956  
primarily for sale, of plants or any parts of plants on more than 23957  
fifty acres. "Agricultural production" does not include the use of 23958  
start-up fertilizer applied through a planter. 23959

(AA) "Rule" means a rule adopted under section 905.322, 23960  
905.40, or 905.44 of the Revised Code, as applicable. 23961

(BB) "Certificate holder" means a person who has been 23962  
certified to apply fertilizer under section 905.321 of the Revised 23963  
Code and rules adopted under section 905.322 of the Revised Code. 23964

(CC) "Residual farm products" has the same meaning as in 23965  
section ~~1511.01~~ 939.01 of the Revised Code. 23966

(DD) "Voluntary nutrient management plan" means any of the 23967  
following: 23968

- (1) A nutrient management plan that is in the form of the Ohio nutrient management workbook made available by the Ohio state university; 23969  
23970  
23971
- (2) A comprehensive nutrient management plan developed by the United States department of agriculture natural resources conservation service, a technical service provider certified by the conservation service, or a person authorized by the conservation service to develop a plan; 23972  
23973  
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- (3) A document that is equivalent to a plan specified in division (DD)(1) or (2) of this section, that is in a form approved by the director or the director's designee, and that contains at least all of the following information: 23977  
23978  
23979  
23980
- (a) Results of soil tests conducted on land subject to the plan that comply with the field office technical guide established by the conservation service and adopted by the ~~chief of the division of soil and water resources in the department of natural resources~~ director in rules adopted under division (E) of section ~~1511.02~~ 939.02 of the Revised Code and that are not older than three years; 23981  
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- (b) Documentation of the method and seasonal time of utilization and application of nutrients; 23988  
23989
- (c) Identification of all nutrients applied, including manure, fertilizer, sewage sludge, and biodigester residue; 23990  
23991
- (d) Field information regarding land subject to the plan, including the location, spreadable acreage, crops grown, and actual and projected yields. 23992  
23993  
23994
- Sec. 905.323.** (A)(1) A person who owns or operates agricultural land may do any of the following: 23995  
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- (a) Develop a voluntary nutrient management plan; 23997
- (b) Request any person to develop a voluntary nutrient 23998

management plan on behalf of the person who owns or operates the agricultural land; 23999  
24000

(c) Request the supervisors of the applicable soil and water conservation district organized in accordance with Chapter ~~1515-~~ 24001  
940. of the Revised Code to develop a voluntary nutrient 24002  
management plan on the person's behalf. 24003  
24004

(2) A person who owns or operates agricultural land and who 24005  
has developed or has had developed a voluntary nutrient management 24006  
plan under division (A)(1)(a) or (b) of this section, as 24007  
applicable, may request the supervisors of the applicable soil and 24008  
water conservation district, the director of agriculture, or the 24009  
director's designee to approve the plan. The supervisors, 24010  
director, or director's designee shall approve or disapprove the 24011  
plan. 24012

(B) If a voluntary nutrient management plan is disapproved 24013  
under this section, the person who developed the plan or had it 24014  
developed may request an adjudication hearing in accordance with 24015  
Chapter 119. of the Revised Code. 24016

(C) A person whose voluntary nutrient management plan is 24017  
disapproved may appeal to the court of common pleas of Franklin 24018  
county. 24019

(D) After a voluntary nutrient management plan has been 24020  
approved under this section, the person who developed the plan or 24021  
had it developed shall submit the plan once every five years to 24022  
the supervisors of the applicable soil and water conservation 24023  
district or the director for review. If after the review the 24024  
supervisors or the director determines that the plan needs to be 24025  
modified, the supervisors or director shall notify the person who 24026  
submitted the plan. The person then shall provide for the 24027  
modification of the plan. The procedures and requirements 24028  
established in divisions (A) to (C) of this section apply to a 24029

modification of the plan. 24030

**Sec. 918.41.** If the director of agriculture has not entered 24031  
into an agreement with the United States department of agriculture 24032  
in compliance with section 918.44 of the Revised Code, ~~he~~ the 24033  
director shall establish and maintain a state acceptance service 24034  
within the department of agriculture to examine and monitor 24035  
compliance by meat and poultry vendors ~~on the list established and~~ 24036  
~~maintained by the director of administrative services under~~ 24037  
~~section 125.17 of the Revised Code~~ with the specifications of the 24038  
state purchase contracts awarded them under section 125.11 of the 24039  
Revised Code, and by establishments, as defined in section 918.01 24040  
or 918.21 of the Revised Code, subject to state or federal 24041  
inspection. State acceptance service shall be made available to 24042  
such vendors and establishments within the state from eight a.m. 24043  
to five p.m. Monday through Friday. 24044

At least forty-eight hours, excluding Saturday and Sunday, 24045  
before the date on which ~~he~~ a vendor or authorized representative 24046  
from such an establishment desires examination and monitoring of 24047  
the production of meat products, as defined in section 918.01 of 24048  
the Revised Code, or poultry products, as defined in section 24049  
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 24050  
intends to supply to the state under a state purchase contract, a 24051  
vendor or authorized representative from such an establishment 24052  
shall contact the state acceptance service and request examination 24053  
and monitoring. A state acceptor shall examine and monitor the 24054  
production of the meat or poultry products to determine whether 24055  
there is compliance with the state purchase contract 24056  
specifications. The containers of products found to be in 24057  
compliance shall be sealed, dated, and marked with an official 24058  
mark. The state acceptor shall provide an official acceptance 24059  
certificate to accompany each shipment to its destination. 24060

The director shall train and appoint as state acceptors 24061  
inspectors, as defined in sections 918.01 and 918.21 of the 24062  
Revised Code. 24063

Acceptance may be provided by the United States department of 24064  
agriculture at the option of the vendor or authorized 24065  
representative of such an establishment. 24066

**Sec. 931.01.** As used in this chapter: 24067

(A) "Agriculture" has the same meaning as in section 1.61 of 24068  
the Revised Code. 24069

(B) "Best management practices" means the engagement of 24070  
agricultural production and management, including practices such 24071  
as manure handling, tillage, forestry management, and similar 24072  
practices, in a manner that is generally accepted in the 24073  
agriculture industry and that is approved by any of the following: 24074

(1) The United States department of agriculture; 24075

(2) The natural resources conservation service in the United 24076  
States department of agriculture; 24077

(3) The department of ~~natural resources~~ agriculture; 24078

(4) A soil and water conservation district established under 24079  
Chapter ~~1515~~. 940. of the Revised Code; 24080

(5) With respect to organic or sustainable production 24081  
methods, a conservation professional whom the director of 24082  
agriculture approves as having expertise in those methods. 24083

(C) "Contiguous farmland" means any of the following: 24084

(1) Geographically contiguous property used for agriculture; 24085

(2) Noncontiguous property used for agriculture that is owned 24086  
by one person and connected by a right-of-way that the person 24087  
controls and to which the public does not have access; 24088

(3) Two or more pieces of property used for agriculture that 24089  
would be geographically contiguous but for the fact that the 24090  
property is separated by a public or private right-of-way or 24091  
rights-of-way or by rivers, streams, creeks, or other bodies of 24092  
water. 24093

**Sec. 931.02.** (A) Land that is located in the unincorporated 24094  
area of a township or county may be enrolled in an agricultural 24095  
security area through the submittal of an application to the board 24096  
of township trustees of each township and to the board of county 24097  
commissioners of each county in which the land is located 24098  
requesting the establishment of such an area. Land that is located 24099  
in a municipal corporation and land that is located in territory 24100  
that is proposed to be annexed to a municipal corporation by a 24101  
pending proceeding before the board of county commissioners or in 24102  
any court of competent jurisdiction shall not be included in an 24103  
agricultural security area. 24104

If all of the land sought to be enrolled in the agricultural 24105  
security area is owned by the same person, that person shall 24106  
submit the application to the required boards. If the land sought 24107  
to be enrolled consists of parcels owned by different persons who 24108  
have aggregated their parcels, either each owner may submit a 24109  
separate application to the required boards or all of the owners 24110  
collectively may submit one application for the entire 24111  
agricultural security area to the required boards. 24112

An application shall be on the form that the director of 24113  
agriculture prescribes. The director shall provide copies of the 24114  
application form to county auditors. 24115

An application shall be signed by each applicant who is 24116  
submitting it and shall contain all of the following: 24117

(1) The first, middle, and last name of the applicant or 24118  
applicants; 24119

(2) Information concerning any property interest in the land 24120  
sought to be enrolled in an agricultural security area that is 24121  
held by a person other than the applicant or applicants, 24122  
including, without limitation, mineral rights or easements in the 24123  
land that are held by a person other than the applicant or 24124  
applicants and any other interest in the land that may not be 24125  
conducive to agriculture and that is held by another person; 24126

(3) A statement by each applicant who is submitting the 24127  
application that the applicant will not initiate, approve, or 24128  
finance any new development for nonagricultural purposes on the 24129  
land that is proposed to be enrolled in an agricultural security 24130  
area during the ten-year period of the enrollment, except as is 24131  
otherwise authorized under division (A) of section 931.04 of the 24132  
Revised Code. For purposes of division (A)(3) of this section, 24133  
"new development" includes, without limitation, an applicant's 24134  
transfer to another person of the ownership of a property interest 24135  
in the land that occurs during the period beginning on the date 24136  
that the application is submitted and ending on the date that the 24137  
ten-year period of enrollment is scheduled to expire, except as 24138  
otherwise provided in division (D) of this section. "New 24139  
development" does not include taking any actions that are 24140  
authorized under property rights in the land, such as mineral 24141  
rights or easements, that were transferred to a person other than 24142  
an applicant prior to the date that the application is submitted. 24143  
In addition, "new development" does not include the construction, 24144  
modification, or operation of wind energy-producing facilities, 24145  
including windmills and wind turbines, the grant of easements for 24146  
or the construction, modification, or operation of transmission or 24147  
distribution lines for electricity, gas, or oil or of any 24148  
gathering or production lines for oil or gas, or the grant of new 24149  
mineral leases, or the drilling or operation of any oil or gas 24150  
well on or in connection with the land, provided that such 24151  
activities do not cause the land to become ineligible for 24152

valuation and assessment for real property tax purposes in 24153  
accordance with its current agricultural use value under sections 24154  
5713.30 to 5713.38 of the Revised Code. 24155

(4) A listing of all administrative enforcement orders issued 24156  
to each applicant who is submitting the application, all civil 24157  
actions in which an applicant was determined by the trier of fact 24158  
to be liable in damages or was the subject of injunctive relief or 24159  
another type of civil relief, and all criminal actions in which an 24160  
applicant pleaded guilty or was convicted, during the ten years 24161  
immediately preceding the date of submission of the application, 24162  
in connection with any violation of environmental laws or similar 24163  
laws of another state. As used in division (A)(4) of this section, 24164  
"environmental laws" has the same meaning as in section 3745.70 of 24165  
the Revised Code. 24166

(5) A statement from the natural resources conservation 24167  
service in the United States department of agriculture, a soil and 24168  
water conservation district with jurisdiction over the land to 24169  
which the application applies, or any other conservation 24170  
professional approved by the director that, at the time of the 24171  
application, each applicant who is submitting the application is 24172  
complying with best management practices; 24173

(6) A map that complies with all of the following: 24174

(a) Is prepared by a regional or county planning commission 24175  
established under section 713.21 of the Revised Code; a 24176  
professional engineer, including a county engineer, or surveyor 24177  
registered under Chapter 4733. of the Revised Code; a soil and 24178  
water conservation district created pursuant to section ~~1515.03~~ 24179  
940.03 of the Revised Code; or the natural resources conservation 24180  
service; 24181

(b) Identifies the area of land to which the application 24182  
applies and includes the corresponding parcel number that the 24183



county auditor has assigned under section 319.28 of the Revised Code to each parcel of land that comprises that area;	24184
	24185
(c) Shows the boundaries of the land to be enrolled in an agricultural security area;	24186
	24187
(d) Shows the names and locations of all streams, creeks, or other bodies of water, roads, rights-of-way, and railroads together with any existing residential, recreational, commercial, or industrial facilities that are situated on the land to be included in the area and within five hundred feet of the perimeter of the area. The map also shall show the location of all utility, water, and sewer lines that are situated on the land to be included in the area and within five hundred feet of the perimeter of the area unless the board of county commissioners of each county and the board of township trustees of each township in which the land is located exempts the application from that requirement because the information generally is not readily available.	24188
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(e) Indicates the date on which the map was prepared;	24201
(f) Identifies the person or persons who prepared the map.	24202
(7) A list of the other boards of township trustees and boards of county commissioners to whom an application has been submitted.	24203
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An application submitted under this section is a public record.	24206
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A board of township trustees and a board of county commissioners each may establish a reasonable fee or schedule of fees to be paid at the time that an application is submitted for the purpose of paying the costs of public notice and certified mail that are incurred in any proceedings conducted under this chapter. The clerk of the board shall maintain an accurate and detailed accounting of all money that is received and expended in	24208
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the processing of an application and shall return to the applicant 24215  
any unused portion of the fee or fees after the conclusion of the 24216  
proceedings. 24217

(B) An area shall be established as an agricultural security 24218  
area when all of the following criteria are satisfied: 24219

(1) The area consists of not less than five hundred acres of 24220  
contiguous farmland that is located in the unincorporated area of 24221  
a township or county. In order to satisfy this requirement, two or 24222  
more owners of contiguous farmland may aggregate their land. 24223

(2) The land forming the area is in an agricultural district 24224  
or districts established under Chapter 929. of the Revised Code. 24225

(3) The land forming the area is valued and assessed for real 24226  
property tax purposes in accordance with its current agricultural 24227  
use value under sections 5713.30 to 5713.38 of the Revised Code. 24228  
Land forming the area that is a portion of a farm on which is 24229  
located a dwelling house, a yard, or outbuildings such as a barn 24230  
or garage shall be deemed to satisfy the criteria established in 24231  
divisions (B)(1) and (3) of this section. 24232

(4) Each application submitted by the owner or owners of the 24233  
land forming the area is approved under section 931.03 of the 24234  
Revised Code by the boards of township trustees of all of the 24235  
townships in which the land is located. 24236

(5) Each application submitted by the owner or owners of the 24237  
land forming the area is approved under section 931.03 of the 24238  
Revised Code by the boards of county commissioners of all of the 24239  
counties in which the land is located. 24240

(C) Additional contiguous farmland may be enrolled in an 24241  
existing agricultural security area during a partially elapsed 24242  
ten-year enrollment period either by a landowner who already has 24243  
land enrolled in the agricultural security area or by a landowner 24244  
who does not already have land enrolled in the agricultural 24245

security area. To enroll additional contiguous land in an existing 24246  
agricultural security area under this division, a landowner shall 24247  
obtain permission from each owner of land that already is enrolled 24248  
in the agricultural security area, submit an application in 24249  
accordance with this section, and obtain approval of the 24250  
application from all appropriate boards of township trustees and 24251  
boards of county commissioners in accordance with section 931.03 24252  
of the Revised Code. Enrollment of the additional land in the 24253  
existing agricultural security area shall continue until the 24254  
expiration of the current, partially elapsed ten-year enrollment 24255  
period and may be renewed in accordance with section 931.06 of the 24256  
Revised Code. 24257

(D) If an owner of land that is enrolled in an agricultural 24258  
security area transfers the land to another person during a 24259  
partially elapsed ten-year enrollment period, the land may remain 24260  
in the agricultural security area until the expiration of that 24261  
period, provided that both of the following apply: 24262

(1) The transferee certifies and submits a statement, 24263  
together with the transferee's first, middle, and last name and a 24264  
description of the transferred land, to the appropriate boards of 24265  
township trustees and boards of county commissioners specifying 24266  
that, in accordance with division (A)(3) of this section, the 24267  
transferee will not initiate, approve, or finance any new 24268  
development for nonagricultural purposes on the transferred land 24269  
during the remainder of the partially elapsed ten-year enrollment 24270  
period. Upon receipt of the statement, the boards of township 24271  
trustees and boards of county commissioners shall adopt a 24272  
resolution acknowledging the receipt. 24273

(2) The transferred land continues to satisfy the criteria 24274  
established in divisions (B)(2) and (3) of this section during the 24275  
remainder of the partially elapsed ten-year enrollment period. 24276

Divisions (A), (B), and (C) of section 931.03 of the Revised 24277

Code do not apply to the continued inclusion of such transferred 24278  
land in an agricultural security area. Upon the expiration of the 24279  
partially elapsed ten-year enrollment period, enrollment in the 24280  
agricultural security area may be renewed in accordance with 24281  
section 931.06 of the Revised Code. 24282

Sec. 939.01. As used in this chapter: 24283

(A) "Agricultural pollution" means failure to use management 24284  
or conservation practices in farming operations to abate wind or 24285  
water erosion of the soil or to abate the degradation of the 24286  
waters of the state by residual farm products, manure, or soil 24287  
sediment, including attached substances. 24288

(B) "Animal feeding operation" means the production area, as 24289  
defined in section 903.01 of the Revised Code, of an agricultural 24290  
operation where agricultural animals are kept and raised in 24291  
confined areas. "Animal feeding operation" does not include a 24292  
facility that possesses a permit issued under Chapter 903. or 24293  
division (J) of section 6111.03 of the Revised Code. 24294

(C) "Best management practices" means practices or a 24295  
combination of practices that are determined to be the most 24296  
effective and practicable means of preventing or reducing 24297  
agricultural pollution sources to a level compatible with the 24298  
attainment of applicable water quality standards. "Best management 24299  
practices" includes structural and nonstructural practices, 24300  
conservation practices, and operation and maintenance procedures. 24301

(D) "Composting" means the controlled decomposition of 24302  
organic solid material consisting of dead animals that stabilizes 24303  
the organic fraction of the material. 24304

(E) "Conservation" means the wise use and management of 24305  
natural resources. 24306

(F) "Manure" means animal excreta. 24307

(G) "Ohio soil and water conservation commission" means the Ohio soil and water conservation commission established in section 940.02 of the Revised Code. 24308  
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(H) "Operation and management plan" means a written record, developed or approved by the director of agriculture, the director's designee, or the board of supervisors of a soil and water conservation district, for the owner or operator of agricultural land or an animal feeding operation that contains both of the following: 24311  
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(1) Implementation schedules and operational procedures for a level of management and pollution abatement practices that will abate the degradation of the waters of the state by residual farm products, manure, and soil sediment, including attached pollutants; 24317  
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(2) Best management practices that are to be used by the owner or operator. 24322  
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(I) "Pollution abatement practice" means any erosion control, residual farm products, or manure pollution abatement facility, structure, or procedure and the operation and management associated with it as contained in an operation and management plan. 24324  
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(J) "Residual farm products" means bedding, wash waters, waste feed, and silage drainage. "Residual farm products" also includes the compost products resulting from the composting of dead animals in operations subject to section 939.04 of the Revised Code when either of the following applies: 24329  
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(1) The composting is conducted by the person who raises the animals and the compost product is used in agricultural operations owned or operated by that person regardless of whether the person owns the animals. 24334  
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(2) The composting is conducted by the person who owns the 24338

animals, but does not raise them and the compost product is used 24339  
in agricultural operations either by a person who raises the 24340  
animals or by a person who raises grain that is used to feed them 24341  
and that is supplied by the owner of the animals. 24342

(K) "Soil and water conservation district" has the same 24343  
meaning as in section 940.01 of the Revised Code. 24344

(L) "Waters of the state" means all streams, lakes, ponds, 24345  
wetlands, watercourses, waterways, wells, springs, irrigation 24346  
systems, drainage systems, and other bodies or accumulations of 24347  
water, surface and underground, natural or artificial, regardless 24348  
of the depth of the strata in which underground water is located, 24349  
that are situated wholly or partly within, or border on, this 24350  
state or are within its jurisdiction, except those private waters 24351  
that do not combine or effect a junction with natural surface or 24352  
underground waters. 24353

~~Sec. 1511.02~~ 939.02. ~~The chief of the division of soil and~~ 24354  
~~water resources, subject to the approval of the director of~~ 24355  
~~natural resources, agriculture~~ shall do all of the following: 24356

(A) Provide administrative leadership to soil and water 24357  
conservation districts in planning, budgeting, staffing, and 24358  
administering district programs and the training of district 24359  
supervisors and personnel in their duties, responsibilities, and 24360  
authorities as prescribed in this chapter and Chapter ~~1515.~~ 940. 24361  
of the Revised Code; 24362

(B) Administer this chapter and Chapter ~~1515.~~ 940. of the 24363  
Revised Code pertaining to state responsibilities and provide 24364  
staff assistance to the Ohio soil and water conservation 24365  
commission in exercising its statutory responsibilities; 24366

(C) Assist in expediting state responsibilities for watershed 24367  
development and other natural resource conservation works of 24368

improvement; 24369

(D) Coordinate the development and implementation of 24370  
cooperative programs and working agreements between soil and water 24371  
conservation districts and ~~divisions or sections~~ of the department 24372  
of ~~natural resources~~, agriculture or other agencies of local, 24373  
state, and federal government; 24374

(E) Subject to the approval of the Ohio soil and water 24375  
conservation commission, adopt, ~~amend, or rescind~~ rules pursuant 24376  
~~to~~ in accordance with Chapter 119. of the Revised Code. Rules 24377  
~~adopted pursuant to this section that do or comply with all of the~~ 24378  
following: 24379

(1) ~~Shall establish~~ Establish technically feasible and 24380  
economically reasonable standards to achieve a level of management 24381  
and conservation practices in farming ~~or silvicultural~~ operations 24382  
that will abate wind or water erosion of the soil or abate the 24383  
degradation of the waters of the state by residual farm products, 24384  
manure, or soil sediment, including attached substances ~~attached~~ 24385  
~~thereto~~, and establish criteria for determination of the 24386  
acceptability of such management and conservation practices; 24387

(2) ~~Shall establish technically feasible and economically~~ 24388  
~~reasonable standards to achieve a level of management and~~ 24389  
~~conservation practices that will abate wind or water erosion of~~ 24390  
~~the soil or abate the degradation of the waters of the state by~~ 24391  
~~soil sediment in conjunction with land grading, excavating,~~ 24392  
~~filling, or other soil disturbing activities on land used or being~~ 24393  
~~developed for nonfarm commercial, industrial, residential, or~~ 24394  
~~other nonfarm purposes, and establish criteria for determination~~ 24395  
~~of the acceptability of such management and conservation~~ 24396  
~~practices. The standards shall be designed to implement applicable~~ 24397  
~~areawide waste treatment management plans prepared under section~~ 24398  
~~208 of the "Federal Water Pollution Control Act," 86 Stat. 816~~ 24399  
~~(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria~~ 24400

~~shall not apply in any municipal corporation or county that adopts 24401  
ordinances or rules pertaining to sediment control, nor to lands 24402  
being used in a strip mine operation as defined in section 1513.01 24403  
of the Revised Code, nor to lands being used in a surface mining 24404  
operation as defined in section 1514.01 of the Revised Code. 24405~~

~~(3) May recommend criteria and procedures for the approval of 24406  
urban sediment pollution abatement plans and issuance of permits 24407  
prior to any grading, excavating, filling, or other whole or 24408  
partial disturbance of five or more contiguous acres of land owned 24409  
by one person or operated as one development unit and require 24410  
implementation of such a plan. Areas of less than five contiguous 24411  
acres are not exempt from compliance with other provisions of this 24412  
chapter and rules adopted under them. 24413~~

~~(4) Shall establish Establish procedures for administration 24414  
of rules for agricultural pollution abatement and urban sediment 24415  
pollution abatement and for enforcement of those rules for 24416  
agricultural pollution abatement; 24417~~

~~(5) Shall specify (3) Specify the pollution abatement 24418  
practices eligible for state cost sharing and determine the 24419  
conditions for eligibility, the construction standards and 24420  
specifications, the useful life, the maintenance requirements, and 24421  
the limits of cost sharing for those practices. Eligible practices 24422  
shall be limited to practices that address agricultural ~~or~~ 24423  
~~silvicultural~~ operations and that require expenditures that are 24424  
likely to exceed the economic returns to the owner or operator and 24425  
that abate soil erosion or degradation of the waters of the state 24426  
by residual farm products, manure, or soil sediment, including 24427  
attached pollutants ~~attached thereto~~. 24428~~

~~(6) Shall establish (4) Establish procedures for 24429  
administering grants to owners or operators of agricultural land 24430  
or animal feeding operations for the implementation of operation 24431  
and management plans; 24432~~



~~(7) Shall establish procedures for administering grants to soil and water conservation districts for urban sediment pollution abatement programs, specify the types of projects eligible for grants, establish limits on the availability of grants, and establish requirements governing the execution of projects to encourage the reduction of erosion and sedimentation associated with soil disturbing activities;~~ 24433  
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~~(8) Shall do all~~ (5) Do both of the following with regard to composting conducted in conjunction with agricultural operations: 24440  
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~~(a) Provide for the distribution of educational material concerning composting to the offices of OSU extension for the purposes of section 1511.022 of the Revised Code;~~ 24442  
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~~(b) Establish methods, techniques, or practices for composting dead animals, or particular types of dead animals, that are to be used at such operations, as the chief director considers to be necessary or appropriate;~~ 24445  
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~~(c)~~(b) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division ~~(Q)~~(R) of section ~~1515.08~~ 940.06 of the Revised Code. 24449  
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~~(9) Shall be adopted, amended, or rescinded after the chief does all of the following;~~ 24453  
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~~(a) Mails notice to each statewide organization that the chief determines represents persons or local governmental agencies who would be affected by the proposed rule, amendment thereto, or rescission thereof at least thirty five days before any public hearing thereon;~~ 24455  
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~~(b) Mails a copy of each proposed rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request;~~ 24460  
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<del>(c) Consults with appropriate state and local governmental agencies or their representatives, including statewide organizations of local governmental officials, industrial representatives, and other interested persons;</del>	24463
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<del>(d) If the rule relates to agricultural pollution abatement, develops an economic impact statement concerning the effect of the proposed rule or amendment.</del>	24467
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<del>(10) Shall not</del> <u>(6) Establish best management practices for inclusion in operation and management plans;</u>	24470
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<u>(7) Establish the amount of civil penalties assessed by the director under division (B) of section 939.07 of the Revised Code for violation of rules adopted under division (E) of this section;</u>	24472
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<u>(8) Not</u> conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted <del>pursuant to</del> <u>under</u> this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.	24475
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<del>(11) Insofar as the rules relate to urban sediment pollution, shall not be applicable in a municipal corporation or county that adopts ordinances or rules for urban sediment control, except that a municipal corporation or county that adopts such ordinances or rules may receive moneys for urban sediment control that are disbursed by the board of supervisors of the applicable soil and water conservation district under division (N) of section 1515.08 of the Revised Code. The rules shall not exempt any person from compliance with municipal ordinances enacted pursuant to Section 3</del>	24485
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~~of Article XVIII, Ohio Constitution.~~ 24494

(F) Cost share with landowners on practices established 24495  
pursuant to division (E)~~(5)~~(3) of this section as moneys are 24496  
appropriated and available for that purpose. Any practice for 24497  
which cost share is provided shall be maintained for its useful 24498  
life. Failure to maintain a cost share practice for its useful 24499  
life shall subject the landowner to full repayment to the ~~division~~ 24500  
department. 24501

~~(G) Issue orders requiring compliance with any rule adopted 24502  
under division (E)(1) of this section or with section 1511.022 of 24503  
the Revised Code. Before the chief issues an order, the chief 24504  
shall afford each person allegedly liable an adjudication hearing 24505  
under Chapter 119. of the Revised Code. The chief may require in 24506  
an order that a person who has caused agricultural pollution by 24507  
failure to comply with the standards established under division 24508  
(E)(1) of this section operate under an operation and management 24509  
plan approved by the chief under this section. The chief shall 24510  
require in an order that a person who has failed to comply with 24511  
division (A) of section 1511.022 of the Revised Code prepare a 24512  
composting plan in accordance with rules adopted under division 24513  
(E)(8)(c) of this section and operate in accordance with that plan 24514  
or that a person who has failed to operate in accordance with such 24515  
a plan begin to operate in accordance with it. Each order shall be 24516  
issued in writing and contain a finding by the chief of the facts 24517  
upon which the order is based and the standard that is not being 24518  
met.~~ 24519

~~(H) Employ field assistants and such other employees as that 24520  
are necessary for the performance of the work prescribed by 24521  
Chapter ~~1515.~~ 940. of the Revised Code, for performance of work of 24522  
the ~~division~~ department under this chapter, and as agreed to under 24523  
working agreements or contractual arrangements with soil and water 24524  
conservation districts, prescribe their duties, and fix their 24525~~

compensation in accordance with ~~such~~ schedules ~~as~~ that are 24526  
provided by law for the compensation of state employees. All 24527

~~All~~ such employees of the ~~division~~ department, unless 24528  
specifically exempted by law, shall be employed subject to the 24529  
classified civil service laws in force at the time of employment. 24530

~~(I)~~(H) In connection with new or relocated projects involving 24531  
highways, underground cables, pipelines, railroads, and other 24532  
improvements affecting soil and water resources, including surface 24533  
and subsurface drainage: 24534

(1) Provide engineering service ~~as~~ that is mutually agreeable 24535  
to the Ohio soil and water conservation commission and the 24536  
director to aid in the design and installation of soil and water 24537  
conservation practices as a necessary component of such projects; 24538

(2) Maintain close liaison between the owners of lands on 24539  
which the projects are executed, soil and water conservation 24540  
districts, and authorities responsible for such projects; 24541

(3) Review plans for such projects to ensure their compliance 24542  
with standards developed under division (E) of this section in 24543  
cooperation with the department of transportation or with any 24544  
other interested agency that is engaged in soil or water 24545  
conservation projects in the state in order to minimize adverse 24546  
impacts on soil and water resources adjacent to or otherwise 24547  
affected by these projects; 24548

(4) Recommend measures to retard erosion and protect soil and 24549  
water resources through the installation of water impoundment or 24550  
other soil and water conservation practices; 24551

(5) Cooperate with other agencies and subdivisions of the 24552  
state to protect the agricultural status of rural lands adjacent 24553  
to such projects and control adverse impacts on soil and water 24554  
resources. 24555

~~(J)~~(I) Collect, analyze, inventory, and interpret all 24556  
available information pertaining to the origin, distribution, 24557  
extent, use, and conservation of the soil resources of the state; 24558

~~(K)~~(J) Prepare and maintain up-to-date reports, maps, and 24559  
other materials pertaining to the soil resources of the state and 24560  
their use and make that information available to governmental 24561  
agencies, public officials, conservation entities, and the public; 24562

~~(L)~~(K) Provide soil and water conservation districts with 24563  
technical assistance including on-site soil investigations and 24564  
soil interpretation reports on the suitability or limitations of 24565  
soil to support a particular use or to plan soil conservation 24566  
measures. The assistance shall be ~~upon such~~ on terms ~~as~~ that are 24567  
mutually agreeable to the districts and the department of ~~natural~~ 24568  
~~resources~~ agriculture. 24569

~~(M)~~(L) Assist local government officials in utilizing land 24570  
use planning and zoning, current agricultural use value 24571  
assessment, development reviews, and land management activities; 24572

~~(N)~~(M) When necessary for the purposes of this chapter or 24573  
Chapter ~~1515-~~ 940. of the Revised Code, develop or approve 24574  
operation and management plans. The director may designate an 24575  
employee of the department to develop or approve operation and 24576  
management plans in lieu of the director. 24577

This section does not restrict the manure of domestic or farm 24578  
animals defecated on land outside an animal feeding operation or 24579  
runoff ~~therefrom~~ from that land into the waters of the state. 24580

**Sec. ~~1511.021~~ 939.03.** (A) ~~Any~~ A person who owns or operates 24581  
agricultural land or an animal feeding operation may develop and 24582  
operate under an operation and management plan approved by the 24583  
~~chief of the division of soil and water resources~~ director of 24584  
agriculture or the director's designee under section ~~1511.02~~ 24585

939.02 of the Revised Code or by the supervisors of the applicable 24586  
soil and water conservation district under section ~~1515.08~~ 940.06 24587  
of the Revised Code. 24588

(B) ~~Any~~ A person who wishes to make a complaint regarding 24589  
nuisances involving agricultural pollution may do so orally or by 24590  
submitting a written, signed, and dated complaint to the ~~chief~~ 24591  
director or to the ~~chief's~~ director's designee. After receiving an 24592  
oral complaint, the ~~chief~~ director or the ~~chief's~~ director's 24593  
designee may cause an investigation to be conducted to determine 24594  
whether agricultural pollution has occurred or is imminent. After 24595  
receiving a written, signed, and dated complaint, the ~~chief~~ 24596  
director or the ~~chief's~~ director's designee shall cause such an 24597  
investigation to be conducted. 24598

(C) In a private civil action for nuisances involving 24599  
agricultural pollution, it is an affirmative defense if the person 24600  
owning, operating, or otherwise responsible for agricultural land 24601  
or an animal feeding operation is operating under and in 24602  
substantial compliance with an approved operation and management 24603  
plan developed under division (A) of this section, with an 24604  
operation and management plan developed by the ~~chief~~ director or 24605  
the director's designee under section ~~1511.02~~ 939.02 of the 24606  
Revised Code or by the supervisors of the applicable soil and 24607  
water conservation district under section ~~1515.08~~ 940.06 of the 24608  
Revised Code, or with an operation and management plan required ~~by~~ 24609  
~~an order issued by the chief~~ under division ~~(G)~~ (A)(2) of section 24610  
~~1511.02~~ 939.02 of the Revised Code. Nothing in this section is in 24611  
derogation of the authority granted to the ~~chief~~ director in 24612  
division (E) of section ~~1511.02~~ 939.02 and in section ~~1511.07~~ 24613  
939.07 of the Revised Code. 24614

**Sec. ~~1511.022~~ 939.04.** (A) ~~Any~~ A person who owns or operates 24615  
an agricultural operation, or owns the animals raised by the owner 24616

or operator of an agricultural operation, and who wishes to 24617  
conduct composting of dead animals resulting from the agricultural 24618  
operation shall do both of the following: 24619

(1) Participate in an educational course concerning 24620  
composting conducted by OSU extension and obtain a certificate of 24621  
completion for the course; 24622

(2) Use the appropriate method, technique, or practice of 24623  
composting established in rules adopted under division (E)~~(8)~~(5) 24624  
of section ~~1511.02~~ 939.02 of the Revised Code. 24625

(B) ~~Any~~ A person who fails to comply with division (A) of 24626  
this section shall prepare and operate under a composting plan ~~in~~ 24627  
~~accordance with an order issued~~ required by the ~~chief of the~~ 24628  
~~division of soil and water resources~~ director of agriculture under 24629  
division ~~(G)~~(A)(2) of section ~~1511.02~~ 939.02 of the Revised Code. 24630  
If the person's proposed composting plan is disapproved by the 24631  
~~board of~~ supervisors of the appropriate soil and water 24632  
conservation district under division ~~(Q)~~(R)(3) of section ~~1515.08~~ 24633  
940.06 of the Revised Code, the person may appeal the plan 24634  
disapproval to the ~~chief~~ director, who shall afford the person a 24635  
hearing. Following the hearing, the ~~chief~~ director shall uphold 24636  
the plan disapproval or reverse it. If the ~~chief~~ director reverses 24637  
the disapproval, the plan shall be deemed approved. 24638

**Sec. ~~1511.05~~ 939.05.** The ~~chief of the division of soil and~~ 24639  
~~water resources~~ director of agriculture, subject to approval of 24640  
the terms of the agreement by the Ohio soil and water conservation 24641  
commission, shall enter into cooperative agreements with the ~~board~~ 24642  
~~of~~ supervisors of ~~any~~ a soil and water conservation district 24643  
desiring to enter into ~~such~~ those agreements pursuant to section 24644  
~~1515.08~~ 940.06 of the Revised Code. ~~Such~~ The agreements shall be 24645  
entered into to obtain compliance with rules ~~and orders~~ of the 24646

~~chief director~~ pertaining to agricultural pollution abatement and 24647  
~~urban sediment pollution abatement.~~ 24648

~~The chief or any person designated by the chief director or~~ 24649  
~~the director's designee may upon obtaining agreement with the~~ 24650  
~~owner, tenant, or manager of any land, public or private, enter~~ 24651  
~~thereon at reasonable times on private property, with the consent~~ 24652  
~~of the property owner, or on public property to make inspections~~ 24653  
~~inspect and investigate conditions~~ to determine whether or not 24654  
there is compliance with the rules adopted under division (E)(1) 24655  
of section ~~1511.02~~ 939.02 of the Revised Code. Upon reason to 24656  
believe there is a violation, the ~~chief or the chief's~~ director or 24657  
the director's designee may apply for and a judge of the court of 24658  
common pleas for the county where the land is located may issue an 24659  
appropriate ~~inspection~~ search warrant as necessary to achieve the 24660  
purposes of this chapter. 24661

**Sec. ~~1511.03~~ 939.06.** ~~The chief of the division of soil and~~ 24662  
~~water resources may enter~~ director of agriculture may do any of 24663  
the following: 24664

(A) Enter into contracts or agreements, ~~with the approval of~~ 24665  
~~the director of natural resources,~~ with any agency of the United 24666  
States government, or any other public or private agency, or 24667  
organization, for the performance of the prescribed duties of the 24668  
~~division,~~ department of agriculture under this chapter and Chapter 24669  
940. of the Revised Code or for accomplishing cooperative projects 24670  
within the ~~designated duties of the division~~ scope of those 24671  
duties; 24672

(B) Enter into agreements with local government agencies for 24673  
the purpose of soil surveys, land use inventories, and other 24674  
soil-related duties; 24675

(C) Accept donations, grants, and contributions in money, 24676  
service, or equipment to enhance or expedite the prescribed work 24677



of the department. 24678

Sec. 939.07. (A)(1) The director of agriculture may propose 24679  
to require corrective actions and assess a civil penalty against 24680  
the owner or operator of agricultural land or an animal feeding 24681  
operation if the director or the director's designee determines 24682  
that the owner or operator is doing one of the following: 24683

(a) Not complying with a standard established in rules 24684  
adopted under division (E)(1) of section 939.02 of the Revised 24685  
Code; 24686

(b) Not operating in accordance with an approved operation 24687  
and management plan that is developed under division (A) of 24688  
section 939.03 of the Revised Code, with an operation and 24689  
management plan developed by the director or the director's 24690  
designee under section 939.02 of the Revised Code or by the 24691  
supervisors of the applicable soil and water conservation district 24692  
under section 940.06 of the Revised Code, or with an operation and 24693  
management plan required by the director under division (A)(2) of 24694  
this section; 24695

(c) Not complying with a standard established in rules 24696  
adopted under division (E)(5)(a) of section 939.02 of the Revised 24697  
Code; 24698

(d) Not operating in accordance with a composting plan that 24699  
is approved in accordance with rules adopted under division 24700  
(E)(5)(b) of section 939.02 of the Revised Code or required by the 24701  
director under division (A)(2) of this section. 24702

(2) The director may include in the corrective actions a 24703  
requirement that an owner or operator do one of the following: 24704

(a) Operate under an operation and management plan approved 24705  
by the director or the director's designee under section 939.02 of 24706  
the Revised Code; 24707

<u>(b) If the owner or operator has failed to operate in</u>	24708
<u>accordance with an existing operation and management plan, operate</u>	24709
<u>in accordance with that plan;</u>	24710
<u>(c) Prepare a composting plan in accordance with rules</u>	24711
<u>adopted under division (E)(5)(b) of section 939.02 of the Revised</u>	24712
<u>Code and operate in accordance with that plan;</u>	24713
<u>(d) If the owner or operator has failed to operate in</u>	24714
<u>accordance with an existing composting plan, operate in accordance</u>	24715
<u>with that plan.</u>	24716
<u>(3) The director may impose a civil penalty only if all of</u>	24717
<u>the following occur:</u>	24718
<u>(a) The owner or operator is notified in writing of the</u>	24719
<u>deficiencies resulting in noncompliance, the actions that the</u>	24720
<u>owner or operator must take to correct the deficiencies, and the</u>	24721
<u>time period within which the owner or operator must correct the</u>	24722
<u>deficiencies and attain compliance.</u>	24723
<u>(b) After the time period specified in the notice has</u>	24724
<u>elapsed, the director or the director's designee has inspected the</u>	24725
<u>agricultural land or animal feeding operation, determined that the</u>	24726
<u>owner or operator is still not in compliance, and issued a notice</u>	24727
<u>of an adjudication hearing.</u>	24728
<u>(c) The director affords the owner or operator an opportunity</u>	24729
<u>for an adjudication hearing under Chapter 119. of the Revised Code</u>	24730
<u>to challenge the determination of the director or the director's</u>	24731
<u>designee that the owner or operator is not in compliance or the</u>	24732
<u>imposition of the civil penalty, or both. However, the owner or</u>	24733
<u>operator may waive the right to an adjudication hearing.</u>	24734
<u>(4) If the opportunity for an adjudication hearing is waived</u>	24735
<u>or if, after an adjudication hearing, the director determines that</u>	24736
<u>noncompliance has occurred or is occurring, the director may issue</u>	24737
<u>an order requiring compliance and assess the civil penalty. The</u>	24738

order and the assessment of the civil penalty may be appealed in 24739  
accordance with section 119.12 of the Revised Code. 24740

(5) A person who has violated rules adopted under division 24741  
(E) of section 939.02 of the Revised Code shall pay a civil 24742  
penalty in an amount established in rules adopted under that 24743  
section. 24744

(B) The attorney general, upon the written request of the 24745  
director, shall bring an action for an injunction in any court of 24746  
competent jurisdiction against a person violating or threatening 24747  
to violate rules adopted under division (E) of section 939.02 of 24748  
the Revised Code or an order issued under division (A)(4) of this 24749  
section. 24750

(C)(1) In lieu of imposing a civil penalty under division (A) 24751  
of this section, the director may request the attorney general, in 24752  
writing, to bring an action for a civil penalty in a court of 24753  
competent jurisdiction against a person that has violated or is 24754  
violating a rule adopted under division (E) of section 939.02 of 24755  
the Revised Code. 24756

(2) The civil penalty for which an action may be brought 24757  
under division (C)(1) of this section shall not exceed ten 24758  
thousand dollars per violation. Each day that a violation 24759  
continues constitutes a separate violation. 24760

(D) In addition to any other penalties imposed under this 24761  
section, the director may impose an administrative penalty against 24762  
the owner or operator of agricultural land or an animal feeding 24763  
operation if the director or the director's designee determines 24764  
that the owner or operator is not in compliance with best 24765  
management practices that are established in rules adopted under 24766  
division (E) of section 939.02 of the Revised Code. The 24767  
administrative penalty shall not exceed five thousand dollars. 24768

The director shall afford the owner or operator an 24769

opportunity for an adjudication hearing under Chapter 119. of the 24770  
Revised Code to challenge the determination of the director or the 24771  
director's designee under this division, the director's imposition 24772  
of an administrative penalty under this division, or both. The 24773  
determination and the imposition of the administrative penalty may 24774  
be appealed in accordance with section 119.12 of the Revised Code. 24775

(E) Notwithstanding any other provision in this section, if 24776  
the director determines that an emergency exists requiring 24777  
immediate action to protect public health or safety or the 24778  
environment, the director may issue an order, without notice or 24779  
adjudication hearing, stating the existence of the emergency and 24780  
requiring that action be taken that is necessary to address the 24781  
emergency. The order shall take effect immediately. A person to 24782  
whom the order is issued shall comply immediately, but on 24783  
application to the director shall be afforded an adjudication 24784  
hearing in accordance with Chapter 119. of the Revised Code as 24785  
soon as possible, but not later than thirty days after the 24786  
director's receipt of the application. Following the hearing, the 24787  
director shall continue the order in effect, revoke it, or modify 24788  
it. The order may be appealed in accordance with section 119.12 of 24789  
the Revised Code. An emergency order shall not remain in effect 24790  
for more than one hundred twenty days after its issuance. 24791

If a person to whom an order is issued does not comply with 24792  
the order within a reasonable period of time as determined by the 24793  
director, the director or the director's designee may enter on 24794  
private or public lands to investigate and take action to 24795  
mitigate, minimize, remove, or abate the conditions that are the 24796  
subject of the order. 24797

(F) A person that is responsible for causing or allowing the 24798  
unauthorized spill, release, or discharge of manure or residual 24799  
farm products is liable to the director for the costs incurred in 24800  
investigating, mitigating, minimizing, removing, or abating the 24801

spill, release, or discharge. Upon request of the director, the 24802  
attorney general shall bring a civil action against the 24803  
responsible person or persons to recover those costs. 24804

(G) Money recovered under division (F) of this section and 24805  
money collected from civil penalties assessed under this section 24806  
shall be paid into the state treasury to the credit of the 24807  
agricultural pollution abatement fund created in section 939.10 of 24808  
the Revised Code. 24809

(H) As used in this section, "noncompliance" means doing one 24810  
of the actions specified in division (A)(1) of this section. 24811

**Sec. ~~1511.10~~ 939.08.** (A) Except as provided in division (B) 24812  
of this section, no person in the western basin shall surface 24813  
apply manure under any of the following circumstances: 24814

(1) On snow-covered or frozen soil; 24815

(2) When the top two inches of soil are saturated from 24816  
precipitation; 24817

(3) When the local weather forecast for the application area 24818  
contains greater than a fifty per cent chance of precipitation 24819  
exceeding one-half inch in a twenty-four-hour period. 24820

(B) Division (A) of this section does not apply if a person 24821  
in the western basin applies manure under any of the following 24822  
circumstances: 24823

(1) The manure is injected into the ground. 24824

(2) The manure is incorporated within twenty-four hours of 24825  
surface application. 24826

(3) The manure is applied onto a growing crop. 24827

(4) In the event of an emergency, the ~~chief of the division~~ 24828  
~~of soil and water resources~~ director of agriculture or the ~~chief's~~ 24829  
director's designee provides written consent and the manure 24830

application is made in accordance with procedures established in 24831  
the United States department of agriculture natural resources 24832  
conservation service practice standard code 590 prepared for this 24833  
state. 24834

(C)(1) Upon receiving a complaint by any person or upon 24835  
receiving information that would indicate a violation of this 24836  
section, the ~~chief~~ director or the ~~chief's~~ director's designee may 24837  
investigate or make inquiries into any alleged failure to comply 24838  
with this section. 24839

(2) After receiving a complaint by any person or upon 24840  
receiving information that would indicate a violation of this 24841  
section, the ~~chief~~ director or the ~~chief's~~ director's designee may 24842  
enter at reasonable times on any private or public property to 24843  
inspect and investigate conditions relating to any such alleged 24844  
failure to comply with this section. 24845

(3) If an individual denies access to the individual's 24846  
property, the ~~chief~~ director may apply to a court of competent 24847  
jurisdiction in the county in which the premises is located for a 24848  
search warrant authorizing access to the premises for the purposes 24849  
of this section. 24850

(4) The court shall issue the search warrant for the purposes 24851  
requested if there is probable cause to believe that the person is 24852  
not in compliance with this section. The finding of probable cause 24853  
may be based on hearsay, provided that there is a reasonable basis 24854  
for believing that the source of the hearsay is credible. 24855

(D) This section does not affect any restrictions established 24856  
in Chapter 903. of the Revised Code or otherwise apply to those 24857  
entities or facilities that are permitted as concentrated animal 24858  
feeding facilities under that chapter. 24859

(E) As used in this section, "western basin" has the same 24860  
meaning as in section 905.326 of the Revised Code. 24861

**Sec. ~~1511.11~~ 939.09.** (A) Except as provided in division (D) 24862  
of this section, the ~~chief of the division of soil and water~~ 24863  
~~resources~~ director of agriculture may assess a civil penalty 24864  
against a person that violates section ~~1511.10~~ 939.08 of the 24865  
Revised Code. The ~~chief~~ director may impose a civil penalty only 24866  
if the ~~chief~~ director affords the person an opportunity for an 24867  
adjudication hearing under Chapter 119. of the Revised Code to 24868  
challenge the ~~chief's~~ director's determination that the person 24869  
violated section ~~1511.10~~ 939.08 of the Revised Code. The person 24870  
may waive the right to an adjudication hearing. 24871

(B) If the opportunity for an adjudication hearing is waived 24872  
or if, after an adjudication hearing, the ~~chief~~ director 24873  
determines that a violation has occurred or is occurring, the 24874  
~~chief~~ director may issue an order requiring compliance with 24875  
section ~~1511.10~~ 939.08 of the Revised Code and assess the civil 24876  
penalty. The order and the assessment of the civil penalty may be 24877  
appealed in accordance with section 119.12 of the Revised Code. 24878

(C) A person that has violated section ~~1511.10~~ 939.08 of the 24879  
Revised Code shall pay a civil penalty in an amount established in 24880  
rules. Each day during which manure is applied in violation of 24881  
section ~~1511.10~~ 939.08 of the Revised Code constitutes a separate 24882  
violation. 24883

(D)(1) The owner or operator of a small agricultural 24884  
operation or a medium agricultural operation may apply to the 24885  
~~chief~~ director for an exemption from the prohibition established 24886  
in division (A) of section ~~1511.10~~ 939.08 of the Revised Code. If 24887  
the ~~chief~~ director or the ~~chief's~~ director's designee determines 24888  
that it is appropriate, the ~~chief~~ director or the ~~chief's~~ 24889  
director's designee may issue such an exemption as follows: 24890

(a) For a medium agricultural operation, for a period ending 24891  
not later than one year after ~~the effective date of this section~~ 24892

<u>July 3, 2015;</u>	24893
(b) For a small agricultural operation, for a period ending not later than two years after <del>the effective date of this section</del>	24894 24895
<u>July 3, 2015.</u>	24896
(2) The <del>chief</del> <u>director</u> shall establish the form of the application for an exemption in rules adopted under division (E) of this section.	24897 24898 24899
(3) The <del>chief</del> <u>director</u> or the <del>chief's</del> <u>director's</u> designee shall approve or deny an application for an exemption submitted under division (D)(1) of this section not later than thirty days after an application has been submitted.	24900 24901 24902 24903
(4) The <del>chief</del> <u>director</u> or the <del>chief's</del> <u>director's</u> designee may deny an application for an exemption or revoke an exemption approved under division (D)(3) of this section if the <del>chief</del> <u>director</u> or the <del>chief's</del> <u>director's</u> designee determines that the owner or operator is not in substantial compliance with this chapter and rules adopted under it other than violating division (A) of section <del>1511.10</del> <u>939.08</u> of the Revised Code.	24904 24905 24906 24907 24908 24909 24910
(5) An owner or operator that has been issued an exemption under this section is not subject to civil penalties assessed for a violation of division (A) of section <del>1511.10</del> <u>939.08</u> of the Revised Code during the exemption period.	24911 24912 24913 24914
(6) An owner or operator that has an initial application for an exemption that is pending the <del>chief's</del> <u>director's</u> review is not subject to civil penalties assessed for a violation of division (A) of section <del>1511.10</del> <u>939.08</u> of the Revised Code.	24915 24916 24917 24918
(E) The <del>chief</del> <u>director</u> shall adopt rules in accordance with Chapter 119. of the Revised Code that establish both of the following:	24919 24920 24921
(1) The amount of the civil penalty assessed under this	24922



section. The civil penalty shall be not more than ten thousand 24923  
dollars for each violation. 24924

(2) Requirements governing the application form for an 24925  
exemption submitted under division (D) of this section. The rules 24926  
shall require the form to include all of the following: 24927

(a) A statement from the applicant affirming that the 24928  
applicant understands the provisions of sections ~~1511.10~~ 939.08 24929  
and ~~1511.11~~ 939.09 of the Revised Code; 24930

(b) A statement from the applicant affirming that the 24931  
applicant understands that the applicant must be in compliance 24932  
with procedures established in the United States department of 24933  
agriculture natural resources conservation service practice 24934  
standard code 590 prepared for this state except procedures that 24935  
are in conflict with this section and section ~~1511.10~~ 939.08 of 24936  
the Revised Code; 24937

(c) A place for the applicant to explain the reasons for the 24938  
necessity for the exemption; 24939

(d) A place on the form that provides information on programs 24940  
that may assist an applicant with methods to comply with division 24941  
(A) of section ~~1511.10~~ 939.08 of the Revised Code; 24942

(e) A place on the form that provides the applicant an 24943  
opportunity to request technical assistance or information from 24944  
the ~~chief~~ director or the applicable soil and water conservation 24945  
district to assist the applicant to comply with division (A) of 24946  
section ~~1511.10~~ 939.08 of the Revised Code. 24947

(F) Money collected from civil penalties assessed under this 24948  
section shall be paid into the state treasury to the credit of the 24949  
agricultural pollution abatement fund created in section 939.10 of 24950  
the Revised Code. 24951

(G) As used in this section: 24952

(1) "Small agricultural operation" means an agricultural operation in the western basin that stables or confines fewer than any of the numbers of animals specified in divisions (Q)(1)(a) to (m) of section 903.01 of the Revised Code.

(2) "Medium agricultural operation" means an agricultural operation in the western basin that stables or confines any of the numbers of animals specified in divisions (Q)(1)(a) to (m) of section 903.01 of the Revised Code.

(3) "Western basin" has the same meaning as in section 905.326 of the Revised Code.

**Sec. ~~1511.071~~ 939.10.** There is hereby created in the state treasury the agricultural pollution abatement fund, which shall be administered by the ~~chief of the division of soil and water resources~~ director of agriculture. The fund may be used to pay costs incurred by the ~~division~~ department of agriculture under division ~~(A)(3)(E)~~ of section ~~1511.07~~ 939.07 of the Revised Code in investigating, mitigating, minimizing, removing, or abating any pollution of the waters of the state caused by agricultural pollution or an unauthorized release, spill, or discharge of manure into or upon the environment that requires emergency action to protect the public health.

~~Any person responsible for causing or allowing agricultural pollution or an unauthorized release, spill, or discharge is liable to the chief for any costs incurred by the division and soil and water conservation districts in investigating, mitigating, minimizing, removing, or abating the agricultural pollution or release, spill, or discharge, regardless of whether those costs were paid out of the agricultural pollution abatement fund or any other fund of the division or a district. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs.~~

~~Moneys recovered under this section shall be paid into the~~ 24984  
~~agricultural pollution abatement fund.~~ 24985

**Sec. ~~1515.01~~ 940.01.** As used in this chapter: 24986

(A) "Soil and water conservation district" means a district 24987  
organized in accordance with this chapter. 24988

(B) "Supervisor" means one of the members of the governing 24989  
body of a district. 24990

(C) "Landowner," "owner," or "owner of land" means an owner 24991  
of record as shown by the records in the office of the county 24992  
recorder. With respect to an improvement or a proposed 24993  
improvement, "landowner," "owner," or "owner of land" also 24994  
includes any public corporation and the director of any 24995  
department, office, or institution of the state that is affected 24996  
by the improvement or that would be affected by the proposed 24997  
improvement, but that does not own any right, title, estate, or 24998  
interest in or to any real property. 24999

(D) "Land occupier" or "occupier of land" means any person, 25000  
firm, or corporation that controls the use of land whether as 25001  
landowner, lessee, renter, or tenant. 25002

(E) "Due notice" means notice published at least twice, 25003  
stating time and place, with an interval of at least thirteen days 25004  
between the two publication dates, in a newspaper of general 25005  
circulation within a soil and water conservation district. 25006

(F) "Agricultural pollution" means failure to use management 25007  
or conservation practices in farming or silvicultural operations 25008  
to abate wind or water erosion of the soil or to abate the 25009  
degradation of the waters of the state by residual farm products, 25010  
manure, or soil sediment, including substances attached thereto. 25011

(G) "Urban sediment pollution" means failure to use 25012  
management or conservation practices to abate wind or water 25013

erosion of the soil or to abate the degradation of the waters of 25014  
the state by soil sediment in conjunction with land grading, 25015  
excavating, filling, or other soil disturbing activities on land 25016  
used or being developed for nonfarm commercial, industrial, 25017  
residential, or other nonfarm purposes, except lands being used in 25018  
a strip mine operation as defined in section 1513.01 of the 25019  
Revised Code and except lands being used in a surface mining 25020  
operation as defined in section 1514.01 of the Revised Code. 25021

(H) "Uniform assessment" means an assessment that is both of 25022  
the following: 25023

(1) Based upon a complete appraisal of each parcel of land, 25024  
together with all improvements thereon, within a project area and 25025  
of the benefits or damages brought about as a result of the 25026  
project that is determined by criteria applied equally to all 25027  
parcels within the project area; 25028

(2) Levied upon the parcels at a uniform rate on the basis of 25029  
the appraisal. 25030

(I) "Varied assessment" means any assessment that does not 25031  
meet the criteria established in division (H) of this section. 25032

(J) "Project area" means an area determined and certified by 25033  
the supervisors of a soil and water conservation district under 25034  
section ~~1515.19~~ 940.25 of the Revised Code. 25035

(K) "Benefit" or "benefits" means advantages to land and 25036  
owners, to public corporations, and to the state resulting from 25037  
drainage, conservation, control, and management of water and from 25038  
environmental, wildlife, and recreational improvements. "Benefit" 25039  
or "benefits" includes, but is not limited to, any of the 25040  
following factors: 25041

(1) Elimination or reduction of damage from flooding; 25042

(2) Removal of water conditions that jeopardize public 25043

health, safety, or welfare;	25044
(3) Increased value of land resulting from an improvement;	25045
(4) Use of water for irrigation, storage, regulation of stream flow, soil conservation, water supply, or any other incidental purpose;	25046 25047 25048
(5) Providing an outlet for the accelerated runoff from artificial drainage if a stream, watercourse, channel, or ditch that is under improvement is called upon to discharge functions for which it was not designed. Uplands that have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other human methods shall be considered to be benefited by an improvement that is required to dispose of the accelerated flow of water from the uplands.	25049 25050 25051 25052 25053 25054 25055 25056
(L) "Improvement" or "conservation works of improvement" means an improvement that is made under the authority established in division (C) of section <del>1515.08</del> <u>940.06</u> of the Revised Code.	25057 25058 25059
(M) "Land" has the same meaning as in section 6131.01 of the Revised Code.	25060 25061
(N) "Manure," "operation and management plan," and "residual farm products" have the same meanings as in section <del>1511.01</del> <u>939.01</u> of the Revised Code.	25062 25063 25064
(O) "Voluntary nutrient management plan" has the same meaning as in section 905.31 of the Revised Code.	25065 25066
<b>Sec. <del>1515.02</del> <u>940.02</u>.</b> There is hereby established in the department of <del>natural resources</del> <u>agriculture</u> the Ohio soil and water conservation commission. The commission shall consist of seven members of equal status and authority, six of whom shall be appointed by the governor with the advice and consent of the senate, and one of whom shall be designated by resolution of the board of directors of the Ohio federation of soil and water	25067 25068 25069 25070 25071 25072 25073

conservation districts. The directors of agriculture, 25074  
environmental protection, and natural resources, the 25075  
vice-president for agricultural administration of the Ohio state 25076  
university, and an officer of the Ohio federation of soil and 25077  
water conservation districts, or their designees, may serve as ex 25078  
officio members of the commission, but without the power to vote. 25079  
A vacancy in the office of an appointed member shall be filled by 25080  
the governor, with the advice and consent of the senate. Any 25081  
member appointed to fill a vacancy occurring prior to the 25082  
expiration of the term for which the member's predecessor was 25083  
appointed shall hold office for the remainder of that term. Of the 25084  
appointed members, four shall be persons who have a knowledge of 25085  
or interest in agricultural production and the natural resources 25086  
of the state. One member shall represent rural interests and one 25087  
member shall represent urban interests. Not more than three of the 25088  
appointed members shall be members of the same political party. 25089

Terms of office of the member designated by the board of 25090  
directors of the federation and the members appointed by the 25091  
governor shall be for four years, commencing on the first day of 25092  
July and ending on the thirtieth day of June. 25093

Each appointed member shall hold office from the date of 25094  
appointment until the end of the term for which the member was 25095  
appointed. Any appointed member shall continue in office 25096  
subsequent to the expiration date of the member's term until the 25097  
member's successor takes office, or until a period of sixty days 25098  
has elapsed, whichever occurs first. 25099

The commission shall organize by selecting from its members a 25100  
chairperson and a vice-chairperson. The commission shall hold at 25101  
least one regular meeting in each quarter of each calendar year 25102  
and shall keep a record of its proceedings, which shall be open to 25103  
the public for inspection. Special meetings may be called by the 25104  
chairperson and shall be called by the chairperson upon receipt of 25105

a written request signed by two or more members of the commission. 25106  
Written notice of the time and place of each meeting shall be sent 25107  
to each member of the commission. A majority of the commission 25108  
shall constitute a quorum. 25109

The commission may adopt rules as necessary to carry out the 25110  
purposes of this chapter, subject to Chapter 119. of the Revised 25111  
Code. 25112

The governor may remove any appointed member of the 25113  
commission at any time for inefficiency, neglect of duty, or 25114  
malfeasance in office, after giving to the member a copy of the 25115  
charges against the member and an opportunity to be heard publicly 25116  
in person or by counsel in the member's defense. Any such act of 25117  
removal by the governor is final. A statement of the findings of 25118  
the governor, the reason for the governor's action, and the 25119  
answer, if any, of the member shall be filed by the governor with 25120  
the secretary of state and shall be open to public inspection. 25121

All members of the commission shall be reimbursed for the 25122  
necessary expenses incurred by them in the performance of their 25123  
duties as members. 25124

Upon recommendation by the commission, the director of 25125  
~~natural resources~~ agriculture shall designate an executive 25126  
secretary and provide staff necessary to carry out the powers and 25127  
duties of the commission. 25128

The commission shall do all of the following: 25129

(A) Determine distribution of funds under section ~~1515.14~~ 25130  
940.15 of the Revised Code, recommend to the director ~~of natural~~ 25131  
~~resources~~ and other agencies the levels of appropriations to 25132  
special funds established to assist soil and water conservation 25133  
districts, and recommend the amount of federal funds to be 25134  
requested and policies for the use of such funds in support of 25135  
soil and water conservation district programs; 25136

(B) Assist in keeping the supervisors of soil and water conservation districts informed of their powers and duties, program opportunities, and the activities and experience of all other districts, and facilitate the interchange of advice, experience, and cooperation between the districts;

(C) Seek the cooperation and assistance of the federal government or any of its agencies, and of agencies of this state, in the work of the districts;

(D) Adopt appropriate rules governing the conduct of elections provided for in this chapter, subject to Chapter 119. of the Revised Code, provided that only owners and occupiers of lands situated within the boundaries of the districts or proposed districts to which the elections apply shall be eligible to vote in the elections;

(E) Recommend to the director priorities for planning and construction of small watershed projects, and make recommendations to the director concerning coordination of programs as proposed and implemented in agreements with soil and water conservation districts;

(F) Recommend to the director, the governor, and the general assembly programs and legislation with respect to the operations of soil and water conservation districts that will encourage proper soil, water, and other natural resource management and promote the economic and social development of the state;

(G) Recommend to the director of agriculture a procedure for coordination of a program of agricultural pollution abatement. Implementation of such a program shall be based on air and water quality standards adopted pursuant to sections 3704.03 and 6111.041 of the Revised Code, respectively. The director of agriculture, through the division of soil and water conservation, shall coordinate the efforts of state and local governmental



agencies to meet the minimum state air and water quality standards 25168  
relating to agricultural pollutants. The director of environmental 25169  
protection shall utilize the division of soil and water 25170  
conservation in the department of agriculture and soil and water 25171  
conservation districts in encouraging landowner abatement of 25172  
agricultural pollution. 25173

**Sec. ~~1515.03~~ 940.03.** Each county shall have a soil and water 25174  
conservation district coextensive with the geographic area of the 25175  
county, and each district shall constitute a political subdivision 25176  
of this state. 25177

**Sec. ~~1515.05~~ 940.04.** Each soil and water conservation 25178  
district shall be administered by a board consisting of the five 25179  
supervisors. Elections of supervisors shall be conducted by the 25180  
Ohio soil and water conservation commission pursuant to rules it 25181  
adopts under Chapter 119. of the Revised Code. The term of each 25182  
supervisor shall be for three years, ~~except that supervisors~~ 25183  
~~holding office on May 2, 1980 shall serve the terms to which they~~ 25184  
~~were elected or appointed under former section 1515.05 of the~~ 25185  
~~Revised Code.~~ Due notice of election of supervisors shall be given 25186  
by the commission. Successors to fill unexpired terms may be 25187  
appointed by the commission on the unanimous recommendation of the 25188  
remaining supervisors. In any case in which a unanimous 25189  
recommendation cannot be agreed upon, a successor to fill an 25190  
unexpired term shall be elected in the same manner in which ~~his~~ 25191  
the supervisor's predecessor was elected. 25192

Eligible voters and candidates for supervisor shall be at 25193  
least eighteen years of age by the day of election. Candidates 25194  
shall reside in the district in which they are running for office. 25195

**Sec. ~~1515.07~~ 940.05.** The governing body of a soil and water 25196  
conservation district shall consist of five supervisors, as 25197

provided for in section ~~1515.05~~ 940.04 of the Revised Code. 25198

The supervisors shall organize annually by selecting a 25199  
~~chairman~~ chairperson, a secretary, and a treasurer. They shall 25200  
designate one of their members as fiscal agent. A majority of the 25201  
five supervisors shall constitute a quorum. The concurrence of a 25202  
majority of the five supervisors in any matter shall be required 25203  
for its determination. A supervisor shall receive no compensation 25204  
for ~~his~~ the supervisor's services, except when both of the 25205  
following occur: 25206

(A) A district board of supervisors designates one or more of 25207  
its supervisors to represent the district on a joint district 25208  
board or if an agency or instrumentality of the United States, of 25209  
this state, or of a political subdivision of this state requires 25210  
or requests district board representation; 25211

(B) Such compensation is provided for by public moneys other 25212  
than moneys in the special fund of the local district created 25213  
pursuant to section ~~1515.10~~ 940.12 of the Revised Code. 25214

A supervisor is entitled to be reimbursed for the necessary 25215  
expenses incurred in the discharge of ~~his~~ official duties. 25216

The supervisors shall furnish to the Ohio soil and water 25217  
conservation commission, upon its request, copies of rules, 25218  
orders, contracts, forms, and other documents they adopt or employ 25219  
and other information concerning their activities as it requires 25220  
in the performance of its duties under this chapter. 25221

At least once each year, a district shall submit to the 25222  
commission a report of progress and operations, including a 25223  
summary of receipts and disbursements during the period covered by 25224  
the report. A district shall submit additional financial reports 25225  
as requested by the commission. 25226

The supervisors shall provide for the execution of surety 25227  
bonds for all employees and officers who are entrusted with funds 25228

and shall provide for the keeping of a full and accurate record of 25229  
all proceedings and of all resolutions and orders issued or 25230  
adopted. Any supervisor may be removed by the commission upon 25231  
notice and hearing for neglect of duty or malfeasance in office. 25232

**Sec. ~~1515.08~~ 940.06.** The supervisors of a soil and water 25233  
conservation district have the following powers in addition to 25234  
their other powers: 25235

(A) To conduct surveys, investigations, and research relating 25236  
to the character of soil erosion, floodwater and sediment damages, 25237  
and the preventive and control measures and works of improvement 25238  
for flood prevention and the conservation, development, 25239  
utilization, and disposal of water needed within the district, and 25240  
to publish the results of those surveys, investigations, or 25241  
research, provided that no district shall initiate any research 25242  
program except in cooperation or after consultation with the Ohio 25243  
agricultural research and development center; 25244

(B) To develop plans for the conservation of soil resources, 25245  
for the control and prevention of soil erosion, and for works of 25246  
improvement for flood prevention and the conservation, 25247  
development, utilization, and disposal of water within the 25248  
district, and to publish those plans and information; 25249

(C) To implement, construct, repair, maintain, and operate 25250  
preventive and control measures and other works of improvement for 25251  
natural resource conservation and development and flood 25252  
prevention, and the conservation, development, utilization, and 25253  
disposal of water within the district on lands owned or controlled 25254  
by this state or any of its agencies and on any other lands within 25255  
the district, which works may include any facilities authorized 25256  
under state or federal programs, and to acquire, by purchase or 25257  
gift, to hold, encumber, or dispose of, and to lease real and 25258  
personal property or interests in such property for those 25259

purposes;	25260
(D) To cooperate or enter into agreements with any occupier of lands within the district in the carrying on of natural resource conservation operations and works of improvement for flood prevention and the conservation, development, utilization, and management of natural resources within the district, subject to such conditions as the supervisors consider necessary;	25261 25262 25263 25264 25265 25266
(E) To accept donations, gifts, grants, and contributions in money, service, materials, or otherwise, and to use or expend them according to their terms;	25267 25268 25269
(F) To adopt, amend, and rescind rules to carry into effect the purposes and powers of the district;	25270 25271
(G) To sue and plead in the name of the district, and be sued and impleaded in the name of the district, with respect to its contracts and, as indicated in section <del>1515.081</del> <u>940.07</u> of the Revised Code, certain torts of its officers, employees, or agents acting within the scope of their employment or official responsibilities, or with respect to the enforcement of its obligations and covenants made under this chapter;	25272 25273 25274 25275 25276 25277 25278
(H) To make and enter into all contracts, leases, and agreements and execute all instruments necessary or incidental to the performance of the duties and the execution of the powers of the district under this chapter, provided that all of the following apply:	25279 25280 25281 25282 25283
(1) Except as provided in section 307.86 of the Revised Code regarding expenditures by boards of county commissioners, when the cost under any such contract, lease, or agreement, other than compensation for personal services or rental of office space, involves an expenditure of more than the amount established in that section regarding expenditures by boards of county commissioners, the supervisors shall make a written contract with	25284 25285 25286 25287 25288 25289 25290

the lowest and best bidder after advertisement, for not less than 25291  
two nor more than four consecutive weeks preceding the day of the 25292  
opening of bids, in a newspaper of general circulation within the 25293  
district or as provided in section 7.16 of the Revised Code and in 25294  
such other publications as the supervisors determine. The notice 25295  
shall state the general character of the work and materials to be 25296  
furnished, the place where plans and specifications may be 25297  
examined, and the time and place of receiving bids. 25298

(2) Each bid for a contract shall contain the full name of 25299  
every person interested in it. 25300

(3) Each bid for a contract for the construction, demolition, 25301  
alteration, repair, or reconstruction of an improvement shall meet 25302  
the requirements of section 153.54 of the Revised Code. 25303

(4) Each bid for a contract, other than a contract for the 25304  
construction, demolition, alteration, repair, or reconstruction of 25305  
an improvement, at the discretion of the supervisors, may be 25306  
accompanied by a bond or certified check on a solvent bank in an 25307  
amount not to exceed five per cent of the bid, conditioned that, 25308  
if the bid is accepted, a contract shall be entered into. 25309

(5) The supervisors may reject any and all bids. 25310

~~(I) To make agreements with the department of natural 25311  
resources giving it control over lands of the district for the 25312  
purpose of construction of improvements by the department under 25313  
section 1501.011 of the Revised Code; 25314~~

~~(J) To charge, alter, and collect rentals and other charges 25315  
for the use or services of any works of the district; 25316~~

~~(K)~~(J) To enter, either in person or by designated 25317  
representatives, upon lands, private or public, in the necessary 25318  
discharge of their duties; 25319

~~(L)~~(K) To enter into agreements or contracts with the 25320

department of agriculture for the determination, implementation, 25321  
inspection, and funding of agricultural pollution abatement ~~and~~ 25322  
~~urban sediment pollution abatement~~ measures whereby landowners, 25323  
operators, managers, and developers may meet adopted state 25324  
standards for a quality environment, except that failure of a 25325  
district board of supervisors to negotiate an agreement or 25326  
contract with the department ~~shall authorize~~ authorizes the 25327  
~~division of soil and water resources~~ department to implement the 25328  
required program; 25329

~~(M)~~(L) To conduct demonstrations and provide information to 25330  
the public regarding practices and methods for natural resource 25331  
conservation, development, and utilization; 25332

~~(N)~~(M) To enter into contracts or agreements with the ~~chief~~ 25333  
~~of the division of soil and water resources to implement and~~ 25334  
~~administer a program for~~ director of environmental protection in 25335  
furtherance of actions to abate urban sediment pollution ~~abatement~~ 25336  
~~and to receive and expend moneys provided by the chief for that~~ 25337  
~~purpose;~~ 25338

~~(O)~~(N) To develop operation and management plans as 25339  
necessary; 25340

~~(P)~~(O) To determine whether operation and management plans 25341  
developed under division (A) of section ~~1511.021~~ 939.03 of the 25342  
Revised Code comply with the standards established under division 25343  
(E)(1) of section ~~1511.02~~ 939.02 of the Revised Code and to 25344  
approve or disapprove the plans, based on such compliance. If an 25345  
operation and management plan is disapproved, the board shall 25346  
provide a written explanation to the person who submitted the 25347  
plan. The person may appeal the plan disapproval to the ~~chief~~ 25348  
director of agriculture or the director's designee, who shall 25349  
afford the person a hearing. Following the hearing, the ~~chief~~ 25350  
director or the director's designee shall uphold the plan 25351  
disapproval or reverse it. If the ~~chief~~ director or the director's 25352

designee reverses the plan disapproval, the plan shall be deemed 25353  
approved under this division. In the event that any person 25354  
operating or owning agricultural land or an animal feeding 25355  
operation in accordance with an approved operation and management 25356  
plan who, in good faith, is following that plan, causes 25357  
agricultural pollution, the plan shall be revised in a fashion 25358  
necessary to mitigate the agricultural pollution, as determined 25359  
and approved by the board of supervisors of the soil and water 25360  
conservation district. 25361

~~(Q)(P)~~ To develop timber harvest plans; 25362

(Q) To determine whether timber harvest plans developed under 25363  
division (A) of section 1503.52 of the Revised Code comply with 25364  
the standards established under division (A)(1) of section 1503.51 25365  
of the Revised Code and to approve or disapprove the plans based 25366  
on such compliance. If a timber harvest plan is disapproved, the 25367  
board shall provide a written explanation to the person who 25368  
submitted the plan. The person may appeal the plan disapproval to 25369  
the chief of the division of forestry or the chief's designee, who 25370  
shall afford the person a hearing. Following the hearing, the 25371  
chief or the chief's designee shall uphold the plan disapproval or 25372  
reverse it. If the chief or the chief's designee reverses the plan 25373  
disapproval, the plan shall be deemed approved under this 25374  
division. 25375

(R) With regard to composting conducted in conjunction with 25376  
agricultural operations, to do all of the following: 25377

(1) Upon request or upon their own initiative, inspect 25378  
composting at any such operation to determine whether the 25379  
composting is being conducted in accordance with section ~~1511.022~~ 25380  
939.04 of the Revised Code; 25381

(2) If the board determines that composting is not being so 25382  
conducted, request the ~~chief to issue an order under division (G)~~ 25383

~~of section 1511.02 of the Revised Code requiring~~ director to take 25384  
corrective actions under section 939.07 of the Revised Code that 25385  
require the person who is conducting the composting to prepare a 25386  
composting plan in accordance with rules adopted under division 25387  
(E)~~(8)~~(e)(5)(a) of ~~that~~ section 939.02 of the Revised Code and to 25388  
operate in accordance with that plan or to operate in accordance 25389  
with a previously prepared plan, as applicable; 25390

(3) In accordance with rules adopted under division 25391  
(E)~~(8)~~(e)(5)(b) of section ~~1511.02~~ 939.02 of the Revised Code, 25392  
review and approve or disapprove any such composting plan. If a 25393  
plan is disapproved, the board shall provide a written explanation 25394  
to the person who submitted the plan. 25395

As used in division ~~(Q)~~(R) of this section, "composting" has 25396  
the same meaning as in section ~~1511.01~~ 939.01 of the Revised Code. 25397

~~(R)~~(S) With regard to conservation activities that are 25398  
conducted in conjunction with agricultural operations, to assist 25399  
the county auditor, upon request, in determining whether a 25400  
conservation activity is a conservation practice for purposes of 25401  
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 25402  
Revised Code. 25403

As used in this division, "conservation practice" has the 25404  
same meaning as in section 5713.30 of the Revised Code. 25405

~~(S)~~(T) To develop and approve or disapprove voluntary 25406  
nutrient management plans in accordance with section 905.323 of 25407  
the Revised Code; 25408

~~(T)~~(U) To do all acts necessary or proper to carry out the 25409  
powers granted in this chapter. 25410

The director ~~of natural resources~~ shall make recommendations 25411  
to reduce the adverse environmental effects of each project that a 25412  
soil and water conservation district plans to undertake under 25413  
division (A), (B), (C), or (D) of this section and that will be 25414



funded in whole or in part by moneys authorized under section 25415  
~~1515.16~~ 940.17 of the Revised Code and shall disapprove any such 25416  
project that the director finds will adversely affect the 25417  
environment without equal or greater benefit to the public. The 25418  
director's disapproval or recommendations, upon the request of the 25419  
district filed in accordance with rules adopted by the Ohio soil 25420  
and water conservation commission, shall be reviewed by the 25421  
commission, which may confirm the director's decision, modify it, 25422  
or add recommendations to or approve a project the director has 25423  
disapproved. 25424

Any instrument by which real property is acquired pursuant to 25425  
this section shall identify the agency of the state that has the 25426  
use and benefit of the real property as specified in section 25427  
5301.012 of the Revised Code. 25428

**Sec. ~~1515.081~~ 940.07.** (A) As used in this section: 25429

(1) "Judgment" includes a consent judgment. 25430

(2) "Tort action" means a civil action for damages for 25431  
injury, death, or loss to person or property, other than a civil 25432  
action for damages for a breach of contract or another agreement 25433  
between persons. 25434

(B) Except as provided in divisions (C) and (D) of this 25435  
section, the provisions of Chapter 2744. of the Revised Code apply 25436  
to soil and water conservation districts as political subdivisions 25437  
of the state and to their supervisors and other officers, 25438  
employees, and agents as employees of political subdivisions of 25439  
the state. 25440

(C)(1) The attorney general, an assistant attorney general, 25441  
or special counsel appointed by the attorney general shall defend 25442  
a soil and water conservation district in any tort action that is 25443  
commenced against the district as a political subdivision of the 25444

state under or pursuant to Chapter 2744. of the Revised Code, if a 25445  
written request for the legal representation is submitted to the 25446  
attorney general by the Ohio soil and water conservation 25447  
commission. If a request is so submitted, the prosecuting attorney 25448  
of the county associated with the district does not have legal 25449  
representation duties in connection with the tort action under 25450  
section ~~1515.11~~ 940.13 of the Revised Code. 25451

(2) The attorney general, an assistant attorney general, or 25452  
special counsel appointed by the attorney general shall defend a 25453  
supervisor or other officer, employee, or agent of a soil and 25454  
water conservation district in any tort action that is commenced 25455  
against that person and based upon an action or omission allegedly 25456  
associated with ~~his~~ that person's employment or official 25457  
responsibilities for the district, if both of the following apply: 25458

(a) At the time of the action or omission, the person was not 25459  
acting manifestly outside the scope of ~~his~~ the person's employment 25460  
or official responsibilities for the district or acting with 25461  
malicious purpose, in bad faith, or in a wanton or reckless 25462  
manner; 25463

(b) A written request for the legal representation is 25464  
submitted to the attorney general by the Ohio soil and water 25465  
conservation commission. 25466

(3) If a request for legal representation is submitted to the 25467  
attorney general pursuant to division (C)(2) of this section, 25468  
divisions (A)(1) and (C) of section 2744.07 of the Revised Code do 25469  
not apply to the soil and water conservation district and the 25470  
defense of its supervisor or other officer, employee, or agent. 25471

(D)(1) The state shall indemnify and hold harmless a soil and 25472  
water conservation district as follows: 25473

(a) In the amount of any judgment that is rendered against 25474  
the district in a tort action that is commenced under or pursuant 25475

to Chapter 2744. of the Revised Code; 25476

(b) In the amount of any settlement of a tort action against 25477  
the district as described in division (D)(1)(a) of this section, 25478  
or of a claim for damages for injury, death, or loss to person or 25479  
property that could become a basis of a tort action against the 25480  
district as described in division (D)(1)(a) of this section. 25481

(2) The state shall indemnify and hold harmless a supervisor 25482  
or other officer, employee, or agent of a soil and water 25483  
conservation district as follows: 25484

(a) Subject to the limitations specified in division (D)(3) 25485  
of this section, in the amount of any judgment that is rendered 25486  
against that person in a tort action based upon an action or 25487  
omission allegedly associated with ~~his~~ the person's employment or 25488  
official responsibilities for the district; 25489

(b) Subject to the limitations specified in division (D)(3) 25490  
of this section, in the amount of any settlement of a tort action 25491  
as described in division (D)(2)(a) of this section or of any 25492  
settlement of a claim for damages for injury, death, or loss to 25493  
person or property that could become a basis of a tort action as 25494  
described in division (D)(2)(a) of this section. 25495

(3)(a) The maximum aggregate amount of indemnification paid 25496  
directly from state funds to or on behalf of any supervisor or 25497  
other officer, employee, or agent of a soil and water conservation 25498  
district pursuant to divisions (D)(2)(a) and (b) of this section 25499  
shall be one million dollars per occurrence, regardless of the 25500  
number of persons who suffer injury, death, or loss to person or 25501  
property as a result of the action or omission of that person. 25502

(b) An indemnification may be made pursuant to division 25503  
(D)(2)(a) or (b) of this section only if, at the time of the 25504  
action or omission, the supervisor or other officer, employee, or 25505  
agent of a soil and water conservation district was not acting 25506

manifestly outside the scope of ~~his~~ the supervisor's or other 25507  
officer's, employee's, or agent's employment or official 25508  
responsibilities for the district or acting with malicious 25509  
purpose, in bad faith, or in a wanton or reckless manner. 25510

(c) An indemnification shall not be made pursuant to division 25511  
(D)(2)(a) or (b) of this section for any portion of a consent 25512  
judgment or settlement that is unreasonable or for any portion of 25513  
a judgment that represents punitive or exemplary damages. 25514

(4) Division (A)(2) of section 2744.07 of the Revised Code 25515  
does not apply to a soil and water conservation district, or to 25516  
any of its supervisors or other officers, employees, or agents, to 25517  
the extent that division (D) of this section requires the state to 25518  
indemnify and hold harmless a supervisor or other officer, 25519  
employee, or agent of that district. 25520

**Sec. ~~1515.09~~ 940.08.** The supervisors of a soil and water 25521  
conservation district may employ assistants and such other 25522  
employees as they consider necessary and may provide for the 25523  
payment of the reasonable compensation of such assistants and 25524  
employees and expenses incurred by them in the discharge of their 25525  
duties from the special fund established for the district pursuant 25526  
to section ~~1515.10~~ 940.12 of the Revised Code. 25527

District employees are entitled to the sick leave benefits 25528  
that are provided in section 124.38 of the Revised Code and the 25529  
vacation leave benefits that are provided in section 325.19 of the 25530  
Revised Code and are entitled to participate in the sick leave 25531  
donation program established under section ~~1515.091~~ 940.09 of the 25532  
Revised Code. 25533

The supervisors may designate the amounts and forms of other 25534  
benefits, including insurance protection, to be provided to 25535  
employees and may make payments of benefits from the district fund 25536  
that is created with moneys accepted by the supervisors in 25537

accordance with division (E) of section ~~1515.08~~ 940.06 of the Revised Code or from the special fund created pursuant to section ~~1515.10~~ 940.12 of the Revised Code. The board of county commissioners may make payments of benefits that are provided under this section.

The supervisors may purchase such materials, equipment, and supplies, may lease such equipment, and may rent, purchase, or construct, and maintain, such offices, and provide for such equipment and supplies therefor, as they consider necessary and may pay for the same from the special fund established for the district pursuant to section ~~1515.10~~ 940.12 of the Revised Code.

**Sec. ~~1515.091~~ 940.09.** (A) As used in this section:

(1) "Receiving employee" means an employee of a soil and water conservation district who receives donated sick leave as authorized by this section.

(2) "Donating employee" means an employee of a soil and water conservation district who donates sick leave as authorized by this section.

(3) "Paid leave" has the same meaning as in section 124.391 of the Revised Code.

(4) "Full-time employee" means an employee of a soil and water conservation district whose regular hours of service for the district total forty hours per week or who renders any other standard of service accepted as full-time by the district.

(5) "Full-time limited hours employee" means an employee of a soil and water conservation district whose regular hours of service for the district total twenty-five to thirty-nine hours per week or who renders any other standard of service accepted as full-time limited hours by the district.

(B)(1) An employee of a soil and water conservation district

is eligible to become a receiving employee if the employee is a 25568  
full-time employee, or a full-time limited hours employee, who has 25569  
completed the prescribed probationary period, has used up all 25570  
accrued paid leave, and has been placed on an approved, unpaid, 25571  
medical-related leave of absence for a period of at least thirty 25572  
consecutive working days because of the employee's own serious 25573  
illness or because of a serious illness of a member of the 25574  
employee's immediate family. 25575

(2) An employee who desires to become a receiving employee 25576  
shall submit to the board of supervisors of the employing soil and 25577  
water conservation district, along with a satisfactory physician's 25578  
certification, a written request for donated sick leave. The board 25579  
of supervisors shall determine whether the employee is eligible to 25580  
become a receiving employee and shall approve the request if it 25581  
determines the employee is eligible. 25582

(C)(1) A board of supervisors that approves a request for an 25583  
employee to become a receiving employee shall forward the approved 25584  
application to a committee that the Ohio association of soil and 25585  
water conservation district employees shall appoint to act as a 25586  
clearinghouse for the donation of sick leave under this section. 25587  
The committee shall post notice for not less than ten days 25588  
informing all employees of soil and water conservation districts 25589  
throughout the state that it has received an approved application 25590  
to become a receiving employee. 25591

(2) A soil and water conservation district employee desiring 25592  
to become a donating employee shall complete and submit a sick 25593  
leave donation form to the employee's immediate supervisor within 25594  
twenty days after the date of the initial posting of the notice 25595  
described in division (C)(1) of this section. If the board of 25596  
supervisors of the employing district of an employee desiring to 25597  
become a donating employee approves the sick leave donation, the 25598  
board shall forward to the committee, together with a check equal 25599

to the total value of the sick leave donation, a copy of the sick leave donation form, and the board shall notify the receiving employee regarding the donation.

(D) If the committee described in division (C)(1) of this section receives a sick leave donation form and a check from a board of supervisors, the committee shall deposit the check into an account that it shall establish to be used to dispense funds to the employing district of a receiving employee. The committee shall notify the board of supervisors of the employing district of a receiving employee of the amount of sick leave donated. The board of supervisors shall bill the committee during each pay period for the receiving employee's gross hourly wages in an amount that does not exceed the amount donated to the receiving employee. The board of supervisors, with the approval of the county auditor, shall provide for the deposit into its appropriate payroll account of any payments it receives for the benefit of a receiving employee.

(E) The donation and receipt of sick leave under this section is subject to all of the following:

(1) All donations of sick leave shall be voluntary.

(2) A donating employee is eligible to donate not less than eight hours and not more than eighty hours of sick leave during the same calendar year.

(3) The value of an hour of sick leave donated is the value of the donating employee's gross hourly wage. The number of hours received by a receiving employee from a donating employee shall be a number that, when multiplied by the receiving employee's gross hourly wage, equals the amount resulting when the donating employee's gross hourly wage is multiplied by the number of hours of sick leave donated.

(4) No paid leave shall accrue to a receiving employee for

any compensation received through donated sick leave, and the 25631  
receipt of donated sick leave does not affect the date on which a 25632  
receiving employee first qualifies for continuation of health 25633  
insurance coverage. 25634

(5) If a receiving employee does not use all donated sick 25635  
leave during the period of the employee's leave of absence, the 25636  
unused balance shall remain in the account that the committee 25637  
described in division (C)(1) of this section established under 25638  
division (D) of this section and shall be used to dispense funds 25639  
in the future to the employing district of a receiving employee. 25640

**Sec. ~~1515-092~~ 940.10.** (A) When the supervisors of a soil and 25641  
water conservation district find, by resolution, that the district 25642  
has personal property, including motor vehicles acquired for the 25643  
use of district officers, road machinery, equipment, tools, or 25644  
supplies, ~~which~~ that is not needed for public use, or is obsolete 25645  
or unfit for the use for which it was acquired, the supervisors 25646  
may sell such property at public auction or by sealed bid to the 25647  
highest bidder, after giving at least ten days' notice of the 25648  
time, place, and manner of sale by posting a typewritten or 25649  
printed notice in the office of the board of county commissioners. 25650  
~~In case~~ If the fair market value of the property to be sold 25651  
pursuant to this division is, in the opinion of the supervisors, 25652  
in excess of two thousand dollars, notice of the time, place, and 25653  
manner of the sale shall also be published in a newspaper of 25654  
general circulation in the district at least ten days prior to 25655  
such sale. The supervisors may authorize the sale of such personal 25656  
property without advertisement or public notification and 25657  
competitive bidding to the federal government, the state, or any 25658  
political subdivision of the state. 25659

If the supervisors conduct a sale of personal property by 25660  
sealed bid, the form of the bid shall be as prescribed by the 25661



supervisors, and each bid shall contain the name of the person 25662  
submitting it. Bids received shall be opened and tabulated at the 25663  
time stated in the notice. The property shall be sold to the 25664  
highest bidder, except that the supervisors may reject all bids 25665  
and hold another sale, by public auction or sealed bid, in the 25666  
manner prescribed by this section. 25667

(B) Where the supervisors find, by resolution, that the 25668  
district has vehicles, equipment, or machinery ~~which~~ that is not 25669  
needed, or is unfit for public use, and the supervisors desire to 25670  
sell such vehicles, equipment, or machinery to the person or firm 25671  
from which they propose to purchase other vehicles, equipment, or 25672  
machinery, the supervisors may offer to sell the vehicles, 25673  
equipment, or machinery to such person or firm, and to have such 25674  
selling price credited to the person or firm against the purchase 25675  
price of other vehicles, equipment, or machinery. 25676

(C) Where the supervisors advertise for bids for the sale of 25677  
new vehicles, equipment, or machinery to the district, they may 25678  
include in the same advertisement a notice of their willingness to 25679  
accept bids for the purchase of district-owned vehicles, 25680  
equipment, or machinery ~~which~~ that is obsolete or not needed for 25681  
public use, and to have the amount of such bids subtracted from 25682  
the selling price of the other vehicles, equipment, or machinery 25683  
as a means of determining the lowest responsible bidder. 25684

**Sec. ~~1515.093~~ 940.11.** The supervisors of a soil and water 25685  
conservation district may hold one or more credit cards on behalf 25686  
of the district and may authorize any supervisor or employee of 25687  
the district to use such a credit card to pay for expenses related 25688  
to the purposes of the district. The supervisors shall pay the 25689  
debt incurred as a result of the use of such a credit card from 25690  
money accepted by the supervisors as authorized under division (E) 25691  
of section ~~1515.08~~ 940.06 of the Revised Code or from the special 25692

fund established for the district under section ~~1515.10~~ 940.12 of 25693  
the Revised Code. 25694

The misuse of a credit card held on behalf of a soil and 25695  
water conservation district is a violation of section 2913.21 of 25696  
the Revised Code. In addition, a supervisor or employee of a 25697  
district who makes unauthorized use of such a credit card may be 25698  
held personally liable to the district for the unauthorized use. 25699  
This section does not limit any other liability of a supervisor or 25700  
employee of a district for the unauthorized use of such a credit 25701  
card. 25702

A supervisor or employee of a soil and water conservation 25703  
district who is authorized to use a credit card that is held on 25704  
behalf of the district and who suspects the loss, theft, or 25705  
possibility of another person's unauthorized use of the credit 25706  
card immediately shall notify the supervisors in writing of the 25707  
suspected loss, theft, or possible unauthorized use. 25708

**Sec. ~~1515.10~~ 940.12.** The board of county commissioners of 25709  
each county in which there is a soil and water conservation 25710  
district may levy a tax within the ten-mill limitation and may 25711  
appropriate money from the proceeds of the levy or from the 25712  
general fund of the county. The money shall be held in a special 25713  
fund for the credit of the district, to be expended for the 25714  
purposes prescribed in sections ~~1515.09~~ 940.08 and ~~1515.093~~ 940.11 25715  
of the Revised Code, for construction and maintenance of 25716  
improvements by the district, and for other expenses incurred in 25717  
carrying out the program of the district upon the written order of 25718  
the fiscal agent for the district after authorization by a 25719  
majority of the supervisors of the district. 25720

**Sec. ~~1515.11~~ 940.13.** The prosecuting attorney of a county in 25721  
which there is a soil and water conservation district shall be the 25722

legal adviser of the district. The prosecuting attorney shall be 25723  
the legal counsel of such district in all civil actions brought by 25724  
or against it and shall conduct all such actions in ~~his~~ the 25725  
prosecuting attorney's official capacity. The supervisors of a 25726  
district may also employ such attorneys as may be necessary or 25727  
desirable in the operations of the district. 25728

~~Sec. 1515.13~~ 940.14. ~~Sections 1515.01 to 1515.29 of the~~ 25729  
~~Revised Code do~~ This chapter does not infringe upon the rights, 25730  
powers, and authority vested by law in the division of wildlife in 25731  
the department of natural resources. 25732

~~Sec. 1515.14~~ 940.15. ~~Within~~ (A) Except as provided in 25733  
division (B) of this section, within the limits of funds 25734  
appropriated to the department of ~~natural resources~~ agriculture 25735  
and the soil and water conservation district assistance fund 25736  
created in this section, there shall be paid in each calendar year 25737  
to each ~~local~~ soil and water conservation district an amount not 25738  
to exceed one dollar for each one dollar received in accordance 25739  
with section ~~1515.10~~ 940.12 of the Revised Code, received from tax 25740  
levies in excess of the ten-mill levy limitation approved for the 25741  
benefit of ~~local~~ soil and water conservation districts, received 25742  
pursuant to a contract entered into under section 6117.021 of the 25743  
Revised Code, or received from an appropriation by a municipal 25744  
corporation or a township to a maximum of eight thousand dollars, 25745  
provided that the Ohio soil and water conservation commission may 25746  
approve payment to a district in an amount in excess of eight 25747  
thousand dollars in any calendar year upon receipt of a request 25748  
and justification from the district. The county auditor shall 25749  
credit such payments to the special fund established pursuant to 25750  
section ~~1515.10~~ 940.12 of the Revised Code for the ~~local~~ soil and 25751  
water conservation district. The department may make advances at 25752  
least quarterly to each district on the basis of the estimated 25753

contribution of the state to each district. Moneys received by 25754  
each district shall be expended for the purposes of the district. 25755

~~For~~ (B) Money paid to a soil and water conservation district 25756  
under division (A) of this section that results from a board of 25757  
county commissioners' compensation to the district pursuant to a 25758  
contract entered into under section 6117.021 of the Revised Code 25759  
in calendar years 2015, 2016, and 2017 shall not exceed the amount 25760  
of money paid to the district under that division during calendar 25761  
year 2013 that resulted from the board of county commissioners' 25762  
having used the proceeds of a contract entered into between the 25763  
board of county commissioners and a district of a type similar to 25764  
that which is authorized by section 6117.021 of the Revised Code, 25765  
directly or indirectly, for matching funds in calendar year 2013, 25766  
but may exceed that amount to the extent that other sources of 25767  
local matching funds specified by division (A) of this section are 25768  
used by the district for local matching funds in state fiscal 25769  
years 2015, 2016, and 2017. 25770

(C) For the purpose of providing money to soil and water 25771  
conservation districts under this section, there is hereby created 25772  
in the state treasury the soil and water conservation district 25773  
assistance fund consisting of money credited to it under sections 25774  
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 25775  
the Revised Code. 25776

**Sec. ~~1515.15~~ 940.16.** A board of county commissioners may 25777  
apply to the Ohio soil and water conservation commission for an 25778  
advance of moneys from the soil and water conservation fund, which 25779  
is hereby created in the state treasury, to enable a soil and 25780  
water conservation district to pay all or part of the cost of 25781  
surveys and plans, appraisals, estimates of cost, land options, 25782  
and other incidental expenses of constructing works of improvement 25783  
for the district. The commission shall consider the application 25784

and shall recommend an amount of moneys reasonably needed for that purpose. 25785  
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The order of the commission recommending the amount of the moneys needed shall be certified to the controlling board. The controlling board shall then determine the amount to be advanced to the county and shall certify its action to the director of budget and management for payment. 25787  
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All such amounts received by any such district shall be repaid by the board of county commissioners to the state immediately upon the receipt by the board of funds from the sale of bonds or from other sources that may be used for that purpose, or in such number of equal annual installments, not exceeding five, and commencing at such time, as shall be specified in the order of the commission. 25792  
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If an unfavorable referendum or court decision has denied the work of improvement, the controlling board, upon receipt of sufficient and satisfactory evidence that the board and district have proceeded in good faith and the recommendation of the commission, shall relieve the board or district of its repayment obligation. 25799  
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**Sec. ~~1515.16~~ 940.17.** The director of ~~natural resources~~ agriculture, upon recommendation by the Ohio soil and water conservation commission, may enter into agreements with boards of county commissioners under which the state shares the cost of construction of works of improvement constructed by the county for a soil and water conservation district. The state share shall be paid from moneys appropriated for such purposes. The state share authorized under this section shall not exceed fifty per cent of the nonfederal cost of the project. 25805  
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**Sec. ~~1515.17~~ 940.18.** The supervisors of any two or more 25814

adjoining soil and water conservation districts may, with approval 25815  
of the Ohio soil and water conservation commission, form a joint 25816  
board of supervisors for the purpose of construction, maintenance, 25817  
and operation of a work of improvement located or to be located in 25818  
such districts. Each district shall have the same number of 25819  
supervisors on the joint board, except that where the members on 25820  
the joint board would otherwise be an even number, an additional 25821  
supervisor shall be designated from the district in which it 25822  
appears that the highest amount of taxes or assessment for 25823  
benefits for the improvement is to be made. 25824

A joint board may exercise the powers given the supervisors 25825  
of a soil and water conservation district under ~~Chapter 1515. of~~ 25826  
~~the Revised Code~~ this chapter in connection with the work of 25827  
improvement for which it was formed. 25828

**Sec. ~~1515.18~~ 940.19.** An owner of land that is located in a 25829  
soil and water conservation district may file a petition with the 25830  
supervisors of the district requesting the construction of a 25831  
conservation ~~works~~ work of improvement. Upon the receipt of such a 25832  
petition, the supervisors shall make a preliminary determination 25833  
to accept or reject the petition. 25834

A petition may be rejected if the supervisors determine that 25835  
the information that it contains about the proposed improvement is 25836  
insufficient to enable the supervisors to proceed with the 25837  
petition under this chapter or if the petition appears to be 25838  
frivolous. The supervisors also may reject a petition on the 25839  
grounds that the district lacks sufficient staff or other 25840  
resources to proceed with the improvement in accordance with this 25841  
chapter. If the supervisors reject a petition, they shall notify 25842  
the petitioner of the reasons for the rejection. A petition that 25843  
was rejected due to insufficient information may be supplemented 25844  
with additional information and filed again. 25845

If the supervisors accept a petition for a proposed improvement, they shall establish a date and time for a view of the proposed improvement, which date shall be not fewer than twenty-five nor more than ninety days after the date on which the petition was filed. The supervisors shall designate a convenient place near the proposed improvement at which the view shall start.

Upon receipt of a petition, the supervisors also shall establish a date and time on and at which and designate a location at which they will hold a hearing on the proposed improvement. The hearing shall occur not later than ninety days after the date established for the view.

**Sec. ~~1515.181~~ 940.20.** As soon as the supervisors of a soil and water conservation district have established the dates, times, and locations of the view and the hearing concerning a proposed improvement, they shall send, at least twenty days prior to the date established for the view, a written notice of the view and the hearing to the landowners within the area to be benefited by the proposed improvement and to the board of county commissioners and the county engineer. The supervisors shall notify all landowners that are adjacent to the proposed improvement by certified mail and shall notify all others by certified mail or first class mailings. Any such written notice shall have the words "Legal Notice" printed in plain view on the face of the envelope. In addition, the supervisors shall invite to the view and the hearing the staff of the soil and water conservation district and the staff of the natural resources conservation service in the United States department of agriculture that is involved with the district together with any other people that the supervisors consider to be necessary to the proceedings.

**Sec. ~~1515.182~~ 940.21.** On the date established for the view of a proposed improvement, the supervisors of a soil and water

conservation district shall meet at the designated location near 25877  
the proposed improvement at the established time. At that time, 25878  
they shall hear proof of the need for the proposed improvement 25879  
offered by any landowner that is affected by it. 25880

The supervisors shall view the area in which the proposed 25881  
improvement is to be constructed. If the proposed improvement is a 25882  
ditch, the view shall include the line of the proposed ditch and 25883  
each branch, lateral, or spur of the ditch that is mentioned in 25884  
the petition. If the area to be viewed is extensive, the 25885  
supervisors may conduct the view on more than one day and may 25886  
adjourn from day to day, or a longer period, until the view is 25887  
completed. 25888

**Sec. ~~1515.183~~ 940.22.** Upon acceptance of a petition 25889  
requesting the construction of an improvement, the supervisors of 25890  
a soil and water conservation district shall begin to prepare, as 25891  
a guide to the board of county commissioners and the petitioners, 25892  
a preliminary report regarding the proposed improvement. The 25893  
supervisors shall present the completed preliminary report at the 25894  
hearing that is held on the proposed improvement. 25895

The preliminary report shall include a preliminary estimate 25896  
of cost, comments on the feasibility of the project, and a 25897  
statement of the supervisors' opinion as to whether the benefits 25898  
from the project are likely to exceed the estimated cost. The 25899  
preliminary report shall identify all factors that are apparent to 25900  
the supervisors, both favorable and unfavorable to the proposed 25901  
improvement, so that the petitioners may be informed concerning 25902  
what is involved with the construction of the improvement. 25903

In addition to reporting on the improvement as petitioned, 25904  
the supervisors may submit alternate proposals to accomplish the 25905  
intent of the petition. The preliminary report and all alternate 25906



proposals shall be reviewed and receive concurrence from an 25907  
engineer who is employed by the ~~division of soil and water~~ 25908  
~~resources~~ department of agriculture or by the natural resources 25909  
conservation service in the United States department of 25910  
agriculture and who is responsible for providing technical 25911  
assistance to the district or from any other registered 25912  
professional engineer whom the supervisors choose. 25913

**Sec. ~~1515.184~~ 940.23.** On the date and at the time established 25914  
for the hearing on a petition for a proposed improvement, the 25915  
supervisors of a soil and water conservation district shall 25916  
conduct the hearing. Prior to the hearing, landowners affected by 25917  
the proposed improvement may file objections to it with the 25918  
supervisors, and at the hearing the supervisors shall hear any 25919  
objections so filed. In addition, the supervisors shall present 25920  
their preliminary report on the proposed improvement and shall 25921  
hear any evidence offered by any landowner for or against 25922  
construction of the proposed improvement. If necessary, the 25923  
hearing may occur on more than one day and may be adjourned from 25924  
day to day or for a longer time that may be reasonable so that all 25925  
interested landowners may have an opportunity to be heard in favor 25926  
of or in opposition to the proposed improvement. 25927  
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**Sec. ~~1515.185~~ 940.24.** If modifications or alternatives to a 25929  
proposed improvement are proposed or discussed at the hearing on 25930  
the improvement, the supervisors of the soil and water 25931  
conservation district may adjourn the hearing for a period of time 25932  
that is necessary to conduct a subsequent view of the proposed 25933  
improvement in light of the proposed changes. If it appears that a 25934  
subsequent view is necessary, the supervisors shall establish a 25935  
date, time, and location for it and shall notify, in the same 25936  
manner, the same persons that were required to be notified of the 25937

first view. 25938

**Sec. ~~1515.19~~ 940.25.** At the conclusion of the hearing on a 25939  
proposed improvement, the supervisors of a soil and water 25940  
conservation district may approve the petition for the improvement 25941  
if they are reasonably certain that the cost of the proposed 25942  
improvement will be less than the benefits from it and if they 25943  
find that the improvement is necessary, that it will be conducive 25944  
to the public welfare, that it will improve water management and 25945  
development in the county in which the district is located to the 25946  
advantage of lands located in it, and that it will aid lands in 25947  
the area by promoting the economical, industrial, environmental, 25948  
or social development of the area. 25949

Upon approval of the petition, the supervisors shall 25950  
establish a date by which the supervisors must complete, in 25951  
accordance with sections ~~1515.191~~ 940.26 to ~~1515.193~~ 940.28 of the 25952  
Revised Code, plans and specifications for the improvement 25953  
together with estimates of damages from and costs for it. The date 25954  
established shall allow as much time as is necessary for the 25955  
preparation of the plans, specifications, and estimates. The 25956  
supervisors may extend the completion date if necessary. Upon 25957  
completion of the plans, specifications, and estimates, the 25958  
supervisors shall do both of the following: 25959

(A) Determine the area that would be benefited by the 25960  
proposed improvement and certify the determination together with 25961  
the supervisors' approval of the improvement to the board of 25962  
county commissioners of each county containing land included in 25963  
the benefited area; 25964

(B) Submit the plans, specifications, and estimates together 25965  
with the preliminary report to each such board. 25966

**Sec. ~~1515.191~~ 940.26.** Upon approval by the supervisors of a 25967

soil and water conservation district of a petition for a proposed 25968  
improvement, the supervisors or their designee shall conduct all 25969  
necessary surveys for the proposed improvement. In addition, the 25970  
supervisors or their designee shall prepare plans for constructing 25971  
the improvement and shall prepare maps showing the location of the 25972  
land that is proposed to be assessed in accordance with section 25973  
~~1515.24~~ 940.33 of the Revised Code for the improvement. 25974

The supervisors or their designee shall prepare 25975  
specifications for construction of the improvement and shall 25976  
specify dimensions of any temporary easement that is necessary for 25977  
construction purposes. In addition, the supervisors or their 25978  
designee shall make estimates of the cost of material and any 25979  
excavation costs. The construction of the improvement may be 25980  
divided into construction areas if that would be expedient. 25981

In the case of an improvement that is a ditch or similar 25982  
structure for the disposal of water, the specifications for its 25983  
construction that the supervisors or their designee must prepare 25984  
shall provide for spreading and leveling of spoil banks and shall 25985  
provide for erosion and sediment control through the establishment 25986  
of a sod or seeded strip not fewer than four feet nor more than 25987  
fifteen feet wide, measured at right angles to the top of the 25988  
ditch bank on both sides of the ditch, except where suitable 25989  
vegetative cover exists. The strip or other such controls shall be 25990  
considered to be part of the permanent improvement. Sod or seeded 25991  
strips that are established and maintained in excess of four feet 25992  
shall be compensated for by their removal from the taxable 25993  
valuation of the property of which they are a part. 25994

The supervisors or their designee shall make note of all 25995  
fences, floodgates, culverts, bridges, and other structures that 25996  
will be removed or adjusted in constructing the improvement. The 25997  
supervisors or their designee also shall make note of any gates 25998

that need to be installed in existing fences in order to provide 25999  
access to the improvement for maintenance purposes. The gates 26000  
shall be locked when requested by the owner of the fence and shall 26001  
be considered to be a part of the original improvement and subject 26002  
to maintenance along with the improvement. 26003

The supervisors shall submit the plans, specifications, and 26004  
other information prepared in accordance with this section to the 26005  
board of county commissioners of each county in which the proposed 26006  
improvement is to be located. 26007

**Sec. ~~1515.192~~ 940.27.** The supervisors of a soil and water 26008  
conservation district or their designee shall estimate the value 26009  
of land or other property that must be taken and the damages to be 26010  
sustained by any owner as a result of the construction and 26011  
subsequent maintenance of a proposed improvement. The supervisors 26012  
or their designee shall prepare a schedule of damages consisting 26013  
of the name and address of each owner that is alleged to be 26014  
damaged, the amount of the estimated damages, and an explanation 26015  
of the injury upon which the estimate is based. The supervisors' 26016  
or their designee's schedule of damages also shall contain the 26017  
value of the land or other property that is necessary to be taken 26018  
and a complete description of that land or other property. The 26019  
supervisors shall include the total of the estimated damages and 26020  
valuations as part of the estimate of the total cost of 26021  
constructing the improvement and shall submit the schedule of 26022  
damages to the board of county commissioners of each county in 26023  
which the improvement is to be located. 26024

**Sec. ~~1515.193~~ 940.28.** The supervisors of a soil and water 26025  
conservation district or their designee shall make an estimate of 26026  
the cost of the construction of a proposed improvement, which 26027  
shall include actual construction costs, any other expenses 26028  
incurred in investigations and notifications related to the 26029

project, the value of land or other property that must be taken 26030  
and the damages to be sustained by any owner as a result of the 26031  
construction and subsequent maintenance of the proposed 26032  
improvement, the cost of installing any gates in fences or any 26033  
other structures that are necessary to provide access to the 26034  
improvement for maintenance purposes, and any other incidental 26035  
costs. Upon completion of the estimate of cost, the supervisors 26036  
shall submit it to the board of county commissioners of each 26037  
county in which the improvement is to be located. 26038

**Sec. ~~1515.21~~ 940.29.** Upon receipt of a certification under 26039  
section ~~1515.19~~ 940.25 of the Revised Code, the board of county 26040  
commissioners shall, within sixty days, approve or disapprove 26041  
construction of the improvement. If a board disapproves 26042  
construction of the improvement, the supervisors may revise the 26043  
plan for the improvement and again proceed under section ~~1515.19~~ 26044  
940.25 of the Revised Code. If the board of county commissioners 26045  
of each county containing any of the territory included in the 26046  
project area approves construction of the improvement, the board, 26047  
or if there is more than one such county, the joint board formed 26048  
under section ~~1515.22~~ 940.31 of the Revised Code, has in addition 26049  
to its other powers, the powers of a soil and water conservation 26050  
district granted by division (C) of section ~~1515.08~~ 940.06 of the 26051  
Revised Code. 26052

When considering whether to approve or disapprove 26053  
construction of an improvement, the board shall consider all of 26054  
the following factors: 26055

(A) The cost of location and construction; 26056

(B) The compensation for land or other property that must be 26057  
taken; 26058

(C) The benefits to the public welfare; 26059

(D) The benefits to land, public corporations, and the state 26060  
needing the improvement; 26061

(E) In the case of an improvement involving the drainage of 26062  
water, the effect on land below the improvement that may be caused 26063  
by constructing the improvement and the sufficiency or 26064  
insufficiency of the outlet that receives flow from the 26065  
improvement; 26066

(F) Any other proper matter that will assist the board in 26067  
approving or disapproving construction of the improvement. 26068

When, in the opinion of the board of county commissioners, it 26069  
is necessary for the board to acquire real property or a 26070  
right-of-way or other easement for a conservation works of 26071  
improvement under this chapter, the board may appropriate the real 26072  
property or right-of-way or other easement in accordance with 26073  
sections 163.01 to 163.62 of the Revised Code. 26074

If the board approves construction of the improvement, the 26075  
county engineer shall file with the county recorder a property 26076  
plat showing the general location of the improvement and a 26077  
statement describing the dimensions of any permanent easement that 26078  
is necessary for maintenance of the improvement. In the case of an 26079  
improvement that is an open ditch, provisions that govern the 26080  
permanent easement for maintenance of the ditch that are 26081  
established in section 6137.12 of the Revised Code shall apply. 26082

A board shall follow sections 307.86 to 307.91 of the Revised 26083  
Code, except that the board may designate the board of supervisors 26084  
as the contracting agency and it shall follow division (H) of 26085  
section ~~1515.08~~ 940.06 of the Revised Code, or except that if the 26086  
improvement is being undertaken through the joint efforts and 26087  
cooperation of the board of county commissioners or board of 26088  
supervisors and another state or federal agency, and if the state 26089  
or federal regulations or procedures are in conflict with those 26090

sections with respect to the procedures for the preparing of 26091  
contracts, the issuing of bids, the making of awards, and 26092  
generally the administering of the contracts, the board of county 26093  
commissioners or board of supervisors may adopt the state or 26094  
federal regulations or procedures in those areas where conflict 26095  
exists and proceed with the improvement in accordance with the 26096  
requirements of the state or federal regulations or procedures. 26097

**Sec. ~~1515.211~~ 940.30.** (A) A board of county commissioners 26098  
that approves construction of a proposed improvement or the 26099  
board's designee shall prepare a schedule of estimated assessments 26100  
on property within the area that is to be benefited by the 26101  
improvement. In preparing the schedule, the board or its designee 26102  
shall use information concerning the proposed improvement that 26103  
must be submitted to the board by the supervisors of a soil and 26104  
water conservation district. The information includes plans for 26105  
the proposed improvement, including surveys, maps, and 26106  
specifications, together with schedules of damages, cost 26107  
estimates, and any related reports that the supervisors or their 26108  
designee prepared. 26109

The schedule of estimated assessments that must be prepared 26110  
shall include the name and address of each owner of land believed 26111  
to be benefited by the proposed improvement together with a 26112  
description of the land. The names and descriptions shall be 26113  
obtained from the tax duplicates of the county. The board or its 26114  
designee shall enter in the schedule the amount of each estimated 26115  
assessment, which shall be determined using considerations 26116  
established in section ~~1515.24~~ 940.33 of the Revised Code. In no 26117  
case shall an assessment be less than twenty-five dollars for each 26118  
parcel of land, except in the case of a multi-parcel lot, in which 26119  
case the board may charge a minimum of twenty-five dollars with 26120  
respect to all of the parcels comprising the multi-parcel lot. In 26121  
addition, the board may charge an assessment of less than 26122

twenty-five dollars if the board determines that a lower amount is  
appropriate, provided that the lower amount includes the cost of  
preparing and mailing the notice required under division (D)(1) of  
section ~~1515.24~~ 940.33 of the Revised Code. The total of the  
estimated assessments, including the total estimated assessments  
allocated to public corporations and the state, shall equal the  
estimated cost of the proposed improvement. The board shall use  
the schedule of estimated assessments for purposes of levying  
final assessments under section ~~1515.24~~ 940.33 of the Revised  
Code.

(B) As used in this section, "multi-parcel lot" means a site  
on which a dwelling is located and that comprises two or more  
contiguous parcels of land.

**Sec. ~~1515.22~~ 940.31.** The boards of county commissioners of  
all the counties containing any of the territory included in the  
project area, if all such counties have approved construction of  
an improvement under section ~~1515.24~~ 940.29 of the Revised Code,  
are a joint board of county commissioners for the improvement.

A joint board of county commissioners may do all the things  
that a board of county commissioners may do in connection with the  
improvement and shall proceed as if it were a board of county  
commissioners representing a county that included all the  
territory within the project area.

The joint board may agree to apportion any cost of the  
improvement, or expenses incurred in connection therewith, not  
paid by assessments or taxes levied for the improvement, or funds  
other than county funds, among the participating counties.

The joint board shall elect one of its members president and  
designate a clerk of one of the boards of county commissioners of  
the participating counties as clerk of the joint board. A majority  
of the county commissioners constituting the joint board



constitutes a quorum. All decisions of the joint board shall be 26154  
made by a majority vote of the county commissioners constituting 26155  
the joint board. 26156

For the purpose of bringing a referendum petition against a 26157  
soil and water conservation project under section 305.31 of the 26158  
Revised Code, a resolution adopted by a joint board of county 26159  
commissioners shall be considered to be a resolution adopted by 26160  
the board of county commissioners of each county in the project 26161  
area. The electors of any county in the project area may file a 26162  
petition for referendum under that section against a resolution 26163  
adopted by the joint board of county commissioners as if it had 26164  
been adopted by the board of county commissioners for that county. 26165  
The referendum shall be conducted only in the county in which the 26166  
referendum petition was filed. The electors of any county in the 26167  
project area in which no referendum petition was filed shall not 26168  
be eligible to vote in the referendum, and the outcome of a 26169  
referendum shall have effect only in the county in which the 26170  
referendum was held. Any county in the project area in which a 26171  
referendum is not held remains subject to the provisions of the 26172  
resolution adopted by the joint board of county commissioners for 26173  
the soil and water conservation district. 26174

**Sec. ~~1515.23~~ 940.32.** The county auditor and county treasurer 26175  
of one of the counties represented by a joint board of county 26176  
commissioners under section ~~1515.22~~ 940.31 of the Revised Code, to 26177  
be designated by the joint board, shall ex officio become the 26178  
fiscal agents of all the participating counties. Such auditor 26179  
shall certify to the auditor of the other counties a schedule of 26180  
any taxes or assessments to be levied for the improvement, and the 26181  
auditor of such other county shall proceed forthwith to place such 26182  
tax or assessment upon the duplicates. Taxes or assessments so 26183  
certified for collection to an auditor of another county ~~is~~ are a 26184  
lien on the land within such county from the date such certificate 26185

is received by the auditor of such other county. The treasurer of 26186  
each county shall proceed to collect the same pursuant to the 26187  
orders made in the proceedings of the joint board, and such taxes 26188  
or assessments when collected shall be paid to the treasurer for 26189  
the joint board. The auditor and treasurer shall receive and 26190  
account for such funds in the same manner as they would for taxes 26191  
or assessments collected within their county. The treasurer and 26192  
auditor with their ~~bondsmen~~ bondspersons are liable on their 26193  
official bonds for any misappropriation of such funds. All 26194  
warrants for the payment of costs in connection with the 26195  
improvement shall be drawn by the auditor designated under this 26196  
section, on the treasurer of ~~said~~ the county, payable out of the 26197  
fund designated by the joint board to receive moneys for the 26198  
improvement. 26199

**Sec. ~~1515.24~~ 940.33.** (A) Following receipt of a certification 26200  
made by the supervisors of a soil and water conservation district 26201  
pursuant to section ~~1515.19~~ 940.25 of the Revised Code together 26202  
with receipt of all plans, specifications, and estimates submitted 26203  
under that section and upon completion of a schedule of estimated 26204  
assessments in accordance with section ~~1515.211~~ 940.30 of the 26205  
Revised Code, the board of county commissioners may adopt a 26206  
resolution levying upon the property within the project area an 26207  
assessment at a uniform or varied rate based upon the benefit to 26208  
the area certified by the supervisors, as necessary to pay the 26209  
cost of construction of the improvement not otherwise funded and 26210  
to repay advances made for purposes of the improvement from the 26211  
fund created by section ~~1515.15~~ 940.16 of the Revised Code. The 26212  
board of county commissioners shall direct the person or authority 26213  
preparing assessments to give primary consideration, in 26214  
determining a parcel's estimated assessments relating to the 26215  
disposal of water, to the potential increase in productivity that 26216  
the parcel may experience as a result of the improvement and also 26217

to give consideration to the amount of water disposed of, the 26218  
location of the property relative to the project, the value of the 26219  
project to the watershed, and benefits. The part of the assessment 26220  
that is found to benefit state, county, or township roads or 26221  
highways or municipal streets shall be assessed against the state, 26222  
county, township, or municipal corporation, respectively, payable 26223  
from motor vehicle revenues. The part of the assessment that is 26224  
found to benefit property owned by any public corporation, any 26225  
political subdivision of the state, or the state shall be assessed 26226  
against the public corporation, the political subdivision, or the 26227  
state and shall be paid out of the general funds or motor vehicle 26228  
revenues of the public corporation, the political subdivision of 26229  
the state, or the state, except as otherwise provided by law. 26230

26231

(B) The assessment shall be certified to the county auditor 26232  
and by the county auditor to the county treasurer. The collection 26233  
of the assessment shall conform in all matters to Chapter 323. of 26234  
the Revised Code. 26235

(C) Any land owned and managed by the department of natural 26236  
resources for wildlife, recreation, nature preserve, or forestry 26237  
purposes is exempt from assessments if the director of natural 26238  
resources determines that the land derives no benefit from the 26239  
improvement. In making such a determination, the director shall 26240  
consider the purposes for which the land is owned and managed and 26241  
any relevant articles of dedication or existing management plans 26242  
for the land. If the director determines that the land derives no 26243  
benefit from the improvement, the director shall notify the board 26244  
of county commissioners, within thirty days after receiving the 26245  
assessment notification required by this section, indicating that 26246  
the director has determined that the land is to be exempt and 26247  
explaining the specific reason for making this determination. The 26248  
board of county commissioners, within thirty days after receiving 26249

the director's exemption notification, may appeal the 26250  
determination to the court of common pleas. If the court of common 26251  
pleas finds in favor of the board of county commissioners, the 26252  
department of natural resources shall pay all court costs and 26253  
legal fees. 26254

(D)(1) The board shall give notice by first class mail to 26255  
every public and private property owner whose property is subject 26256  
to assessment, at the tax mailing or other known address of the 26257  
owner. The notice shall contain a statement of the amount to be 26258  
assessed against the property of the addressee, a description of 26259  
the method used to determine the necessity for and the amount of 26260  
the proposed assessment, a description of any easement on the 26261  
property that is necessary for purposes of the improvement, and a 26262  
statement that the addressee may file an objection in writing at 26263  
the office of the board of county commissioners within thirty days 26264  
after the mailing of notice. If the residence of any owner cannot 26265  
be ascertained, or if any mailed notice is returned undelivered, 26266  
the board shall publish the notice to all such owners in a 26267  
newspaper of general circulation within the project area, once 26268  
each week for three weeks or as provided in section 7.16 of the 26269  
Revised Code. The notice shall include the information contained 26270  
in the mailed notice, but shall state that the owner may file an 26271  
objection in writing at the office of the board of county 26272  
commissioners within thirty days after the last publication of the 26273  
notice. 26274

(2) Upon receipt of objections as provided in this section, 26275  
the board shall proceed within thirty days to hold a final hearing 26276  
on the objections by fixing a date and giving notice by first 26277  
class mail to the objectors at the address provided in filing the 26278  
objection. If any mailed notice is returned undelivered, the board 26279  
shall give due notice to the objectors in a newspaper of general 26280  
circulation in the project area or as provided in section 7.16 of 26281

the Revised Code, stating the time, place, and purpose of the 26282  
hearing. Upon hearing the objectors, the board may adopt a 26283  
resolution amending and approving the final schedule of 26284  
assessments and shall enter it in the journal. 26285

(3) Any owner whose objection is not allowed may appeal 26286  
within thirty days to the court of common pleas of the county in 26287  
which the property is located. 26288

(4) The board of county commissioners shall make an order 26289  
approving the levying of the assessment and shall proceed under 26290  
section 6131.23 of the Revised Code after one of the following has 26291  
occurred, as applicable: 26292

(a) Final notice is provided by mail or publication. 26293

(b) The imposition of assessments is upheld in the final 26294  
disposition of an appeal that is filed pursuant to division (D)(3) 26295  
of this section. 26296

(c) The resolution levying the assessments is approved in a 26297  
referendum that is held pursuant to section 305.31 of the Revised 26298  
Code. 26299

(5) The county treasurer shall deposit the proceeds of the 26300  
assessment in the fund designated by the board and shall report to 26301  
the county auditor the amount of money from the assessment that is 26302  
collected by the treasurer. Moneys shall be expended from the fund 26303  
for purposes of the improvement. 26304

(E) Any moneys collected in excess of the amount needed for 26305  
construction of the improvement and the subsequent first year's 26306  
maintenance may be maintained in a fund to be used for maintenance 26307  
of the improvement. In any year subsequent to a year in which an 26308  
assessment for construction of an improvement levied under this 26309  
section has been collected, and upon determination by the board of 26310  
county commissioners that funds are not otherwise available for 26311  
maintenance or repair of the improvement, the board shall levy on 26312

the property within the project area an assessment for maintenance 26313  
at a uniform percentage of all construction costs based upon the 26314  
assessment schedule used in determining the construction 26315  
assessment. The assessment is not subject to the provisions 26316  
concerning notice and petition contained in this section. An 26317  
assessment for maintenance shall not be levied in any year in 26318  
which the unencumbered balance of funds available for maintenance 26319  
of the improvement exceeds twenty per cent of the cost of 26320  
construction of the improvement, except that the board may adjust 26321  
the level of assessment within the twenty per cent limitation, or 26322  
suspend temporarily the levying of an assessment, for maintenance 26323  
purposes as maintenance funds are needed. 26324

For the purpose of levying an assessment for maintenance of 26325  
an improvement, a board may use the procedures established in 26326  
Chapter 6137. of the Revised Code regarding maintenance of 26327  
improvements as defined in section 6131.01 of the Revised Code in 26328  
lieu of using the procedures established under this section. 26329

(F) The board of county commissioners may issue bonds and 26330  
notes as authorized by section 131.23 or 133.17 of the Revised 26331  
Code. 26332

**Sec. ~~1515.28~~ 940.34.** A board of county commissioners may 26333  
declare by resolution that it is necessary to levy a tax upon the 26334  
property within the project area in order to pay the costs of the 26335  
improvement not otherwise funded. 26336

Such resolution shall specify the rate ~~which~~ that it is 26337  
necessary to levy, the purpose thereof, and the number of years 26338  
during which such increase shall be in effect, which levy may 26339  
include a levy upon the duplicate of the current year. 26340

A copy of the resolution shall be certified to the board of 26341  
elections for the county not less than ninety days before the 26342  
general election in any year and ~~said~~ the board shall submit the 26343

proposal to the electors within the project area at the succeeding 26344  
November election in accordance with section 5705.25 of the 26345  
Revised Code. For purposes of that section, the subdivision is the 26346  
project area. 26347

If the per cent required for approval of a levy as set forth 26348  
in section 5705.26 of the Revised Code vote in favor thereof, the 26349  
board of county commissioners may levy a tax within the project 26350  
area, outside the ten-mill limitation, during the period and for 26351  
the purpose stated in the resolution, or at any less rate or for 26352  
any less number of years. 26353

The board may issue bonds and notes in anticipation of the 26354  
collection of taxes levied under this section, and notes in 26355  
anticipation of the issuance of bonds. 26356

**Sec. ~~1515.29~~ 940.35.** The board of county commissioners, or, 26357  
if a joint board of county commissioners has been created under 26358  
section ~~1515.22~~ 940.31 of the Revised Code, the joint board, shall 26359  
maintain the works of improvement constructed by the board for a 26360  
soil and water conservation district. For that purpose, the board 26361  
or joint board may use procedures and requirements established in 26362  
sections 6137.08 to 6137.14 of the Revised Code and may contract 26363  
with or authorize the supervisors or joint board of supervisors of 26364  
a soil and water conservation district to perform maintenance of 26365  
such works of improvement. 26366

**Sec. 941.14.** (A) The owner shall burn the body of an animal 26367  
that has died of, or been destroyed because of, a dangerously 26368  
infectious or contagious disease, bury it not less than four feet 26369  
under the surface of the ground, dissolve it by alkaline 26370  
hydrolysis, remove it in a watertight tank to a rendering 26371  
establishment, or otherwise dispose of it in accordance with 26372  
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within 26373

twenty-four hours after knowledge thereof or after notice in writing from the department of agriculture.

(B) The owner of premises that contain a dead animal shall burn the body of the animal, bury it not less than four feet beneath the surface of the ground, dissolve it by alkaline hydrolysis, remove it in a watertight tank to a rendering establishment, or otherwise dispose of it in accordance with section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within a reasonable time after knowledge thereof or after notice in writing from the department or from the township trustees of the township in which the owner's premises are located.

(C) Notwithstanding division (A) or (B) of this section, the director of agriculture, in written notice sent to the owner of a dead animal, may require the owner to employ a specific method of disposition of the body, including burning, burying, rendering, composting, or alkaline hydrolysis, when that method does not conflict with any law or rule governing the disposal of infectious wastes and, in the director's judgment, is necessary for purposes of animal disease control. No person shall fail to employ the method of disposition required under this division.

(D) The director, in written notice sent to the owner of a dead animal, may prohibit the owner from transporting the body of the dead animal on any street or highway if that prohibition does not conflict with any law or rule governing the transportation of infectious wastes and, in the director's judgment, is necessary for purposes of animal disease control. No person shall fail to comply with a prohibition issued under this division.

(E) As used in this section, "infectious wastes" has the same meaning as in section 3734.01 of the Revised Code, and "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.



**Sec. 953.22.** (A) No person shall engage in the business of 26405  
disposing of, picking up, rendering, or collecting raw rendering 26406  
material or transporting the material to a composting facility 26407  
without a license to do so from the department of agriculture. 26408

(B) This chapter does not apply to any of the following: 26409

(1) A farmer who slaughters the farmer's own animals, raised 26410  
by the farmer on the farmer's own farm, processes the farmer's own 26411  
meat therefrom, and disposes of the farmer's raw rendering 26412  
material only by delivery to a person licensed under section 26413  
953.23 of the Revised Code; 26414

(2) A person whose only connection with raw rendering 26415  
material is curing hides and skins; 26416

(3) A person whose only connection with raw rendering 26417  
material is operating a pet cemetery; 26418

(4) A person who is conducting composting, as defined in 26419  
section ~~1511.01~~ 939.01 of the Revised Code, in accordance with 26420  
section ~~1511.022~~ 939.04 of the Revised Code; 26421

(5) A person whose only connection with raw rendering 26422  
material is trapping wild animals in accordance with a nuisance 26423  
wild animal permit issued by the chief of the division of wildlife 26424  
in the department of natural resources under rules adopted 26425  
pursuant to section 1531.08 of the Revised Code; 26426

(6) A county dog warden or animal control officer who 26427  
transports raw rendering material only for disposal purposes. 26428

**Sec. 955.12.** Except as provided in section 955.121 of Revised 26429  
Code, a board of county commissioners shall appoint or employ a 26430  
county dog warden and deputies in such number, for such periods of 26431  
time, and at such compensation as the board considers necessary to 26432  
enforce sections 955.01 to 955.27, ~~955.29 to 955.38~~, and 955.50 to 26433

955.53 of the Revised Code. 26434

The warden and deputies shall give bond in a sum not less 26435  
than five hundred dollars and not more than two thousand dollars, 26436  
as set by the board, conditioned for the faithful performance of 26437  
their duties. The bond or bonds may, in the discretion of the 26438  
board, be individual or blanket bonds. The bonds shall be filed 26439  
with the county auditor of their respective counties. 26440

The warden and deputies shall make a record of all dogs 26441  
owned, kept, and harbored in their respective counties. They shall 26442  
patrol their respective counties and seize and impound on sight 26443  
all dogs found running at large and all dogs more than three 26444  
months of age found not wearing a valid registration tag, except 26445  
any dog that wears a valid registration tag and is: on the 26446  
premises of its owner, keeper, or harborer, under the reasonable 26447  
control of its owner or some other person, hunting with its owner 26448  
or its handler at a field trial, kept constantly confined in a dog 26449  
kennel registered under this chapter or one licensed under Chapter 26450  
956. of the Revised Code, or acquired by, and confined on the 26451  
premises of, an institution or organization of the type described 26452  
in section 955.16 of the Revised Code. A dog that wears a valid 26453  
registration tag may be seized on the premises of its owner, 26454  
keeper, or harborer and impounded only in the event of a natural 26455  
disaster. 26456

If a dog warden has reason to believe that a dog is being 26457  
treated inhumanely on the premises of its owner, keeper, or 26458  
harborer, the warden shall apply to the court of common pleas for 26459  
the county in which the premises are located for an order to enter 26460  
the premises, and if necessary, seize the dog. If the court finds 26461  
probable cause to believe that the dog is being treated 26462  
inhumanely, it shall issue such an order. 26463

The warden and deputies shall also ~~investigate all claims for~~ 26464  
~~damages to animals reported to them under section 955.29 of the~~ 26465

~~Revised Code and assist claimants to fill out the claim form~~ 26466  
~~therefor. They shall~~ make weekly reports, in writing, to the board 26467  
in their respective counties of all dogs seized, impounded, 26468  
redeemed, and destroyed ~~and of all claims for damage to animals~~ 26469  
~~inflicted by dogs.~~ 26470

The wardens and deputies shall have the same police powers as 26471  
are conferred upon sheriffs and police officers in the performance 26472  
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 26473  
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 26474  
also have power to summon the assistance of bystanders in 26475  
performing their duties and may serve writs and other legal 26476  
processes issued by any court in their respective counties with 26477  
reference to enforcing those sections. County auditors may 26478  
deputize the wardens or deputies to issue dog licenses as provided 26479  
in sections 955.01 and 955.14 of the Revised Code. 26480

Whenever any person files an affidavit in a court of 26481  
competent jurisdiction that there is a dog running at large that 26482  
is not kept constantly confined either in a dog kennel registered 26483  
under this chapter or one licensed under Chapter 956. of the 26484  
Revised Code or on the premises of an institution or organization 26485  
of the type described in section 955.16 of the Revised Code or 26486  
that a dog is kept or harbored in the warden's jurisdiction 26487  
without being registered as required by law, the court shall 26488  
immediately order the warden to seize and impound the dog. 26489  
Thereupon the warden shall immediately seize and impound the dog 26490  
complained of. The warden shall give immediate notice by certified 26491  
mail to the owner, keeper, or harborer of the dog seized and 26492  
impounded by the warden, if the owner, keeper, or harborer can be 26493  
determined from the current year's registration list maintained by 26494  
the warden and the county auditor of the county where the dog is 26495  
registered, that the dog has been impounded and that, unless the 26496  
dog is redeemed within fourteen days of the date of the notice, it 26497

may thereafter be sold or destroyed according to law. If the 26498  
owner, keeper, or harbinger cannot be determined from the current 26499  
year's registration list maintained by the warden and the county 26500  
auditor of the county where the dog is registered, the officer 26501  
shall post a notice in the pound or animal shelter both describing 26502  
the dog and place where seized and advising the unknown owner 26503  
that, unless the dog is redeemed within three days, it may 26504  
thereafter be sold or destroyed according to law. 26505

~~As used in this section, "animal" has the same meaning as in 26506  
section 955.51 of the Revised Code. 26507~~

**Sec. 955.121.** (A)(1) In lieu of appointing a county dog 26508  
warden and deputies under section 955.12 of the Revised Code, a 26509  
board of county commissioners may appoint the county sheriff to 26510  
enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 26511  
955.53 of the Revised Code. If a board chooses to appoint the 26512  
county sheriff as the county dog warden, the board shall enter 26513  
into a two-year written agreement with the sheriff for that 26514  
purpose at the first meeting in a calendar year following a 26515  
general election in which at least one of the members of the board 26516  
was elected. 26517

(2) The agreement may authorize both of the following: 26518

(a) The sheriff to appoint sheriff's deputies or persons 26519  
other than peace officers as deputy dog wardens; 26520

(b) The transfer of any benefits accrued by employees who are 26521  
transferred as a result of the county sheriff's being appointed as 26522  
the county dog warden. 26523

(B) Any dog warden and deputy dog wardens appointed under 26524  
this section shall comply with both of the following: 26525

(1) Any training requirements applicable to county dog 26526  
wardens and deputy dog wardens appointed or employed under section 26527

955.12 of the Revised Code; 26528

(2) The requirements established in that section. 26529

(C) If a county sheriff or a sheriff's deputies are appointed 26530  
as a dog warden or deputy dog wardens under this section, 26531  
references in this chapter and in Chapters 953., 956., and 959. of 26532  
the Revised Code to "dog warden" and "deputy dog warden" shall be 26533  
deemed to be replaced, respectively, with references to "sheriff" 26534  
and "deputy sheriff." 26535

**Sec. 955.14.** (A) Notwithstanding section 955.01 of the 26536  
Revised Code, a board of county commissioners by resolution may 26537  
increase dog and kennel registration fees in the county. The 26538  
amount of the fees shall not exceed an amount that the board, in 26539  
its discretion, estimates is needed to pay all expenses for the 26540  
administration of this chapter ~~and to pay claims allowed for~~ 26541  
~~animals injured or destroyed by dogs.~~ Such a resolution shall be 26542  
adopted not earlier than the first day of February and not later 26543  
than the thirty-first day of August of any year and shall specify 26544  
the registration period or periods to which the increased fees 26545  
apply. An increase in fees adopted under this division shall be in 26546  
the ratio of two dollars for each year of registration for a dog 26547  
registration fee, twenty dollars for a permanent dog registration 26548  
fee, and ten dollars for a kennel registration fee. 26549

(B) ~~Not later than the fifteenth day of October of each year,~~ 26550  
~~the board of county commissioners shall determine if there is~~ 26551  
~~sufficient money in the dog and kennel fund, after paying the~~ 26552  
~~expenses of administration incurred or estimated to be incurred~~ 26553  
~~for the remainder of the year, to pay the claims allowed for~~ 26554  
~~animals injured or destroyed by dogs. If the board determines~~ 26555  
~~there is not sufficient money in the dog and kennel fund to pay~~ 26556  
~~the claims allowed, the board shall provide by resolution that all~~ 26557  
~~claims remaining unpaid shall be paid from the general fund of the~~ 26558

~~county. All money paid out of the general fund for those purposes 26559  
may be replaced by the board from the dog and kennel fund at any 26560  
time during the following year notwithstanding section 5705.14 of 26561  
the Revised Code. 26562~~

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 26563  
dog and kennel registration fees in any county are increased above 26564  
two dollars for each year of registration and twenty dollars for a 26565  
permanent registration for a dog registration fee and ten dollars 26566  
for a kennel registration fee under authority of division (A) of 26567  
this section, then on or before the first day of March following 26568  
each year in which the increased fees are in effect, the county 26569  
auditor shall draw on the dog and kennel fund a warrant payable to 26570  
the college of veterinary medicine of the Ohio state university in 26571  
an amount equal to ten cents for each one-year dog registration, 26572  
thirty cents for each three-year dog registration, one dollar for 26573  
each permanent dog registration, and ten cents for each kennel 26574  
registration fee received during the preceding year. The money 26575  
received by the college of veterinary medicine of the Ohio state 26576  
university under this division shall be applied for research and 26577  
study of the diseases of dogs, particularly those transmittable to 26578  
humans, and for research of other diseases of dogs that by their 26579  
nature will provide results applicable to the prevention and 26580  
treatment of both human and canine illness. 26581

~~(D)~~(C) The Ohio state university college of veterinary 26582  
medicine shall be responsible to report annually to the general 26583  
assembly the progress of the research and study authorized and 26584  
funded by division ~~(C)~~(B) of this section. The report shall 26585  
briefly describe the research projects undertaken and assess the 26586  
value of each. The report shall account for funds received 26587  
pursuant to division ~~(C)~~(B) of this section and for the funds 26588  
expended attributable to each research project and for other 26589  
necessary expenses in conjunction with the research authorized by 26590

division ~~(C)~~(B) of this section. The report shall be filed with 26591  
the general assembly by the first day of May of each year. 26592

~~(E)~~(D) The county auditor may authorize agents to receive 26593  
applications for registration of dogs and kennels and to issue 26594  
certificates of registration and tags. If authorized agents are 26595  
employed in a county, each applicant for a dog or kennel 26596  
registration shall pay to the agent an administrative fee of 26597  
seventy-five cents in addition to the registration fee. The 26598  
administrative fee shall be the compensation of the agent. The 26599  
county auditor shall establish rules for reporting and accounting 26600  
by the agents. No administrative or similar fee shall be charged 26601  
in any county except as authorized by this division or division 26602  
~~(F)~~(E) of this section. 26603

~~(F)~~(E) For any county that accepts the payment of dog and 26604  
kennel registration fees by financial transaction devices in 26605  
accordance with section 955.013 of the Revised Code, in addition 26606  
to those registration fees, the county auditor shall collect for 26607  
each registration paid by a financial transaction device one of 26608  
the following: 26609

(1) An administrative fee of seventy-five cents or another 26610  
amount necessary to cover actual costs designated by the county 26611  
auditor; 26612

(2) If the board of county commissioners adopts a surcharge 26613  
or convenience fee for making payments by a financial transaction 26614  
device under division (E) of section 301.28 of the Revised Code, 26615  
that surcharge or convenience fee; 26616

(3) If the county auditor contracts with a third party to 26617  
provide services to enable registration via the internet as 26618  
provided in section 955.013 of the Revised Code, a surcharge or 26619  
convenience fee as agreed to between that third party and the 26620  
county for those internet registration services. Any additional 26621

expenses incurred by the county auditor that result from a 26622  
contract with a third party as provided in this section and 26623  
section 955.013 of the Revised Code and that are not covered by a 26624  
surcharge or convenience fee shall be paid out of the allowance 26625  
provided to the county auditor under section 955.20 of the Revised 26626  
Code. 26627

~~(G)~~(F) The county auditor shall post conspicuously the amount 26628  
of the administrative fee, surcharge, or convenience fee that is 26629  
permissible under this section on the web page where the auditor 26630  
accepts payments for registrations made under division (B)(1) of 26631  
section 955.013 of the Revised Code. If any person chooses to pay 26632  
by financial transaction device, the administrative fee, 26633  
surcharge, or convenience fee shall be considered voluntary and is 26634  
not refundable. 26635

~~(H) As used in this section, "animal" has the same meaning as 26636  
in section 955.51 of the Revised Code. 26637~~

**Sec. 955.15.** The board of county commissioners shall provide 26638  
nets and other suitable devices for the taking of dogs in a humane 26639  
manner, provide a suitable place for impounding dogs, make proper 26640  
provision for feeding and caring for the same, and provide humane 26641  
devices and methods for destroying dogs. In any county in which 26642  
there is a society for the prevention of cruelty to children and 26643  
animals, having one or more agents and maintaining an animal 26644  
shelter suitable for a dog pound and devices for humanely 26645  
destroying dogs, the board need not furnish a dog pound, but the 26646  
county dog warden shall deliver all dogs seized by ~~him~~ the warden 26647  
and ~~his~~ the warden's deputies to such society at its animal 26648  
shelter, there to be dealt with in accordance with law. The board 26649  
shall provide for the payment of reasonable compensation to such 26650  
society for its services so performed out of the dog and kennel 26651  
fund. The board may designate and appoint any officers regularly 26652



employed by any society organized under sections 1717.02 to 26653  
1717.05, ~~inclusive~~, of the Revised Code, to act as county dog 26654  
warden or deputies for the purpose of carrying out sections 955.01 26655  
to 955.27, ~~inclusive~~, and ~~955.29 to 955.38, inclusive~~, of the 26656  
Revised Code, if such society whose agents are so employed owns or 26657  
controls a suitable place for keeping and destroying dogs. 26658

**Sec. 955.20.** The registration fees provided for in sections 26659  
955.01 to 955.14 of the Revised Code constitute a special fund 26660  
known as "the dog and kennel fund." The fees shall be deposited by 26661  
the county auditor in the county treasury daily as collected. 26662  
Money in the fund shall be used for the purpose of defraying the 26663  
cost of furnishing all blanks, records, tags, nets, and other 26664  
equipment, for the purpose of paying the compensation of county 26665  
dog wardens, deputies, poundkeepers, and other employees necessary 26666  
to carry out and enforce sections 955.01 to 955.261 of the Revised 26667  
Code, ~~and for the payment of animal claims as provided in sections~~ 26668  
~~955.29 to 955.38 of the Revised Code~~, and in accordance with 26669  
section 955.27 of the Revised Code. The board of county 26670  
commissioners, by resolution, shall appropriate sufficient funds 26671  
out of the dog and kennel fund, not more than fifteen per cent of 26672  
which shall be expended by the auditor for registration tags, 26673  
blanks, records, and clerk hire, for the purpose of defraying the 26674  
necessary expenses of registering, seizing, impounding, and 26675  
destroying dogs in accordance with sections 955.01 to 955.27 of 26676  
the Revised Code, and for the purpose of covering any additional 26677  
expenses incurred by the county auditor as authorized by division 26678  
(~~F~~)(E)(3) of section 955.14 of the Revised Code. 26679

If the funds so appropriated in any calendar year are found 26680  
by the board to be insufficient to defray the necessary cost and 26681  
expense of the county dog warden in enforcing sections 955.01 to 26682  
955.27 of the Revised Code, the board, by resolution so provided, 26683  
~~after setting aside a sum equal to the total amount of animal~~ 26684

~~claims filed in that calendar year, or an amount equal to the~~ 26685  
~~total amount of animal claims paid or allowed the preceding year,~~ 26686  
~~whichever amount is larger,~~ may appropriate further funds for the 26687  
use and purpose of the county dog warden in administering those 26688  
sections. 26689

**Sec. 955.27.** After paying all necessary expenses of 26690  
administering the sections of the Revised Code relating to the 26691  
registration, seizing, impounding, and destroying of dogs, 26692  
including the purchase, construction, and repair of vehicles and 26693  
facilities necessary for the proper administration of such 26694  
sections, ~~making compensation for injuries to livestock inflicted~~ 26695  
~~by dogs, and after paying all animal claims,~~ the board of county 26696  
commissioners, at the December session, if there remains more than 26697  
two thousand dollars in the dog and kennel fund for that year in a 26698  
county in which there is a society for the prevention of cruelty 26699  
to children and animals, incorporated and organized by law, and 26700  
having one or more agents appointed pursuant to law, or any other 26701  
society organized under Chapter 1717. of the Revised Code, that 26702  
owns or controls a suitable dog kennel or a place for the keeping 26703  
and destroying of dogs that has one or more agents appointed and 26704  
employed pursuant to law, may pay to the treasurer of the society, 26705  
upon warrant of the county auditor, all such excess as the board 26706  
deems necessary for the uses and purposes of the society. 26707

~~As used in this section, "animal" has the same meaning as in~~ 26708  
~~section 955.51 of the Revised Code.~~ 26709

**Sec. 991.03.** (A) The Ohio expositions commission shall: 26710

- (1) Conduct at least one fair or exposition annually; 26711
- (2) Maintain and manage property held by the state for the 26712  
purpose of conducting fairs, expositions, and exhibits; 26713
- (3) As provided in section 109.122 of the Revised Code, 26714

provide notice of or copies of any proposed entertainment or 26715  
sponsorship contracts to the attorney general. 26716

(B) The commission may: 26717

(1) Conduct such additional fairs, expositions, or 26718  
exhibitions as the commission determines are in the general public 26719  
interest; 26720

(2) Accept on behalf of the state conveyances of property for 26721  
the purposes of conducting fairs, expositions, and exhibits, 26722  
subject to any terms and conditions agreed to by the commission 26723  
and approved by the controlling board; 26724

(3) Accept gifts, devises, and bequests of money, lands, and 26725  
other property and apply the money, lands, or other property 26726  
according to the terms of the gift, devise, or bequest. A 26727  
political subdivision as authorized by law may make gifts and 26728  
devises to the commission, and the commission shall apply such a 26729  
gift or devise according to the terms of the gift or devise. All 26730  
gifts and bequests of money accepted under this division shall be 26731  
deposited into the state treasury to the credit of the Ohio 26732  
expositions support fund. 26733

(4) Enter into contracts that the commission considers 26734  
necessary or worthwhile in the conduct of its purposes, provided 26735  
that contracts made for a term exceeding two years, other than 26736  
those described in division (B)(4) of this section, shall be 26737  
subject to the approval of the controlling board and provided that 26738  
the attorney general, pursuant to the attorney general's authority 26739  
under section 109.122 of the Revised Code, has not disapproved the 26740  
proposed contract; 26741

(5) Enter into contracts for the mutual exchange of goods or 26742  
services; 26743

(6) Sell or convey all or a portion of the property, land, or 26744  
buildings under its management subject to the approval of the 26745

legislature; 26746

(7) Grant leases on all or any part of the property, land, or 26747  
buildings under the management of the commission to private or 26748  
public organizations, which appear to be in the best interests of 26749  
the state, with the approval of the controlling board and director 26750  
of administrative services, subject to the following conditions: 26751

(a) The lessees shall make or construct improvements on such 26752  
lands or buildings at no cost to the commission or to the state, 26753  
subject to prior approval by the director of administrative 26754  
services of detailed plans and specifications of such 26755  
improvements. 26756

(b) No person, firm, or corporation shall cause a lien to be 26757  
filed against any funds or property of the state or of the 26758  
commission as a result of a lessee's activities pursuant to 26759  
division (B)(7)(a) of this section. 26760

(c) Leases shall be entered into subject to the sale of such 26761  
property, lands, or buildings during the term of the lease. 26762

(d) No leases shall be made which interfere with a fair, 26763  
exposition, or exhibition on such lands. 26764

(8) Encumber appropriations for the entire amount of a 26765  
contract at the time the contract is made, even though the 26766  
contract will not be performed in the fiscal year for which the 26767  
appropriations were made. 26768

(9) Implement a credit card payment program permitting 26769  
payment by means of a credit card of any fees, charges, and 26770  
rentals associated with conducting fairs, expositions, and 26771  
exhibits. The commission may open an account outside the state 26772  
treasury in a financial institution for the purpose of depositing 26773  
credit card receipts. By the end of the business day following the 26774  
deposit of the receipts, the financial institution shall make 26775  
available to the commission funds in the amount of the receipts. 26776

The commission shall then pay these funds into the state treasury 26777  
to the credit of the Ohio expositions fund. 26778

The commission shall adopt rules as necessary to carry out 26779  
the purposes of division (B)(9) of this section. The rules shall 26780  
include standards for determining eligible financial institutions 26781  
and the manner in which funds shall be made available and shall be 26782  
consistent with the standards contained in sections 135.03, 26783  
135.18, ~~and 135.181,~~ and 135.182 of the Revised Code. 26784

The commission shall not adopt or enforce any rules which 26785  
will prohibit livestock exhibited at the Ohio state fair from 26786  
participating in county and independent fairs in the state. 26787

**Sec. 1306.20.** (A) Subject to section 1306.11 of the Revised 26788  
Code, each state agency shall determine if, and the extent to 26789  
which, it will send and receive electronic records and electronic 26790  
signatures to and from other persons and otherwise create, 26791  
generate, communicate, store, process, use, and rely upon 26792  
electronic records and electronic signatures. 26793

(B)(1) Subject to division (B)(2) of this section, a state 26794  
agency may waive a requirement in the Revised Code, other than a 26795  
requirement in sections 1306.01 to 1306.15 of the Revised Code, 26796  
that relates to any of the following: 26797

(a) The method of posting or displaying records; 26798

(b) The manner of sending, communicating, or transmitting 26799  
records; 26800

(c) The manner of formatting records. 26801

(2) A state agency may exercise its authority to waive a 26802  
requirement under division (B)(1) of this section only if the 26803  
following apply: 26804

(a) The requirement relates to a matter over which the state 26805  
agency has jurisdiction; 26806

(b) The waiver is consistent with criteria set forth in rules 26807  
adopted by the state agency. The criteria, to the extent 26808  
reasonable under the circumstances, shall contain standards to 26809  
facilitate the use of electronic commerce by persons under the 26810  
jurisdiction of the state agency consistent with rules adopted by 26811  
the department of administrative services pursuant to division (A) 26812  
of section 1306.21 of the Revised Code. 26813

(C) If a state agency creates, uses, receives, or retains 26814  
electronic records, both of the following apply: 26815

(1) Any rules adopted by a state agency relating to 26816  
electronic records shall be consistent with rules adopted by the 26817  
department of administrative services pursuant to division (A) of 26818  
section 1306.21 of the Revised Code. 26819

(2) Each state agency shall create, use, receive, and retain 26820  
electronic records in accordance with section 149.40 of the 26821  
Revised Code. 26822

(D) If a state agency creates, uses, or receives electronic 26823  
signatures, the state agency shall create, use, or receive the 26824  
signatures in accordance with rules adopted by the department of 26825  
administrative services pursuant to division (A) of section 26826  
1306.21 of the Revised Code. 26827

(E)~~(1)~~ To the extent a state agency retains an electronic 26828  
record, the state agency may retain a record in a format that is 26829  
different from the format in which the record was originally 26830  
created, used, sent, or received only if it can be demonstrated 26831  
that the alternative format used accurately and completely 26832  
reflects the record as it was originally created, used, sent, or 26833  
received. 26834

~~(2) If a state agency in retaining any set of electronic 26835  
records pursuant to division (E)(1) of this section alters the 26836  
format of the records, the state agency shall create a certificate 26837~~

~~of authenticity for each set of records that is altered.~~ 26838

~~(3) The department of administrative services, in 26839  
consultation with the state archivist, shall adopt rules in 26840  
accordance with section 111.15 of the Revised Code that establish 26841  
the methods for creating certificates of authenticity pursuant to 26842  
division (E)(2) of this section. 26843~~

(F) Whenever any rule of law requires or authorizes the 26844  
filing of any information, notice, lien, or other document or 26845  
record with any state agency, a filing made by an electronic 26846  
record shall have the same force and effect as a filing made on 26847  
paper in all cases where the state agency has authorized or agreed 26848  
to such electronic filing and the filing is made in accordance 26849  
with applicable rules or agreement. 26850

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 26851  
Code shall be construed to require any state agency to use or 26852  
permit the use of electronic records and electronic signatures. 26853

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 26854  
section, any state agency that, prior to September 14, 2000, used 26855  
or permitted the use of electronic records or electronic 26856  
signatures pursuant to laws enacted, rules adopted, or agency 26857  
policies adopted before September 14, 2000, may use or permit the 26858  
use of electronic records or electronic signatures pursuant to 26859  
those previously enacted laws, adopted rules, or adopted policies 26860  
for a period of two years after September 14, 2000. 26861~~

~~(2) Subject to division (H)(3) of this section, after the 26862  
two year period described in division (H)(1) of this section has 26863  
concluded, all state agencies that use or permit the use of 26864  
electronic records or electronic signatures before September 14, 26865  
2000, shall only use or permit the use of electronic records or 26866  
electronic signatures consistent with rules adopted by the 26867  
department of administrative services pursuant to division (A) of 26868~~

~~section 1306.21 of the Revised Code.~~ 26869

~~(3) After the two year period described in division (H)(1) of  
this section has concluded, the department of administrative  
services may permit a state agency to use electronic records or  
electronic signatures that do not comply with division (H)(2) of  
this section, if the state agency files a written request with the  
department.~~ 26870  
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~~(I) For the purposes of this section, "state agency" means  
every organized body, office, or agency established by the laws of  
the state for the exercise of any function of state government,  
but does not include the general assembly, any legislative agency,  
the supreme court, the other courts of record in this state, any  
judicial agency, or any state university identified in section  
3345.011 of the Revised Code, or the northeast Ohio medical  
university.~~ 26876  
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~~(J)(I) A state university identified in section 3345.011 of  
the Revised Code, and the northeast Ohio medical university, that  
uses or permits the use of electronic records or electronic  
signatures on the effective date of this amendment September 16,  
2014, shall, within six months after the effective date of this  
amendment September 16, 2014, adopt rules in accordance with  
section 111.15 of the Revised Code to provide for the use or  
permission to use electronic records or electronic signatures. A  
state university identified in section 3345.011 of the Revised  
Code, and the northeast Ohio medical university, if not using or  
permitting the use of electronic records or electronic signatures  
on the effective date of this amendment September 16, 2014, shall  
adopt rules in accordance with section 111.15 of the Revised Code  
when it elects to begin using or permitting the use of electronic  
records or electronic signatures.~~ 26884  
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**Sec. 1309.528.** All fees collected by the secretary of state 26899



for filings under Title XIII or XVII of the Revised Code shall be 26900  
deposited into the state treasury to the credit of the corporate 26901  
and uniform commercial code filing fund, which is hereby created. 26902  
The fund shall also receive revenue from fees charged to customers 26903  
for special database requests. All moneys credited to the fund 26904  
shall be used for the purpose of paying for the operations of the 26905  
office of the secretary of state and for the purpose of paying for 26906  
expenses relating to the processing of filings under Title XIII or 26907  
XVII of the Revised Code. 26908

**Sec. 1332.25.** (A) An application made to the director of 26909  
commerce for a video service authorization under section 1332.24 26910  
of the Revised Code shall require and contain only the following: 26911

(1) Specification of the location of the applicant's 26912  
principal place of business and the names of the applicant's 26913  
principal executive officers; 26914

(2) Specification of the geographic and political boundaries 26915  
of the applicant's proposed video service area; 26916

(3) A general description of the type or types of 26917  
technologies the applicant will use to deliver the video 26918  
programming, which may include wireline, wireless, or any other 26919  
alternative technology, subject, as applicable, to section 1332.29 26920  
of the Revised Code; 26921

(4) An attestation that the applicant has filed or will 26922  
timely file with the federal communications commission all forms 26923  
required by that agency in advance of offering video service in 26924  
this state; 26925

(5) An attestation that the applicant will comply with 26926  
applicable federal, state, and local laws; 26927

(6) An attestation that the applicant is legally, 26928  
financially, and technically qualified to provide video service; 26929

(7) A description of the applicant's customer complaint handling process, including policies on addressing customer service issues, billing adjustments, and communication with government officials regarding customer complaints, and a local or toll-free telephone number at which a customer may contact the applicant.

(B) For the purpose of division (A)(2) of this section:

(1) The video service areas of video service providers may overlap.

(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries, except as authorized under division (B)(3) or (4) of this section, but nothing in sections 1332.21 to 1332.34 of the Revised Code shall require a video service provider to provide access to video service within the entire video service area.

(3) The specified video service area of a person using telecommunications facilities to provide video service on September 24, 2007, or of any other person later so using telecommunications facilities shall be the geographic area in which the person ~~offers~~ offered basic local exchange service on September 24, 2007.

(4) Subject to division (C)(2) of section 1332.27 of the Revised Code, the specified video service area of an applicant cable operator that offers service under a franchise in effect on September 24, 2007, initially shall be, at minimum, the franchise area established under that franchise.

(C) A video service provider shall immediately file an application to amend its video service authorization with the director to reflect any change in the information required under division (A)(1), (2), or (3) of this section. An amendment pursuant to division (A)(2) of this section shall include any new

delivery technology information required by division (A)(3) of 26961  
this section. 26962

(D) Within thirty days after its filing or within thirty days 26963  
after the filing of supplemental information necessary to make it 26964  
complete, the director shall determine the completeness of an 26965  
application filed under division (A) or (C) of this section 26966  
relative to the respective requirements of divisions (A), (B), and 26967  
(C) of this section and, as applicable, shall notify the applicant 26968  
of an incompleteness determination, state the bases for that 26969  
determination, and inform the applicant that it may resubmit a 26970  
corrected application. The director shall issue a video service 26971  
authorization, authorization renewal, or amended authorization 26972  
within fifteen days after the director's determination that the 26973  
filed application is complete. 26974

If the director does not notify the applicant regarding the 26975  
completeness of the application within the time period specified 26976  
in this division or does not issue the authorization requested by 26977  
a completed application within the applicable time period, the 26978  
application shall be deemed complete, and the authorization or 26979  
amended authorization deemed issued on the forty-fifth day after 26980  
the application's filing date. 26981

(E) An applicant shall pay a two thousand dollar 26982  
nonrefundable fee for each application filed under division (A) of 26983  
this section and a one hundred dollar nonrefundable fee for each 26984  
application to amend filed under division (C) of this section. 26985  
Fees collected under this division shall be deposited to the 26986  
credit of the video service authorization fund in the state 26987  
treasury, which is hereby created, to be used by the department of 26988  
commerce in carrying out its duties under sections 1332.21 to 26989  
1332.34 of the Revised Code. 26990

(F)(1) No video service provider shall identify or make 26991  
reference to an application fee under division (E) of this section 26992

on any subscriber bill or in conjunction with charging any fee to the subscriber. 26993  
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(2) A video service provider may identify or make reference on a subscriber bill to an assessment under section 1332.24 of the Revised Code only if the provider opts to pass the cost of the assessment onto subscribers. 26995  
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(G) An applicant may identify any information in its application as trade secret information, and if, upon its written request to the director, the director reasonably affirms all or part of that information as trade secret information, the information so affirmed does not constitute a public record for the purpose of section 149.43 of the Revised Code. 26999  
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**Sec. 1347.08.** (A) Every state or local agency that maintains a personal information system, upon the request and the proper identification of any person who is the subject of personal information in the system, shall: 27005  
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(1) Inform the person of the existence of any personal information in the system of which the person is the subject; 27009  
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(2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject; 27011  
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(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system. 27016  
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(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice. 27019  
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(C)(1) A state or local agency, upon request, shall disclose 27022

medical, psychiatric, or psychological information to a person who 27023  
is the subject of the information or to the person's legal 27024  
guardian, unless a physician, psychiatrist, or psychologist 27025  
determines for the agency that the disclosure of the information 27026  
is likely to have an adverse effect on the person, in which case 27027  
the information shall be released to a physician, psychiatrist, or 27028  
psychologist who is designated by the person or by the person's 27029  
legal guardian. 27030

(2) Upon the signed written request of either a licensed 27031  
attorney at law or a licensed physician designated by the inmate, 27032  
together with the signed written request of an inmate of a 27033  
correctional institution under the administration of the 27034  
department of rehabilitation and correction, the department shall 27035  
disclose medical information to the designated attorney or 27036  
physician as provided in division (C) of section 5120.21 of the 27037  
Revised Code. 27038

(D) If an individual who is authorized to inspect personal 27039  
information that is maintained in a personal information system 27040  
requests the state or local agency that maintains the system to 27041  
provide a copy of any personal information that the individual is 27042  
authorized to inspect, the agency shall provide a copy of the 27043  
personal information to the individual. Each state and local 27044  
agency may establish reasonable fees for the service of copying, 27045  
upon request, personal information that is maintained by the 27046  
agency. 27047

(E)(1) This section regulates access to personal information 27048  
that is maintained in a personal information system by persons who 27049  
are the subject of the information, but does not limit the 27050  
authority of any person, including a person who is the subject of 27051  
personal information maintained in a personal information system, 27052  
to inspect or have copied, pursuant to section 149.43 of the 27053  
Revised Code, a public record as defined in that section. 27054

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

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

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend

to identify such an individual;	27085
(8) Records that identify an individual described in division	27086
(A)(1) of section 5165.88 of the Revised Code, or that would tend	27087
to identify such an individual;	27088
(9) Test materials, examinations, or evaluation tools used in	27089
an examination for licensure as a nursing home administrator that	27090
the board of executives of long-term services and supports	27091
administers under section 4751.04 of the Revised Code or contracts	27092
under that section with a private or government entity to	27093
administer;	27094
(10) Information contained in a database established and	27095
maintained pursuant to section 5101.13 of the Revised Code;	27096
<u>(11) Information contained in a database established and</u>	27097
<u>maintained pursuant to section 5101.612 of the Revised Code.</u>	27098
<b>Sec. 1349.04.</b> (A) As used in this section:	27099
(1) "Active duty" means active duty pursuant to an executive	27100
order of the president of the United States, an act of the	27101
congress of the United States, or section 5919.29 or 5923.21 of	27102
the Revised Code.	27103
(2) "Immediate family" means a person's spouse residing in	27104
the person's household; brothers and sisters of the whole or half	27105
blood; children, including adopted children and stepchildren;	27106
parents; and grandparents.	27107
(B) The attorney general shall appoint a member of the staff	27108
of the consumer protection division of the attorney general's	27109
office to expedite cases or issues raised by a person, or the	27110
immediate family of the person, who is deployed on active duty,	27111
which cases or issues raised relate to <del>sections 125.021,</del> <u>section</u>	27112
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64,	27113
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised	27114

Code or to any other relevant section of the Revised Code 27115  
regulating consumer protection. 27116

**Sec. 1501.01.** (A) Except where otherwise expressly provided, 27117  
the director of natural resources shall formulate and institute 27118  
all the policies and programs of the department of natural 27119  
resources. The chief of any division of the department shall not 27120  
enter into any contract, agreement, or understanding unless it is 27121  
approved by the director. No appointee or employee of the 27122  
director, other than the assistant director, may bind the director 27123  
in a contract except when given general or special authority to do 27124  
so by the director. 27125

The director may enter into contracts or agreements with any 27126  
agency of the United States government, any other public agency, 27127  
or any private entity or organization for the performance of the 27128  
duties of the department. 27129

(B) The director shall correlate and coordinate the work and 27130  
activities of the divisions in the department to eliminate 27131  
unnecessary duplications of effort and overlapping of functions. 27132  
The chiefs of the various divisions of the department shall meet 27133  
with the director at least once each month at a time and place 27134  
designated by the director. 27135

The director may create advisory boards to any of those 27136  
divisions in conformity with section 121.13 of the Revised Code. 27137

(C) The director may accept and expend gifts, devises, and 27138  
bequests of money, lands, and other properties on behalf of the 27139  
department or any division thereof under the terms set forth in 27140  
section 9.20 of the Revised Code. Any political subdivision of 27141  
this state may make contributions to the department for the use of 27142  
the department or any division therein according to the terms of 27143  
the contribution. 27144



(D) The director may publish and sell or otherwise distribute data, reports, and information.	27145 27146
(E) The director may identify and develop the geographic information system needs for the department, which may include, but not be limited to, all of the following:	27147 27148 27149
(1) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology;	27150 27151 27152
(2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services;	27153 27154 27155 27156 27157
(3) Creating, maintaining, and documenting spatial digital data bases;	27158 27159
(4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management;	27160 27161 27162
(5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;	27163 27164 27165 27166 27167 27168
(6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;	27169 27170 27171 27172
(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local,	27173 27174

regional, and statewide basis;	27175
(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;	27176 27177 27178
(9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;	27179 27180 27181
(10) Entering into contracts or agreements with any agency of the United States government, any other public agency, or any private agency or organization for the performance of the duties specified in division (E) of this section or for accomplishing cooperative projects within those duties;	27182 27183 27184 27185 27186
(11) Entering into agreements with local government agencies for the purposes of land use inventories, Ohio capability analysis data layers, and other duties related to resource management.	27187 27188 27189
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.	27190 27191 27192 27193 27194 27195 27196
(G) Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of administrative services. This authority to appropriate property is in addition to the authority provided by law for the appropriation of property by divisions of the department. The director of	27197 27198 27199 27200 27201 27202 27203 27204 27205

natural resources also may acquire by purchase, lease, or 27206  
otherwise such real and personal property rights or privileges in 27207  
the name of the state as are necessary for the purposes of the 27208  
department or any division therein. The director, ~~with the~~ 27209  
~~approval of the governor and the attorney general~~ in accordance 27210  
with section 5301.13 of the Revised Code, if applicable, may sell, 27211  
lease, or exchange portions of lands or property, real or 27212  
personal, of any division of the department or grant easements or 27213  
licenses for the use thereof, or enter into agreements for the 27214  
sale of water from lands and waters under the administration or 27215  
care of the department or any of its divisions, when the sale, 27216  
lease, exchange, easement, agreement, or license for use is in an 27217  
amount that is less than fifty thousand dollars and is 27218  
advantageous to the state, ~~provided that such approval is not~~ 27219  
~~required for leases and contracts made under section 1501.07,~~ 27220  
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code.~~ With the 27221  
approval of the governor, the director, in accordance with section 27222  
5301.13 of the Revised Code, if applicable, may sell, lease, or 27223  
exchange portions of, grant easements or licenses for the use of, 27224  
or enter into agreements for the sale of such lands, property, or 27225  
waters in an amount of fifty thousand dollars or more when the 27226  
sale, lease, exchange, easement, agreement, or license is 27227  
advantageous to the state. Water may be sold from a reservoir only 27228  
to the extent that the reservoir was designed to yield a supply of 27229  
water for a purpose other than recreation or wildlife, and the 27230  
water sold is in excess of that needed to maintain the reservoir 27231  
for purposes of recreation or wildlife. 27232

Money received from such sales, leases, easements, exchanges, 27233  
agreements, or licenses for use, except revenues required to be 27234  
set aside or paid into depositories or trust funds for the payment 27235  
of bonds issued under sections 1501.12 to 1501.15 of the Revised 27236  
Code, and to maintain the required reserves therefor as provided 27237  
in the orders authorizing the issuance of such bonds or the trust 27238

agreements securing such bonds, revenues required to be paid and 27239  
credited pursuant to the bond proceeding applicable to obligations 27240  
issued pursuant to section 154.22, and revenues generated under 27241  
section 1520.05 of the Revised Code, shall be deposited in the 27242  
state treasury to the credit of the fund of the division of the 27243  
department having prior jurisdiction over the lands or property. 27244  
If no such fund exists, the money shall be credited to the general 27245  
revenue fund. All such money received from lands or properties 27246  
administered by the division of wildlife shall be credited to the 27247  
wildlife fund. 27248

(H) The director shall provide for the custody, safekeeping, 27249  
and deposit of all moneys, checks, and drafts received by the 27250  
department or its employees prior to paying them to the treasurer 27251  
of state under section 113.08 of the Revised Code. 27252

(I) The director shall cooperate with the nature conservancy, 27253  
other nonprofit organizations, and the United States fish and 27254  
wildlife service in order to secure protection of islands in the 27255  
Ohio river and the wildlife and wildlife habitat of those islands. 27256

(J) Any instrument by which real property is acquired 27257  
pursuant to this section shall identify the agency of the state 27258  
that has the use and benefit of the real property as specified in 27259  
section 5301.012 of the Revised Code. 27260

**Sec. 1501.011.** (A) Except as provided in divisions (B), (C), 27261  
and (D) of this section, the Ohio facilities construction 27262  
commission shall supervise the design and construction of, and 27263  
make contracts for the construction, reconstruction, improvement, 27264  
enlargement, alteration, repair, or decoration of, any projects or 27265  
improvements for the department of natural resources that may be 27266  
authorized by legislative appropriations or any other funds 27267  
available therefor, the estimated cost of which amounts to two 27268  
hundred thousand dollars or more or the amount determined pursuant 27269

to section 153.53 of the Revised Code or more. 27270

~~(B) The department of natural resources shall administer the 27271  
construction of improvements under an agreement with the 27272  
supervisors of a soil and water conservation district pursuant to 27273  
division (I) of section 1515.08 of the Revised Code. 27274~~

~~(C)~~(1) The department of natural resources shall supervise 27275  
the design and construction of, and make contracts for the 27276  
construction, reconstruction, improvement, enlargement, 27277  
alteration, repair, or decoration of, any of the following 27278  
activities, projects, or improvements: 27279

(a) Dam repairs administered by the division of engineering 27280  
under Chapter 1507. of the Revised Code; 27281

(b) Projects or improvements administered by the division of 27282  
watercraft and funded through the waterways safety fund 27283  
established in section 1547.75 of the Revised Code; 27284

(c) Projects or improvements administered by the division of 27285  
wildlife under Chapter 1531. or 1533. of the Revised Code; 27286

(d) Activities conducted by the department pursuant to 27287  
section 5511.05 of the Revised Code in order to maintain the 27288  
department's roadway inventory. 27289

(2) If a contract to be let under division ~~(C)~~(B)(1) of this 27290  
section involves an exigency that concerns the public health, 27291  
safety, or welfare or addresses an emergency situation in which 27292  
timeliness is crucial in preventing the cost of the contract from 27293  
increasing significantly, pursuant to the declaration of a public 27294  
exigency, the department may award the contract without 27295  
competitive bidding or selection as otherwise required by Chapter 27296  
153. of the Revised Code. 27297

A notice published by the department of natural resources 27298  
regarding an activity, project, or improvement shall be published 27299

as contemplated in section 7.16 of the Revised Code. 27300

~~(D)~~(C) The executive director of the Ohio facilities 27301  
construction commission may authorize the department of natural 27302  
resources to administer any other project or improvement, the 27303  
estimated cost of which, including design fees, construction, 27304  
equipment, and contingency amounts, is not more than one million 27305  
five hundred thousand dollars. 27306

**Sec. 1501.022.** There is hereby created in the state treasury 27307  
the injection well review fund consisting of moneys transferred to 27308  
it under section 6111.046 of the Revised Code. Moneys in the fund 27309  
shall be used by the chiefs of the divisions of mineral resources 27310  
management, oil and gas resources management, geological survey, 27311  
and ~~soil and~~ water resources in the department of natural 27312  
resources exclusively for the purpose of executing their duties 27313  
under sections 6111.043 to 6111.047 of the Revised Code. 27314

**Sec. 1501.04.** There is hereby created in the department of 27315  
natural resources a recreation and resources commission composed 27316  
of the chairperson of the wildlife council created under section 27317  
1531.03 of the Revised Code, the chairperson of the parks and 27318  
recreation council created under section 1541.40 of the Revised 27319  
Code, the chairperson of the waterways safety council created 27320  
under section 1547.73 of the Revised Code, the chairperson of the 27321  
technical advisory council on oil and gas created under section 27322  
1509.38 of the Revised Code, the chairperson of the forestry 27323  
advisory council created under section 1503.40 of the Revised 27324  
Code, ~~the chairperson of the Ohio soil and water conservation~~ 27325  
~~commission created under section 1515.02 of the Revised Code,~~ the 27326  
chairperson of the Ohio natural areas council created under 27327  
section 1517.03 of the Revised Code, the chairperson of the Ohio 27328  
water advisory council created under section 1521.031 of the 27329  
Revised Code, the chairperson of the Ohio geology advisory council 27330

created under section 1505.11 of the Revised Code, and five 27331  
members appointed by the governor with the advice and consent of 27332  
the senate, not more than three of whom shall belong to the same 27333  
political party. The director of natural resources shall be an ex 27334  
officio member of the commission, with a voice in its 27335  
deliberations, but without the power to vote. 27336

Terms of office of members of the commission appointed by the 27337  
governor shall be for five years, commencing on the second day of 27338  
February and ending on the first day of February. Each member 27339  
shall hold office from the date of appointment until the end of 27340  
the term for which the member was appointed. 27341

In the event of the death, removal, resignation, or 27342  
incapacity of a member of the commission, the governor, with the 27343  
advice and consent of the senate, shall appoint a successor who 27344  
shall hold office for the remainder of the term for which the 27345  
member's predecessor was appointed. Any member shall continue in 27346  
office subsequent to the expiration date of the member's term 27347  
until the member's successor takes office, or until a period of 27348  
sixty days has elapsed, whichever occurs first. 27349

The governor may remove any appointed member of the 27350  
commission for misfeasance, nonfeasance, or malfeasance in office. 27351

The commission shall exercise no administrative function, but 27352  
may do any of the following: 27353

(A) Advise with and recommend to the director as to plans and 27354  
programs for the management, development, utilization, and 27355  
conservation of the natural resources of the state; 27356

(B) Advise with and recommend to the director as to methods 27357  
of coordinating the work of the divisions of the department; 27358

(C) Consider and make recommendations upon any matter that 27359  
the director may submit to it; 27360

(D) Submit to the governor biennially recommendations for 27361  
amendments to the conservation laws of the state. 27362

Each member of the commission, before entering upon the 27363  
discharge of the member's duties, shall take and subscribe to an 27364  
oath of office, which oath, in writing, shall be filed in the 27365  
office of the secretary of state. 27366

The members of the commission shall serve without 27367  
compensation, but shall be entitled to receive their actual and 27368  
necessary expenses incurred in the performance of their official 27369  
duties. 27370

The commission, by a majority vote of all its members, shall 27371  
adopt and amend bylaws. 27372

To be eligible for appointment, a person shall be a citizen 27373  
of the United States and an elector of the state and shall possess 27374  
a knowledge of and have an interest in the natural resources of 27375  
this state. 27376

The commission shall hold at least four regular quarterly 27377  
meetings each year. Special meetings shall be held at such times 27378  
as the bylaws of the commission provide. Notices of all meetings 27379  
shall be given in such manner as the bylaws provide. The 27380  
commission shall choose annually from among its members a 27381  
chairperson to preside over its meetings and a secretary to keep a 27382  
record of its proceedings. A majority of the members of the 27383  
commission constitutes a quorum. No advice shall be given or 27384  
recommendation made without a majority of the members of the 27385  
commission concurring in it. 27386

**Sec. 1503.50.** As used in sections 1503.50 to 1503.55 of the 27387  
Revised Code: 27388

(A) "Conservation" means the wise use and management of 27389  
natural resources. 27390



(B) "Forestry pollution" means failure to use management or conservation practices in silvicultural operations to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment, including attached substances, from silvicultural operations. 27391  
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(C) "Pollution abatement practice" means any erosion control practice or timber harvest best management practice or procedure and the operation and management associated with it as contained in a timber harvest plan. 27396  
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(D) "Soil and water conservation district" has the same meaning as in section 940.01 of the Revised Code. 27400  
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(E) "Timber harvest plan" means a written record, developed or approved by the chief of the division of forestry or the chief's designee that contains implementation schedules and operational procedures for a level of land and water management that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment, including attached substances, from silvicultural operations. 27402  
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(F) "Waters of the state" has the same meaning as in section 903.01 of the Revised Code. 27409  
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**Sec. 1503.51.** (A) The chief of the division of forestry shall adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following: 27411  
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(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in silvicultural operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment, including attached substances, from silvicultural operations and establish criteria for determination of the acceptability of such management and 27414  
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<u>conservation practices;</u>	27421
<u>(2) Establish procedures for administration of the rules;</u>	27422
<u>(3) Specify the pollution abatement practices eligible for</u>	27423
<u>state cost sharing and determine the conditions for eligibility,</u>	27424
<u>the construction standards and specifications, the useful life,</u>	27425
<u>the maintenance requirements, and the limits of cost sharing for</u>	27426
<u>those practices. Eligible practices shall be limited to practices</u>	27427
<u>that address silvicultural operations, that require expenditures</u>	27428
<u>that are likely to exceed the economic returns to the owner or</u>	27429
<u>operator of a silvicultural operation, and that abate soil erosion</u>	27430
<u>or degradation of the waters of the state by soil sediment,</u>	27431
<u>including attached substances, from silvicultural operations.</u>	27432
<u>(B) The chief or the chief's designee shall do all of the</u>	27433
<u>following:</u>	27434
<u>(1) Issue orders requiring compliance with a rule adopted</u>	27435
<u>under this section. Before the chief or the chief's designee</u>	27436
<u>issues an order, the chief or the chief's designee shall afford</u>	27437
<u>the person an adjudication hearing under Chapter 119. of the</u>	27438
<u>Revised Code. The chief or the chief's designee may require in an</u>	27439
<u>order that a person who has caused forestry pollution by failure</u>	27440
<u>to comply with the standards established in rules adopted under</u>	27441
<u>this section operate under a timber harvest plan approved by the</u>	27442
<u>chief or the chief's designee under this section. An order shall</u>	27443
<u>be issued in writing and contain a finding by the chief or the</u>	27444
<u>chief's designee of the facts on which the order is based and the</u>	27445
<u>standard that is not being met.</u>	27446
<u>(2) Periodically monitor the use and effectiveness of</u>	27447
<u>management and conservation practices conducted in accordance with</u>	27448
<u>standards established in rules adopted under division (A)(1) of</u>	27449
<u>this section;</u>	27450
<u>(3) Assist in expediting state responsibilities for watershed</u>	27451

development and other natural resource conservation works of 27452  
improvement; 27453

(4) When necessary for the purposes of sections 1503.50 to 27454  
1503.55 of the Revised Code, develop or approve timber harvest 27455  
plans. 27456

**Sec. 1503.52.** (A) A person who owns or operates a 27457  
silviculture operation may develop and operate under a timber 27458  
harvest plan approved by the chief of the division of forestry or 27459  
the chief's designee under section 1503.51 of the Revised Code or 27460  
by the supervisors of the applicable soil and water conservation 27461  
district under section 940.06 of the Revised Code. 27462

(B) Any person who wishes to make a complaint regarding 27463  
nuisances involving forestry pollution may do so orally or by 27464  
submitting a written, signed, and dated complaint to the chief or 27465  
the chief's designee. After receiving an oral complaint, the chief 27466  
or the chief's designee may cause an investigation to be conducted 27467  
to determine whether forestry pollution has occurred or is 27468  
imminent. After receiving a written, signed, and dated complaint, 27469  
the chief or the chief's designee shall cause such an 27470  
investigation to be conducted. 27471

(C) In a private civil action for nuisances involving 27472  
forestry pollution, it is an affirmative defense if the person 27473  
owning, operating, or otherwise responsible for a silvicultural 27474  
operation is operating under and in substantial compliance with an 27475  
approved timber harvest plan developed under division (A) of this 27476  
section, with a timber harvest plan developed by the chief or the 27477  
chief's designee under section 1503.51 of the Revised Code or by 27478  
the supervisors of the applicable soil and water conservation 27479  
district under section 940.06 of the Revised Code, or with a 27480  
timber harvest plan required by an order issued by the chief or 27481  
the chief's designee under division (B)(1) of section 1503.51 of 27482

the Revised Code. Nothing in this section is in derogation of the 27483  
authority granted to the chief or the chief's designee in 1503.51 27484  
of the Revised Code. 27485

Sec. 1503.53. (A) Except as provided in division (B) of this 27486  
section, the chief of the division of forestry, an employee of the 27487  
division of forestry, the supervisors of a soil and water 27488  
conservation district, an employee of a district, and a contractor 27489  
of the division or a district shall not disclose either of the 27490  
following: 27491

(1) Information, including data from geographic information 27492  
systems and global positioning systems, provided by a person who 27493  
owns or operates a silvicultural operation that is operated under 27494  
a timber harvest plan; 27495

(2) Information gathered as a result of an inspection to 27496  
determine whether the person who owns or operates the operation is 27497  
in compliance with a timber harvest plan. 27498

(B) The chief or the supervisors of a district may release or 27499  
disclose information specified in division (A)(1) or (2) of this 27500  
section to a person or a federal, state, or local agency working 27501  
in cooperation with the chief or the supervisors in the 27502  
development of a timber harvest plan or an inspection to determine 27503  
compliance with such a plan if the chief or supervisors determine 27504  
that the person or federal, state, or local agency will not 27505  
subsequently disclose the information to another person. 27506

Sec. 1503.54. (A)(1) No person shall recklessly fail to 27507  
comply with an order of the chief of the division of forestry or 27508  
the chief's designee issued under section 1503.51 of the Revised 27509  
Code. 27510

(2) In addition to the remedies provided and irrespective of 27511  
whether an adequate remedy at law exists, the chief may apply to 27512

the court of common pleas in the county where a violation of a 27513  
standard established in rules adopted under section 1503.51 of the 27514  
Revised Code causes forestry pollution for an order to compel the 27515  
violator to cease the violation and to remove the pollutant or to 27516  
comply with the rules adopted under that section, as appropriate. 27517

(3) In addition to the remedies provided and irrespective of 27518  
whether an adequate remedy at law exists, whenever the chief 27519  
officially determines that an emergency exists because of forestry 27520  
pollution, the chief may issue an order, without notice or 27521  
hearing, stating the existence of the emergency and requiring that 27522  
action be taken that is necessary to address the emergency. The 27523  
order shall be effective immediately. 27524

A person to whom the order is issued shall comply with the 27525  
order immediately, but on application to the chief shall be 27526  
afforded an adjudication hearing in accordance with Chapter 119. 27527  
of the Revised Code as soon as possible, but not later than twenty 27528  
days after the chief's receipt of the application. Following the 27529  
hearing, the chief shall continue the order in effect, revoke it, 27530  
or modify it. The order may be appealed in accordance with section 27531  
119.12 of the Revised Code. An emergency order shall not remain in 27532  
effect for more than sixty days after its issuance. 27533

If a person to whom an order is issued does not comply with 27534  
the order within a reasonable period of time as determined by the 27535  
chief, the chief or the chief's designee may enter on private or 27536  
public lands to investigate and take action to mitigate, minimize, 27537  
remove, or abate the conditions that are the subject of the order. 27538

(B) The attorney general, upon the written request of the 27539  
chief, shall bring appropriate legal action in Franklin county 27540  
against any person who fails to comply with an order of the chief 27541  
or the chief's designee issued under section 1503.51 of the 27542  
Revised Code. 27543

Sec. 1503.55. (A) There is hereby created in the state treasury the forestry pollution abatement fund, which shall be administered by the chief of the division of forestry. 27544  
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(B) The fund may be used to pay costs incurred under all of the following: 27547  
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(1) Rules adopted under division (A)(3) of section 1503.51 of the Revised Code; 27549  
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(2) Division (B)(2) of section 1503.51 of the Revised Code; 27551

(3) Division (A)(3) of section 1503.54 of the Revised Code in investigating, mitigating, minimizing, removing, or abating any pollution of the waters of the state caused by forestry pollution that requires emergency action to protect public health. 27552  
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(C) Any person responsible for causing or allowing forestry pollution or an unauthorized release, spill, or discharge is liable to the chief for any costs incurred by the chief in investigating, mitigating, minimizing, removing, or abating the forestry pollution or release, spill, or discharge regardless of whether those costs were paid from the forestry pollution abatement fund or any other fund of the division. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs. Money recovered under this section shall be credited to the forestry pollution abatement fund. 27556  
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**Sec. 1503.99. (A) Whoever violates section 1503.01 or 1503.12 of the Revised Code is guilty of a minor misdemeanor.** 27567  
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**(B) Whoever violates section 1503.18 or 1503.43 of the Revised Code is guilty of a misdemeanor of the third degree.** 27569  
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**(C) Whoever violates division (A) of section 1503.54 of the Revised Code is guilty of a misdemeanor of the first degree. Each** 27571  
27572

day of violation is a separate offense. In addition to the penalty 27573  
provided in this division, the sentencing court may assess damages 27574  
in an amount equal to the costs of reclaiming, restoring, or 27575  
otherwise repairing any damage to public or private property 27576  
caused by any violation of division (A) of section 1503.54 of the 27577  
Revised Code. All fines and moneys assessed as damages under this 27578  
section shall be credited to the forestry pollution abatement fund 27579  
created in section 1503.55 of the Revised Code. 27580

**Sec. 1505.10.** ~~The chief of the division of geological survey~~ 27581  
director of natural resources or the director's designee shall 27582  
prepare and publish for public distribution annual reports that 27583  
shall include all of the following: 27584

(A) A list of the operators of mines, quarries, pits, or 27585  
other mineral resource extraction operations in this state; 27586

(B) Information on the location of and commodity extracted at 27587  
each operation; 27588

(C) Information on the employment at each operation; 27589

(D) Information on the tonnage of coal or other minerals 27590  
extracted at each operation along with the method of extraction; 27591

(E) Information on the production, use, distribution, value, 27592  
and other facts relative to the mineral resources of the state 27593  
that may be of public interest. 27594

The director or the director's designee may require the 27595  
division of mineral resources management to perform the duties 27596  
required by this section. 27597

Each operator engaged in the extraction of minerals shall 27598  
submit an accurate and complete annual report, on or before the 27599  
last day of January each year, to the ~~chief of the division of~~ 27600  
geological survey director or the director's designee on forms 27601  
provided by the ~~chief~~ director or the director's designee and 27602

containing the information specified in divisions (A) to (E) of 27603  
this section for the immediately preceding calendar year. The 27604  
~~chief of the division of mineral resources management~~ director or 27605  
the director's designee may use all or portions of the information 27606  
collected pursuant to this section in preparing the annual report 27607  
required by section 1561.04 of the Revised Code. 27608

No person shall fail to comply with this section. 27609

**Sec. 1506.01.** As used in this chapter: 27610

(A) "Coastal area" means the waters of Lake Erie, the islands 27611  
in the lake, and the lands under and adjacent to the lake, 27612  
including transitional areas, wetlands, and beaches. The coastal 27613  
area extends in Lake Erie to the international boundary line 27614  
between the United States and Canada and landward only to the 27615  
extent necessary to include shorelands, the uses of which have a 27616  
direct and significant impact on coastal waters as determined by 27617  
the director of natural resources. 27618

(B) "Coastal management program" means the comprehensive 27619  
action of the state and its political subdivisions cooperatively 27620  
to preserve, protect, develop, restore, or enhance the resources 27621  
of the coastal area and to ensure wise use of the land and water 27622  
resources of the coastal area, giving attention to natural, 27623  
cultural, historic, and aesthetic values; agricultural, 27624  
recreational, energy, and economic needs; and the national 27625  
interest. "Coastal management program" includes the establishment 27626  
of objectives, policies, standards, and criteria concerning, 27627  
without limitation, protection of air, water, wildlife, rare and 27628  
endangered species, wetlands and natural areas, and other natural 27629  
resources in the coastal area; management of coastal development 27630  
and redevelopment; preservation and restoration of historic, 27631  
cultural, and aesthetic coastal features; and public access to the 27632  
coastal area for recreation purposes. 27633



(C) "Coastal management program document" means a 27634  
comprehensive statement consisting of, without limitation, text, 27635  
maps, and illustrations that is adopted by the director in 27636  
accordance with this chapter, describes the objectives, policies, 27637  
standards, and criteria of the coastal management program for 27638  
guiding public and private uses of lands and waters in the coastal 27639  
area, lists the governmental agencies, including, without 27640  
limitation, state agencies, involved in implementing the coastal 27641  
management program, describes their applicable policies and 27642  
programs, and cites the statutes and rules under which they may 27643  
adopt and implement those policies and programs. 27644

(D) "Person" means any agency of this state, any political 27645  
subdivision of this state or of the United States, and any legal 27646  
entity defined as a person under section 1.59 of the Revised Code. 27647

(E) "Director" means the director of natural resources or the 27648  
director's designee. 27649

(F) "Permanent structure" means any residential, commercial, 27650  
industrial, institutional, or agricultural building, any mobile 27651  
home as defined in division (O) of section 4501.01 of the Revised 27652  
Code, any manufactured home as defined in division (C)(4) of 27653  
section 3781.06 of the Revised Code, and any septic system that 27654  
receives sewage from a single-family, two-family, or three-family 27655  
dwelling, but does not include any recreational vehicle as defined 27656  
in section 4501.01 of the Revised Code. 27657

(G) "State agency" or "agency of the state" has the same 27658  
meaning as "agency" as defined in section 111.15 of the Revised 27659  
Code. 27660

(H) "Coastal flood hazard area" means any territory within 27661  
the coastal area that has been identified as a flood hazard area 27662  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 27663  
42 U.S.C.A. 4002, as amended. 27664

(I) "Coastal erosion area" means any territory included in 27665  
Lake Erie coastal erosion areas identified by the director under 27666  
section 1506.06 of the Revised Code. 27667

(J) "Conservancy district" means a conservancy district that 27668  
is established under Chapter 6101. of the Revised Code. 27669

(K) "Park board" means the board of park commissioners of a 27670  
park district that is created under Chapter 1545. of the Revised 27671  
Code. 27672

(L) "Erosion control structure" means a structure that is 27673  
designed solely and specifically to reduce or control erosion of 27674  
the shore along or near Lake Erie, including, without limitation, 27675  
revetments, seawalls, bulkheads, certain breakwaters, and similar 27676  
structures. 27677

(M) "Shore structure" includes, but is not limited to, 27678  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 27679  
certain dikes designated by the chief of the division of ~~soil and~~ 27680  
water resources; piers; docks; jetties; wharves; marinas; boat 27681  
ramps; any associated fill or debris used as part of the 27682  
construction of shore structures that may affect shore erosion, 27683  
wave action, or inundation; and fill or debris that is placed 27684  
along or near the shore, including bluffs, banks, or beach ridges, 27685  
for the purpose of stabilizing slopes. 27686

**Sec. 1509.01.** As used in this chapter: 27687

(A) "Well" means any borehole, whether drilled or bored, 27688  
within the state for production, extraction, or injection of any 27689  
gas or liquid mineral, excluding potable water to be used as such, 27690  
but including natural or artificial brines and oil field waters. 27691

(B) "Oil" means crude petroleum oil and all other 27692  
hydrocarbons, regardless of gravity, that are produced in liquid 27693  
form by ordinary production methods, but does not include 27694

hydrocarbons that were originally in a gaseous phase in the reservoir.	27695 27696
(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.	27697 27698
(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.	27699 27700 27701
(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.	27702 27703 27704 27705 27706
(F) "Field" means the general area underlaid by one or more pools.	27707 27708
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	27709 27710 27711
(H) "Waste" includes all of the following:	27712
(1) Physical waste, as that term generally is understood in the oil and gas industry;	27713 27714
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	27715 27716
(3) Inefficient storing of oil or gas;	27717
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	27718 27719 27720 27721 27722 27723
(5) Other underground or surface waste in the production or	27724

storage of oil, gas, or condensate, however caused. 27725

(I) "Correlative rights" means the reasonable opportunity to 27726  
every person entitled thereto to recover and receive the oil and 27727  
gas in and under the person's tract or tracts, or the equivalent 27728  
thereof, without having to drill unnecessary wells or incur other 27729  
unnecessary expense. 27730

(J) "Tract" means a single, ~~individually taxed~~ individual 27731  
parcel of land ~~appearing on the tax list~~ or a portion of a single, 27732  
individual parcel of land. 27733

(K) "Owner," unless referring to a mine, means the person who 27734  
has the right to drill on a tract or drilling unit, to drill into 27735  
and produce from a pool, and to appropriate the oil or gas 27736  
produced therefrom either for the person or for others, except 27737  
that a person ceases to be an owner with respect to a well when 27738  
the well has been plugged in accordance with applicable rules 27739  
adopted and orders issued under this chapter. "Owner" does not 27740  
include a person who obtains a lease of the mineral rights for oil 27741  
and gas on a parcel of land if the person does not attempt to 27742  
produce or produce oil or gas from a well or obtain a permit under 27743  
this chapter for a well or if the entire interest of a well is 27744  
transferred to the person in accordance with division (B) of 27745  
section 1509.31 of the Revised Code. 27746

(L) "Royalty interest" means the fee holder's share in the 27747  
production from a well. 27748

(M) "Discovery well" means the first well capable of 27749  
producing oil or gas in commercial quantities from a pool. 27750

(N) "Prepared clay" means a clay that is plastic and is 27751  
thoroughly saturated with fresh water to a weight and consistency 27752  
great enough to settle through saltwater in the well in which it 27753  
is to be used, except as otherwise approved by the chief of the 27754  
division of oil and gas resources management. 27755

(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation. 27756  
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(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code. 27758  
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(Q) "Coal bearing township" means a township designated as such by the chief of the division of mineral resources management under section 1561.06 of the Revised Code. 27760  
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(R) "Gas storage reservoir" means a continuous area of a subterranean porous sand or rock stratum or strata into which gas is or may be injected for the purpose of storing it therein and removing it therefrom and includes a gas storage reservoir as defined in section 1571.01 of the Revised Code. 27763  
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(S) "Safe Drinking Water Act" means the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and regulations adopted under those acts. 27768  
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(T) "Person" includes any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; ~~and~~ any legal entity defined as a person under section 1.59 of the Revised Code; and any other form of business organization or entity recognized by the laws of this state. 27775  
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(U) "Brine" means all saline geological formation water resulting from, obtained from, or produced in connection with exploration, drilling, well stimulation, production of oil or gas, or plugging of a well. 27781  
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(V) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, 27785  
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drainage systems, and other bodies of water, surface or 27787  
underground, natural or artificial, that are situated wholly or 27788  
partially within this state or within its jurisdiction, except 27789  
those private waters that do not combine or effect a junction with 27790  
natural surface or underground waters. 27791

(W) "Exempt Mississippian well" means a well that meets all 27792  
of the following criteria: 27793

(1) Was drilled and completed before January 1, 1980; 27794

(2) Is located in an unglaciated part of the state; 27795

(3) Was completed in a reservoir no deeper than the 27796  
Mississippian Big Injun sandstone in areas underlain by 27797  
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 27798  
sandstone in areas directly underlain by Permian stratigraphy; 27799

(4) Is used primarily to provide oil or gas for domestic use. 27800

(X) "Exempt domestic well" means a well that meets all of the 27801  
following criteria: 27802

(1) Is owned by the owner of the surface estate of the tract 27803  
on which the well is located; 27804

(2) Is used primarily to provide gas for the owner's domestic 27805  
use; 27806

(3) Is located more than two hundred feet horizontal distance 27807  
from any inhabited private dwelling house other than an inhabited 27808  
private dwelling house located on the tract on which the well is 27809  
located; 27810

(4) Is located more than two hundred feet horizontal distance 27811  
from any public building that may be used as a place of resort, 27812  
assembly, education, entertainment, lodging, trade, manufacture, 27813  
repair, storage, traffic, or occupancy by the public. 27814

(Y) "Urbanized area" means an area where a well or production 27815  
facilities of a well are located within a municipal corporation or 27816

within a township that has an unincorporated population of more 27817  
than five thousand in the most recent federal decennial census 27818  
prior to the issuance of the permit for the well or production 27819  
facilities. 27820

(Z) "Well stimulation" or "stimulation of a well" means the 27821  
process of enhancing well productivity, including hydraulic 27822  
fracturing operations. 27823

(AA) "Production operation" means all operations and 27824  
activities and all related equipment, facilities, and other 27825  
structures that may be used in or associated with the exploration 27826  
and production of oil, gas, or other mineral resources that are 27827  
regulated under this chapter, including operations and activities 27828  
associated with site preparation, site construction, access road 27829  
construction, well drilling, well completion, well stimulation, 27830  
well site activities, reclamation, and plugging. "Production 27831  
operation" also includes all of the following: 27832

(1) The piping, equipment, and facilities used for the 27833  
production and preparation of hydrocarbon gas or liquids for 27834  
transportation or delivery; 27835

(2) The processes of extraction and recovery, lifting, 27836  
stabilization, treatment, separation, production processing, 27837  
storage, waste disposal, and measurement of hydrocarbon gas and 27838  
liquids, including related equipment and facilities; 27839

(3) The processes and related equipment and facilities 27840  
associated with production compression, gas lift, gas injection, 27841  
fuel gas supply, well drilling, well stimulation, and well 27842  
completion activities, including dikes, pits, and earthen and 27843  
other impoundments used for the temporary storage of fluids and 27844  
waste substances associated with well drilling, well stimulation, 27845  
and well completion activities; 27846

(4) Equipment and facilities at a wellpad or other location 27847

that are used for the transportation, handling, recycling, 27848  
temporary storage, management, processing, or treatment of any 27849  
equipment, material, and by-products or other substances from an 27850  
operation at a wellpad that may be used or reused at the same or 27851  
another operation at a wellpad or that will be disposed of in 27852  
accordance with applicable laws and rules adopted under them. 27853

(BB) "Annular overpressurization" means the accumulation of 27854  
fluids within an annulus with sufficient pressure to allow 27855  
migration of annular fluids into underground sources of drinking 27856  
water. 27857

(CC) "Idle and orphaned well" means a well for which a bond 27858  
has been forfeited or an abandoned well for which no money is 27859  
available to plug the well in accordance with this chapter and 27860  
rules adopted under it. 27861

(DD) "Temporarily inactive well" means a well that has been 27862  
granted temporary inactive status under section 1509.062 of the 27863  
Revised Code. 27864

(EE) "Material and substantial violation" means any of the 27865  
following: 27866

(1) Failure to obtain a permit to drill, reopen, convert, 27867  
plugback, or plug a well under this chapter; 27868

(2) Failure to obtain, maintain, update, or submit proof of 27869  
insurance coverage that is required under this chapter; 27870

(3) Failure to obtain, maintain, update, or submit proof of a 27871  
surety bond that is required under this chapter; 27872

(4) Failure to plug an abandoned well or idle and orphaned 27873  
well unless the well has been granted temporary inactive status 27874  
under section 1509.062 of the Revised Code or the chief of the 27875  
division of oil and gas resources management has approved another 27876  
option concerning the abandoned well or idle and orphaned well; 27877



(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	27878 27879
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	27880 27881 27882
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	27883 27884
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	27885 27886
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	27887 27888
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	27889 27890 27891 27892
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	27893 27894
<b>Sec. 1509.06.</b> (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of oil and gas resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:	27895 27896 27897 27898 27899 27900 27901 27902
(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	27903 27904
(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.	27905 27906 27907

(3) The names and addresses of all persons holding the 27908  
royalty interest in the tract upon which the well is located or is 27909  
to be drilled or within a proposed drilling unit; 27910

(4) The location of the tract or drilling unit on which the 27911  
well is located or is to be drilled identified by section or lot 27912  
number, city, village, township, and county; 27913

(5) Designation of the well by name and number; 27914

(6)(a) The geological formation to be tested or used and the 27915  
proposed total depth of the well; 27916

(b) If the well is for the injection of a liquid, identity of 27917  
the geological formation to be used as the injection zone and the 27918  
composition of the liquid to be injected. 27919

(7) The type of drilling equipment to be used; 27920

(8)(a) An identification, to the best of the owner's 27921  
knowledge, of each proposed source of ground water and surface 27922  
water that will be used in the production operations of the well. 27923  
The identification of each proposed source of water shall indicate 27924  
if the water will be withdrawn from the Lake Erie watershed or the 27925  
Ohio river watershed. In addition, the owner shall provide, to the 27926  
best of the owner's knowledge, the proposed estimated rate and 27927  
volume of the water withdrawal for the production operations. If 27928  
recycled water will be used in the production operations, the 27929  
owner shall provide the estimated volume of recycled water to be 27930  
used. The owner shall submit to the chief an update of any of the 27931  
information that is required by division (A)(8)(a) of this section 27932  
if any of that information changes before the chief issues a 27933  
permit for the application. 27934

(b) Except as provided in division (A)(8)(c) of this section, 27935  
for an application for a permit to drill a new well within an 27936  
urbanized area, the results of sampling of water wells within 27937  
three hundred feet of the proposed well prior to commencement of 27938

drilling. In addition, the owner shall include a list that 27939  
identifies the location of each water well where the owner of the 27940  
property on which the water well is located denied the owner 27941  
access to sample the water well. The sampling shall be conducted 27942  
in accordance with the guidelines established in "Best Management 27943  
Practices For Pre-drilling Water Sampling" in effect at the time 27944  
that the application is submitted. The division shall furnish 27945  
those guidelines upon request and shall make them available on the 27946  
division's web site. If the chief determines that conditions at 27947  
the proposed well site warrant a revision, the chief may revise 27948  
the distance established in this division for purposes of 27949  
pre-drilling water sampling. 27950

(c) For an application for a permit to drill a new horizontal 27951  
well, the results of sampling of water wells within one thousand 27952  
five hundred feet of the proposed horizontal wellhead prior to 27953  
commencement of drilling. In addition, the owner shall include a 27954  
list that identifies the location of each water well where the 27955  
owner of the property on which the water well is located denied 27956  
the owner access to sample the water well. The sampling shall be 27957  
conducted in accordance with the guidelines established in "Best 27958  
Management Practices For Pre-drilling Water Sampling" in effect at 27959  
the time that the application is submitted. The division shall 27960  
furnish those guidelines upon request and shall make them 27961  
available on the division's web site. If the chief determines that 27962  
conditions at the proposed well site warrant a revision, the chief 27963  
may revise the distance established in this division for purposes 27964  
of pre-drilling water sampling. 27965

(9) For an application for a permit to drill a new well 27966  
within an urbanized area, a sworn statement that the applicant has 27967  
provided notice by regular mail of the application to the owner of 27968  
each parcel of real property that is located within five hundred 27969  
feet of the surface location of the well and to the executive 27970

authority of the municipal corporation or the board of township trustees of the township, as applicable, in which the well is to be located. In addition, the notice shall contain a statement that informs an owner of real property who is required to receive the notice under division (A)(9) of this section that within five days of receipt of the notice, the owner is required to provide notice under section 1509.60 of the Revised Code to each residence in an occupied dwelling that is located on the owner's parcel of real property. The notice shall contain a statement that an application has been filed with the division of oil and gas resources management, identify the name of the applicant and the proposed well location, include the name and address of the division, and contain a statement that comments regarding the application may be sent to the division. The notice may be provided by hand delivery or regular mail. The identity of the owners of parcels of real property shall be determined using the tax records of the municipal corporation or county in which a parcel of real property is located as of the date of the notice.

(10) A plan for restoration of the land surface disturbed by drilling operations. The plan shall provide for compliance with the restoration requirements of division (A) of section 1509.072 of the Revised Code and any rules adopted by the chief pertaining to that restoration.

(11)(a) A description by name or number of the county, township, and municipal corporation roads, streets, and highways that the applicant anticipates will be used for access to and egress from the well site;

(b) For an application for a permit for a horizontal well, a copy of an agreement concerning maintenance and safe use of the roads, streets, and highways described in division (A)(11)(a) of this section entered into on reasonable terms with the public official that has the legal authority to enter into such

maintenance and use agreements for each county, township, and 28003  
municipal corporation, as applicable, in which any such road, 28004  
street, or highway is located or an affidavit on a form prescribed 28005  
by the chief attesting that the owner attempted in good faith to 28006  
enter into an agreement under division (A)(11)(b) of this section 28007  
with the applicable public official of each such county, township, 28008  
or municipal corporation, but that no agreement was executed. 28009

(12) Such other relevant information as the chief prescribes 28010  
by rule. 28011

Each application shall be accompanied by a map, on a scale 28012  
not smaller than four hundred feet to the inch, prepared by an 28013  
Ohio registered surveyor, showing the location of the well and 28014  
containing such other data as may be prescribed by the chief. If 28015  
the well is or is to be located within the excavations and 28016  
workings of a mine, the map also shall include the location of the 28017  
mine, the name of the mine, and the name of the person operating 28018  
the mine. 28019

(B) The chief shall cause a copy of the weekly circular 28020  
prepared by the division to be provided to the county engineer of 28021  
each county that contains active or proposed drilling activity. 28022  
The weekly circular shall contain, in the manner prescribed by the 28023  
chief, the names of all applicants for permits, the location of 28024  
each well or proposed well, the information required by division 28025  
(A)(11) of this section, and any additional information the chief 28026  
prescribes. In addition, the chief promptly shall transfer an 28027  
electronic copy or facsimile, or if those methods are not 28028  
available to a municipal corporation or township, a copy via 28029  
regular mail, of a drilling permit application to the clerk of the 28030  
legislative authority of the municipal corporation or to the clerk 28031  
of the township in which the well or proposed well is or is to be 28032  
located if the legislative authority of the municipal corporation 28033  
or the board of township trustees has asked to receive copies of 28034

such applications and the appropriate clerk has provided the chief 28035  
an accurate, current electronic mailing address or facsimile 28036  
number, as applicable. 28037

(C)(1) Except as provided in division (C)(2) of this section, 28038  
the chief shall not issue a permit for at least ten days after the 28039  
date of filing of the application for the permit unless, upon 28040  
reasonable cause shown, the chief waives that period or a request 28041  
for expedited review is filed under this section. However, the 28042  
chief shall issue a permit within twenty-one days of the filing of 28043  
the application unless the chief denies the application by order. 28044

(2) If the location of a well or proposed well will be or is 28045  
within an urbanized area, the chief shall not issue a permit for 28046  
at least eighteen days after the date of filing of the application 28047  
for the permit unless, upon reasonable cause shown, the chief 28048  
waives that period or the chief at the chief's discretion grants a 28049  
request for an expedited review. However, the chief shall issue a 28050  
permit for a well or proposed well within an urbanized area within 28051  
thirty days of the filing of the application unless the chief 28052  
denies the application by order. 28053

(D) An applicant may file a request with the chief for 28054  
expedited review of a permit application if the well is not or is 28055  
not to be located in a gas storage reservoir or reservoir 28056  
protective area, as "reservoir protective area" is defined in 28057  
section 1571.01 of the Revised Code. If the well is or is to be 28058  
located in a coal bearing township, the application shall be 28059  
accompanied by the affidavit of the landowner prescribed in 28060  
section 1509.08 of the Revised Code. 28061

In addition to a complete application for a permit that meets 28062  
the requirements of this section and the permit fee prescribed by 28063  
this section, a request for expedited review shall be accompanied 28064  
by a separate nonrefundable filing fee of two hundred fifty 28065  
dollars. Upon the filing of a request for expedited review, the 28066

chief shall cause the county engineer of the county in which the well is or is to be located to be notified of the filing of the permit application and the request for expedited review by telephone or other means that in the judgment of the chief will provide timely notice of the application and request. The chief shall issue a permit within seven days of the filing of the request unless the chief denies the application by order. Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

(E) A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

(F) The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or damage to the environment, provided that where the chief finds that terms or conditions to the permit can reasonably be expected to prevent such violations, the chief shall issue the permit subject to those terms or conditions, including, if applicable, terms and conditions regarding subjects identified in rules adopted under section 1509.03 of the Revised Code. The issuance of a permit shall not be considered an order of the chief.

The chief shall post notice of each permit that has been approved under this section on the division's web site not later than two business days after the application for a permit has been approved.

(G) Each application for a permit required by section 1509.05

of the Revised Code, except an application ~~to plug back an~~ 28099  
~~existing well that is required by that section and an application~~ 28100  
for a well drilled or reopened for purposes of section 1509.22 of 28101  
the Revised Code, also shall be accompanied by a nonrefundable fee 28102  
as follows: 28103

(1) Five hundred dollars for a permit to conduct activities 28104  
in a township with a population of fewer than ten thousand; 28105

(2) Seven hundred fifty dollars for a permit to conduct 28106  
activities in a township with a population of ten thousand or 28107  
more, but fewer than fifteen thousand; 28108

(3) One thousand dollars for a permit to conduct activities 28109  
in either of the following: 28110

(a) A township with a population of fifteen thousand or more; 28111

(b) A municipal corporation regardless of population. 28112

(4) If the application is for a permit that requires 28113  
mandatory pooling, an additional five thousand dollars. 28114

For purposes of calculating fee amounts, populations shall be 28115  
determined using the most recent federal decennial census. 28116

Each application for the revision or reissuance of a permit 28117  
shall be accompanied by a nonrefundable fee of two hundred fifty 28118  
dollars. 28119

(H)(1) Prior to the commencement of well pad construction and 28120  
prior to the issuance of a permit to drill a proposed horizontal 28121  
well or a proposed well that is to be located in an urbanized 28122  
area, the division shall conduct a site review to identify and 28123  
evaluate any site-specific terms and conditions that may be 28124  
attached to the permit. At the site review, a representative of 28125  
the division shall consider fencing, screening, and landscaping 28126  
requirements, if any, for similar structures in the community in 28127  
which the well is proposed to be located. The terms and conditions 28128



that are attached to the permit shall include the establishment of 28129  
fencing, screening, and landscaping requirements for the surface 28130  
facilities of the proposed well, including a tank battery of the 28131  
well. 28132

(2) Prior to the issuance of a permit to drill a proposed 28133  
well, the division shall conduct a review to identify and evaluate 28134  
any site-specific terms and conditions that may be attached to the 28135  
permit if the proposed well will be located in a one-hundred-year 28136  
floodplain or within the five-year time of travel associated with 28137  
a public drinking water supply. 28138

(I) A permit shall be issued by the chief in accordance with 28139  
this chapter. A permit issued under this section for a well that 28140  
is or is to be located in an urbanized area shall be valid for 28141  
twelve months, and all other permits issued under this section 28142  
shall be valid for twenty-four months. 28143

(J) An applicant or a permittee, as applicable, shall submit 28144  
to the chief an update of the information that is required under 28145  
division (A)(8)(a) of this section if any of that information 28146  
changes prior to commencement of production operations. 28147

(K) A permittee or a permittee's authorized representative 28148  
shall notify an inspector from the division at least twenty-four 28149  
hours, or another time period agreed to by the chief's authorized 28150  
representative, prior to the commencement of well pad construction 28151  
and of drilling, reopening, converting, well stimulation, or 28152  
plugback operations. 28153

**Sec. 1509.11.** (A)(1) The owner of any well, except a 28154  
horizontal well, that is producing or capable of producing oil or 28155  
gas shall file with the chief of the division of oil and gas 28156  
resources management, on or before the thirty-first day of March, 28157  
a statement of production of oil, gas, and brine for the last 28158  
preceding calendar year in such form as the chief may prescribe. 28159

An owner that has more than one hundred such wells in this state 28160  
shall submit electronically the statement of production in a 28161  
format that is approved by the chief. ~~The chief shall include on~~ 28162  
~~the form, at the minimum, a request for the submittal of the~~ 28163  
~~information that a person who is regulated under this chapter is~~ 28164  
~~required to submit under the "Emergency Planning and Community~~ 28165  
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and~~ 28166  
~~regulations adopted under it, and that the division of oil and gas~~ 28167  
~~resources management does not obtain through other reporting~~ 28168  
~~mechanisms.~~ 28169

(2) The owner of any horizontal well that is producing or 28170  
capable of producing oil or gas shall file with the chief, on the 28171  
forty-fifth day following the close of each calendar quarter, a 28172  
statement of production of oil, gas, and brine for the preceding 28173  
calendar quarter in a form that the chief prescribes. An owner 28174  
that has more than one hundred horizontal wells in this state 28175  
shall submit electronically the statement of production in a 28176  
format that is approved by the chief. ~~The chief shall include on~~ 28177  
~~the form, at a minimum, a request for the submittal of the~~ 28178  
~~information that a person who is regulated under this chapter is~~ 28179  
~~required to submit under the "Emergency Planning and Community~~ 28180  
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and~~ 28181  
~~regulations adopted under it, and that the division does not~~ 28182  
~~obtain through other reporting mechanisms.~~ 28183

(B) The chief shall not disclose information received from 28184  
the department of taxation under division (C)(12) of section 28185  
5703.21 of the Revised Code until the related statement of 28186  
production required by division (A) of this section is filed with 28187  
the chief. 28188

**Sec. 1509.23.** ~~(A)~~ Rules of the chief of the division of oil 28189  
and gas resources management may specify practices to be followed 28190

in the drilling and treatment of wells, production of oil and gas, 28191  
and plugging of wells for protection of public health or safety or 28192  
to prevent damage to natural resources, including specification of 28193  
the following: 28194

~~(1)~~(A) Appropriate devices; 28195

~~(2)~~(B) Minimum distances that wells and other excavations, 28196  
structures, and equipment shall be located from water wells, 28197  
streets, roads, highways, rivers, lakes, streams, ponds, other 28198  
bodies of water, railroad tracks, public or private recreational 28199  
areas, zoning districts, and buildings or other structures. Rules 28200  
adopted under this division ~~(A)(2) of this section~~ shall not 28201  
conflict with section 1509.021 of the Revised Code. 28202

~~(3)~~(C) Other methods of operation; 28203

~~(4)~~(D) Procedures, methods, and equipment and other 28204  
requirements for equipment to prevent and contain discharges of 28205  
oil and brine from oil production facilities and oil drilling and 28206  
workover facilities consistent with and equivalent in scope, 28207  
content, and coverage to section 311(j)(1)(c) of the "Federal 28208  
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 28209  
U.S.C.A. 1251, as amended, and regulations adopted under it. In 28210  
addition, the rules may specify procedures, methods, and equipment 28211  
and other requirements for equipment to prevent and contain 28212  
surface and subsurface discharges of fluids, condensates, and 28213  
gases. 28214

~~(5)~~(E) Notifications; 28215

~~(6)~~(F) Requirements governing the location and construction 28216  
of fresh water impoundments that are part of a production 28217  
operation. 28218

~~(B) The chief, in consultation with the emergency response 28219  
commission created in section 3750.02 of the Revised Code, shall 28220  
adopt rules in accordance with Chapter 119. of the Revised Code 28221~~

~~that specify the information that shall be included in an 28222  
electronic database that the chief shall create and host. The 28223  
information shall be that which the chief considers to be 28224  
appropriate for the purpose of responding to emergency situations 28225  
that pose a threat to public health or safety or the environment. 28226  
At the minimum, the information shall include that which a person 28227  
who is regulated under this chapter is required to submit under 28228  
the "Emergency Planning and Community Right To Know Act of 1986," 28229  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 28230  
it. 28231~~

~~In addition, the rules shall specify whether and to what 28232  
extent the database and the information that it contains will be 28233  
made accessible to the public. The rules shall ensure that the 28234  
database will be made available via the internet or a system of 28235  
computer disks to the emergency response commission and to every 28236  
local emergency planning committee and fire department in this 28237  
state. 28238~~

Sec. 1509.231. (A) A person that is regulated under this 28239  
chapter and rules adopted under it and that is required to submit 28240  
information under the "Emergency Planning and Community 28241  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 28242  
regulations adopted under it shall submit the information to the 28243  
chief of the division of oil and gas resources management on or 28244  
before the first day of March of each calendar year. The person 28245  
shall submit the information in accordance with rules adopted 28246  
under division (B) of this section. 28247

(B) The chief, in consultation with the emergency response 28248  
commission created in section 3750.02 of the Revised Code, shall 28249  
adopt rules in accordance with Chapter 119. of the Revised Code 28250  
that specify the information that shall be included in an 28251  
electronic database that the chief shall create and host. The 28252

information shall be information that the chief considers to be 28253  
appropriate for the purpose of responding to emergency situations 28254  
that pose a threat to public health or safety or the environment. 28255  
The rules shall require that the information be consistent with 28256  
the information that a person that is regulated under this chapter 28257  
is required to submit under the "Emergency Planning and Community 28258  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 28259  
regulations adopted under it. 28260

In addition, the rules shall do all of the following: 28261

(1) Specify whether and to what extent the database and the 28262  
information that it contains will be made accessible to the 28263  
public; 28264

(2) Ensure that the information submitted for the database 28265  
will be made immediately available to the emergency response 28266  
commission, the local emergency planning committee of the 28267  
emergency planning district in which a facility is located, and 28268  
the fire department having jurisdiction over a facility; 28269

(3) Ensure that the information submitted for the database 28270  
includes the information required to be reported under section 28271  
3750.08 of the Revised Code and rules adopted under section 28272  
3750.02 of the Revised Code. 28273

(C) As used in this section, "emergency planning district," 28274  
"facility," and "fire department" have the same meanings as in 28275  
section 3750.01 of the Revised Code. 28276

**Sec. 1509.232.** (A) An owner, a person to whom an order is 28277  
issued under this chapter or rules adopted under it, a person to 28278  
whom a registration certificate is issued under section 1509.222 28279  
of the Revised Code, or a person engaged in an activity pursuant 28280  
to section 1509.226 of the Revised Code shall notify the division 28281  
of oil and gas resources management by means of a toll free 28282

telephone number designated by the chief of the division of oil 28283  
and gas resources management or by electronic means designated by 28284  
the chief within thirty minutes after becoming aware of the 28285  
occurrence of any of the following unless notification within that 28286  
time is impracticable under the circumstances: 28287

(1) An uncontrolled or unplanned release of gas associated 28288  
with a production operation or other activity regulated under this 28289  
chapter or rules adopted under it in an amount determined, in good 28290  
faith, to equal or exceed one hundred MCF as defined in section 28291  
5727.80 of the Revised Code; 28292

(2) A release of oil outside a containment area associated 28293  
with a production operation or other activity regulated under this 28294  
chapter or rules adopted under it if the release is in an amount 28295  
determined, in good faith, to exceed two hundred ten United States 28296  
gallons or as specified by rule adopted by the chief in accordance 28297  
with Chapter 119. of the Revised Code; 28298

(3) A release of brine, drill cuttings, or other drilling 28299  
wastes regulated under this chapter or rules adopted under it 28300  
outside the boundary of a site or facility regulated under this 28301  
chapter or rules adopted under it; 28302

(4) A release of hydrogen sulfide associated with a 28303  
production operation or other activity regulated under this 28304  
chapter or rules adopted under it in an amount determined, in good 28305  
faith, to exceed twenty parts per million; 28306

(5) A discharge or spill of a liquid, solid, or semisolid 28307  
substance or material associated with a production operation or 28308  
other activity regulated under this chapter or rules adopted under 28309  
it in an amount determined, in good faith, to exceed a reportable 28310  
quantity as defined in rules adopted under section 3750.02 of the 28311  
Revised Code, excluding a discharge or spill consisting solely of 28312  
fresh water or storm water; 28313

(6) A fire or explosion associated with a production operation or other activity regulated under this chapter or rules adopted under it, excluding flaring or controlled burns authorized under this chapter or rules adopted under it or by the terms and conditions of a permit issued under this chapter; 28314  
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(7) The response by a fire department as defined in section 742.01 of the Revised Code or a person providing emergency medical services as defined in section 4765.01 of the Revised Code to the location of, and for the purpose of responding to, an occurrence specified in division (A)(1), (2), (3), (4), (5), or (6) of this section. 28319  
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(B) If a contractor performs services on behalf of a person specified in division (A) of this section, the contractor shall notify that person within thirty minutes after the contractor becomes aware of any occurrence specified in that division unless notification within that time is impracticable under the circumstances. 28325  
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(C) The chief may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of this section. 28331  
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(D) No person shall fail to comply with this section. 28334

(E)(1) Section 1509.33 of the Revised Code applies to this section. 28335  
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(2) Section 1509.99 of the Revised Code does not apply to this section. 28337  
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**Sec. 1509.27.** ~~If a tract of land is~~ or tracts are of insufficient size or shape to meet the requirements for drilling a proposed well thereon as provided in section 1509.24 or 1509.25 of the Revised Code, whichever is applicable, and the owner ~~of the tract who also is the owner of the mineral interest~~ has been 28339  
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unable to form a drilling unit under agreement as provided in 28344  
section 1509.26 of the Revised Code, on a just and equitable 28345  
basis, ~~such an~~ the owner may make application to the division of 28346  
oil and gas resources management for a mandatory pooling order. 28347

The application shall include information as shall be 28348  
reasonably required by the chief of the division of oil and gas 28349  
resources management and shall be accompanied by an application 28350  
for a permit as required by section 1509.05 of the Revised Code. 28351  
The chief shall notify all mineral rights owners of ~~land~~ tracts 28352  
within the area proposed to be pooled by an order and included 28353  
within the drilling unit of the filing of the application and of 28354  
their right to a hearing. After the hearing or after the 28355  
expiration of thirty days from the date notice of application was 28356  
mailed to such owners, the chief, if satisfied that the 28357  
application is proper in form and that mandatory pooling is 28358  
necessary to protect correlative rights and to provide effective 28359  
development, use, and conservation of oil and gas, shall issue a 28360  
drilling permit and a mandatory pooling order complying with the 28361  
requirements for drilling a well as provided in section 1509.24 or 28362  
1509.25 of the Revised Code, whichever is applicable. The 28363  
mandatory pooling order shall: 28364

(A) Designate the boundaries of the drilling unit within 28365  
which the well shall be drilled; 28366

(B) Designate the proposed production site; 28367

(C) Describe each separately owned tract or part thereof 28368  
pooled by the order; 28369

(D) Allocate on a surface acreage basis a pro rata portion of 28370  
the production to ~~the owner of~~ each tract pooled by the order. The 28371  
pro rata portion shall be in the same proportion that the 28372  
percentage of the ~~owner's~~ tract's acreage is to the state minimum 28373  
acreage requirements established in rules adopted under this 28374



chapter for a drilling unit unless the applicant demonstrates to 28375  
the chief using geological evidence that the geologic structure 28376  
containing the oil or gas is larger than the minimum acreage 28377  
requirement in which case the pro rata portion shall be in the 28378  
same proportion that the percentage of the ~~owner's~~ tract's acreage 28379  
is to the geologic structure. 28380

(E) Specify the basis upon which each mineral rights owner of 28381  
a tract pooled by the order shall share all reasonable costs and 28382  
expenses of drilling and producing if the mineral rights owner 28383  
elects to participate in the drilling and operation of the well; 28384

(F) Designate the person to whom the permit shall be issued. 28385

A person shall not submit more than five applications for 28386  
mandatory pooling orders per year under this section unless 28387  
otherwise approved by the chief. 28388

No surface operations or disturbances to the surface of the 28389  
land shall occur on a tract pooled by an order without the written 28390  
consent of or a written agreement with the surface rights owner of 28391  
the tract that approves the operations or disturbances. 28392

If ~~an~~ a mineral rights owner of a tract pooled by the order 28393  
does not elect to participate in the risk and cost of the drilling 28394  
and operation of a well, the mineral rights owner shall be 28395  
designated as a nonparticipating owner in the drilling and 28396  
operation of the well on a limited or carried basis and is subject 28397  
to terms and conditions determined by the chief to be just and 28398  
reasonable. In addition, if ~~an~~ a mineral rights owner is 28399  
designated as a nonparticipating owner, the mineral rights owner 28400  
is not liable for actions or conditions associated with the 28401  
drilling or operation of the well. If the applicant bears the 28402  
costs of drilling, equipping, and operating a well for the benefit 28403  
of a nonparticipating owner, as provided for in the pooling order, 28404  
then the applicant shall be entitled to the share of production 28405

from the drilling unit accruing to the interest of that 28406  
nonparticipating owner, exclusive of the nonparticipating owner's 28407  
proportionate share of the royalty interest until there has been 28408  
received the share of costs charged to that nonparticipating owner 28409  
plus such additional percentage of the share of costs as the chief 28410  
shall determine. The total amount receivable hereunder shall in no 28411  
event exceed two hundred per cent of the share of costs charged to 28412  
that nonparticipating owner. After receipt of that share of costs 28413  
by such an applicant, a nonparticipating owner shall receive a 28414  
proportionate share of the working interest in the well in 28415  
addition to a proportionate share of the royalty interest, if any. 28416

If there is a dispute as to costs of drilling, equipping, or 28417  
operating a well, the chief shall determine those costs. 28418

**Sec. 1509.28.** (A) The chief of the division of oil and gas 28419  
resources management, upon the chief's own motion or upon 28420  
application by the owners of sixty-five per cent of the land area 28421  
overlying the pool, shall hold a hearing to consider the need for 28422  
the operation as a unit of an entire pool or part thereof. An 28423  
application by owners shall be accompanied by a nonrefundable fee 28424  
of ten thousand dollars and by such information as the chief may 28425  
request. 28426

The chief shall make an order providing for the unit 28427  
operation of a pool or part thereof if the chief finds that such 28428  
operation is reasonably necessary to increase substantially the 28429  
ultimate recovery of oil and gas, and the value of the estimated 28430  
additional recovery of oil or gas exceeds the estimated additional 28431  
cost incident to conducting the operation. The order shall be upon 28432  
terms and conditions that are just and reasonable and shall 28433  
prescribe a plan for unit operations that shall include: 28434

(1) A description of the unitized area, termed the unit area; 28435

(2) A statement of the nature of the operations contemplated; 28436

(3) An allocation to the separately owned tracts in the unit 28437  
area of all the oil and gas that is produced from the unit area 28438  
and is saved, being the production that is not used in the conduct 28439  
of operations on the unit area or not unavoidably lost. The 28440  
allocation shall be in accord with the agreement, if any, of the 28441  
interested parties. If there is no such agreement, the chief shall 28442  
determine the value, from the evidence introduced at the hearing, 28443  
of each separately owned tract in the unit area, exclusive of 28444  
physical equipment, for development of oil and gas by unit 28445  
operations, and the production allocated to each tract shall be 28446  
the proportion that the value of each tract so determined bears to 28447  
the value of all tracts in the unit area. 28448

(4) A provision for the credits and charges to be made in the 28449  
adjustment among the owners in the unit area for their respective 28450  
investments in wells, tanks, pumps, machinery, materials, and 28451  
equipment contributed to the unit operations; 28452

(5) A provision providing how the expenses of unit 28453  
operations, including capital investment, shall be determined and 28454  
charged to the separately owned tracts and how the expenses shall 28455  
be paid; 28456

(6) A provision, if necessary, for carrying or otherwise 28457  
financing any person who is unable to meet the person's financial 28458  
obligations in connection with the unit, allowing a reasonable 28459  
interest charge for such service; 28460

(7) A provision for the supervision and conduct of the unit 28461  
operations, in respect to which each person shall have a vote with 28462  
a value corresponding to the percentage of the expenses of unit 28463  
operations chargeable against the interest of that person; 28464

(8) The time when the unit operations shall commence, and the 28465  
manner in which, and the circumstances under which, the unit 28466  
operations shall terminate; 28467

(9) Such additional provisions as are found to be appropriate 28468  
for carrying on the unit operations, and for the protection or 28469  
adjustment of correlative rights. 28470

(B) No order of the chief providing for unit operations shall 28471  
become effective unless and until the plan for unit operations 28472  
prescribed by the chief has been approved in writing by those 28473  
owners who, under the chief's order, will be required to pay at 28474  
least sixty-five per cent of the costs of the unit operation, and 28475  
also by the royalty or, with respect to unleased acreage, fee 28476  
owners of sixty-five per cent of the acreage to be included in the 28477  
unit. If the plan for unit operations has not been so approved by 28478  
owners and royalty owners at the time the order providing for unit 28479  
operations is made, the chief shall upon application and notice 28480  
hold such supplemental hearings as may be required to determine if 28481  
and when the plan for unit operations has been so approved. If the 28482  
owners and royalty owners, or either, owning the required 28483  
percentage of interest in the unit area do not approve the plan 28484  
for unit operations within a period of six months from the date on 28485  
which the order providing for unit operations is made, the order 28486  
shall cease to be of force and shall be revoked by the chief. 28487

An order providing for unit operations may be amended by an 28488  
order made by the chief, in the same manner and subject to the 28489  
same conditions as an original order providing for unit 28490  
operations, provided that: 28491

(1) If such an amendment affects only the rights and 28492  
interests of the owners, the approval of the amendment by the 28493  
royalty owners shall not be required. 28494

(2) No such order of amendment shall change the percentage 28495  
for allocation of oil and gas as established for any separately 28496  
owned tract by the original order, except with the consent of all 28497  
persons owning interest in the tract. 28498

The chief, by an order, may provide for the unit operation of a pool or a part thereof that embraces a unit area established by a previous order of the chief. Such an order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the portion of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in the previously established unit area in the same proportions as those specified in the previous order.

Oil and gas allocated to a separately owned tract shall be deemed, for all purposes, to have been actually produced from the tract, and all operations, including, but not limited to, the commencement, drilling, operation of, or production from a well upon any portion of the unit area shall be deemed for all purposes the conduct of such operations and production from any lease or contract for lands any portion of which is included in the unit area. The operations conducted pursuant to the order of the chief shall constitute a fulfillment of all the express or implied obligations of each lease or contract covering lands in the unit area to the extent that compliance with such obligations cannot be had because of the order of the chief.

Oil and gas allocated to any tract, and the proceeds from the sale thereof, shall be the property and income of the several persons to whom, or to whose credit, the same are allocated or payable under the order providing for unit operations.

No order of the chief or other contract relating to the sale or purchase of production from a separately owned tract shall be terminated by the order providing for unit operations, but shall remain in force and apply to oil and gas allocated to the tract until terminated in accordance with the provisions thereof.

Notwithstanding divisions (A) to (H) of section 1509.73 of the Revised Code and rules adopted under it, the chief shall issue

an order for the unit operation of a pool or a part of a pool that 28531  
encompasses a unit area for which all or a portion of the mineral 28532  
rights are owned by the department of transportation. 28533

Except to the extent that the parties affected so agree, no 28534  
order providing for unit operations shall be construed to result 28535  
in a transfer of all or any part of the title of any person to the 28536  
oil and gas rights in any tract in the unit area. All property, 28537  
whether real or personal, that may be acquired for the account of 28538  
the owners within the unit area shall be the property of such 28539  
owners in the proportion that the expenses of unit operations are 28540  
charged. 28541

**Sec. 1509.33.** (A) Whoever violates sections 1509.01 to 28542  
1509.31 of the Revised Code, or any rules adopted or orders or 28543  
terms or conditions of a permit or registration certificate issued 28544  
pursuant to these sections for which no specific penalty is 28545  
provided in this section, shall pay a civil penalty of not more 28546  
than ~~four~~ ten thousand dollars for each offense. 28547

(B) Whoever violates section 1509.221 of the Revised Code or 28548  
any rules adopted or orders or terms or conditions of a permit 28549  
issued thereunder shall pay a civil penalty of not more than ~~two~~ 28550  
ten thousand ~~five hundred~~ dollars for each violation. 28551

(C) Whoever violates division (D) of section 1509.22 or 28552  
division (A)(1) of section 1509.222 of the Revised Code shall pay 28553  
a civil penalty of not less than two thousand five hundred dollars 28554  
nor more than twenty thousand dollars for each violation. 28555

(D) Whoever violates division (A) of section 1509.22 of the 28556  
Revised Code shall pay a civil penalty of not less than two 28557  
thousand five hundred dollars nor more than ten thousand dollars 28558  
for each violation. 28559

(E) Whoever violates division (A) of section 1509.223 of the 28560

Revised Code shall pay a civil penalty of not more than ten 28561  
thousand dollars for each violation. 28562

(F) Whoever violates section 1509.072 of the Revised Code or 28563  
any rules adopted or orders issued to administer, implement, or 28564  
enforce that section shall pay a civil penalty of not more than 28565  
five thousand dollars for each violation. 28566

(G) In addition to any other penalties provided in this 28567  
chapter, whoever violates section 1509.05, section 1509.21, 28568  
division (B) of section 1509.22, or division (A)(1) of section 28569  
1509.222 of the Revised Code or a term or condition of a permit or 28570  
an order issued by the chief of the division of oil and gas 28571  
resources management under this chapter or knowingly violates 28572  
division (A) of section 1509.223 of the Revised Code is liable for 28573  
any damage or injury caused by the violation and for the actual 28574  
cost of rectifying the violation and conditions caused by the 28575  
violation. If two or more persons knowingly violate one or more of 28576  
those divisions in connection with the same event, activity, or 28577  
transaction, they are jointly and severally liable under this 28578  
division. 28579

(H) The attorney general, upon the request of the chief of 28580  
the division of oil and gas resources management, shall commence 28581  
an action under this section against any person who violates 28582  
sections 1509.01 to 1509.31 of the Revised Code, or any rules 28583  
adopted or orders or terms or conditions of a permit or 28584  
registration certificate issued pursuant to these sections. Any 28585  
action under this section is a civil action, governed by the Rules 28586  
of Civil Procedure and other rules of practice and procedure 28587  
applicable to civil actions. The remedy provided in this division 28588  
is cumulative and concurrent with any other remedy provided in 28589  
this chapter, and the existence or exercise of one remedy does not 28590  
prevent the exercise of any other, except that no person shall be 28591  
subject to both a civil penalty under division (A), (B), (C), or 28592

(D) of this section and a ~~criminal penalty under~~ fine established 28593  
in section 1509.99 of the Revised Code for the same offense. 28594

(I) For purposes of this section, each day of violation 28595  
constitutes a separate offense. 28596

**Sec. 1513.07.** (A)(1) No operator shall conduct a coal mining 28597  
operation without a permit for the operation issued by the chief 28598  
of the division of mineral resources management. 28599

(2) All permits issued pursuant to this chapter shall be 28600  
issued for a term not to exceed five years, except that, if the 28601  
applicant demonstrates that a specified longer term is reasonably 28602  
needed to allow the applicant to obtain necessary financing for 28603  
equipment and the opening of the operation and if the application 28604  
is full and complete for the specified longer term, the chief may 28605  
grant a permit for the longer term. A successor in interest to a 28606  
permittee who applies for a new permit within thirty days after 28607  
succeeding to the interest and who is able to obtain the 28608  
performance security of the original permittee may continue coal 28609  
mining and reclamation operations according to the approved mining 28610  
and reclamation plan of the original permittee until the 28611  
successor's application is granted or denied. 28612

(3) A permit shall terminate if the permittee has not 28613  
commenced the coal mining operations covered by the permit within 28614  
three years after the issuance of the permit, except that the 28615  
chief may grant reasonable extensions of the time upon a showing 28616  
that the extensions are necessary by reason of litigation 28617  
precluding the commencement or threatening substantial economic 28618  
loss to the permittee or by reason of conditions beyond the 28619  
control and without the fault or negligence of the permittee, and 28620  
except that with respect to coal to be mined for use in a 28621  
synthetic fuel facility or specified major electric generating 28622  
facility, the permittee shall be deemed to have commenced coal 28623



mining operations at the time construction of the synthetic fuel 28624  
or generating facility is initiated. 28625

(4)(a) Any permit issued pursuant to this chapter shall carry 28626  
with it the right of successive renewal upon expiration with 28627  
respect to areas within the boundaries of the permit. The holders 28628  
of the permit may apply for renewal and the renewal shall be 28629  
issued unless the chief determines by written findings, subsequent 28630  
to fulfillment of the public notice requirements of this section 28631  
and section 1513.071 of the Revised Code through demonstrations by 28632  
opponents of renewal or otherwise, that one or more of the 28633  
following circumstances exists: 28634

(i) The terms and conditions of the existing permit are not 28635  
being satisfactorily met. 28636

(ii) The present coal mining and reclamation operation is not 28637  
in compliance with the environmental protection standards of this 28638  
chapter. 28639

(iii) The renewal requested substantially jeopardizes the 28640  
operator's continuing responsibilities on existing permit areas. 28641

(iv) The applicant has not provided evidence that the 28642  
performance security in effect for the operation will continue in 28643  
effect for any renewal requested in the application. 28644

(v) Any additional, revised, or updated information required 28645  
by the chief has not been provided. Prior to the approval of any 28646  
renewal of a permit, the chief shall provide notice to the 28647  
appropriate public authorities as prescribed by rule of the chief. 28648

(b) If an application for renewal of a valid permit includes 28649  
a proposal to extend the mining operation beyond the boundaries 28650  
authorized in the existing permit, the portion of the application 28651  
for renewal of a valid permit that addresses any new land areas 28652  
shall be subject to the full standards applicable to new 28653  
applications under this chapter. 28654

(c) A permit renewal shall be for a term not to exceed the 28655  
period of the original permit established by this chapter. 28656  
Application for permit renewal shall be made at least one hundred 28657  
twenty days prior to the expiration of the valid permit. 28658

(5) A permit issued pursuant to this chapter does not 28659  
eliminate the requirements for obtaining a permit to install or 28660  
modify a disposal system or any part thereof or to discharge 28661  
sewage, industrial waste, or other wastes into the waters of the 28662  
state in accordance with Chapter 6111. of the Revised Code. 28663

(B)(1) The permit application shall be submitted in a manner 28664  
satisfactory to the chief and shall contain, among other things, 28665  
all of the following: 28666

(a) The names and addresses of all of the following: 28667

(i) The permit applicant; 28668

(ii) Every legal owner of record of the property, surface and 28669  
mineral, to be mined; 28670

(iii) The holders of record of any leasehold interest in the 28671  
property; 28672

(iv) Any purchaser of record of the property under a real 28673  
estate contract; 28674

(v) The operator if different from the applicant; 28675

(vi) If any of these are business entities other than a 28676  
single proprietor, the names and addresses of the principals, 28677  
officers, and statutory agent for service of process. 28678

(b) The names and addresses of the owners of record of all 28679  
surface and subsurface areas adjacent to any part of the permit 28680  
area; 28681

(c) A statement of any current or previous coal mining 28682  
permits in the United States held by the applicant, the permit 28683  
identification, and any pending applications; 28684

(d) If the applicant is a partnership, corporation, 28685  
association, or other business entity, the following where 28686  
applicable: the names and addresses of every officer, partner, 28687  
director, or person performing a function similar to a director, 28688  
of the applicant, the name and address of any person owning, of 28689  
record, ten per cent or more of any class of voting stock of the 28690  
applicant, a list of all names under which the applicant, partner, 28691  
or principal shareholder previously operated a coal mining 28692  
operation within the United States within the five-year period 28693  
preceding the date of submission of the application, and a list of 28694  
the person or persons primarily responsible for ensuring that the 28695  
applicant complies with the requirements of this chapter and rules 28696  
adopted pursuant thereto while mining and reclaiming under the 28697  
permit; 28698

(e) A statement of whether the applicant, any subsidiary, 28699  
affiliate, or persons controlled by or under common control with 28700  
the applicant, any partner if the applicant is a partnership, any 28701  
officer, principal shareholder, or director if the applicant is a 28702  
corporation, or any other person who has a right to control or in 28703  
fact controls the management of the applicant or the selection of 28704  
officers, directors, or managers of the applicant: 28705

(i) Has ever held a federal or state coal mining permit that 28706  
in the five-year period prior to the date of submission of the 28707  
application has been suspended or revoked or has had a coal mining 28708  
bond, performance security, or similar security deposited in lieu 28709  
of bond forfeited and, if so, a brief explanation of the facts 28710  
involved; 28711

(ii) Has been an officer, partner, director, principal 28712  
shareholder, or person having the right to control or has in fact 28713  
controlled the management of or the selection of officers, 28714  
directors, or managers of a business entity that has had a coal 28715  
mining or surface mining permit that in the five-year period prior 28716

to the date of submission of the application has been suspended or 28717  
revoked or has had a coal mining or surface mining bond, 28718  
performance security, or similar security deposited in lieu of 28719  
bond forfeited and, if so, a brief explanation of the facts 28720  
involved. 28721

(f) A copy of the applicant's advertisement to be published 28722  
in a newspaper of general circulation in the locality of the 28723  
proposed site at least once a week for four successive weeks, 28724  
which shall include the ownership of the proposed mine, a 28725  
description of the exact location and boundaries of the proposed 28726  
site sufficient to make the proposed operation readily 28727  
identifiable by local residents, and the location where the 28728  
application is available for public inspection; 28729

(g) A description of the type and method of coal mining 28730  
operation that exists or is proposed, the engineering techniques 28731  
proposed or used, and the equipment used or proposed to be used; 28732

(h) The anticipated or actual starting and termination dates 28733  
of each phase of the mining operation and number of acres of land 28734  
to be affected; 28735

(i) An accurate map or plan, to an appropriate scale, clearly 28736  
showing the land to be affected ~~and~~, the land upon which the 28737  
applicant has the legal right to enter and commence coal mining 28738  
operations, and the land for which the applicant will acquire the 28739  
legal right to enter and commence coal mining operations during 28740  
the term of the permit, copies of those documents upon which is 28741  
based the applicant's legal right to enter and commence coal 28742  
mining operations or a notarized statement describing the 28743  
applicant's legal right to enter and commence coal mining 28744  
operations, and a statement whether that right is the subject of 28745  
pending litigation. This chapter does not authorize the chief to 28746  
adjudicate property title disputes. 28747

(j) The name of the watershed and location of the surface stream or tributary into which drainage from the operation will be discharged; 28748  
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(k) A determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, providing information on the quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the chief of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability, but this determination shall not be required until hydrologic information of the general area prior to mining is made available from an appropriate federal or state agency; however, the permit shall not be approved until the information is available and is incorporated into the application; 28751  
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(l) When requested by the chief, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges; 28765  
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(m) Accurate maps prepared by or under the direction of and certified by a qualified registered professional engineer, registered surveyor, or licensed landscape architect to an appropriate scale clearly showing all types of information set forth on topographical maps of the United States geological survey of a scale of not more than four hundred feet to the inch, including all artificial features and significant known archeological sites. The map, among other things specified by the chief, shall show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all 28770  
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surface areas abutting the permit area, and the location of all 28780  
buildings within one thousand feet of the permit area. 28781

(n)(i) Cross-section maps or plans of the land to be affected 28782  
including the actual area to be mined, prepared by or under the 28783  
direction of and certified by a qualified registered professional 28784  
engineer or certified professional geologist with assistance from 28785  
experts in related fields such as hydrology, hydrogeology, 28786  
geology, and landscape architecture, showing pertinent elevations 28787  
and locations of test borings or core samplings and depicting the 28788  
following information: the nature and depth of the various strata 28789  
of overburden; the nature and thickness of any coal or rider seam 28790  
above the coal seam to be mined; the nature of the stratum 28791  
immediately beneath the coal seam to be mined; all mineral crop 28792  
lines and the strike and dip of the coal to be mined within the 28793  
area to be affected; existing or previous coal mining limits; the 28794  
location and extent of known workings of any underground mines, 28795  
including mine openings to the surface; the location of spoil, 28796  
waste, or refuse areas and topsoil preservation areas; the 28797  
location of all impoundments for waste or erosion control; any 28798  
settling or water treatment facility; constructed or natural 28799  
drainways and the location of any discharges to any surface body 28800  
of water on the land to be affected or adjacent thereto; profiles 28801  
at appropriate cross sections of the anticipated final surface 28802  
configuration that will be achieved pursuant to the operator's 28803  
proposed reclamation plan; the location of subsurface water, if 28804  
encountered; the location and quality of aquifers; and the 28805  
estimated elevation of the water table. Registered surveyors shall 28806  
be allowed to perform all plans, maps, and certifications under 28807  
this chapter as they are authorized under Chapter 4733. of the 28808  
Revised Code. 28809

(ii) A statement of the quality and locations of subsurface 28810  
water. The chief shall provide by rule the number of locations to 28811

be sampled, frequency of collection, and parameters to be analyzed 28812  
to obtain the statement required. 28813

(o) A statement of the results of test borings or core 28814  
samplings from the permit area, including logs of the drill holes, 28815  
the thickness of the coal seam found, an analysis of the chemical 28816  
properties of the coal, the sulfur content of any coal seam, 28817  
chemical analysis of potentially acid or toxic forming sections of 28818  
the overburden, and chemical analysis of the stratum lying 28819  
immediately underneath the coal to be mined, except that this 28820  
division may be waived by the chief with respect to the specific 28821  
application by a written determination that its requirements are 28822  
unnecessary. If the test borings or core samplings from the permit 28823  
area indicate the existence of potentially acid forming or toxic 28824  
forming quantities of sulfur in the coal or overburden to be 28825  
disturbed by mining, the application also shall include a 28826  
statement of the acid generating potential and the acid 28827  
neutralizing potential of the rock strata to be disturbed as 28828  
calculated in accordance with the calculation method established 28829  
under section 1513.075 of the Revised Code or with another 28830  
calculation method. 28831

(p) For those lands in the permit application that a 28832  
reconnaissance inspection suggests may be prime farmlands, a soil 28833  
survey shall be made or obtained according to standards 28834  
established by the secretary of the United States department of 28835  
agriculture in order to confirm the exact location of the prime 28836  
farmlands, if any; 28837

(q) A certificate issued by an insurance company authorized 28838  
to do business in this state certifying that the applicant has a 28839  
public liability insurance policy in force for the coal mining and 28840  
reclamation operations for which the permit is sought or evidence 28841  
that the applicant has satisfied other state self-insurance 28842  
requirements. The policy shall provide for personal injury and 28843

property damage protection in an amount adequate to compensate any persons damaged as a result of coal mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of state law. The policy shall be maintained in effect during the term of the permit or any renewal, including the length of all reclamation operations. The insurance company shall give prompt notice to the permittee and the chief if the public liability insurance policy lapses for any reason including the nonpayment of insurance premiums. Upon the lapse of the policy, the chief may suspend the permit and all other outstanding permits until proper insurance coverage is obtained.

(r) The business telephone number of the applicant;

(s) If the applicant seeks an authorization under division (E)(7) of this section to conduct coal mining and reclamation operations on areas to be covered by the permit that were affected by coal mining operations before August 3, 1977, that have resulted in continuing water pollution from or on the previously mined areas, such additional information pertaining to those previously mined areas as may be required by the chief, including, without limitation, maps, plans, cross sections, data necessary to determine existing water quality from or on those areas with respect to pH, iron, and manganese, and a pollution abatement plan that may improve water quality from or on those areas with respect to pH, iron, and manganese.

(2) Information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section shall be made available by the chief to any person with an interest that is or may be adversely affected, except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental content that is potentially toxic in the environment,



shall be kept confidential and not made a matter of public record. 28876

(3)(a) If the chief finds that the probable total annual 28877  
production at all locations of any operator will not exceed three 28878  
hundred thousand tons, the following activities, upon the written 28879  
request of the operator in connection with a permit application, 28880  
shall be performed by a qualified public or private laboratory or 28881  
another public or private qualified entity designated by the 28882  
chief, and the cost of the activities shall be assumed by the 28883  
chief, provided that sufficient moneys for such assistance are 28884  
available: 28885

(i) The determination of probable hydrologic consequences 28886  
required under division (B)(1)(k) of this section; 28887

(ii) The development of cross-section maps and plans required 28888  
under division (B)(1)(n)(i) of this section; 28889

(iii) The geologic drilling and statement of results of test 28890  
borings and core samplings required under division (B)(1)(o) of 28891  
this section; 28892

(iv) The collection of archaeological information required 28893  
under division (B)(1)(m) of this section and any other 28894  
archaeological and historical information required by the chief, 28895  
and the preparation of plans necessitated thereby; 28896

(v) Pre-blast surveys required under division (E) of section 28897  
1513.161 of the Revised Code; 28898

(vi) The collection of site-specific resource information and 28899  
production of protection and enhancement plans for fish and 28900  
wildlife habitats and other environmental values required by the 28901  
chief under this chapter. 28902

(b) A coal operator that has received assistance under 28903  
division (B)(3)(a) of this section shall reimburse the chief for 28904  
the cost of the services rendered if the chief finds that the 28905

operator's actual and attributed annual production of coal for all 28906  
locations exceeds three hundred thousand tons during the twelve 28907  
months immediately following the date on which the operator was 28908  
issued a coal mining and reclamation permit. 28909

(4) Each applicant for a permit shall submit to the chief as 28910  
part of the permit application a reclamation plan that meets the 28911  
requirements of this chapter. 28912

(5) Each applicant for a coal mining and reclamation permit 28913  
shall file a copy of the application for a permit, excluding that 28914  
information pertaining to the coal seam itself, for public 28915  
inspection with the county recorder or an appropriate public 28916  
office approved by the chief in the county where the mining is 28917  
proposed to occur. 28918

(6) Each applicant for a coal mining and reclamation permit 28919  
shall submit to the chief as part of the permit application a 28920  
blasting plan that describes the procedures and standards by which 28921  
the operator will comply with section 1513.161 of the Revised 28922  
Code. 28923

(C) Each reclamation plan submitted as part of a permit 28924  
application shall include, in the detail necessary to demonstrate 28925  
that reclamation required by this chapter can be accomplished and 28926  
in the detail necessary for the chief to determine the estimated 28927  
cost of reclamation if the reclamation has to be performed by the 28928  
division of mineral resources management in the event of 28929  
forfeiture of the performance security by the applicant, a 28930  
statement of: 28931

(1) The identification of the lands subject to coal mining 28932  
operations over the estimated life of those operations and the 28933  
size, sequence, and timing of the subareas for which it is 28934  
anticipated that individual permits for mining will be sought; 28935

(2) The condition of the land to be covered by the permit 28936

prior to any mining, including all of the following: 28937

(a) The uses existing at the time of the application and, if 28938  
the land has a history of previous mining, the uses that preceded 28939  
any mining; 28940

(b) The capability of the land prior to any mining to support 28941  
a variety of uses, giving consideration to soil and foundation 28942  
characteristics, topography, and vegetative cover and, if 28943  
applicable, a soil survey prepared pursuant to division (B)(1)(p) 28944  
of this section; 28945

(c) The productivity of the land prior to mining, including 28946  
appropriate classification as prime farmlands as well as the 28947  
average yield of food, fiber, forage, or wood products obtained 28948  
from the land under high levels of management. 28949

(3) The use that is proposed to be made of the land following 28950  
reclamation, including information regarding the utility and 28951  
capacity of the reclaimed land to support a variety of alternative 28952  
uses, the relationship of the proposed use to existing land use 28953  
policies and plans, and the comments of any owner of the land and 28954  
state and local governments or agencies thereof that would have to 28955  
initiate, implement, approve, or authorize the proposed use of the 28956  
land following reclamation; 28957

(4) A detailed description of how the proposed postmining 28958  
land use is to be achieved and the necessary support activities 28959  
that may be needed to achieve the proposed land use; 28960

(5) The engineering techniques proposed to be used in mining 28961  
and reclamation and a description of the major equipment; a plan 28962  
for the control of surface water drainage and of water 28963  
accumulation; a plan, where appropriate, for backfilling, soil 28964  
stabilization, and compacting, grading, and appropriate 28965  
revegetation; a plan for soil reconstruction, replacement, and 28966  
stabilization, pursuant to the performance standards in section 28967

1513.16 of the Revised Code, for those food, forage, and forest lands identified in that section; and a statement as to how the permittee plans to comply with each of the requirements set out in section 1513.16 of the Revised Code; 28968  
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(6) A description of the means by which the utilization and conservation of the solid fuel resource being recovered will be maximized so that re-affecting the land in the future can be minimized; 28972  
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(7) A detailed estimated timetable for the accomplishment of each major step in the reclamation plan; 28976  
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(8) A description of the degree to which the coal mining and reclamation operations are consistent with surface owner plans and applicable state and local land use plans and programs; 28978  
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(9) The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards; 28981  
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(10) A description of the degree to which the reclamation plan is consistent with local physical, environmental, and climatological conditions; 28984  
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(11) A description of all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit; 28987  
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(12) The results of test borings that the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the chief, including the location of subsurface water, and an analysis of the chemical properties, including acid forming properties of the mineral and overburden; except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental 28991  
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contents that are potentially toxic in the environment, shall be 28999  
kept confidential and not made a matter of public record; 29000

(13) A detailed description of the measures to be taken 29001  
during the mining and reclamation process to ensure the protection 29002  
of all of the following: 29003

(a) The quality of surface and ground water systems, both on- 29004  
and off-site, from adverse effects of the mining and reclamation 29005  
process; 29006

(b) The rights of present users to such water; 29007

(c) The quantity of surface and ground water systems, both 29008  
on- and off-site, from adverse effects of the mining and 29009  
reclamation process or, where such protection of quantity cannot 29010  
be assured, provision of alternative sources of water. 29011

(14) Any other requirements the chief prescribes by rule. 29012

(D)(1) Any information required by division (C) of this 29013  
section that is not on public file pursuant to this chapter shall 29014  
be held in confidence by the chief. 29015

(2) With regard to requests for an exemption from the 29016  
requirements of this chapter for coal extraction incidental to the 29017  
extraction of other minerals, as described in division (H)(1)(a) 29018  
of section 1513.01 of the Revised Code, confidential information 29019  
includes and is limited to information concerning trade secrets or 29020  
privileged commercial or financial information relating to the 29021  
competitive rights of the persons intending to conduct the 29022  
extraction of minerals. 29023

(E)(1) Upon the basis of a complete mining application and 29024  
reclamation plan or a revision or renewal thereof, as required by 29025  
this chapter, and information obtained as a result of public 29026  
notification and public hearing, if any, as provided by section 29027  
1513.071 of the Revised Code, the chief shall grant, require 29028

modification of, or deny the application for a permit and notify 29029  
the applicant in writing in accordance with division (I)(3) of 29030  
this section. An application is deemed to be complete as submitted 29031  
to the chief unless the chief, within fourteen days of the 29032  
submission, identifies deficiencies in the application in writing 29033  
and subsequently submits a copy of a written list of deficiencies 29034  
to the applicant. An application shall not be considered 29035  
incomplete or denied by reason of right of entry documentation, 29036  
provided that the applicant documents the applicant's legal right 29037  
to enter and mine at least sixty-seven per cent of the total area 29038  
for which coal mining operations are proposed. 29039

A decision of the chief denying a permit shall state in 29040  
writing the specific reasons for the denial. 29041

The applicant for a permit or revision of a permit has the 29042  
burden of establishing that the application is in compliance with 29043  
all the requirements of this chapter. Within ten days after the 29044  
granting of a permit, the chief shall notify the boards of 29045  
township trustees and county commissioners, the mayor, and the 29046  
legislative authority in the township, county, and municipal 29047  
corporation in which the area of land to be affected is located 29048  
that a permit has been issued and shall describe the location of 29049  
the land. However, failure of the chief to notify the local 29050  
officials shall not affect the status of the permit. 29051

(2) No permit application or application for revision of an 29052  
existing permit shall be approved unless the application 29053  
affirmatively demonstrates and the chief finds in writing on the 29054  
basis of the information set forth in the application or from 29055  
information otherwise available, which shall be documented in the 29056  
approval and made available to the applicant, all of the 29057  
following: 29058

(a) The application is accurate and complete and all the 29059  
requirements of this chapter have been complied with. 29060

(b) The applicant has demonstrated that the reclamation 29061  
required by this chapter can be accomplished under the reclamation 29062  
plan contained in the application. 29063

(c)(i) Assessment of the probable cumulative impact of all 29064  
anticipated mining in the general and adjacent area on the 29065  
hydrologic balance specified in division (B)(1)(k) of this section 29066  
has been made by the chief, and the proposed operation has been 29067  
designed to prevent material damage to hydrologic balance outside 29068  
the permit area. 29069

(ii) There shall be an ongoing process conducted by the chief 29070  
in cooperation with other state and federal agencies to review all 29071  
assessments of probable cumulative impact of coal mining in light 29072  
of post-mining data and any other hydrologic information as it 29073  
becomes available to determine if the assessments were realistic. 29074  
The chief shall take appropriate action as indicated in the review 29075  
process. 29076

(d) The area proposed to be mined is not included within an 29077  
area designated unsuitable for coal mining pursuant to section 29078  
1513.073 of the Revised Code or is not within an area under study 29079  
for such designation in an administrative proceeding commenced 29080  
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 29081  
Revised Code unless in an area as to which an administrative 29082  
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 29083  
section 1513.073 of the Revised Code, the operator making the 29084  
permit application demonstrates that, prior to January 1, 1977, 29085  
the operator made substantial legal and financial commitments in 29086  
relation to the operation for which a permit is sought. 29087

(e) In cases where the private mineral estate has been 29088  
severed from the private surface estate and surface disturbance 29089  
will result from the applicant's proposed use of a strip mining 29090  
method, the applicant has submitted to the chief one of the 29091  
following: 29092

(i) The written consent of the surface owner to the surface disturbance that will result from the extraction of coal by the applicant's proposed strip mining method; 29093  
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(ii) A conveyance that expressly grants or reserves the right to extract the coal by strip mining methods that cause surface disturbance; 29096  
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(iii) If the conveyance does not expressly grant the right to extract coal by strip mining methods that cause surface disturbance, the surface-subsurface legal relationship concerning surface disturbance shall be determined under the law of this state. This chapter does not authorize the chief to adjudicate property rights disputes. 29099  
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(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(5) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant submits proof that the violation has been corrected or is in the 29105  
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process of being corrected to the satisfaction of the regulatory 29125  
authority, department, or agency that has jurisdiction over the 29126  
violation and that any civil penalties owed to the state for a 29127  
violation and not the subject of an appeal have been paid. No 29128  
permit shall be issued to an applicant after a finding by the 29129  
chief that the applicant or the operator specified in the 29130  
application controls or has controlled mining operations with a 29131  
demonstrated pattern of willful violations of this chapter of a 29132  
nature and duration to result in irreparable damage to the 29133  
environment as to indicate an intent not to comply with or a 29134  
disregard of this chapter. 29135

(b) For the purposes of division (E)(3)(a) of this section, 29136  
any violation resulting from an unanticipated event or condition 29137  
at a surface coal mining operation on lands eligible for remining 29138  
under a permit held by the person submitting an application for a 29139  
coal mining permit under this section shall not prevent issuance 29140  
of that permit. As used in this division, "unanticipated event or 29141  
condition" means an event or condition encountered in a remining 29142  
operation that was not contemplated by the applicable surface coal 29143  
mining and reclamation permit. 29144

(4)(a) In addition to finding the application in compliance 29145  
with division (E)(2) of this section, if the area proposed to be 29146  
mined contains prime farmland as determined pursuant to division 29147  
(B)(1)(p) of this section, the chief, after consultation with the 29148  
secretary of the United States department of agriculture and 29149  
pursuant to regulations issued by the secretary of the interior 29150  
with the concurrence of the secretary of agriculture, may grant a 29151  
permit to mine on prime farmland if the chief finds in writing 29152  
that the operator has the technological capability to restore the 29153  
mined area, within a reasonable time, to equivalent or higher 29154  
levels of yield as nonmined prime farmland in the surrounding area 29155  
under equivalent levels of management and can meet the soil 29156

reconstruction standards in section 1513.16 of the Revised Code. 29157

(b) Division (E)(4)(a) of this section does not apply to a 29158  
permit issued prior to August 3, 1977, or revisions or renewals 29159  
thereof. 29160

(5) The chief shall issue an order denying a permit after 29161  
finding that the applicant has misrepresented or omitted any 29162  
material fact in the application for the permit. 29163

(6) The chief may issue an order denying a permit after 29164  
finding that the applicant, any partner, if the applicant is a 29165  
partnership, any officer, principal shareholder, or director, if 29166  
the applicant is a corporation, or any other person who has a 29167  
right to control or in fact controls the management of the 29168  
applicant or the selection of officers, directors, or managers of 29169  
the applicant has been a sole proprietor or partner, officer, 29170  
director, principal shareholder, or person having the right to 29171  
control or has in fact controlled the management of or the 29172  
selection of officers, directors, or managers of a business entity 29173  
that ever has had a coal mining license or permit issued by this 29174  
or any other state or the United States suspended or revoked, ever 29175  
has forfeited a coal or surface mining bond, performance security, 29176  
or similar security deposited in lieu of bond in this or any other 29177  
state or with the United States, or ever has substantially or 29178  
materially failed to comply with this chapter. 29179

(7) When issuing a permit under this section, the chief may 29180  
authorize an applicant to conduct coal mining and reclamation 29181  
operations on areas to be covered by the permit that were affected 29182  
by coal mining operations before August 3, 1977, that have 29183  
resulted in continuing water pollution from or on the previously 29184  
mined areas for the purpose of potentially reducing the pollution 29185  
loadings of pH, iron, and manganese from discharges from or on the 29186  
previously mined areas. Following the chief's authorization to 29187  
conduct such operations on those areas, the areas shall be 29188

designated as pollution abatement areas for the purposes of this 29189  
chapter. 29190

The chief shall not grant an authorization under division 29191  
(E)(7) of this section to conduct coal mining and reclamation 29192  
operations on any such previously mined areas unless the applicant 29193  
demonstrates to the chief's satisfaction that all of the following 29194  
conditions are met: 29195

(a) The applicant's pollution abatement plan for mining and 29196  
reclaiming the previously mined areas represents the best 29197  
available technology economically achievable. 29198

(b) Implementation of the plan will potentially reduce 29199  
pollutant loadings of pH, iron, and manganese resulting from 29200  
discharges of surface waters or ground water from or on the 29201  
previously mined areas within the permit area. 29202

(c) Implementation of the plan will not cause any additional 29203  
degradation of surface water quality off the permit area with 29204  
respect to pH, iron, and manganese. 29205

(d) Implementation of the plan will not cause any additional 29206  
degradation of ground water. 29207

(e) The plan meets the requirements governing mining and 29208  
reclamation of such previously mined pollution abatement areas 29209  
established by the chief in rules adopted under section 1513.02 of 29210  
the Revised Code. 29211

(f) Neither the applicant; any partner, if the applicant is a 29212  
partnership; any officer, principal shareholder, or director, if 29213  
the applicant is a corporation; any other person who has a right 29214  
to control or in fact controls the management of the applicant or 29215  
the selection of officers, directors, or managers of the 29216  
applicant; nor any contractor or subcontractor of the applicant, 29217  
has any of the following: 29218

(i) Responsibility or liability under this chapter or rules 29219  
adopted under it as an operator for treating the discharges of 29220  
water pollutants from or on the previously mined areas for which 29221  
the authorization is sought; 29222

(ii) Any responsibility or liability under this chapter or 29223  
rules adopted under it for reclaiming the previously mined areas 29224  
for which the authorization is sought; 29225

(iii) During the eighteen months prior to submitting the 29226  
permit application requesting an authorization under division 29227  
(E)(7) of this section, had a coal mining and reclamation permit 29228  
suspended or revoked under division (D)(3) of section 1513.02 of 29229  
the Revised Code for violating this chapter or Chapter 6111. of 29230  
the Revised Code or rules adopted under them with respect to water 29231  
quality, effluent limitations, or surface or ground water 29232  
monitoring; 29233

(iv) Ever forfeited a coal or surface mining bond, 29234  
performance security, or similar security deposited in lieu of a 29235  
bond in this or any other state or with the United States. 29236

(8) In the case of the issuance of a permit that involves a 29237  
conflict of results between various methods of calculating 29238  
potential acidity and neutralization potential for purposes of 29239  
assessing the potential for acid mine drainage to occur at a mine 29240  
site, the permit shall include provisions for monitoring and 29241  
record keeping to identify the creation of unanticipated acid 29242  
water at the mine site. If the monitoring detects the creation of 29243  
acid water at the site, the permit shall impose on the permittee 29244  
additional requirements regarding mining practices and site 29245  
reclamation to prevent the discharge of acid mine drainage from 29246  
the mine site. As used in division (E)(8) of this section, 29247  
"potential acidity" and "neutralization potential" have the same 29248  
meanings as in section 1513.075 of the Revised Code. 29249

(F)(1) During the term of the permit, the permittee may 29250  
submit an application for a revision of the permit, together with 29251  
a revised reclamation plan, to the chief. 29252

(2) An application for a revision of a permit shall not be 29253  
approved unless the chief finds that reclamation required by this 29254  
chapter can be accomplished under the revised reclamation plan. 29255  
The revision shall be approved or disapproved within ninety days 29256  
after receipt of a complete revision application. The chief shall 29257  
establish, by rule, criteria for determining the extent to which 29258  
all permit application information requirements and procedures, 29259  
including notice and hearings, shall apply to the revision 29260  
request, except that any revisions that propose significant 29261  
alterations in the reclamation plan, at a minimum, shall be 29262  
subject to notice and hearing requirements. 29263

(3) Any extensions to the area covered by the permit except 29264  
incidental boundary revisions shall be made by application for a 29265  
permit. 29266

(4) Documents or a notarized statement that form the basis of 29267  
the applicant's legal right to enter and commence coal mining 29268  
operations on land that is located within an area covered by the 29269  
permit and that was legally acquired subsequent to the issuance of 29270  
the permit for the area shall be submitted with an application for 29271  
a revision of the permit. 29272

(G) No transfer, assignment, or sale of the rights granted 29273  
under a permit issued pursuant to this chapter shall be made 29274  
without the written approval of the chief. 29275

(H) The chief, within a time limit prescribed in the chief's 29276  
rules, shall review outstanding permits and may require reasonable 29277  
revision or modification of a permit. A revision or modification 29278  
shall be based upon a written finding and subject to notice and 29279  
hearing requirements established by rule of the chief. 29280

(I)(1) If an informal conference has been held pursuant to 29281  
section 1513.071 of the Revised Code, the chief shall issue and 29282  
furnish the applicant for a permit, persons who participated in 29283  
the informal conference, and persons who filed written objections 29284  
pursuant to division (B) of section 1513.071 of the Revised Code, 29285  
with the written finding of the chief granting or denying the 29286  
permit in whole or in part and stating the reasons therefor within 29287  
sixty days of the conference, provided that the chief shall comply 29288  
with the time frames established in division (I)(3) of this 29289  
section. 29290

(2) If there has been no informal conference held pursuant to 29291  
section 1513.071 of the Revised Code, the chief shall submit to 29292  
the applicant for a permit the written finding of the chief 29293  
granting or denying the permit in whole or in part and stating the 29294  
reasons therefor within the time frames established in division 29295  
(I)(3) of this section. 29296

(3) The chief shall grant or deny a permit not later than two 29297  
hundred forty days after the submission of a complete application 29298  
for the permit. Any time during which the applicant is making 29299  
revisions to an application or providing additional information 29300  
requested by the chief regarding an application shall not be 29301  
included in the two hundred forty days. If the chief determines 29302  
that a permit cannot be granted or denied within the 29303  
two-hundred-forty-day time frame, the chief, not later than two 29304  
hundred ten days after the submission of a complete application 29305  
for the permit, shall provide the applicant with written notice of 29306  
the expected delay. 29307

(4) If the application is approved, the permit shall be 29308  
issued. However, the permit shall prohibit the commencement of 29309  
coal mining operations on any land that is located within an area 29310  
covered by the permit if the permittee has not provided to the 29311  
chief documents that form the basis of the permittee's legal right 29312

to enter and conduct coal mining operations on that land. If the 29313  
application is disapproved, specific reasons therefor shall be set 29314  
forth in the notification. Within thirty days after the applicant 29315  
is notified of the final decision of the chief on the permit 29316  
application, the applicant or any person with an interest that is 29317  
or may be adversely affected may appeal the decision to the 29318  
reclamation commission pursuant to section 1513.13 of the Revised 29319  
Code. 29320

(5) Any applicant or any person with an interest that is or 29321  
may be adversely affected who has participated in the 29322  
administrative proceedings as an objector and is aggrieved by the 29323  
decision of the reclamation commission, or if the commission fails 29324  
to act within the time limits specified in this chapter, may 29325  
appeal in accordance with section 1513.14 of the Revised Code. 29326

**Sec. 1513.16.** (A) Any permit issued under this chapter to 29327  
conduct coal mining operations shall require that the operations 29328  
meet all applicable performance standards of this chapter and such 29329  
other requirements as the chief of the division of mineral 29330  
resources management shall adopt by rule. General performance 29331  
standards shall apply to all coal mining and reclamation 29332  
operations and shall require the operator at a minimum to do all 29333  
of the following: 29334

(1) Conduct coal mining operations so as to maximize the 29335  
utilization and conservation of the solid fuel resource being 29336  
recovered so that re-affecting the land in the future through coal 29337  
mining can be minimized; 29338

(2) Restore the land affected to a condition capable of 29339  
supporting the uses that it was capable of supporting prior to any 29340  
mining, or higher or better uses of which there is reasonable 29341  
likelihood, so long as the uses do not present any actual or 29342  
probable hazard to public health or safety or pose any actual or 29343

probable threat of diminution or pollution of the waters of the state, and the permit applicants' declared proposed land uses following reclamation are not considered to be impractical or unreasonable, to be inconsistent with applicable land use policies and plans, to involve unreasonable delay in implementation, or to violate federal, state, or local law;

(3) Except as provided in division (B) of this section, with respect to all coal mining operations, backfill, compact where advisable to ensure stability or to prevent leaching of toxic materials, and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter, provided that if the operator demonstrates that due to volumetric expansion the amount of overburden and the spoil and waste materials removed in the course of the mining operation are more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact the excess overburden and other spoil and waste materials to attain the lowest grade, but not more than the angle of repose, and to cover all acid-forming and other toxic materials in order to achieve an ecologically sound land use compatible with the surrounding region in accordance with the approved mining plan. The overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and shall be revegetated in accordance with this chapter.

(4) Stabilize and protect all surface areas, including spoil piles affected by the coal mining and reclamation operation, to control erosion and attendant air and water pollution effectively;

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or, if not utilized immediately, segregate it in a separate pile from the spoil, and when the



topsoil is not replaced on a backfill area within a time short 29376  
enough to avoid deterioration of the topsoil, maintain a 29377  
successful cover by quick-growing plants or other means thereafter 29378  
so that the topsoil is preserved from wind and water erosion, 29379  
remains free of any contamination by acid or other toxic material, 29380  
and is in a usable condition for sustaining vegetation when 29381  
restored during reclamation. If the topsoil is of insufficient 29382  
quantity or of poor quality for sustaining vegetation or if other 29383  
strata can be shown to be more suitable for vegetation 29384  
requirements, the operator shall remove, segregate, and preserve 29385  
in a like manner such other strata as are best able to support 29386  
vegetation. 29387

(6) Restore the topsoil or the best available subsoil that is 29388  
best able to support vegetation; 29389

(7) For all prime farmlands as identified in division 29390  
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 29391  
reclaimed, perform soil removal, storage, replacement, and 29392  
reconstruction in accordance with specifications established by 29393  
the secretary of the United States department of agriculture under 29394  
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 29395  
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 29396  
required to do all of the following: 29397

(a) Segregate the A horizon of the natural soil, except where 29398  
it can be shown that other available soil materials will create a 29399  
final soil having a greater productive capacity, and, if not 29400  
utilized immediately, stockpile this material separately from the 29401  
spoil and provide needed protection from wind and water erosion or 29402  
contamination by acid or other toxic material; 29403

(b) Segregate the B horizon of the natural soil, or 29404  
underlying C horizons or other strata, or a combination of such 29405  
horizons or other strata that are shown to be both texturally and 29406  
chemically suitable for plant growth and that can be shown to be 29407

equally or more favorable for plant growth than the B horizon, in 29408  
sufficient quantities to create in the regraded final soil a root 29409  
zone of comparable depth and quality to that which existed in the 29410  
natural soil, and, if not utilized immediately, stockpile this 29411  
material separately from the spoil and provide needed protection 29412  
from wind and water erosion or contamination by acid or other 29413  
toxic material; 29414

(c) Replace and regrade the root zone material described in 29415  
division (A)(7)(b) of this section with proper compaction and 29416  
uniform depth over the regraded spoil material; 29417

(d) Redistribute and grade in a uniform manner the surface 29418  
soil horizon described in division (A)(7)(a) of this section. 29419

(8) Create, if authorized in the approved mining and 29420  
reclamation plan and permit, permanent impoundments of water on 29421  
mining sites as part of reclamation activities only when it is 29422  
adequately demonstrated by the operator that all of the following 29423  
conditions will be met: 29424

(a) The size of the impoundment is adequate for its intended 29425  
purposes. 29426

(b) The impoundment dam construction will be so designed as 29427  
to achieve necessary stability with an adequate margin of safety 29428  
compatible with that of structures constructed under the 29429  
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 29430  
(1954), 16 U.S.C. 1001, as amended. 29431

(c) The quality of impounded water will be suitable on a 29432  
permanent basis for its intended use and discharges from the 29433  
impoundment will not degrade the water quality below water quality 29434  
standards established pursuant to applicable federal and state law 29435  
in the receiving stream. 29436

(d) The level of water will be reasonably stable. 29437

(e) Final grading will provide adequate safety and access for proposed water users. 29438  
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(f) The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses. 29440  
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(9) Conduct any augering operation associated with strip mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage, except where the chief determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety. The chief may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts. 29444  
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(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after coal mining operations and during reclamation by doing all of the following: 29455  
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(a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: 29460  
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(i) Preventing or removing water from contact with toxic producing deposits; 29462  
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(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses in accordance with rules adopted by the chief in accordance with section 1513.02 of the Revised Code; 29464  
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(iii) Casing, sealing, or otherwise managing boreholes, 29468

shafts, and wells, and keeping acid or other toxic drainage from 29469  
entering ground and surface waters. 29470

(b)(i) Conducting coal mining operations so as to prevent, to 29471  
the extent possible using the best technology currently available, 29472  
additional contributions of suspended solids to streamflow or 29473  
runoff outside the permit area, but in no event shall 29474  
contributions be in excess of requirements set by applicable state 29475  
or federal laws; 29476

(ii) Constructing any siltation structures pursuant to 29477  
division (A)(10)(b)(i) of this section prior to commencement of 29478  
coal mining operations. The structures shall be certified by 29479  
persons approved by the chief to be constructed as designed and as 29480  
approved in the reclamation plan. 29481

(c) Cleaning out and removing temporary or large settling 29482  
ponds or other siltation structures from drainways after disturbed 29483  
areas are revegetated and stabilized, and depositing the silt and 29484  
debris at a site and in a manner approved by the chief; 29485

(d) Restoring recharge capacity of the mined area to 29486  
approximate premining conditions; 29487

(e) Avoiding channel deepening or enlargement in operations 29488  
requiring the discharge of water from mines; 29489

(f) Such other actions as the chief may prescribe. 29490

(11) With respect to surface disposal of mine wastes, 29491  
tailings, coal processing wastes, and other wastes in areas other 29492  
than the mine working areas or excavations, stabilize all waste 29493  
piles in designated areas through construction in compacted 29494  
layers, including the use of noncombustible and impervious 29495  
materials if necessary, and ensure that the final contour of the 29496  
waste pile will be compatible with natural surroundings and that 29497  
the site can and will be stabilized and revegetated according to 29498  
this chapter; 29499

(12) Refrain from coal mining within five hundred feet of 29500  
active and abandoned underground mines in order to prevent 29501  
breakthroughs and to protect the health or safety of miners. The 29502  
chief shall permit an operator to mine near, through, or partially 29503  
through an abandoned underground mine or closer than five hundred 29504  
feet to an active underground mine if both of the following 29505  
conditions are met: 29506

(a) The nature, timing, and sequencing of the approximate 29507  
coincidence of specific strip mine activities with specific 29508  
underground mine activities are approved by the chief. 29509

(b) The operations will result in improved resource recovery, 29510  
abatement of water pollution, or elimination of hazards to the 29511  
health and safety of the public. 29512

(13) Design, locate, construct, operate, maintain, enlarge, 29513  
modify, and remove or abandon, in accordance with the standards 29514  
and criteria developed pursuant to rules adopted by the chief, all 29515  
existing and new coal mine waste piles consisting of mine wastes, 29516  
tailings, coal processing wastes, or other liquid and solid 29517  
wastes, and used either temporarily or permanently as dams or 29518  
embankments; 29519

(14) Ensure that all debris, acid-forming materials, toxic 29520  
materials, or materials constituting a fire hazard are treated or 29521  
buried and compacted or otherwise disposed of in a manner designed 29522  
to prevent contamination of ground or surface waters and that 29523  
contingency plans are developed to prevent sustained combustion; 29524

(15) Ensure that all reclamation efforts proceed in an 29525  
environmentally sound manner and as contemporaneously as 29526  
practicable with the coal mining operations, except that where the 29527  
applicant proposes to combine strip mining operations with 29528  
underground mining operations to ensure maximum practical recovery 29529  
of the mineral resources, the chief may grant a variance for 29530

specific areas within the reclamation plan from the requirement 29531  
that reclamation efforts proceed as contemporaneously as 29532  
practicable to permit underground mining operations prior to 29533  
reclamation if: 29534

(a) The chief finds in writing that: 29535

(i) The applicant has presented, as part of the permit 29536  
application, specific, feasible plans for the proposed underground 29537  
mining operations. 29538

(ii) The proposed underground mining operations are necessary 29539  
or desirable to ensure maximum practical recovery of the mineral 29540  
resource and will avoid multiple disturbance of the surface. 29541

(iii) The applicant has satisfactorily demonstrated that the 29542  
plan for the underground mining operations conforms to 29543  
requirements for underground mining in this state and that permits 29544  
necessary for the underground mining operations have been issued 29545  
by the appropriate authority. 29546

(iv) The areas proposed for the variance have been shown by 29547  
the applicant to be necessary for the implementing of the proposed 29548  
underground mining operations. 29549

(v) No substantial adverse environmental damage, either 29550  
on-site or off-site, will result from the delay in completion of 29551  
reclamation as required by this chapter. 29552

(vi) Provisions for the off-site storage of spoil will comply 29553  
with division (A)(21) of this section. 29554

(b) The chief has adopted specific rules to govern the 29555  
granting of such variances in accordance with this division and 29556  
has imposed such additional requirements as the chief considers 29557  
necessary. 29558

(c) Variances granted under this division shall be reviewed 29559  
by the chief not more than three years from the date of issuance 29560

of the permit. 29561

(d) Liability under the performance security filed by the 29562  
applicant with the chief pursuant to section 1513.08 of the 29563  
Revised Code shall be for the duration of the underground mining 29564  
operations and until the requirements of this section and section 29565  
1513.08 of the Revised Code have been fully complied with. 29566

(16) Ensure that the construction, maintenance, and 29567  
postmining conditions of access roads into and across the site of 29568  
operations will control or prevent erosion and siltation, 29569  
pollution of water, and damage to fish or wildlife or their 29570  
habitat, or to public or private property; 29571

(17) Refrain from the construction of roads or other access 29572  
ways up a stream bed or drainage channel or in such proximity to 29573  
the channel as to seriously alter the normal flow of water; 29574

(18) Establish, on the regraded areas and all other lands 29575  
affected, a diverse, effective, and permanent vegetative cover of 29576  
the same seasonal variety native to the area of land to be 29577  
affected and capable of self-regeneration and plant succession at 29578  
least equal in extent of cover to the natural vegetation of the 29579  
area, except that introduced species may be used in the 29580  
revegetation process where desirable and necessary to achieve the 29581  
approved postmining land use plan; 29582

(19)(a) Assume the responsibility for successful 29583  
revegetation, as required by division (A)(18) of this section, for 29584  
a period of five full years after the last year of augmented 29585  
seeding, fertilizing, irrigation, or other work in order to ensure 29586  
compliance with that division, except that when the chief approves 29587  
a long-term intensive agricultural postmining land use, the 29588  
applicable five-year period of responsibility for revegetation 29589  
shall commence at the date of initial planting for that long-term 29590  
intensive agricultural postmining land use, and except that when 29591

the chief issues a written finding approving a long-term intensive 29592  
agricultural postmining land use as part of the mining and 29593  
reclamation plan, the chief may grant an exception to division 29594  
(A)(18) of this section; 29595

(b) On lands eligible for remining, assume the responsibility 29596  
for successful revegetation, as required by division (A)(18) of 29597  
this section, for a period of two full years after the last year 29598  
of augmented seeding, fertilizing, irrigation, or other work in 29599  
order to ensure compliance with that division. 29600

(20) Protect off-site areas from slides or damage occurring 29601  
during the coal mining and reclamation operations and not deposit 29602  
spoil material or locate any part of the operations or waste 29603  
accumulations outside the permit area; 29604

(21) Place all excess spoil material resulting from coal 29605  
mining and reclamation operations in such a manner that all of the 29606  
following apply: 29607

(a) Spoil is transported and placed in a controlled manner in 29608  
position for concurrent compaction and in such a way as to ensure 29609  
mass stability and to prevent mass movement. 29610

(b) The areas of disposal are within the permit areas for 29611  
which performance security has been provided. All organic matter 29612  
shall be removed immediately prior to spoil placement except in 29613  
the zoned concept method. 29614

(c) Appropriate surface and internal drainage systems and 29615  
diversion ditches are used so as to prevent spoil erosion and mass 29616  
movement. 29617

(d) The disposal area does not contain springs, natural 29618  
watercourses, or wet weather seeps unless lateral drains are 29619  
constructed from the wet areas to the main underdrains in such a 29620  
manner that filtration of the water into the spoil pile will be 29621  
prevented unless the zoned concept method is used. 29622



(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon, or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement.

(f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed.

(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.

(h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards.

(i) All other provisions of this chapter are met.

(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site;

(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion;

(25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or

1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations: 29653  
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(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible. 29657  
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(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible. 29660  
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(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code. 29665  
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(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section. 29674  
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If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan. 29676  
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Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be 29680  
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approved prior to the construction of required mitigation 29684  
activities off the permit area. 29685

(B)(1) The chief may permit mining operations for the 29686  
purposes set forth in division (B)(3) of this section. 29687

(2) When an applicant meets the requirements of divisions 29688  
(B)(3) and (4) of this section, a permit without regard to the 29689  
requirement to restore to approximate original contour known as 29690  
mountain top removal set forth in divisions (A)(3) or (C)(2) and 29691  
(3) of this section may be granted for the mining of coal where 29692  
the mining operation will remove an entire coal seam or seams 29693  
running through the upper fraction of a mountain, ridge, or hill, 29694  
except as provided in division (B)(4)(a) of this section, by 29695  
removing all of the overburden and creating a level plateau or a 29696  
gently rolling contour with no highwalls remaining, and capable of 29697  
supporting postmining uses in accordance with this division. 29698

(3) In cases where an industrial, commercial, agricultural, 29699  
residential, or public facility use, including recreational 29700  
facilities, is proposed for the postmining use of the affected 29701  
land, the chief may grant a permit for a mining operation of the 29702  
nature described in division (B)(2) of this section when all of 29703  
the following apply: 29704

(a) After consultation with the appropriate land use planning 29705  
agencies, if any, the proposed postmining land use is considered 29706  
to constitute an equal or better economic or public use of the 29707  
affected land, as compared with premining use. 29708

(b) The applicant presents specific plans for the proposed 29709  
postmining land use and appropriate assurances that the use will 29710  
be all of the following: 29711

(i) Compatible with adjacent land uses; 29712

(ii) Obtainable according to data regarding expected need and 29713  
market; 29714

(iii) Assured of investment in necessary public facilities;	29715
(iv) Supported by commitments from public agencies where appropriate;	29716 29717
(v) Practicable with respect to private financial capability for completion of the proposed use;	29718 29719
(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;	29720 29721 29722
(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.	29723 29724 29725 29726
(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs.	29727 29728
(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.	29729 29730 29731 29732 29733 29734
(e) All other requirements of this chapter will be met.	29735
(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:	29736 29737
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	29738 29739 29740
(b) The reclaimed area is stable.	29741
(c) The resulting plateau or rolling contour drains inward from the out slopes except at specified points.	29742 29743

(d) No damage will be done to natural watercourses. 29744

(e) Spoil will be placed on the mountaintop bench as is 29745  
necessary to achieve the planned postmining land use, except that 29746  
all excess spoil material not retained on the mountaintop bench 29747  
shall be placed in accordance with division (A)(21) of this 29748  
section. 29749

(f) Stability of the spoil retained on the mountaintop bench 29750  
is ensured and the other requirements of this chapter are met. 29751

(5) The chief shall adopt specific rules to govern the 29752  
granting of permits in accordance with divisions (B)(1) to (4) of 29753  
this section and may impose such additional requirements as the 29754  
chief considers necessary. 29755

(6) All permits granted under divisions (B)(1) to (4) of this 29756  
section shall be reviewed not more than three years from the date 29757  
of issuance of the permit unless the applicant affirmatively 29758  
demonstrates that the proposed development is proceeding in 29759  
accordance with the terms of the approved schedule and reclamation 29760  
plan. 29761

(C) All of the following performance standards apply to 29762  
steep-slope coal mining and are in addition to those general 29763  
performance standards required by this section, except that this 29764  
division does not apply to those situations in which an operator 29765  
is mining on flat or gently rolling terrain on which an occasional 29766  
steep slope is encountered through which the mining operation is 29767  
to proceed, leaving a plain or predominantly flat area, or where 29768  
an operator is in compliance with division (B) of this section: 29769

(1) The operator shall ensure that when performing coal 29770  
mining on steep slopes, no debris, abandoned or disabled 29771  
equipment, spoil material, or waste mineral matter is placed on 29772  
the downslope below the bench or mining cut. Spoil material in 29773  
excess of that required for the reconstruction of the approximate 29774

original contour under division (A)(3) or (C)(2) of this section 29775  
shall be permanently stored pursuant to division (A)(21) of this 29776  
section. 29777

(2) The operator shall complete backfilling with spoil 29778  
material to cover completely the highwall and return the site to 29779  
the approximate original contour, which material will maintain 29780  
stability following mining and reclamation. 29781

(3) The operator shall not disturb land above the top of the 29782  
highwall unless the chief finds that the disturbance will 29783  
facilitate compliance with the environmental protection standards 29784  
of this section, except that any such disturbance involving land 29785  
above the highwall shall be limited to that amount of land 29786  
necessary to facilitate compliance. 29787

(D)(1) The chief may permit variances for the purposes set 29788  
forth in division (D)(3) of this section, provided that the 29789  
watershed control of the area is improved and that complete 29790  
backfilling with spoil material shall be required to cover 29791  
completely the highwall, which material will maintain stability 29792  
following mining and reclamation. 29793

(2) Where an applicant meets the requirements of divisions 29794  
(D)(3) and (4) of this section, a variance from the requirement to 29795  
restore to approximate original contour set forth in division 29796  
(C)(2) of this section may be granted for the mining of coal when 29797  
the owner of the surface knowingly requests in writing, as a part 29798  
of the permit application, that such a variance be granted so as 29799  
to render the land, after reclamation, suitable for an industrial, 29800  
commercial, residential, or public use, including recreational 29801  
facilities, in accordance with divisions (D)(3) and (4) of this 29802  
section. 29803

(3) A variance pursuant to division (D)(2) of this section 29804  
may be granted if: 29805

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use. 29806  
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(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site. 29810  
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(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved. 29815  
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(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section. 29818  
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(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary. 29825  
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(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan. 29829  
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(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment 29834  
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of new and existing coal mine waste piles referred to in division 29837  
(A)(13) of this section and division (A)(5) of section 1513.35 of 29838  
the Revised Code. The standards and criteria shall conform to the 29839  
standards and criteria used by the chief of the United States army 29840  
corps of engineers to ensure that flood control structures are 29841  
safe and effectively perform their intended function. In addition 29842  
to engineering and other technical specifications, the standards 29843  
and criteria developed pursuant to this division shall include 29844  
provisions for review and approval of plans and specifications 29845  
prior to construction, enlargement, modification, removal, or 29846  
abandonment; performance of periodic inspections during 29847  
construction; issuance of certificates of approval upon completion 29848  
of construction; performance of periodic safety inspections; and 29849  
issuance of notices for required remedial or maintenance work. 29850

(F)(1) The permittee may file a request with the chief for 29851  
release of a part of a performance security under division (F)(3) 29852  
of this section. Within thirty days after any request for 29853  
performance security release under this section has been filed 29854  
with the chief, the operator shall submit a copy of an 29855  
advertisement placed at least once a week for four successive 29856  
weeks in a newspaper of general circulation in the locality of the 29857  
coal mining operation. The advertisement shall be considered part 29858  
of any performance security release application and shall contain 29859  
a notification of the precise location of the land affected, the 29860  
number of acres, the permit number and the date approved, the 29861  
amount of the performance security filed and the portion sought to 29862  
be released, the type and appropriate dates of reclamation work 29863  
performed, and a description of the results achieved as they 29864  
relate to the operator's approved reclamation plan and, if 29865  
applicable, the operator's pollution abatement plan. In addition, 29866  
as part of any performance security release application, the 29867  
applicant shall submit copies of the letters sent to adjoining 29868  
property owners, local governmental bodies, planning agencies, and 29869



sewage and water treatment authorities or water companies in the 29870  
locality in which the coal mining and reclamation activities took 29871  
place, notifying them of the applicant's intention to seek release 29872  
from the performance security. 29873

(2) Upon receipt of a copy of the advertisement and request 29874  
for release of a performance security under division (F)(3)(c) of 29875  
this section, the chief, within thirty days, shall conduct an 29876  
inspection and evaluation of the reclamation work involved. The 29877  
evaluation shall consider, among other things, the degree of 29878  
difficulty to complete any remaining reclamation, whether 29879  
pollution of surface and subsurface water is occurring, the 29880  
probability of continuation or future occurrence of the pollution, 29881  
and the estimated cost of abating the pollution. The chief shall 29882  
notify the permittee in writing of the decision to release or not 29883  
to release all or part of the performance security within sixty 29884  
days after the filing of the request if no public hearing is held 29885  
pursuant to division (F)(6) of this section or, if there has been 29886  
a public hearing held pursuant to division (F)(6) of this section, 29887  
within thirty days thereafter. 29888

(3) The chief may release the performance security if the 29889  
reclamation covered by the performance security or portion thereof 29890  
has been accomplished as required by this chapter and rules 29891  
adopted under it according to the following schedule: 29892

(a) When the operator completes the backfilling, regrading, 29893  
and drainage control of an area for which performance security has 29894  
been provided in accordance with the approved reclamation plan, 29895  
and, if the area covered by the performance security is one for 29896  
which an authorization was made under division (E)(7) of section 29897  
1513.07 of the Revised Code, the operator has complied with the 29898  
approved pollution abatement plan and all additional requirements 29899  
established by the chief in rules adopted under section 1513.02 of 29900  
the Revised Code governing coal mining and reclamation operations 29901

on pollution abatement areas, the chief shall grant a release of 29902  
fifty per cent of the performance security for the applicable 29903  
permit area. 29904

(b) After resoiling and revegetation have been established on 29905  
the regraded mined lands in accordance with the approved 29906  
reclamation plan, the chief shall grant a release in an amount not 29907  
exceeding thirty-five per cent of the original performance 29908  
security for all or part of the affected area under the permit. 29909  
When determining the amount of performance security to be released 29910  
after successful revegetation has been established, the chief 29911  
shall retain that amount of performance security for the 29912  
revegetated area that would be sufficient for a third party to 29913  
cover the cost of reestablishing revegetation for the period 29914  
specified for operator responsibility in this section for 29915  
reestablishing revegetation. No part of the performance security 29916  
shall be released under this division so long as the lands to 29917  
which the release would be applicable are contributing suspended 29918  
solids to streamflow or runoff outside the permit area in excess 29919  
of the requirements of this section or until soil productivity for 29920  
prime farmlands has returned to equivalent levels of yield as 29921  
nonmined land of the same soil type in the surrounding area under 29922  
equivalent management practices as determined from the soil survey 29923  
performed pursuant to section 1513.07 of the Revised Code. If the 29924  
area covered by the performance security is one for which an 29925  
authorization was made under division (E)(7) of section 1513.07 of 29926  
the Revised Code, no part of the performance security shall be 29927  
released under this division until the operator has complied with 29928  
the approved pollution abatement plan and all additional 29929  
requirements established by the chief in rules adopted under 29930  
section 1513.02 of the Revised Code governing coal mining and 29931  
reclamation operations on pollution abatement areas. Where a silt 29932  
dam is to be retained as a permanent impoundment pursuant to 29933  
division (A)(10) of this section, the portion of performance 29934

security may be released under this division so long as provisions 29935  
for sound future maintenance by the operator or the landowner have 29936  
been made with the chief. 29937

(c) When the operator has completed successfully all coal 29938  
mining and reclamation activities, including, if applicable, all 29939  
additional requirements established in the pollution abatement 29940  
plan approved under division (E)(7) of section 1513.07 of the 29941  
Revised Code and all additional requirements established by the 29942  
chief in rules adopted under section 1513.02 of the Revised Code 29943  
governing coal mining and reclamation operations on pollution 29944  
abatement areas, the chief shall release all or any of the 29945  
remaining portion of the performance security for all or part of 29946  
the affected area under a permit, but not before the expiration of 29947  
the period specified for operator responsibility in this section, 29948  
except that the chief may adopt rules for a variance to the 29949  
operator period of responsibility considering vegetation success 29950  
and probability of continued growth and consent of the landowner, 29951  
provided that no performance security shall be fully released 29952  
until all reclamation requirements of this chapter are fully met. 29953

(4) If the chief disapproves the application for release of 29954  
the performance security or portion thereof, the chief shall 29955  
notify the permittee, in writing, stating the reasons for 29956  
disapproval and recommending corrective actions necessary to 29957  
secure the release, and allowing the opportunity for a public 29958  
adjudicatory hearing. 29959

(5) When any application for total or partial performance 29960  
security release is filed with the chief under this section, the 29961  
chief shall notify the municipal corporation in which the coal 29962  
mining operation is located by certified mail at least thirty days 29963  
prior to the release of all or a portion of the performance 29964  
security. 29965

(6) A person with a valid legal interest that might be 29966

adversely affected by release of a performance security under this 29967  
section or the responsible officer or head of any federal, state, 29968  
or local government agency that has jurisdiction by law or special 29969  
expertise with respect to any environmental, social, or economic 29970  
impact involved in the operation or is authorized to develop and 29971  
enforce environmental standards with respect to such operations 29972  
may file written objections to the proposed release from the 29973  
performance security with the chief within thirty days after the 29974  
last publication of the notice required by division (F)(1) of this 29975  
section. If written objections are filed and an informal 29976  
conference is requested, the chief shall inform all interested 29977  
parties of the time and place of the conference. The date, time, 29978  
and location of the informal conference shall be advertised by the 29979  
chief in a newspaper of general circulation in the locality of the 29980  
coal mining operation proposed for performance security release 29981  
for at least once a week for two consecutive weeks. The informal 29982  
conference shall be held in the locality of the coal mining 29983  
operation proposed for performance security release or in Franklin 29984  
county, at the option of the objector, within thirty days after 29985  
the request for the conference. An electronic or stenographic 29986  
record shall be made of the conference proceeding unless waived by 29987  
all parties. The record shall be maintained and shall be 29988  
accessible to the parties until final release of the performance 29989  
security at issue. In the event all parties requesting the 29990  
informal conference stipulate agreement prior to the requested 29991  
informal conference and withdraw their request, the informal 29992  
conference need not be held. 29993

(7) If an informal conference has been held pursuant to 29994  
division (F)(6) of this section, the chief shall issue and furnish 29995  
the applicant and persons who participated in the conference with 29996  
the written decision regarding the release within sixty days after 29997  
the conference. Within thirty days after notification of the final 29998  
decision of the chief regarding the performance security release, 29999

the applicant or any person with an interest that is or may be 30000  
adversely affected by the decision may appeal the decision to the 30001  
reclamation commission pursuant to section 1513.13 of the Revised 30002  
Code. 30003

(8)(a) If the chief determines that a permittee is 30004  
responsible for mine drainage that requires water treatment after 30005  
reclamation is completed under the terms of the permit or that a 30006  
permittee must provide an alternative water supply after 30007  
reclamation is completed under the terms of the permit, the 30008  
permittee shall provide alternative financial security in an 30009  
amount determined by the chief prior to the release of the 30010  
remaining portion of performance security under division (F)(3)(c) 30011  
of this section. The alternative financial security shall be in an 30012  
amount that is equal to or greater than the present value of the 30013  
estimated cost over time to develop and implement mine drainage 30014  
plans and provide water treatment or in an amount that is 30015  
necessary to provide and maintain an alternative water supply, as 30016  
applicable. The alternative financial security shall include a 30017  
contract, trust, or other agreement or mechanism that is 30018  
enforceable under law to provide long-term water treatment or a 30019  
long-term alternative water supply, or both. The contract, trust, 30020  
or other agreement or mechanism included with the alternative 30021  
financial security may provide for the funding of the alternative 30022  
financial security incrementally over a period of time, not to 30023  
exceed five years, with reliance on guarantees or other collateral 30024  
provided by the permittee and approved by the chief for the 30025  
balance of the alternative financial security required until the 30026  
alternative financial security has been fully funded by the 30027  
permittee. 30028

(b) The chief shall adopt rules in accordance with Chapter 30029  
119. of the Revised Code that are necessary for the administration 30030  
of division (F)(8)(a) of this section. 30031

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the permittee may fund the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee. The permittee semiannually shall pay to the division of mineral resources management a fee that is equal to seven and one-half per cent of the average balance of the alternative financial security that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is

the property of the state. 30064

**Sec. 1514.06.** (A) There is hereby created in the state 30065  
treasury the surface mining fund consisting of all money that 30066  
becomes the property of the state pursuant to sections 1514.05 and 30067  
1514.051 of the Revised Code, money credited to the fund under 30068  
divisions (C)(1) and (2) of section 1514.071, and other money 30069  
specified in section 1514.11 of the Revised Code. All investment 30070  
earnings of the fund shall be credited to the fund. Expenditures 30071  
from the fund shall be made by the chief of the division of 30072  
mineral resources management for the purpose of reclaiming areas 30073  
of land affected by surface or in-stream mining under a permit 30074  
issued under this chapter that the operator has failed to reclaim 30075  
and. Provided that the chief maintains a balance in the fund that 30076  
is sufficient to achieve that purpose and, in doing so, considers 30077  
the timeliness of reclamation activity, the chief may use the fund 30078  
for other purposes specified in section 1514.11 of the Revised 30079  
Code. 30080

(B) Expenditures of moneys from the fund, except as otherwise 30081  
provided by this section, shall be made pursuant to contracts 30082  
entered into by the chief with persons who agree to furnish all of 30083  
the materials, equipment, work, and labor, as specified and 30084  
provided in the contracts, for the prices stipulated therein. With 30085  
the approval of the director of natural resources, the chief may 30086  
reclaim the land in the same manner as the chief required of the 30087  
operator who failed to reclaim the land. Each contract awarded by 30088  
the chief shall be awarded to the lowest responsive and 30089  
responsible bidder, in accordance with section 9.312 of the 30090  
Revised Code, after sealed bids are received, opened, and 30091  
published at the time and place fixed by the chief. The chief 30092  
shall publish notice of the time and place at which bids will be 30093  
received, opened, and published, at least once at least ten days 30094  
before the date of the opening of the bids, in a newspaper of 30095

general circulation in the county in which the area of land to be 30096  
reclaimed under the contract is located. If, after so advertising 30097  
for bids, no bids are received by the chief at the time and place 30098  
fixed for receiving them, the chief may advertise again for bids, 30099  
or, if the chief considers the public interest will be best 30100  
served, the chief may enter into a contract for the reclamation of 30101  
the area of land without further advertisement for bids. The chief 30102  
may reject any or all bids received and again publish notice of 30103  
the time and place at which bids for contracts will be received, 30104  
opened, and published. 30105

(C) With the approval of the director, the chief, without 30106  
advertising for bids, may enter into a contract with the 30107  
landowner, a surface or in-stream mine operator or coal mine 30108  
operator mining under a current, valid permit issued under this 30109  
chapter or Chapter 1513. of the Revised Code, or a contractor 30110  
hired by a surety to complete reclamation, to carry out 30111  
reclamation on land affected by surface or in-stream mining 30112  
operations that an operator has failed to reclaim. 30113

(D) With the approval of the director, the chief may carry 30114  
out all or part of the reclamation work on land affected by 30115  
surface or in-stream mining operations that the operator has 30116  
failed to reclaim using the employees and equipment of any 30117  
division of the department of natural resources. 30118

(E) The chief shall require every contractor performing 30119  
reclamation work under this section to pay workers at the greater 30120  
of their regular rate of pay, as established by contract, 30121  
agreement, or prior custom or practice, or the average wage rate 30122  
paid in this state for the same or similar work, as determined by 30123  
the chief under section 1513.02 of the Revised Code. 30124

(F) Each contract entered into by the chief under this 30125  
section shall provide only for the reclamation of land affected by 30126  
the surface or in-stream mining operation or operations of one 30127



operator and not reclaimed by the operator as required by this 30128  
chapter. If there is money in the fund derived from the 30129  
performance bond deposited with the chief by one operator to 30130  
ensure the reclamation of two or more areas of land affected by 30131  
the surface or in-stream mining operation or operations of one 30132  
operator and not reclaimed by the operator as required by this 30133  
chapter, the chief may award a single contract for the reclamation 30134  
of all such areas of land. 30135

(G) The cost of the reclamation work done under this section 30136  
on each area of land affected by surface or in-stream mining 30137  
operations that an operator has failed to reclaim shall be paid 30138  
out of the money in the fund derived from the performance bond 30139  
that was deposited with the chief to ensure the reclamation of 30140  
that area of land. If the amount of money is not sufficient to pay 30141  
the cost of doing all of the reclamation work on the area of land 30142  
that the operator should have done, but failed to do, the chief 30143  
may expend from the reclamation forfeiture fund created in section 30144  
1513.18 of the Revised Code or the surface mining fund created in 30145  
this section the amount of money needed to complete reclamation to 30146  
the standards required by this chapter. The operator is liable for 30147  
that expense in addition to any other liabilities imposed by law. 30148  
At the request of the chief, the attorney general shall bring an 30149  
action against the operator for the amount of the expenditures 30150  
from either fund. Moneys so recovered shall be deposited in the 30151  
state treasury to the credit of the fund from which the 30152  
expenditures were made. 30153

(H) If any part of the money in the surface mining fund 30154  
remains in the fund after the chief has caused the area of land to 30155  
be reclaimed and has paid all the reclamation costs and expenses, 30156  
or if any money remains because the area of land has been 30157  
repermitted under this chapter or reclaimed by a person other than 30158  
the chief, the chief may expend the remaining money to complete 30159

other reclamation work performed under this section. The chief 30160  
shall prepare an annual report that summarizes the money credited 30161  
to the fund and expenditures made from the fund and post the 30162  
report on the division of mineral resources management's web site. 30163

**Sec. 1514.08.** (A) The chief of the division of mineral 30164  
resources management may adopt, amend, and rescind rules in 30165  
accordance with Chapter 119. of the Revised Code in order to 30166  
prescribe procedures for submitting applications for permits, 30167  
amendments to permits, and amendments to plans of mining and 30168  
reclamation; filing annual reports and final reports; requesting 30169  
inspection and approval of reclamation; paying permit and filing 30170  
fees; and filing and obtaining the release of performance bonds 30171  
deposited with the state. For the purpose of preventing damage to 30172  
adjoining property or achieving one or more of the performance 30173  
standards established in division (A)(10) of section 1514.02 of 30174  
the Revised Code, the chief may establish classes of mining 30175  
industries, based upon industrial categories, combinations of 30176  
minerals produced, and geological conditions in which surface or 30177  
in-stream mining operations occur, and may prescribe different 30178  
rules consistent with the performance standards for each class. 30179  
For the purpose of apportioning the workload of the division of 30180  
mineral resources management among the quarters of the year, the 30181  
rules may require that applications for permits and annual reports 30182  
be filed in different quarters of the year, depending upon the 30183  
county in which the operation is located. 30184

(B) The chief shall adopt rules under this section that do 30185  
all of the following: 30186

(1) With respect to in-stream mining, and in consultation 30187  
with the chief of the division of ~~soil and~~ water resources, 30188  
determine periods of low flow, which are the only time periods 30189  
during which in-stream mining is allowed, and develop and 30190

implement any criteria, in addition to the criteria established in 30191  
section 1514.02 of the Revised Code, that the chief determines are 30192  
necessary for the permitting of in-stream mining; 30193

(2) Establish criteria and procedures for approving or 30194  
disapproving the transfer of a surface or in-stream mining permit 30195  
under division (F) of section 1514.02 of the Revised Code; 30196

(3) Define when any of the following may be considered to be 30197  
"significant" for purposes of section 1514.022 of the Revised 30198  
Code: 30199

(a) An amendment to a permit issued under section 1514.02 of 30200  
the Revised Code for a surface or in-stream mining operation; 30201

(b) An amendment to the plan of mining and reclamation that 30202  
must be filed with an application for either permit under section 30203  
1514.02 of the Revised Code; 30204

(c) Changes to that plan of mining and reclamation that are 30205  
proposed in a permit renewal application filed under section 30206  
1514.021 of the Revised Code. 30207

In defining "significant," the chief shall focus on changes 30208  
that increase the likelihood that the mining operation may have a 30209  
negative impact on the public. 30210

(4) Establish a framework and procedures under which the 30211  
amount of any bond required to be filed under this chapter to 30212  
ensure the satisfactory performance of the reclamation measures 30213  
required under this chapter may be reduced by subtracting a credit 30214  
based on the operator's past compliance with this chapter and 30215  
rules adopted and orders issued under it. The rules also shall 30216  
apply to cash, an irrevocable letter of credit, or a certificate 30217  
of deposit that is on deposit in lieu of a bond. In establishing 30218  
the amount of credit that an operator or applicant may receive 30219  
based on past compliance, the chief may consider past compliance 30220  
with respect to any permit for a surface or in-stream mining 30221

operation that has been issued in this state to the operator or 30222  
applicant. 30223

(5) Establish criteria and procedures for granting a variance 30224  
from compliance with the prohibitions established in divisions 30225  
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 30226  
criteria shall ensure that an operator may obtain a variance only 30227  
if compliance with the applicable prohibition is not necessary to 30228  
prevent damage to the watercourse or surrounding areas. 30229

**Sec. 1514.13.** (A) The chief of the division of mineral 30230  
resources management shall use the compilation of data for ground 30231  
water modeling submitted under section 1514.02 of the Revised Code 30232  
to establish a projected cone of depression for any surface mining 30233  
operation that may result in dewatering. The chief shall consult 30234  
with the chief of the division of ~~soil and~~ water resources when 30235  
projecting a cone of depression. An applicant for a surface mining 30236  
permit for such an operation may submit ground water modeling that 30237  
shows a projected cone of depression for that operation to the 30238  
chief, provided that the modeling complies with rules adopted by 30239  
the chief regarding ground water modeling. However, the chief 30240  
shall establish the projected cone of depression for the purposes 30241  
of this section. 30242

The chief shall adopt, and may amend and rescind, rules in 30243  
accordance with Chapter 119. of the Revised Code establishing 30244  
requirements and standards governing both of the following: 30245

(1) Ground water modeling for establishing a projected cone 30246  
of depression. A ground water model shall be generally accepted in 30247  
the scientific community. 30248

(2) Replacement of water supplies. 30249

(B)(1) If an owner of real property who obtains all or part 30250  
of the owner's water supply for domestic, agricultural, 30251

industrial, or other legitimate use from ground water has a 30252  
diminution, contamination, or interruption of that water supply 30253  
and the owner's real property is located within the projected cone 30254  
of depression of a surface mining operation established under this 30255  
section, the owner may submit a written complaint to the operator 30256  
of that operation or to the chief informing the operator or the 30257  
chief that there is a diminution, contamination, or interruption 30258  
of the owner's water supply. The complaint shall include the 30259  
owner's name, address, and telephone number. 30260

If the chief receives a written complaint, the chief 30261  
immediately shall send a copy of the complaint to the operator, 30262  
and the operator immediately shall respond by sending the chief a 30263  
statement that explains how the operator resolved or will resolve 30264  
the complaint. If the operator receives a written complaint, the 30265  
operator immediately shall send to the chief a copy of the 30266  
complaint and include a statement that explains how the operator 30267  
resolved or will resolve the complaint. Not later than seventy-two 30268  
hours after receipt of the complaint, the operator shall provide 30269  
the owner a supply of water that is comparable, in quantity and 30270  
quality, to the owner's water supply prior to the diminution, 30271  
contamination, or interruption of the owner's water supply. The 30272  
operator shall maintain that water supply until the operator 30273  
provides a permanent replacement water supply to the owner under 30274  
division (B)(3) of this section or until the division of mineral 30275  
resources management completes the evaluation under division 30276  
(B)(2) of this section, whichever is applicable. 30277

(2) A rebuttable presumption exists that the operation caused 30278  
the diminution, contamination, or interruption of the owner's 30279  
water supply. However, not later than fourteen days after receipt 30280  
of the complaint, the operator may submit to the division 30281  
information showing that the operation is not the proximate cause 30282  
of the diminution, contamination, or interruption of the owner's 30283

water supply. The division shall evaluate the information 30284  
submitted by the operator to determine if the presumption is 30285  
rebutted. If the operator fails to rebut the presumption, the 30286  
division immediately shall notify the operator that the operator 30287  
failed to rebut the presumption. Not later than fourteen days 30288  
after receipt of that notice, the operator shall provide the owner 30289  
a permanent replacement water supply that is comparable, in 30290  
quantity and quality, to the owner's water supply prior to the 30291  
diminution, contamination, or interruption of the owner's water 30292  
supply. If the operator rebuts the presumption, the division 30293  
immediately shall notify the operator that the operator rebutted 30294  
the presumption, and, upon receipt of that notice, the operator 30295  
may cease providing a supply of water to the owner under division 30296  
(B)(1) of this section. 30297

(3) If, within fourteen days after receipt of the complaint, 30298  
the operator does not submit to the division information showing 30299  
that the operation is not the proximate cause of the diminution, 30300  
contamination, or interruption of the owner's water supply, the 30301  
operator shall provide the owner, not later than twenty-eight days 30302  
after receipt of the complaint, a permanent replacement water 30303  
supply that is comparable, in quantity and quality, to the owner's 30304  
water supply prior to the diminution, contamination, or 30305  
interruption of the owner's water supply. 30306

(4) The division may investigate a complaint under division 30307  
(B) of this section. 30308

(C) If an owner of real property who obtains all or part of 30309  
the owner's water supply for domestic, agricultural, industrial, 30310  
or other legitimate use from ground water has a diminution, 30311  
contamination, or interruption of that water supply and the 30312  
owner's real property is not located within the projected cone of 30313  
depression of a surface mining operation established under this 30314  
section, the owner may submit a written complaint to the operator 30315

of that operation or to the chief informing the operator or the 30316  
chief that there is a diminution, contamination, or interruption 30317  
of the owner's water supply. The complaint shall include the 30318  
owner's name, address, and telephone number. 30319

If the operator receives a written complaint, the operator 30320  
immediately shall send the chief a copy of the complaint. If the 30321  
chief receives a written complaint, the chief immediately shall 30322  
send the operator a copy of the complaint. The chief shall 30323  
investigate any complaint submitted under this division and, upon 30324  
completion of the investigation, immediately shall send the 30325  
results of the investigation to the operator and to the owner that 30326  
filed the complaint. 30327

An owner that submits a written complaint under this division 30328  
may resolve the diminution, contamination, or interruption of the 30329  
owner's water supply with the operator of that operation or may 30330  
commence a civil action for that purpose. 30331

(D) An operator may request the chief to amend the plan of 30332  
mining and reclamation filed with the application under section 30333  
1514.02 of the Revised Code when a ground water user may affect 30334  
the projected cone of depression established for the operation 30335  
under division (A) of this section. The operator shall submit 30336  
additional data that reflect the ground water user's impact on the 30337  
ground water. The chief shall perform ground water modeling using 30338  
the additional data and may establish a revised projected cone of 30339  
depression for that operation. 30340

(E) This section shall not be construed as creating, 30341  
modifying, or affecting any right, liability, or remedy of surface 30342  
riparian owners. 30343

**Sec. 1514.40.** In accordance with Chapter 119. of the Revised 30344  
Code, the chief of the division of mineral resources management, 30345  
in consultation with a statewide association that represents the 30346

surface mining industry, shall adopt rules that do all of the 30347  
following: 30348

(A) For the purpose of establishing safety standards 30349  
governing surface mining operations, incorporate by reference 30 30350  
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 30351

(B) Establish criteria, standards, and procedures governing 30352  
safety performance evaluations conducted under section 1514.45 of 30353  
the Revised Code, including requirements for the notification of 30354  
operators and the identification of authorized representatives of 30355  
miners at surface mining operations for purposes of inspections 30356  
conducted under sections 1514.41 to 1514.47 of the Revised Code; 30357

(C) Establish requirements governing the reporting and 30358  
investigation of accidents at surface mining operations. In 30359  
adopting the rules, the chief shall establish requirements that 30360  
minimize duplication with any reporting and investigations of 30361  
accidents that are conducted by the mine safety and health 30362  
administration in the United States department of labor. 30363

(D) Establish the time, place, and frequency of mine safety 30364  
training conducted under section 1514.06 of the Revised Code and a 30365  
fee, if any, for the purpose of that section. The amount of the 30366  
fee shall not exceed the costs of conducting the training that is 30367  
required under that section. 30368

(E) Establish the minimum qualifications necessary to take 30369  
the examination that is required for certification of certified 30370  
mine forepersons under division (B) of section 1514.47 of the 30371  
Revised Code and requirements, fees, and procedures governing the 30372  
taking of the examination; 30373

(F) Establish requirements and fees governing the ~~renewal~~ 30374  
reissuance of certificates under division (C) of that section; 30375

(G) Establish requirements and procedures for the approval of 30376  
training plans submitted under division ~~(E)~~ (D) of that section 30377



for the use of qualified persons to conduct examinations of 30378  
surface mining operations in lieu of certified mine forepersons 30379  
and minimum qualifications of those persons. The rules shall 30380  
include requirements governing training frequency and curriculum 30381  
that must be provided for qualified persons under such plans and 30382  
shall establish related reporting and record keeping requirements. 30383

As used in sections 1514.41 to 1514.47 of the Revised Code, 30384  
"rule" means a rule adopted under this section unless the context 30385  
indicates otherwise. 30386

**Sec. 1514.42.** The chief of the division of mineral resources 30387  
management ~~shall~~ may conduct a one safety audit at a surface 30388  
mining operation annually if the operator of the operation has 30389  
requested the division of mineral resources management to conduct 30390  
mine safety training for that year. The safety audit shall be 30391  
scheduled at a time to which the chief and the operator mutually 30392  
agree and shall not continue more than one day. The chief shall 30393  
conduct additional safety audits at any surface mining operation 30394  
if requested by the operator of the operation. If the chief 30395  
conducts a safety audit, the operator shall ensure that the chief 30396  
has a copy of the training plan that is required by 30 C.F.R. part 30397  
46, as amended, at the time of the audit. 30398

After completion of an audit, the chief shall prepare a 30399  
report that describes the general conditions of the surface mining 30400  
operation, lists any hazardous conditions at the operation, lists 30401  
any violations of the safety standards established in rules, and 30402  
describes the nature and extent of any hazardous condition or 30403  
violation found and the corresponding remedy for each hazardous 30404  
condition or violation. The chief shall provide two copies of the 30405  
report to the operator of the operation. The operator shall post 30406  
one copy of the report at the operation for review by the 30407  
employees of the operation. 30408

Sec. 1514.47. (A)(1) The operator of a surface mining 30409  
operation shall employ a certified mine foreperson ~~or a person who~~ 30410  
~~is qualified in accordance with this section and rules to conduct~~ 30411  
~~examinations of surface mining operations for purposes of 30~~ 30412  
~~C.F.R. part 56, as amended to be in charge of the conditions and~~ 30413  
~~practices at the mine and to be responsible for conducting~~ 30414  
~~examinations of the surface mining operation under 30 C.F.R. part~~ 30415  
~~56, as amended.~~ 30416

(2) Examinations of surface mining operations for the 30417  
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 30418  
one of the following: 30419

(i) A certified mine foreperson; 30420

(ii) A person who is qualified to conduct such examinations 30421  
as provided in division (D) of this section; 30422

(iii) A person designated by the certified mine foreperson as 30423  
a competent person. 30424

(3) For purposes of this section, a competent person is a 30425  
person who has been trained in accordance with 30 C.F.R. part 46 30426  
and been determined by a certified mine foreperson to have 30427  
demonstrated the ability, training, knowledge, or experience 30428  
necessary to perform the duty to which the person is assigned. A 30429  
person is not a competent person if the chief of the division of 30430  
mineral resources management demonstrates, with good cause, that 30431  
the person does not have the ability, training, knowledge, or 30432  
experience necessary to perform that duty. 30433

(4) The operator of a surface mining operation shall maintain 30434  
records demonstrating that a competent person designated by a 30435  
certified mine foreperson has the ability, training, knowledge, or 30436  
experience to perform the duty to which the person is assigned as 30437  
well as records of the competent person's training in accordance 30438

with 30 C.F.R. part 46. The operator shall make the records 30439  
available to the chief upon request. 30440

(B) ~~The chief of the division of mineral resources management~~ 30441  
shall conduct examinations for the position of certified mine 30442  
foreperson in accordance with rules. In order to be eligible for 30443  
examination as a certified mine foreperson, an applicant shall 30444  
file with the chief an affidavit establishing the applicant's 30445  
qualifications to take the examination. The chief shall grade 30446  
examinations and issue certificates. 30447

(C)(1) A certificate issued under this section shall not 30448  
~~expire five years after the date of issuance. A certificate may be~~ 30449  
~~renewed, provided that the applicant verifies that all required~~ 30450  
~~training pursuant to 30 C.F.R. part 46, as amended, has been~~ 30451  
~~completed and any other requirements for renewal have been~~ 30452  
~~satisfied.~~ 30453

~~(D) If unless the certificate holder has not been employed in~~ 30454  
~~a surface mining operation for five consecutive years. If the~~ 30455  
~~certificate holder has not been employed in a surface mining~~ 30456  
~~operation for five consecutive years, the certificate holder may~~ 30457  
~~retake the mine foreperson examination or may petition the chief~~ 30458  
~~to accept past employment history in lieu of fulfilling the~~ 30459  
~~employment requirement established in this division. The chief~~ 30460  
~~shall grant or deny the petition by issuance of an order. If the~~ 30461  
~~chief grants the petition, the chief shall reissue the~~ 30462  
~~certificate.~~ 30463

(2) If a certificate issued under this section is suspended, 30464  
the certificate shall not be renewed until the suspension period 30465  
expires and the person whose certificate is suspended successfully 30466  
completes all actions required by the chief. If an applicant's 30467  
license, certificate, or similar authority that is issued by 30468  
another state to perform specified mining duties is suspended or 30469  
revoked by that state, the applicant shall be ineligible for 30470

examination for or renewal of a certificate in this state during 30471  
that period of suspension or revocation. A certificate that has 30472  
been revoked shall not be renewed. 30473

(3) If a person who has been certified by the chief under 30474  
this section purposely violates this chapter, the chief may 30475  
suspend or revoke the certificate after an investigation and 30476  
hearing conducted in accordance with Chapter 119. of the Revised 30477  
Code are completed. 30478

~~(E)~~(4) If a person holds a certificate issued under this 30479  
section that has not expired prior to the effective date of this 30480  
amendment, the chief, upon request, shall reissue to that person a 30481  
certificate that does not expire as provided in division (C)(1) of 30482  
this section. 30483

(5) If a person holds a certificate issued under this section 30484  
that expired on or after April 7, 2012, and has not been issued a 30485  
new certificate prior to the effective date of this amendment, the 30486  
chief, upon request, shall issue to that person a certificate that 30487  
does not expire as provided in division (C)(1) of this section, 30488  
provided that the person is in compliance with all other 30489  
applicable requirements established in this chapter and rules 30490  
adopted under it. 30491

(D) In lieu of employing a certified mine foreperson, the 30492  
operator of a surface mining operation may submit to the chief a 30493  
detailed training plan under which persons who qualify under the 30494  
plan may conduct and document examinations at the surface mining 30495  
operation for purposes of 30 C.F.R. part 56, as amended. The chief 30496  
shall review the plan and determine if the plan complies with the 30497  
requirements established in rules. The chief shall approve or deny 30498  
the plan and notify in writing the operator who submitted the plan 30499  
of the chief's decision. 30500

**Sec. 1521.03.** The chief of the division of ~~soil and~~ water 30501

resources shall do all of the following: 30502

(A) Assist in an advisory capacity any properly constituted 30503  
watershed district, conservancy district, or soil and water 30504  
conservation district or any county, municipal corporation, or 30505  
other government agency of the state in the planning of works for 30506  
ground water recharge, flood mitigation, floodplain management, 30507  
flood control, flow capacity and stability of streams, rivers, and 30508  
watercourses, or the establishment of water conservation 30509  
practices, within the limits of the appropriations for those 30510  
purposes; 30511

(B) Have authority to conduct basic inventories of the water 30512  
and related natural resources in each drainage basin in the state; 30513  
to develop a plan on a watershed basis that will recognize the 30514  
variety of uses to which water may be put and the need for its 30515  
management for those uses; with the approval of the director of 30516  
natural resources and the controlling board, to transfer 30517  
appropriated or other funds, authorized for those inventories and 30518  
plan, to any division of the department of natural resources or 30519  
other state agencies for the purpose of developing pertinent data 30520  
relating to the plan of water management; and to accept and expend 30521  
moneys contributed by any person for implementing the development 30522  
of the plan; 30523

(C) Have authority to make detailed investigations of all 30524  
factors relating to floods, floodplain management, and flood 30525  
control in the state with particular attention to those factors 30526  
bearing upon the hydraulic and hydrologic characteristics of 30527  
rivers, streams, and watercourses, recognizing the variety of uses 30528  
to which water and watercourses may be put; 30529

(D) Cooperate with the United States or any agency thereof 30530  
and with any political subdivision of the state in planning and 30531  
constructing flood control works; 30532

(E) Hold meetings or public hearings, whichever is considered 30533  
appropriate by the chief, to assist in the resolution of conflicts 30534  
between ground water users. Such meetings or hearings shall be 30535  
called upon written request from boards of health of city or 30536  
general health districts created by or under the authority of 30537  
Chapter 3709. of the Revised Code or authorities having the duties 30538  
of a board of health as authorized by section 3709.05 of the 30539  
Revised Code, boards of county commissioners, boards of township 30540  
trustees, legislative authorities of municipal corporations, or 30541  
boards of directors of conservancy districts and may be called by 30542  
the chief upon the request of any other person or at the chief's 30543  
discretion. The chief shall collect and present at such meetings 30544  
or hearings the available technical information relevant to the 30545  
conflicts and to the ground water resource. The chief shall 30546  
prepare a report, and may make recommendations, based upon the 30547  
available technical data and the record of the meetings or 30548  
hearings, about the use of the ground water resource. In making 30549  
the report and any recommendations, the chief also may consider 30550  
the factors listed in division (B) of section 1521.17 of the 30551  
Revised Code. The technical information presented, the report 30552  
prepared, and any recommendations made under this division shall 30553  
be presumed to be prima-facie authentic and admissible as evidence 30554  
in any court pursuant to Evidence Rule 902. 30555

(F) Perform stream or ground water gauging and may contract 30556  
with the United States government or any other agency for the 30557  
gauging of any streams or ground water within the state; 30558

(G) Primarily with regard to water quantity, have authority 30559  
to collect, study, map, and interpret all available information, 30560  
statistics, and data pertaining to the availability, supply, use, 30561  
conservation, and replenishment of the ground and surface waters 30562  
in the state in coordination with other agencies of this state; 30563

(H) Primarily with regard to water quantity and availability, 30564

be authorized to cooperate with and negotiate for the state with 30565  
any agency of the United States government, of this state, or of 30566  
any other state pertaining to the water resources of the state; 30567

(I) Provide engineering support for the coastal management 30568  
program established under Chapter 1506. of the Revised Code. 30569

**Sec. 1521.031.** There is hereby created in the department of 30570  
natural resources the Ohio water advisory council. The council 30571  
shall consist of seven members appointed by the governor with the 30572  
advice and consent of the senate. No more than four of the members 30573  
shall be of the same political party. Members shall be persons who 30574  
have a demonstrated interest in water management and whose 30575  
expertise reflects the various responsibilities of the division of 30576  
~~soil and~~ water resources under this chapter and Chapter 1523. of 30577  
the Revised Code, including, but not limited to, dam safety, 30578  
surface water, groundwater, and flood plain management. The chief 30579  
of the division of ~~soil and~~ water resources may participate in the 30580  
deliberations of the council, but shall not vote. 30581

Terms of office of members shall be for two years commencing 30582  
on the second day of February and ending on the first day of 30583  
February. Each member shall hold office from the date of 30584  
appointment until the end of the term for which appointed. The 30585  
governor may remove any member at any time for inefficiency, 30586  
neglect of duty, or malfeasance in office. In the event of the 30587  
death, removal, resignation, or incapacity of any member, the 30588  
governor, with the advice and consent of the senate, shall appoint 30589  
a successor to hold office for the remainder of the term for which 30590  
the member's predecessor was appointed. Any member shall continue 30591  
in office following the expiration date of the member's term until 30592  
the member's successor takes office or until sixty days have 30593  
elapsed, whichever occurs first. Membership on the council does 30594  
not constitute holding a public office or position of employment 30595

under the Revised Code and is not grounds for removal of public 30596  
officers or employees from their offices or positions of 30597  
employment. 30598

The council annually shall select from its members a 30599  
chairperson and a vice-chairperson. The council shall hold at 30600  
least one meeting each calendar quarter and shall keep a record of 30601  
its proceedings, which shall be open to the public for inspection. 30602  
Special meetings may be called by the chairperson and shall be 30603  
called upon the written request of two or more members. A majority 30604  
of the members constitutes a quorum. The division shall furnish 30605  
clerical, technical, legal, and other services required by the 30606  
council in the performance of its duties. 30607

Members shall receive no compensation, but shall be 30608  
reimbursed from the appropriations for the division for the actual 30609  
and necessary expenses incurred by them in the performance of 30610  
their official duties. 30611

The council shall: 30612

(A) Advise the chief of the division of ~~soil and~~ water 30613  
resources in carrying out the duties of the division under this 30614  
chapter and Chapter 1523. of the Revised Code; 30615

(B) Recommend such policy and legislation with respect to 30616  
water management and conservation as will promote the economic, 30617  
industrial, and social development of the state while minimizing 30618  
threats to the state's natural environment; 30619

(C) Review and make recommendations on the development of 30620  
plans and programs for long-term, comprehensive water management 30621  
throughout the state; and 30622

(D) Recommend ways to enhance cooperation among governmental 30623  
agencies having an interest in water to encourage wise use and 30624  
protection of the state's ground and surface waters. To this end, 30625  
the council shall request nonvoting representation from 30626



appropriate governmental agencies. 30627

**Sec. 1521.04.** The chief of the division of ~~soil and~~ water 30628  
resources, with the approval of the director of natural resources, 30629  
may make loans and grants from the water management fund created 30630  
in section 1501.32 of the Revised Code to governmental agencies 30631  
for water management, water supply improvements, and planning and 30632  
may administer grants from the federal government and from other 30633  
public or private sources for carrying out those functions and for 30634  
the performance of any acts that may be required by the United 30635  
States or by any agency or department thereof as a condition for 30636  
the participation by any governmental agency in any federal 30637  
financial or technical assistance program. Direct and indirect 30638  
costs of administration may be paid from the fund. 30639

The chief may use the water management fund for the purposes 30640  
of administering the water diversion and consumptive use permit 30641  
programs established in sections 1501.30 to 1501.35 of the Revised 30642  
Code and the withdrawal and consumptive use permit program 30643  
established under sections 1522.10 to 1522.21 of the Revised Code; 30644  
to perform watershed and water resources studies for the purposes 30645  
of water management planning; and to acquire, construct, 30646  
reconstruct, improve, equip, maintain, operate, and dispose of 30647  
water management improvements. The chief may fix, alter, charge, 30648  
and collect rates, fees, rentals, and other charges to be paid 30649  
into the fund by governmental agencies and persons who are 30650  
supplied with water by facilities constructed or operated by the 30651  
department of natural resources in order to amortize and defray 30652  
the cost of the construction, maintenance, and operation of those 30653  
facilities. 30654

**Sec. 1521.05.** (A) As used in this section: 30655

(1) "Construct" or "construction" includes drilling, boring, 30656

digging, deepening, altering, and logging. 30657

(2) "Altering" means changing the configuration of a well, 30658  
including, without limitation, deepening a well, extending or 30659  
replacing any portion of the inside or outside casing or wall of a 30660  
well that extends below ground level, plugging a portion of a well 30661  
back to a certain depth, and reaming out a well to enlarge its 30662  
original diameter. 30663

(3) "Logging" means describing the lithology, grain size, 30664  
color, and texture of the formations encountered during the 30665  
drilling, boring, digging, deepening, or altering of a well. 30666

(4) "Grouting" means neat cement; bentonite products in 30667  
slurry, granular, or pelletized form, excluding drilling mud or 30668  
fluids; or any combination of neat cement and bentonite products 30669  
that is placed within a well to seal the annular space or to seal 30670  
an abandoned well and that is impervious to and capable of 30671  
preventing the movement of water. 30672

(5) "Abandoned well" means a well whose use has been 30673  
permanently discontinued and that poses potential health and 30674  
safety hazards or that has the potential to transmit surface 30675  
contaminants into the aquifer in which the well has been 30676  
constructed. 30677

(6) "Sealing" means the complete filling of an abandoned well 30678  
with grouting or other approved materials in order to permanently 30679  
prevent the vertical movement of water in the well and thus 30680  
prevent the contamination of ground water or the intermixing of 30681  
water between aquifers. 30682

(B) Any person that constructs a well shall keep a careful 30683  
and accurate log of the construction of the well. The log shall 30684  
show all of the following: 30685

(1) The character, including, without limitation, the 30686  
lithology, color, texture, and grain size, the name, if known, and 30687

the depth of all formations passed through or encountered;	30688
(2) The depths at which water is encountered;	30689
(3) The static water level of the completed well;	30690
(4) A copy of the record of all pumping tests and analyses related to those tests, if any;	30691 30692
(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;	30693 30694 30695 30696
(6) The type of pumping equipment installed, if any;	30697
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30698 30699 30700
(8) The signature of the individual who constructed the well and filed the well log;	30701 30702
(9) Any other information required by the chief of the division of <del>soil and</del> water resources.	30703 30704
The log shall be filed with the division of <del>soil and</del> water resources within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	30705 30706 30707 30708
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	30709 30710 30711
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30712 30713 30714
(2) The depth of the well, the size and length of its casing, and the static water level of the well;	30715 30716

(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material; 30717  
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(4) The date on which the sealing was performed; 30720

(5) The signature of the individual who sealed the well and filed the sealing report; 30721  
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(6) Any other information required by the chief. 30723

The sealing report shall be filed with the division within thirty days after the completion of the sealing of the well on forms prescribed and prepared by the division. 30724  
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(D) In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules requiring other persons that are involved in the construction or subsequent development of a well to submit well logs under division (B) of this section containing any or all of the information specified in divisions (B)(1) to (9) of this section and specifying additional information to be included in sealing reports required under division (C) of this section. The chief shall adopt rules establishing procedures and requirements governing the payment and collection of water well log filing fees, including the amount of any filing fee to be imposed as an alternative to the twenty-dollar filing fee established in division (G) of this section and including procedures for the quarterly transfer of filing fees by boards of health and the director of environmental protection under that division. 30727  
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(E)(1) No person shall fail to keep and file a well log or a sealing report as required by this section. 30742  
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(2) No person shall make a false statement in any well log or sealing report required to be kept and filed under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code. 30744  
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(F) For the purposes of prosecution of a violation of 30748  
division (E)(1) of this section, a prima-facie case is established 30749  
when the division obtains either of the following: 30750

(1) A certified copy of a permit for a private water system 30751  
issued in accordance with rules adopted under section 3701.344 of 30752  
the Revised Code, or a certified copy of the invoice or a canceled 30753  
check from the owner of a well indicating the construction or 30754  
sealing services performed; 30755

(2) A certified copy of any permit issued under Chapter 3734. 30756  
or 6111. of the Revised Code or plan approval granted under 30757  
Chapter 6109. of the Revised Code for any activity that includes 30758  
the construction or sealing of a well as applicable. 30759

(G) In accordance with rules adopted under this section, a 30760  
person or entity that constructs a well for the purpose of 30761  
extracting potable water as part of a private water system that is 30762  
subject to rules adopted under section 3701.344 of the Revised 30763  
Code or a public water system that is required to be licensed 30764  
under Chapter 6109. of the Revised Code shall pay a well log 30765  
filing fee of twenty dollars per well log or, if the chief has 30766  
adopted rules establishing an alternative fee amount, the fee 30767  
amount established under rules. The fee shall be collected by a 30768  
board of health under section 3701.344 of the Revised Code or the 30769  
environmental protection agency under section 6109.22 of the 30770  
Revised Code, as applicable. 30771

Each calendar quarter, a board of health or the environmental 30772  
protection agency, as applicable, shall forward all well log 30773  
filing fees collected during the previous calendar quarter to the 30774  
division of ~~soil and~~ water resources. The fees shall be forwarded 30775  
in accordance with procedures established in rules adopted under 30776  
this section. 30777

Proceeds of well log filing fees shall be used by the 30778

division of ~~soil and~~ water resources for the purposes of 30779  
acquiring, maintaining, and dispensing digital and paper records 30780  
of well logs that are filed with the division. 30781

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 30782  
of storing, conserving, or retarding water, or for any other 30783  
purpose, nor shall any levee be constructed for the purpose of 30784  
diverting or retaining flood water, unless the person or 30785  
governmental agency desiring the construction has a construction 30786  
permit for the dam or levee issued by the chief of the division of 30787  
~~soil and~~ water resources. 30788

A construction permit is not required under this section for: 30789

(1) A dam that is or will be less than ten feet in height and 30790  
that has or will have a storage capacity of not more than fifty 30791  
acre-feet at the elevation of the top of the dam, as determined by 30792  
the chief. For the purposes of this section, the height of a dam 30793  
shall be measured from the natural stream bed or lowest ground 30794  
elevation at the downstream or outside limit of the dam to the 30795  
elevation of the top of the dam. 30796

(2) A dam, regardless of height, that has or will have a 30797  
storage capacity of not more than fifteen acre-feet at the 30798  
elevation of the top of the dam, as determined by the chief; 30799

(3) A dam, regardless of storage capacity, that is or will be 30800  
six feet or less in height, as determined by the chief; 30801

(4) A dam or levee that belongs to a class exempted by the 30802  
chief; 30803

(5) The repair, maintenance, improvement, alteration, or 30804  
removal of a dam or levee that is subject to section 1521.062 of 30805  
the Revised Code, unless the construction constitutes an 30806  
enlargement or reconstruction of the structure as determined by 30807  
the chief; 30808

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code. 30809  
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(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the filing fee specified by this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section: 30811  
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(1) For the first one hundred thousand dollars of estimated cost, a fee of four per cent; 30824  
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(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent; 30826  
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(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent; 30828  
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(4) For all costs in excess of one million dollars, a fee of one-half of one per cent. 30830  
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In no case shall the filing fee be less than one thousand dollars or more than one hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee. All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety 30832  
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fund, which is hereby created. Expenditures from the fund shall be 30840  
made by the chief for the purpose of administering this section 30841  
and sections 1521.061 and 1521.062 of the Revised Code. 30842

(C) The chief shall, within thirty days from the date of the 30843  
receipt of the application, fee, and bond or other security, issue 30844  
or deny a construction permit for the construction or may issue a 30845  
construction permit conditioned upon the making of such changes in 30846  
the plans and specifications for the construction as the chief 30847  
considers advisable if the chief determines that the construction 30848  
of the proposed dam or levee, in accordance with the plans and 30849  
specifications filed, would endanger life, health, or property. 30850

(D) The chief may deny a construction permit after finding 30851  
that a dam or levee built in accordance with the plans and 30852  
specifications would endanger life, health, or property, because 30853  
of improper or inadequate design, or for such other reasons as the 30854  
chief may determine. 30855

In the event the chief denies a permit for the construction 30856  
of the dam or levee, or issues a permit conditioned upon a making 30857  
of changes in the plans or specifications for the construction, 30858  
the chief shall state the reasons therefor and so notify, in 30859  
writing, the person or governmental agency making the application 30860  
for a permit. If the permit is denied, the chief shall return the 30861  
bond or other security to the person or governmental agency making 30862  
application for the permit. 30863

The decision of the chief conditioning or denying a 30864  
construction permit is subject to appeal as provided in Chapter 30865  
119. of the Revised Code. A dam or levee built substantially at 30866  
variance from the plans and specifications upon which a 30867  
construction permit was issued is in violation of this section. 30868  
The chief may at any time inspect any dam or levee, or site upon 30869  
which any dam or levee is to be constructed, in order to determine 30870  
whether it complies with this section. 30871



(E) A registered professional engineer shall inspect the 30872  
construction for which the permit was issued during all phases of 30873  
construction and shall furnish to the chief such regular reports 30874  
of the engineer's inspections as the chief may require. When the 30875  
chief finds that construction has been fully completed in 30876  
accordance with the terms of the permit and the plans and 30877  
specifications approved by the chief, the chief shall approve the 30878  
construction. When one year has elapsed after approval of the 30879  
completed construction, and the chief finds that within this 30880  
period no fact has become apparent to indicate that the 30881  
construction was not performed in accordance with the terms of the 30882  
permit and the plans and specifications approved by the chief, or 30883  
that the construction as performed would endanger life, health, or 30884  
property, the chief shall release the bond or other security. No 30885  
bond or other security shall be released until one year after 30886  
final approval by the chief, unless the dam or levee has been 30887  
modified so that it will not retain water and has been approved as 30888  
nonhazardous after determination by the chief that the dam or 30889  
levee as modified will not endanger life, health, or property. 30890

(F) When inspections required by this section are not being 30891  
performed, the chief shall notify the person or governmental 30892  
agency to which the permit has been issued that inspections are 30893  
not being performed by the registered professional engineer and 30894  
that the chief will inspect the remainder of the construction. 30895  
Thereafter, the chief shall inspect the construction and the cost 30896  
of inspection shall be charged against the owner. Failure of the 30897  
registered professional engineer to submit required inspection 30898  
reports shall be deemed notice that the engineer's inspections are 30899  
not being performed. 30900

(G) The chief may order construction to cease on any dam or 30901  
levee that is being built in violation of this section, and may 30902  
prohibit the retention of water behind any dam or levee that has 30903

been built in violation of this section. The attorney general, 30904  
upon written request of the chief, may bring an action for an 30905  
injunction against any person who violates this section or to 30906  
enforce an order or prohibition of the chief made pursuant to this 30907  
section. 30908

(H) The chief may adopt rules in accordance with Chapter 119. 30909  
of the Revised Code, for the design and construction of dams and 30910  
levees for which a construction permit is required by this section 30911  
or for which periodic inspection is required by section 1521.062 30912  
of the Revised Code, for establishing a filing fee schedule in 30913  
lieu of the schedule established under division (B) of this 30914  
section, for deposit and forfeiture of bonds and other securities 30915  
required by section 1521.061 of the Revised Code, for the periodic 30916  
inspection, operation, repair, improvement, alteration, or removal 30917  
of all dams and levees, as specified in section 1521.062 of the 30918  
Revised Code, and for establishing classes of dams or levees that 30919  
are exempt from the requirements of this section and section 30920  
1521.062 of the Revised Code as being of a size, purpose, or 30921  
situation that does not present a substantial hazard to life, 30922  
health, or property. The chief may, by rule, limit the period 30923  
during which a construction permit issued under this section is 30924  
valid. The rules may allow for the extension of the period during 30925  
which a permit is valid upon written request, provided that the 30926  
written request includes a revised construction cost estimate, and 30927  
may require the payment of an additional filing fee for the 30928  
requested extension. If a construction permit expires without an 30929  
extension before construction is completed, the person or agency 30930  
shall apply for a new permit, and shall not continue construction 30931  
until the new permit is issued. 30932

**Sec. 1521.061.** Except as otherwise provided in this section, 30933  
a construction permit shall not be issued under section 1521.06 of 30934  
the Revised Code unless the person or governmental agency applying 30935

for the permit executes and files a surety bond conditioned on 30936  
completion of the dam or levee in accordance with the terms of the 30937  
permit and the plans and specifications approved by the chief of 30938  
the division of ~~soil and~~ water resources, in an amount equal to 30939  
fifty per cent of the estimated cost of the project. 30940

If a permittee requests an extension of the time period 30941  
during which a construction permit is valid in accordance with 30942  
rules adopted under section 1521.06 of the Revised Code, the chief 30943  
shall determine whether the revised construction cost estimate 30944  
provided with the request exceeds the original construction cost 30945  
estimate that was filed with the chief by more than twenty-five 30946  
per cent. If the revised construction cost estimate exceeds the 30947  
original construction cost estimate by more than twenty-five per 30948  
cent, the chief may require an additional surety bond to be filed 30949  
so that the total amount of the surety bonds equals at least fifty 30950  
per cent of the revised construction cost estimate. 30951

The chief shall not approve any bond until it is personally 30952  
signed and acknowledged by both principal and surety, or as to 30953  
either by the attorney in fact thereof, with a certified copy of 30954  
the power of attorney attached. The chief shall not approve the 30955  
bond unless there is attached a certificate of the superintendent 30956  
of insurance that the company is authorized to transact a fidelity 30957  
and surety business in this state. 30958

All bonds shall be given in a form prescribed by the chief 30959  
and shall run to the state as obligee. 30960

The applicant may deposit, in lieu of a bond, cash in an 30961  
amount equal to the amount of the bond or United States government 30962  
securities or negotiable certificates of deposit issued by any 30963  
bank organized or transacting business in this state having a par 30964  
value equal to or greater than the amount of the bond. Such cash 30965  
or securities shall be deposited upon the same terms as bonds. If 30966  
one or more certificates of deposit are deposited in lieu of a 30967

bond, the chief shall require the bank that issued any such 30968  
certificate to pledge securities of the aggregate market value 30969  
equal to the amount of the certificate that is in excess of the 30970  
amount insured by the federal deposit insurance corporation. The 30971  
securities to be pledged shall be those designated as eligible 30972  
under section 135.18 of the Revised Code. The securities shall be 30973  
security for the repayment of the certificate of deposit. 30974

Immediately upon a deposit of cash, securities, or 30975  
certificates of deposit, the chief shall deliver them to the 30976  
treasurer of state, who shall hold them in trust for the purposes 30977  
for which they have been deposited. The treasurer of state is 30978  
responsible for the safekeeping of such deposits. An applicant 30979  
making a deposit of cash, securities, or certificates of deposit 30980  
may withdraw and receive from the treasurer of state, on the 30981  
written order of the chief, all or any portion of the cash, 30982  
securities, or certificates of deposit, upon depositing with the 30983  
treasurer of state cash, other United States government 30984  
securities, or negotiable certificates of deposit issued by any 30985  
bank organized or transacting business in this state equal in par 30986  
value to the par value of the cash, securities, or certificates of 30987  
deposit withdrawn. An applicant may demand and receive from the 30988  
treasurer of state all interest or other income from any such 30989  
securities or certificates as it becomes due. If securities so 30990  
deposited with and in the possession of the treasurer of state 30991  
mature or are called for payment by the issuer thereof, the 30992  
treasurer of state, at the request of the applicant who deposited 30993  
them, shall convert the proceeds of the redemption or payment of 30994  
the securities into such other United States government 30995  
securities, negotiable certificates of deposit issued by any bank 30996  
organized or transacting business in this state, or cash as the 30997  
applicant designates. 30998

When the chief finds that a person or governmental agency has 30999

failed to comply with the conditions of the person's or agency's 31000  
bond, the chief shall make a finding of that fact and declare the 31001  
bond, cash, securities, or certificates of deposit forfeited in 31002  
the amount set by rule of the chief. The chief shall thereupon 31003  
certify the total forfeiture to the attorney general, who shall 31004  
proceed to collect that amount. 31005

In lieu of total forfeiture, the surety, at its option, may 31006  
cause the dam or levee to be completed as required by section 31007  
1521.06 of the Revised Code and rules of the chief, or otherwise 31008  
rendered nonhazardous, or pay to the treasurer of state the cost 31009  
thereof. 31010

All moneys collected on account of forfeitures of bonds, 31011  
cash, securities, and certificates of deposit under this section 31012  
shall be credited to the dam safety fund created in section 31013  
1521.06 of the Revised Code. The chief shall make expenditures 31014  
from the fund to complete dams and levees for which bonds have 31015  
been forfeited or to otherwise render them nonhazardous. 31016

Expenditures from the fund for those purposes shall be made 31017  
pursuant to contracts entered into by the chief with persons who 31018  
agree to furnish all of the materials, equipment, work, and labor 31019  
as specified and provided in the contract. 31020

A surety bond shall not be required for a permit for a dam or 31021  
levee that is to be designed and constructed by an agency of the 31022  
United States government, if the agency files with the chief 31023  
written assurance of the agency's financial responsibility for the 31024  
structure during the one-year period following the chief's 31025  
approval of the completed construction provided for under division 31026  
(E) of section 1521.06 of the Revised Code. 31027

**Sec. 1521.062.** (A) All dams and levees constructed in this 31028  
state and not exempted by this section or by the chief of the 31029  
division of ~~soil and~~ water resources under section 1521.06 of the 31030

Revised Code shall be inspected periodically by the chief, except 31031  
for classes of dams that, in accordance with rules adopted under 31032  
this section, are required to be inspected by registered 31033  
professional engineers who have been approved for that purpose by 31034  
the chief. The inspection shall ensure that continued operation 31035  
and use of the dam or levee does not constitute a hazard to life, 31036  
health, or property. Periodic inspections shall not be required of 31037  
the following structures: 31038

(1) A dam that is less than ten feet in height and has a 31039  
storage capacity of not more than fifty acre-feet at the elevation 31040  
of the top of the dam, as determined by the chief. For the 31041  
purposes of this section, the height of a dam shall be measured 31042  
from the natural stream bed or lowest ground elevation at the 31043  
downstream or outside limit of the dam to the elevation of the top 31044  
of the dam. 31045

(2) A dam, regardless of height, that has a storage capacity 31046  
of not more than fifteen acre-feet at the elevation of the top of 31047  
the dam, as determined by the chief; 31048

(3) A dam, regardless of storage capacity, that is six feet 31049  
or less in height, as determined by the chief; 31050

(4) A dam or levee belonging to a class exempted by the 31051  
chief; 31052

(5) A dam or levee that has been exempted in accordance with 31053  
rules adopted under section 1521.064 of the Revised Code. 31054

(B) In accordance with rules adopted under this section, the 31055  
owner of a dam that is in a class of dams that is designated in 31056  
the rules for inspection by registered professional engineers 31057  
shall obtain the services of a registered professional engineer 31058  
who has been approved by the chief to conduct the periodic 31059  
inspection of dams pursuant to schedules and other standards and 31060  
procedures established in the rules. The registered professional 31061

engineer shall prepare a report of the inspection in accordance 31062  
with the rules and provide the inspection report to the dam owner 31063  
who shall submit it to the chief. A dam that is designated under 31064  
the rules for inspection by a registered professional engineer, 31065  
but that is not inspected within a five-year period may be 31066  
inspected by the chief at the owner's expense. 31067

(C) Intervals between periodic inspections shall be 31068  
determined by the chief, but shall not exceed five years. 31069

(D) In the case of a dam or levee that the chief inspects, 31070  
the chief shall furnish a report of the inspection to the owner of 31071  
the dam or levee. With regard to a dam or levee that has been 31072  
inspected, either by the chief or by a registered professional 31073  
engineer, and that is the subject of an inspection report prepared 31074  
or received by the chief, the chief shall inform the owner of any 31075  
required repairs, maintenance, investigations, and other remedial 31076  
and operational measures. The chief shall order the owner to 31077  
perform such repairs, maintenance, investigations, or other 31078  
remedial or operational measures as the chief considers necessary 31079  
to safeguard life, health, or property. The order shall permit the 31080  
owner a reasonable time in which to perform the needed repairs, 31081  
maintenance, investigations, or other remedial measures, and the 31082  
cost thereof shall be borne by the owner. All orders of the chief 31083  
are subject to appeal as provided in Chapter 119. of the Revised 31084  
Code. The attorney general, upon written request of the chief, may 31085  
bring an action for an injunction against any person who violates 31086  
this section or to enforce an order of the chief made pursuant to 31087  
this section. 31088

(E) The owner of a dam or levee shall monitor, maintain, and 31089  
operate the structure and its appurtenances safely in accordance 31090  
with state rules, terms and conditions of permits, orders, and 31091  
other requirements issued pursuant to this section or section 31092  
1521.06 of the Revised Code. The owner shall fully and promptly 31093

notify the division of ~~soil~~ and water resources and other 31094  
responsible authorities of any condition that threatens the safety 31095  
of the structure and shall take all necessary actions to safeguard 31096  
life, health, and property. 31097

(F) Before commencing the repair, improvement, alteration, or 31098  
removal of a dam or levee, the owner shall file an application 31099  
including plans, specifications, and other required information 31100  
with the division and shall secure written approval of the 31101  
application by the chief. Emergency actions by the owner required 31102  
to safeguard life, health, or property are exempt from this 31103  
requirement. The chief may, by rule, define maintenance, repairs, 31104  
or other remedial measures of a routine nature that are exempt 31105  
from this requirement. 31106

(G) The chief may remove or correct, at the expense of the 31107  
owner, any unsafe structures found to be constructed or maintained 31108  
in violation of this section or section 1521.06 of the Revised 31109  
Code. In the case of an owner other than a governmental agency, 31110  
the cost of removal or correction of any unsafe structure, 31111  
together with a description of the property on which the unsafe 31112  
structure is located, shall be certified by the chief to the 31113  
county auditor and placed by the county auditor upon the tax 31114  
duplicate. This cost is a lien upon the lands from the date of 31115  
entry and shall be collected as other taxes and returned to the 31116  
division. In the case of an owner that is a governmental agency, 31117  
the cost of removal or correction of any unsafe structure shall be 31118  
recoverable from the owner by appropriate action in a court of 31119  
competent jurisdiction. 31120

(H) If the condition of any dam or levee is found, in the 31121  
judgment of the chief, to be so dangerous to the safety of life, 31122  
health, or property as not to permit time for the issuance and 31123  
enforcement of an order relative to repair, maintenance, or 31124  
operation, the chief shall employ any of the following remedial 31125



means necessary to protect life, health, and property:	31126
(1) Lower the water level of the lake or reservoir by releasing water;	31127 31128
(2) Completely drain the lake or reservoir;	31129
(3) Take such other measures or actions as the chief considers necessary to safeguard life, health, and property.	31130 31131
The chief shall continue in full charge and control of the dam or levee until the structure is rendered safe. The cost of the remedy shall be recoverable from the owner of the structure by appropriate action in a court of competent jurisdiction.	31132 31133 31134 31135
(I) The chief may accept and expend gifts, bequests, and grants from the United States government or from any other public or private source and may contract with the United States government or any other agency or entity for the purpose of carrying out the dam safety functions set forth in this section and section 1521.06 of the Revised Code.	31136 31137 31138 31139 31140 31141
(J) In accordance with Chapter 119. of the Revised Code, the chief may adopt, and may amend or rescind, rules that do all of the following:	31142 31143 31144
(1) Designate classes of dams for which dam owners must obtain the services of a registered professional engineer to periodically inspect the dams and to prepare reports of the inspections for submittal to the chief;	31145 31146 31147 31148
(2) Establish standards in accordance with which the chief must approve or disapprove registered professional engineers to inspect dams together with procedures governing the approval process;	31149 31150 31151 31152
(3) Establish schedules, standards, and procedures governing periodic inspections and standards and procedures governing the preparation and submittal of inspection reports;	31153 31154 31155

(4) Establish provisions regarding the enforcement of this section and rules adopted under it. 31156  
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(K) The owner of a dam or levee shall notify the chief in writing of a change in ownership of the dam or levee prior to the exchange of the property. 31158  
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**Sec. 1521.063.** (A) Except for the federal government, the owner of a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee, based upon the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. The fee shall be paid to the division of ~~soil and~~ water resources on or before the thirtieth day of June of each year. The annual fee shall be as follows until otherwise provided by rules adopted under this section: 31161  
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(1) For any dam classified as a class I dam under rules adopted by the chief of the division of ~~soil and~~ water resources under section 1521.06 of the Revised Code, three hundred dollars plus ten dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam; 31171  
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(2) For any dam classified as a class II dam under those rules, ninety dollars plus six dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam; 31177  
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(3) For any dam classified as a class III dam under those rules, ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per-acre foot of volume of water impounded by the dam. 31181  
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For purposes of this section, the height of a dam is the 31185

vertical height, to the nearest foot, as determined by the 31186  
division under section 1521.062 of the Revised Code. 31187

All fees collected under this section shall be deposited in 31188  
the dam safety fund created in section 1521.06 of the Revised 31189  
Code. Any owner who fails to pay any annual fee required by this 31190  
section within sixty days after the due date shall be assessed a 31191  
penalty of ten per cent of the annual fee plus interest at the 31192  
rate of one-half per cent per month from the due date until the 31193  
date of payment. 31194

There is hereby created the compliant dam discount program to 31195  
be administered by the chief. Under the program, the chief may 31196  
reduce the amount of the annual fee that an owner of a dam is 31197  
required to pay under division (A)(1), (2), or (3) of this section 31198  
if the owner is in compliance with section 1521.062 of the Revised 31199  
Code and has developed an emergency action plan pursuant to 31200  
standards established in rules adopted under this section. The 31201  
chief shall not discount an annual fee by more than twenty-five 31202  
per cent of the total annual fee that is due. In addition, the 31203  
chief shall not discount the annual fee that is due from the owner 31204  
of a dam who has been assessed a penalty under this section. 31205

(B) The chief shall, in accordance with Chapter 119. of the 31206  
Revised Code and subject to the prior approval of the director of 31207  
natural resources, adopt, and may amend or rescind, rules for the 31208  
collection of fees and the administration, implementation, and 31209  
enforcement of this section and for the establishment of an annual 31210  
fee schedule in lieu of the schedule established in division (A) 31211  
of this section. 31212

(C)(1) No person, political subdivision, or state 31213  
governmental agency shall violate or fail to comply with this 31214  
section or any rule or order adopted or issued under it. 31215

(2) The attorney general, upon written request of the chief, 31216

may commence an action against any such violator. Any action under 31217  
division (C)(2) of this section is a civil action. 31218

(D) As used in this section, "political subdivision" includes 31219  
townships, municipal corporations, counties, school districts, 31220  
municipal universities, park districts, sanitary districts, and 31221  
conservancy districts and subdivisions thereof. 31222

**Sec. 1521.064.** The chief of the division of ~~soil and~~ water 31223  
resources, in accordance with Chapter 119. of the Revised Code, 31224  
shall adopt, and may amend and rescind, rules establishing a 31225  
program under which dams and levees may be exempted from 31226  
inspections under section 1521.062 of the Revised Code if the 31227  
continued operation and use of, and any rupturing of or other 31228  
structural damage to, the dams and levees will not constitute a 31229  
hazard to life, health, or property. The rules shall establish, 31230  
without limitation, all of the following: 31231

(A) A procedure by which the owner of such a dam or levee may 31232  
apply for an exemption under this section; 31233

(B) The standards that a dam or levee shall meet in order to 31234  
be exempted under this section; 31235

(C) A procedure by which the chief shall periodically review 31236  
the status of a dam or levee that has been exempted under this 31237  
section to determine if the exemption should be rescinded; 31238

(D) A requirement that the owner of any dam or levee exempted 31239  
under this section shall agree, in writing, to accept liability 31240  
for any injury, death, or loss to persons or property caused by 31241  
the rupturing of or other structural damage to the dam or levee. 31242

**Sec. 1521.07.** The chief of the division of ~~soil and~~ water 31243  
resources or any employee in the service of the division may enter 31244  
upon lands to make surveys and inspections in accordance with this 31245  
chapter, when necessary in the discharge of the duties enumerated 31246

in this chapter. 31247

**Sec. 1521.10.** In order to be entitled to the compensation 31248  
provided for in section 1521.09 of the Revised Code, the landowner 31249  
shall have prepared and submit to the division of ~~soil and~~ water 31250  
resources complete plans for the dam provided for in such section. 31251  
The plans shall have the approval of the chief of the division of 31252  
~~soil and~~ water resources and the dam shall be constructed in 31253  
accordance with such plans before compensation can be claimed. 31254

**Sec. 1521.11.** Upon the completion of the dam referred to in 31255  
section 1521.09 of the Revised Code to the satisfaction of the 31256  
division of ~~soil and~~ water resources, it shall certify the 31257  
completion and the capacity thereof to the county auditor who 31258  
shall thereupon make such reduction in the assessed valuation of 31259  
the contiguous landowner as the contiguous landowner is entitled 31260  
to receive under sections 1521.09 to 1521.12 of the Revised Code. 31261

**Sec. 1521.12.** In the event that any dam is constructed before 31262  
plans are submitted to and approved by the division of ~~soil and~~ 31263  
water resources as required by section 1521.10 of the Revised 31264  
Code, the landowner may submit plans of the dam the landowner has 31265  
built, showing the area of the drainage basin above the dam, a 31266  
cross section of the dam site, a cross section, plan, and 31267  
elevation of the dam, a map of the spillway, a topographic map of 31268  
the reservoir basin, and such other data and information as the 31269  
division requires. If the plans receive the approval of the 31270  
division, and upon examination the dam is found to be 31271  
satisfactorily completed in accordance with such plans, the 31272  
division shall certify the completion and capacity thereof to the 31273  
county auditor. If the plans fail to meet the requirements of the 31274  
division, the owner may submit revised plans, and when such 31275  
revised plans have been approved and the dam rebuilt to conform to 31276

such plans, the completion of the dam and its capacity shall then 31277  
be certified to the auditor who shall thereupon make such 31278  
reduction in the assessed valuation of the contiguous land as such 31279  
owner is entitled to receive under sections 1521.09 to 1521.12 of 31280  
the Revised Code. 31281

**Sec. 1521.13.** (A) Development in one-hundred-year floodplain 31282  
areas shall be protected to at least the one-hundred-year flood 31283  
level, and flood water conveyance shall be maintained, at a 31284  
minimum, in accordance with standards established under the 31285  
national flood insurance program. This division does not preclude 31286  
a state agency or political subdivision from establishing flood 31287  
protection standards that are more restrictive than this division. 31288

(B) Prior to the expenditure of money for or the construction 31289  
of buildings, structures, roads, bridges, or other facilities in 31290  
locations that may be subject to flooding or flood damage, all 31291  
state agencies and political subdivisions shall notify and consult 31292  
with the division of ~~soil and~~ water resources and shall furnish 31293  
information that the division reasonably requires in order to 31294  
avoid the uneconomic, hazardous, or unnecessary use of floodplains 31295  
in connection with such facilities. 31296

(C) The chief of the division of ~~soil and~~ water resources 31297  
shall do all of the following: 31298

(1) Coordinate the floodplain management activities of state 31299  
agencies and political subdivisions with the floodplain management 31300  
activities of the United States, including the national flood 31301  
insurance program; 31302

(2) Collect, prepare, and maintain technical data and 31303  
information on floods and floodplain management and make the data 31304  
and information available to the public, state agencies, political 31305  
subdivisions, and agencies of the United States; 31306

- (3) Cooperate and enter into agreements with persons for the preparation of studies and reports on floods and floodplain management; 31307  
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- (4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs; 31310  
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- (5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management; 31312  
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- (6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans; 31316  
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- (7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it; 31321  
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- (8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code; 31327  
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- (9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards 31331  
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established under the national flood insurance program. 31338

(10) On behalf of the director of natural resources, 31339  
administer section 1506.04 of the Revised Code. 31340

In addition to the duties imposed in divisions (C)(1) to (10) 31341  
of this section, and with respect to existing publicly owned 31342  
facilities that have suffered flood damage or that may be subject 31343  
to flood damage, the chief may conspicuously mark past and 31344  
probable flood heights in order to assist in creating public 31345  
awareness of and knowledge about flood hazards. 31346

(D)(1) Development that is funded, financed, undertaken, or 31347  
preempted by state agencies shall comply with division (A) of this 31348  
section and with rules adopted under division (C)(9) of this 31349  
section. 31350

(2) State agencies shall apply floodproofing measures in 31351  
order to reduce potential additional flood damage of existing 31352  
publicly owned facilities that have suffered flood damage. 31353

(3) Before awarding funding or financing or granting a 31354  
license, permit, or other authorization for a development that is 31355  
or is to be located within a one-hundred-year floodplain, a state 31356  
agency shall require the applicant to demonstrate to the 31357  
satisfaction of the agency that the development will comply with 31358  
division (A) of this section, rules adopted under division (C)(9) 31359  
of this section, and any applicable local floodplain management 31360  
resolution or ordinance. 31361

(4) Prior to the disbursement of any state disaster 31362  
assistance money in connection with any incident of flooding to or 31363  
within a county or municipal corporation that is not listed by the 31364  
chief as being in compliance under division (D)(1) of section 31365  
1521.18 of the Revised Code, a state agency that has authority to 31366  
disburse such money shall require the county or municipal 31367  
corporation to establish or reestablish compliance as provided in 31368



that division. 31369

(E)(1) Subject to section 1521.18 of the Revised Code, a 31370  
county or a municipal corporation may do all of the following: 31371

(a) Adopt floodplain maps that reflect the best available 31372  
data and that indicate the areas to be regulated under a 31373  
floodplain management resolution or ordinance, as applicable; 31374

(b) Develop and adopt a floodplain management resolution or 31375  
ordinance, as applicable; 31376

(c) Adopt floodplain management standards that exceed the 31377  
standards that are established under the national flood insurance 31378  
program. 31379

(2) A county or municipal corporation shall examine and 31380  
apply, where economically feasible, floodproofing measures in 31381  
order to reduce potential additional flood damage of existing 31382  
publicly owned facilities that have suffered flood damage. 31383

(3) A county that adopts a floodplain management resolution 31384  
shall do so in accordance with the procedures established in 31385  
section 307.37 of the Revised Code. The county may enforce the 31386  
resolution by issuing stop work orders, seeking injunctive relief, 31387  
or pursuing other civil actions that the county considers 31388  
necessary to ensure compliance with the resolution. In addition, 31389  
failure to comply with the floodplain management resolution 31390  
constitutes a violation of division (D) of section 307.37 of the 31391  
Revised Code. 31392

(4) No action challenging the validity of a floodplain 31393  
management resolution adopted by a county or a floodplain 31394  
management ordinance adopted by a municipal corporation, or an 31395  
amendment to such a resolution or ordinance, because of a 31396  
procedural error in the adoption of the resolution, ordinance, or 31397  
amendment shall be brought more than two years after the adoption 31398  
of the resolution, ordinance, or amendment. 31399

**Sec. 1521.14.** Upon the written request of the director of 31400  
natural resources, the attorney general shall bring an action for 31401  
appropriate relief in a court of competent jurisdiction against 31402  
any development that is not in compliance with the standards of 31403  
the national flood insurance program and that is one of the 31404  
following: 31405

(A) Located in a county or municipal corporation that is not 31406  
listed by the chief of the division of ~~soil and~~ water resources as 31407  
being in compliance under division (D)(1) of section 1521.18 of 31408  
the Revised Code; 31409

(B) Funded, financed, undertaken, or preempted by a state 31410  
agency. 31411

**Sec. 1521.15.** (A) The chief of the division of ~~soil and~~ water 31412  
resources shall develop and maintain, in cooperation with local, 31413  
state, federal, and private agencies and entities, a water 31414  
resources inventory for the collection, interpretation, storage, 31415  
retrieval, exchange, and dissemination of information concerning 31416  
the water resources of this state, including, but not limited to, 31417  
information on the location, type, quantity, and use of those 31418  
resources and the location, type, and quantity of consumptive use 31419  
and diversion of the water resources. The water resources 31420  
inventory also shall include, without limitation, information to 31421  
assist in determining the reasonableness of water use and sharing 31422  
under common law, promoting reasonable use and development of 31423  
water resources, and resolving water use conflicts. 31424

All agencies of the state shall cooperate with the chief in 31425  
the development and maintenance of the inventory. 31426

(B) The chief shall cooperate with the other great lakes 31427  
states and provinces to develop a common base of data regarding 31428  
the management of the water resources of the Lake Erie drainage 31429

basin and to establish systematic arrangements for the exchange of 31430  
those data. 31431

**Sec. 1521.16.** (A) Any person who owns a facility that has the 31432  
capacity to withdraw waters of the state in an amount greater than 31433  
one hundred thousand gallons per day from all sources and whose 31434  
construction is completed before January 1, 1990, shall register 31435  
the facility by January 1, 1991, with the chief of the division of 31436  
~~soil and~~ water resources, and any person who owns a facility that 31437  
has the capacity to withdraw waters of the state in such an amount 31438  
and whose construction is completed on or after January 1, 1990, 31439  
shall register the facility with the chief within three months 31440  
after the facility is completed. The person shall register the 31441  
facility using a form prescribed by the chief that shall include, 31442  
without limitation, the name and address of the registrant and 31443  
date of registration; the locations and sources of the facility's 31444  
water supply; the facility's withdrawal capacity per day and the 31445  
amount withdrawn from each source; the uses made of the water, 31446  
places of use, and places of discharge; and such other information 31447  
as the chief may require by rule. 31448

The registration date of any facility whose construction was 31449  
completed prior to January 1, 1990, and that is registered under 31450  
this division prior to January 1, 1991, shall be January 1, 1990. 31451  
The registration date of any facility whose construction was 31452  
completed prior to January 1, 1990, and that is required to 31453  
register under this division prior to January 1, 1991, but that is 31454  
not registered prior to that date, and the registration date of 31455  
any facility whose construction was completed after January 1, 31456  
1990, and that is required to register under this division shall 31457  
be the date on which the registration is received by the chief. 31458

(B) In accordance with division (D) of this section, the 31459  
chief shall adopt rules establishing standards and criteria for 31460

determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section of the newspaper. Any person who owns a facility in the designated ground water stress area that is not registered under division (A) of this section and that has the capacity to withdraw waters of the state in an amount greater than the threshold withdrawal capacity for the area from all sources shall register the facility with the chief not later than thirty days after publication of the notice. A person registering a facility under this division shall do so using a form prescribed by the chief. The form shall include the information specified in division (A) of this section.

(C) Any person who owns a facility registered under division (A) or (B) of this section shall file a report annually with the chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information the chief may require by rule. Any person who, under Chapter 6109. of the Revised Code, provides such information to the Ohio environmental protection agency is exempt from reporting under

this division. The director of environmental protection shall 31493  
provide the chief any such reported information upon request. 31494

(D) The chief shall adopt, and may amend or rescind, rules in 31495  
accordance with Chapter 119. of the Revised Code to carry out this 31496  
section. 31497

(E)(1) No person knowingly shall fail to register a facility 31498  
or file a report as required under this section. 31499

(2) No person shall file a false report under this section. 31500  
Violation of division (E)(2) of this section is falsification 31501  
under section 2921.13 of the Revised Code. 31502

(F) At the request of the director of natural resources, the 31503  
attorney general may commence a civil action to compel compliance 31504  
with this section, in a court of common pleas, against any person 31505  
who has violated or is violating division (E)(1) of this section. 31506  
The court of common pleas in which a civil action is commenced 31507  
under this division has jurisdiction to and shall compel 31508  
compliance with this section upon a showing that the person 31509  
against whom the action is brought has violated or is violating 31510  
that division. 31511

Any action under this division is a civil action, governed by 31512  
the rules of civil procedure and other rules of practice and 31513  
procedure applicable to civil actions. 31514

**Sec. 1521.18.** (A) For the purposes of this section, a 31515  
one-hundred-year floodplain is limited to an area identified as a 31516  
one-hundred-year floodplain in accordance with the "National Flood 31517  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 31518  
amended. 31519

(B) Each municipal corporation or county that has within its 31520  
boundaries a one-hundred-year floodplain and that adopts a 31521  
floodplain management ordinance or resolution or any amendments to 31522

such an ordinance or resolution on or after April 11, 1991, after 31523  
adopting the ordinance, resolution, or amendments and before 31524  
submitting the ordinance, resolution, or amendments to the federal 31525  
emergency management agency for final approval for compliance with 31526  
applicable standards adopted under the "National Flood Insurance 31527  
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 31528  
submit the ordinance, resolution, or amendments to the chief of 31529  
the division of ~~soil~~ and water resources for the chief's review 31530  
for compliance with those standards. Within forty-five days after 31531  
receiving any such ordinance, resolution, or amendments, the chief 31532  
shall complete the review and notify the municipal corporation or 31533  
county as to whether the ordinance, resolution, or amendments 31534  
comply with those standards. If the chief finds that the 31535  
ordinance, resolution, or amendments comply with those standards, 31536  
the chief shall forward it or them to the federal emergency 31537  
management agency for final approval. 31538

(C)(1) If the chief determines that a county or municipal 31539  
corporation that has adopted a floodplain management resolution or 31540  
ordinance fails to administer or enforce the resolution or 31541  
ordinance, the chief shall send a written notice by certified mail 31542  
to the board of county commissioners of the county or the chief 31543  
executive officer of the municipal corporation stating the nature 31544  
of the noncompliance. 31545

(2) In order to maintain its compliance status in accordance 31546  
with division (D) of this section, a county or municipal 31547  
corporation that has received a notice of noncompliance under 31548  
division (C)(1) of this section may submit information to the 31549  
chief not later than thirty days after receiving the notice that 31550  
demonstrates compliance or indicates the actions that the county 31551  
or municipal corporation is taking to administer or enforce the 31552  
resolution or ordinance. The chief shall review the information 31553  
and shall issue a final determination by certified mail to the 31554

county or municipal corporation of the compliance or noncompliance 31555  
status of the county or municipal corporation. If the chief issues 31556  
a final determination of noncompliance, the chief shall send a 31557  
copy of that determination to the federal emergency management 31558  
agency concurrently with mailing the notice to the municipal 31559  
corporation or county. 31560

(D)(1) A county or municipal corporation is considered to be 31561  
in compliance for the purposes of this section if either of the 31562  
following applies: 31563

(a) The county or municipal corporation has adopted a 31564  
floodplain management resolution or ordinance that the chief has 31565  
determined complies with applicable standards adopted under the 31566  
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 31567  
4001, as amended, and is adequately administering and enforcing it 31568  
as determined under division (C) of this section. 31569

(b) The county or municipal corporation is participating in 31570  
the national flood insurance program and has not received a notice 31571  
of noncompliance under division (B) or (C) of this section. 31572

(2) The chief shall maintain a list of all counties and 31573  
municipal corporations that have one-hundred-year floodplains 31574  
within their boundaries. The list shall indicate whether each such 31575  
county or municipal corporation is in compliance or noncompliance 31576  
as provided in division (D)(1) of this section and whether each 31577  
such county or municipal corporation is participating in the 31578  
national flood insurance program. The chief shall provide a copy 31579  
of the list to the general assembly and all state agencies 31580  
annually and shall notify the general assembly and the agencies of 31581  
any changes at least quarterly. 31582

(E) Any county or municipal corporation that is adversely 31583  
affected by any determination of the chief under this section may 31584  
appeal it in accordance with Chapter 119. of the Revised Code not 31585

later than thirty days after the final determination. 31586

**Sec. 1521.19.** (A) There is hereby created the Ohio water 31587  
resources council consisting of the directors of agriculture, 31588  
development services, environmental protection, health, natural 31589  
resources, transportation, and the Ohio public works commission, 31590  
the chairperson of the public utilities commission of Ohio, the 31591  
executive director of the Ohio water development authority, and an 31592  
executive assistant in the office of the governor appointed by the 31593  
governor. The governor shall appoint one of the members of the 31594  
council to serve as its chairperson. The council may adopt bylaws 31595  
that are necessary for the implementation of this section. The 31596  
council shall provide a forum for policy development, 31597  
collaboration and coordination among state agencies, and strategic 31598  
direction with respect to state water resource programs. The 31599  
council shall be assisted in its functions by a state agency 31600  
coordinating group and an advisory group as provided in this 31601  
section. 31602

(B) The state agency coordinating group shall consist of the 31603  
executive director of the Ohio Lake Erie commission and a member 31604  
or members from each state agency, commission, and authority 31605  
represented on the council, to be appointed by the applicable 31606  
director, chairperson, or executive director. However, the 31607  
environmental protection agency shall be represented on the group 31608  
by the chiefs of the divisions within that agency having 31609  
responsibility for surface water programs and drinking and ground 31610  
water programs, and the department of natural resources shall be 31611  
represented on the group by the chief of the division of ~~soil and~~ 31612  
water resources. The chairperson of the council shall appoint a 31613  
leader of the state agency coordinating group. The group shall 31614  
provide assistance to and perform duties on behalf of the council 31615  
as directed by the council. 31616



(C) The advisory group shall consist of not more than 31617  
twenty-four members, each representing an organization or entity 31618  
with an interest in water resource issues. The council shall 31619  
appoint the members of the advisory group. Of the initial 31620  
appointments, not more than ten members shall be appointed for 31621  
one-year terms, and not more than ten members shall be appointed 31622  
for two-year terms. Of the four initial appointments made after 31623  
April 6, 2007, two of the members shall be appointed for one-year 31624  
terms, and two of the members shall be appointed for two-year 31625  
terms. Thereafter, all advisory group members shall serve two-year 31626  
terms. Members may be reappointed. Each member shall hold office 31627  
from the date of the member's appointment until the end of the 31628  
member's term. A member shall continue in office subsequent to the 31629  
expiration date of the member's term until the member's successor 31630  
takes office or until a period of sixty days has elapsed, 31631  
whichever occurs first. The council may remove a member for 31632  
misfeasance, nonfeasance, or malfeasance in office. The council 31633  
shall appoint members to fill any vacancies on the group. A member 31634  
appointed to fill a vacancy shall hold office for the remainder of 31635  
the term for which that member was appointed. 31636

The chairperson of the council shall appoint a chairperson of 31637  
the advisory group. The advisory group shall advise the council on 31638  
water resources issues addressed by the council. 31639

(D) There is hereby created in the state treasury the Ohio 31640  
water resources council fund. The department of natural resources 31641  
shall serve as the fiscal agent for the fund. The departments of 31642  
agriculture, ~~development, environmental protection,~~ health, 31643  
natural resources, and transportation, the environmental 31644  
protection agency, and the development services agency shall 31645  
transfer moneys to the fund in equal amounts via intrastate 31646  
transfer voucher. The public utilities commission of Ohio, Ohio 31647  
public works commission, and Ohio water development authority may 31648

transfer moneys to the fund. If a voluntary transfer of moneys is 31649  
made to the fund, the portion that is required to be transferred 31650  
by the departments of agriculture, ~~development, environmental~~ 31651  
~~protection~~, health, natural resources, and transportation, the 31652  
environmental protection agency, and the development services 31653  
agency may be equally reduced. Moneys in the fund shall be used to 31654  
pay the operating expenses of the Ohio water resources council, 31655  
including those specified in division (E) of this section. 31656

(E) The Ohio water resources council may hire staff to 31657  
support its activities. The council may enter into contracts and 31658  
agreements with federal agencies, state agencies, political 31659  
subdivisions, and private entities to assist in accomplishing its 31660  
objectives. Advisory group members shall be reimbursed for 31661  
expenses necessarily incurred in the performance of their duties 31662  
pursuant to section 126.31 of the Revised Code and any applicable 31663  
rules pertaining to travel reimbursement adopted by the office of 31664  
budget and management. 31665

Sec. 1521.20. (A) The director of natural resources shall do 31666  
all of the following: 31667

(1) Determine the amount of dredging that is needed in each 31668  
inland lake in this state to improve access, water quality, 31669  
safety, and other applicable standards; 31670

(2) Develop a plan to meet the needs identified under 31671  
division (A)(1) of this section. In doing so, the director shall 31672  
make every effort to optimize the utilization of dredging 31673  
resources to maximize the amount of sediment removal from any 31674  
inland lake that serves a watershed in distress and that is 31675  
subject to a lake facility authority created under Chapter 353. of 31676  
the Revised Code. 31677

(3) Increase the amount of time and resources expended on the 31678  
dredging of inland lakes in order to meet the needs identified 31679

under division (A)(1) of this section and administer the plan 31680  
developed under division (A)(2) of this section. 31681

(B) The director may enter into contracts or agreements with 31682  
other entities for the purposes of this section if doing so will 31683  
assist in maximizing any of the dredging operations. 31684

**Sec. 1522.03.** The chief of the division of ~~soil and~~ water 31685  
resources shall do all of the following: 31686

(A) Adopt rules in accordance with Chapter 119. of the 31687  
Revised Code for the implementation, administration, and 31688  
enforcement of the great lakes-st. Lawrence river basin water 31689  
resources compact; 31690

(B) Enforce the great lakes-st. Lawrence river basin water 31691  
resources compact and take appropriate actions to effectuate its 31692  
purposes and intent; 31693

(C) Adopt rules in accordance with Chapter 119. of the 31694  
Revised Code for the development, implementation, administration, 31695  
and enforcement of any permit program established under this 31696  
chapter. 31697

Rules adopted under this section shall be no more stringent 31698  
than the great lakes-st. Lawrence river basin water resources 31699  
compact. The chief shall convene a working group consisting of 31700  
parties with interests in Lake Erie, the Lake Erie watershed, and 31701  
the great lakes-st. Lawrence river basin water resources compact. 31702  
The working group shall consult with the chief regarding the 31703  
adoption of rules under this section. 31704

**Sec. 1522.05.** Pursuant to Section 9.2 of the great lakes-st. 31705  
Lawrence river basin water resources compact, the governor may 31706  
take such actions as are necessary for the initial organization 31707  
and operation of the great lakes-st. Lawrence river basin water 31708  
resources council created in Section 2.1 of the compact. Agencies 31709

of the state are hereby authorized to cooperate with the council. 31710

The chief of the division of ~~soil and~~ water resources shall 31711  
adopt voluntary watershedwide goals, objectives, and standards for 31712  
water conservation and efficiency consistent with Section 4.2 of 31713  
the great lakes-st. Lawrence river basin water resources compact. 31714

**Sec. 1522.11.** (A) No person shall install or operate a 31715  
facility or equipment that results in a new or increased diversion 31716  
of any water out of the Lake Erie watershed to another watershed 31717  
without first obtaining a permit to do so issued by the chief of 31718  
the division of ~~soil and~~ water resources. An application for such 31719  
a permit shall be submitted to the chief on a form that the chief 31720  
prescribes. An application shall be accompanied by a nonrefundable 31721  
fee of one thousand dollars, which shall be credited to the water 31722  
management fund created in section 1501.32 of the Revised Code. 31723

(B) The chief shall approve a permit application submitted 31724  
under this section only if the chief determines that it meets the 31725  
criteria required to qualify as an exception to the prohibition 31726  
against diversions established in Section 4.9 of the compact. The 31727  
chief shall issue or deny a permit through issuance of an order. 31728

**Sec. 1522.12.** (A) For purposes of the compact, not later than 31729  
one hundred eighty days after ~~the effective date of this section~~ 31730  
September 4, 2012, the chief of the division of ~~soil and~~ water 31731  
resources shall establish a program for the issuance of permits 31732  
for the withdrawal and consumptive use of water from the Lake Erie 31733  
watershed. Upon establishment of the program, the owner or 31734  
operator of a facility within the Lake Erie watershed that is not 31735  
otherwise exempt under section 1522.14 of the Revised Code shall 31736  
obtain a withdrawal and consumptive use permit from the chief if 31737  
the facility meets any of the following threshold criteria: 31738  
31739

(1) The facility has a new or increased capacity for 31740  
withdrawals or consumptive uses from Lake Erie or a recognized 31741  
navigation channel of at least two and one-half million gallons 31742  
per day. 31743

(2) Except as provided in division (A)(3) of this section, 31744  
the facility has a new or increased capacity for withdrawals or 31745  
consumptive uses from any river or stream or from ground water in 31746  
the Lake Erie watershed of at least one million gallons per day. 31747

(3)(a) Except as provided in division (A)(3)(b) of this 31748  
section, the facility has a new or increased capacity for 31749  
withdrawals or consumptive uses from any river or stream in the 31750  
Lake Erie watershed that is a high quality water of at least one 31751  
hundred thousand gallons per day. Division (A)(3) of this section 31752  
does not apply to withdrawals and consumptive uses from 31753  
outstanding state waters that are designated as such by the 31754  
environmental protection agency due to their exceptional 31755  
recreational values. 31756

(b) If a river or stream or segment thereof is designated as 31757  
a high quality water as of ~~the effective date of this section~~ 31758  
September 4, 2012, the threshold established in division (A)(3)(a) 31759  
of this section applies to the river or stream or segment thereof 31760  
and the entire watershed upstream of that river, stream, or 31761  
segment. If a river or stream or segment thereof is designated as 31762  
a high quality water after ~~the effective date of this section~~ 31763  
September 4, 2012, the threshold established in division (A)(3)(a) 31764  
of this section applies to the river or stream or segment thereof 31765  
and the entire watershed upstream of that river, stream, or 31766  
segment, provided that the director of environmental protection 31767  
and the director of natural resources, or their designees, jointly 31768  
determine that the proposed withdrawal or consumptive use would 31769  
cause the high quality water to lose its designation as a high 31770  
quality water. If the directors determine that the proposed 31771

withdrawal or consumptive use would not cause the high quality 31772  
water to lose that designation, the threshold established in 31773  
division (A)(2) of this section applies to the withdrawal or 31774  
consumptive use at a point beginning one thousand feet upstream of 31775  
the upstream end of the designated high quality water segment or 31776  
at a point beginning two times the length of the river, stream, or 31777  
segment that has been designated as a high quality water, 31778  
whichever is greater. 31779

Upon establishment of the withdrawal and consumptive use 31780  
permit program under this division, the owner or operator of a 31781  
facility that is not otherwise exempt under section 1522.14 of the 31782  
Revised Code and that is subject to a threshold specified in 31783  
division (A)(1) or (2) of this section, after submitting an 31784  
application for a permit under this section and a determination by 31785  
the chief that the application is complete, may commence 31786  
installation of the facility or equipment that will result in a 31787  
new or increased withdrawal or consumptive use of water in the 31788  
Lake Erie watershed prior to issuance of the withdrawal and 31789  
consumptive use permit. 31790

Upon establishment of the withdrawal and consumptive use 31791  
permit program under this division, the owner or operator of a 31792  
facility that is not otherwise exempt under section 1522.14 of the 31793  
Revised Code and that is subject to a threshold specified in 31794  
division (A)(3) of this section shall not install or operate the 31795  
facility or equipment that will result in a new or increased 31796  
withdrawal or consumptive use of water in the Lake Erie watershed 31797  
without first obtaining a withdrawal and consumptive use permit. 31798

(B) Permits issued under this section shall be issued only 31799  
for the amount of withdrawal or consumptive use capacity of a 31800  
facility that meets or exceeds threshold amounts established in 31801  
division (A) of this section. A permit shall not be required for 31802  
the portion of the withdrawal and consumptive use capacity of the 31803

facility below that threshold amount. 31804

(C) An applicant for a permit shall submit an application to 31805  
the chief on a form that the chief prescribes. The applicant shall 31806  
include with the application all of the following: 31807

(1) The name, address, and telephone number of the applicant 31808  
and of a contact person for the applicant; 31809

(2) The names, addresses, and other necessary contact 31810  
information of any other owners and operators of the facility; 31811

(3) A description of all of the following: 31812

(a) The facility's current withdrawal capacity per day if the 31813  
withdrawal is to occur at a facility already in operation; 31814

(b) The total new or increased daily withdrawal capacity 31815  
proposed for the facility; 31816

(c) The locations and sources of water proposed to be 31817  
withdrawn; 31818

(d) The locations of proposed discharges or return flows; 31819

(e) The locations and nature of proposed consumptive uses and 31820  
the applicable consumptive use coefficient for the facility; 31821

(f) The estimated average annual and monthly volumes and 31822  
rates of withdrawal; 31823

(g) The estimated average annual and monthly volumes and 31824  
rates of consumptive use; 31825

(h) The environmentally sound and economically feasible water 31826  
conservation measures to be undertaken by the applicant; 31827

(i) Other ways the applicant's need for water may be 31828  
satisfied if the application is denied or modified; 31829

(j) Any other information the chief may require to adequately 31830  
consider the application. 31831

(4) A nonrefundable application fee of one thousand dollars, 31832  
the proceeds of which shall be credited to the water management 31833  
fund created in section 1501.32 of the Revised Code. 31834

(D) Provided that a facility meets all applicable permit 31835  
conditions, a permit for the facility is valid until the facility 31836  
is the subject of facility abandonment. Once every five years, the 31837  
owner or operator of a facility shall certify to the chief that 31838  
the facility is in compliance with the permit that has been issued 31839  
for the facility. 31840

(E) No person that is required to do so shall fail to apply 31841  
for and receive a withdrawal and consumptive use permit. 31842

(F) A permit issued under this section shall include terms 31843  
and conditions restricting the withdrawal and consumptive use by a 31844  
facility to amounts not exceeding the capacity of the facility. 31845

(G) The chief shall issue or deny a permit not later than 31846  
ninety days after receipt of a complete application. If 31847  
applicable, the chief shall comply with the requirements regarding 31848  
prior notice established in Section 4.6 of the compact. The chief 31849  
shall issue or deny a permit through issuance of an order. The 31850  
chief shall issue a permit if all applicable criteria for 31851  
receiving the permit are met as provided in sections 1522.10 to 31852  
1522.21 of the Revised Code. 31853

**Sec. 1522.13.** (A) The chief of the division of ~~soil and~~ water 31854  
resources shall issue a withdrawal and consumptive use permit for 31855  
a facility if the chief determines that the facility meets all of 31856  
the criteria established in Section 4.11 of the compact. 31857  
31858

(B) In applying the provision of the decision-making standard 31859  
established in Section 4.11.2 of the compact, the chief shall 31860  
require that a withdrawal or consumptive use will be implemented 31861



so as to ensure that the withdrawal or consumptive use will result 31862  
in no significant individual or cumulative adverse impacts on the 31863  
quantity or quality of the waters and water dependent natural 31864  
resources of the great lakes basin considered as a whole or of the 31865  
Lake Erie source watershed considered as a whole. As part of the 31866  
evaluation of a permit application under Section 4.11.2 of the 31867  
compact, the chief shall do all of the following: 31868

(1) Rely on the best generally accepted scientific methods 31869  
appropriate for this state derived from professionally accepted 31870  
resources and practices; 31871

(2) Consider the long-term mean annual inflow and outflow of 31872  
the Lake Erie source watershed; 31873

(3) Consider the withdrawal and the portion of the withdrawal 31874  
that is not returned to the Lake Erie source watershed. 31875

(C) Impacts of a withdrawal or consumptive use on the 31876  
quantity or quality of waters and water dependent natural 31877  
resources of more localized areas that affect less than the great 31878  
lakes basin considered as a whole or the Lake Erie source 31879  
watershed considered as a whole shall be considered as a part of 31880  
the evaluation of whether a proposed withdrawal or consumptive use 31881  
is reasonable as provided in Section 4.11.5 of the compact. 31882

(D) The chief shall not submit an application for a 31883  
withdrawal and consumptive use permit for regional review under 31884  
Section 4.5.2(c)(ii) of the compact to the regional body as 31885  
defined in Section 1.2 of the compact unless regional review is 31886  
agreed to by the applicant. 31887

(E) Nothing in sections 1522.10 to 1522.21 of the Revised 31888  
Code shall be construed to affect, limit, diminish, or impair any 31889  
rights validly established and existing under the laws of this 31890  
state as of December 8, 2008, including, but not limited to, 31891  
sections 1506.10 and 1521.17 of the Revised Code, or to limit a 31892

person's right to the reasonable use of ground water, water in a lake, or any other watercourse in contravention of Section 19b of Article I, Ohio Constitution.

**Sec. 1522.131.** (A) To encourage the development of innovative water use practices and technologies that ensure sustainable water use for industrial, commercial, residential, agricultural, or public purposes, including recreational and cultural resources, as a means to facilitate sustainable economic growth and job creation, the chief of the division of ~~soil and~~ water resources, with the approval of the director of natural resources, may issue experimental use permits. An experimental use permit may be issued in lieu of a withdrawal and consumptive use permit as determined appropriate by the chief.

(B) An experimental use permit may be issued if all of the following apply:

(1) The experimental use is reasonable based on a consideration of the factors specified in Section 4.11.5 of the compact.

(2) The experimental use will use no more water than is necessary to determine the effectiveness and economic feasibility of the experimental use.

(3) The experimental use does not reduce the protection afforded the waters and water dependent natural resources of the source watershed as defined in the compact below what is provided in this chapter and rules adopted under it.

(C) The chief may refuse to issue an experimental use permit if the chief determines that the proposed use will result in significant individual or cumulative adverse impacts on the quantity or quality of the waters and water dependent natural resources of the great lakes basin considered as a whole or the

Lake Erie source watershed considered as a whole.	31923
(D) The chief shall issue or deny a permit under this section through issuance of an order.	31924 31925
(E) The chief shall establish the terms and conditions of an experimental use permit and may suspend such a permit, at any time, if the chief finds that its terms or conditions are being violated or that its terms and conditions are inadequate to avoid significant individual or cumulative adverse impacts on the quantity or quality of the waters and water dependent natural resources of the great lakes basin considered as a whole or the Lake Erie source watershed considered as a whole.	31926 31927 31928 31929 31930 31931 31932 31933
(F) An experimental use permit issued under this section shall expire not later than twenty-four months after the date of issuance of the permit.	31934 31935 31936
<b>Sec. 1522.15.</b> (A)(1) Transfer of a withdrawal and consumptive use permit upon the sale or transfer of a facility may occur so long as the location of the facility, the source of water, and the withdrawal and consumptive use capacities do not change. Transfer of the baseline withdrawal and consumptive use capacity of a baseline facility upon the sale or transfer of the baseline facility may occur so long as the location of the facility, the source of water, and the withdrawal and consumptive use capacities do not change. Transferred capacity of a baseline facility does not require a withdrawal and consumptive use permit.	31937 31938 31939 31940 31941 31942 31943 31944 31945 31946
Notice of a transfer shall be provided to the chief of the division of <del>soil</del> and water resources in a manner prescribed by the chief.	31947 31948 31949
(2) If the owner of a facility for which a withdrawal and consumptive use permit has been issued sells or transfers a portion of the facility, transfer of the applicable portion of the	31950 31951 31952

withdrawal and consumptive use capacity authorized by the 31953  
withdrawal and consumptive use permit may occur so long as the 31954  
location of the facility, the source of water, and the total 31955  
withdrawal and consumptive use capacities do not change. The 31956  
permittee shall provide notice of such a transfer to the chief in 31957  
a manner prescribed by the chief. Upon receipt of the notice and 31958  
if a permit is required for the transferred portion based on the 31959  
threshold amounts established in divisions (A)(1) to (3) of 31960  
section 1522.12 of the Revised Code, the chief shall issue a new 31961  
permit for the transferred portion of the facility to the 31962  
transferee and a modified permit for the remaining portion of the 31963  
facility to the original permittee upon a showing that the 31964  
transferee will meet the conditions of the original permit and all 31965  
applicable requirements of this chapter and rules adopted under 31966  
it. Any new permit shall reflect the portion of the withdrawal and 31967  
consumptive use capacity that has been transferred. 31968

(3) If the owner of a baseline facility sells or transfers a 31969  
portion of the baseline facility, transfer of the applicable 31970  
portion of the withdrawal and consumptive use capacity listed in 31971  
the baseline report for that facility may occur so long as the 31972  
location of the facility, the source of water, and the total 31973  
withdrawal and consumptive use capacities do not change. The owner 31974  
shall provide notice of such a transfer to the chief in a manner 31975  
prescribed by the chief. The chief shall not require the owner of 31976  
the baseline facility or the transferee to obtain a withdrawal and 31977  
consumptive use permit, but shall update the baseline report to 31978  
reflect the transfer. 31979

(4) The chief may deny a transfer under this section by 31980  
issuing an order denying the transfer and sending written notice 31981  
to the permittee and the transferee not later than thirty days 31982  
after notice of the intended transfer. The chief shall deny the 31983  
transfer if the chief determines that the transfer will result in 31984

noncompliance with this chapter, rules adopted under it, or the terms and conditions of a withdrawal and consumptive use permit. 31985  
31986

(5) The chief shall remove a facility from the baseline report when the facility is subject to baseline facility abandonment. However, a baseline facility shall not be removed from the baseline report due to the transfer of the facility's baseline capacity. 31987  
31988  
31989  
31990  
31991

(B) No person shall sell or transfer a withdrawal and consumptive use permit for purposes of evading the requirements established in sections 1522.10 to 1522.21 of the Revised Code. 31992  
31993  
31994

**Sec. 1522.16.** (A)(1) The owner or operator of a facility may petition the chief of the division of ~~soil and~~ water resources for either of the following: 31995  
31996  
31997

(a) Inclusion in the baseline report if the owner or operator believes that the facility was erroneously excluded from the report; 31998  
31999  
32000

(b) The amendment of the amount of a withdrawal and consumptive use or other information included in the baseline report regarding the facility if the owner or operator believes that the information is incorrect. 32001  
32002  
32003  
32004

(2) The chief shall issue an order either approving or disapproving a petition submitted under this section. The chief shall issue the order based on a thorough examination of the circumstances concerning the petition. 32005  
32006  
32007  
32008

(3) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that establish procedures for the submission of petitions under this division. 32009  
32010  
32011

(B) With regard to the nonuse of a baseline facility's or a facility's withdrawal and consumptive use capacity, not later than sixty days after the time period specified in division (B)(1) or 32012  
32013  
32014

(2) or (I)(1) or (2) of section 1522.10 of the Revised Code, the owner or operator of the facility may request an extension from the chief to retain the facility's active status. The request shall be made in a manner prescribed by the chief. The chief shall determine the appropriate terms and conditions of the extension, if approved, based on information submitted by the owner or operator. The chief shall issue an order approving or disapproving the request and shall do so in a manner prescribed by the chief.

**Sec. 1522.17.** (A) The owner or operator of a facility who is applying for a withdrawal and consumptive use permit shall submit to the chief of the division of ~~soil and~~ water resources a facility water conservation plan that incorporates environmentally sound and economically feasible water conservation measures in accordance with Section 4.11.3 of the compact. If the plan reasonably incorporates environmentally sound and economically feasible water conservation measures applicable to the facility, it shall be deemed to be in compliance with Section 4.11.3 of the compact.

(B) The chief shall keep confidential any portions of a facility water conservation plan that constitute a trade secret as defined in section 1333.61 of the Revised Code as follows:

(1) During the period of time after confidentiality is requested under division (C) of this section and until the chief makes a determination to approve or disapprove the request;

(2) On and after the date on which the chief approves a request for confidentiality under division (C) of this section.

Any portions of a facility water conservation plan that are kept confidential as provided in this division are not subject to section 149.43 of the Revised Code.

(C)(1) The owner or operator of a facility may request that

any portions of a facility water conservation plan be kept 32045  
confidential. The request for confidentiality shall be submitted 32046  
at the same time that an owner or operator submits a facility 32047  
water conservation plan under division (A) of this section. The 32048  
owner or operator shall clearly indicate the information that the 32049  
owner or operator considers a trade secret and shall label it as 32050  
"trade secret." Failure to make such a request shall constitute a 32051  
waiver of the right to prevent public disclosure of the 32052  
information. A request for confidentiality shall be accompanied by 32053  
documents that support the request. The documents shall describe 32054  
the measures that the requestor has taken to safeguard the 32055  
confidentiality of the information and indicate whether or not 32056  
others are bound by a confidentiality agreement related to the 32057  
information. 32058

(2) The chief, by order, shall issue a decision regarding the 32059  
confidentiality request not later than forty-five days after the 32060  
receipt of the request. Until the decision is issued, the 32061  
information that is the subject of the request shall be 32062  
confidential and maintained by the chief in a separate file 32063  
labeled "confidential." The applicant shall be notified by mail of 32064  
the decision. 32065

**Sec. 1522.18.** The chief of the division of ~~soil and~~ water 32066  
resources, on the chief's own initiative or upon written complaint 32067  
by any person, may investigate or make inquiries into any alleged 32068  
failure to comply with this chapter, any rule adopted under it, 32069  
any order issued under it, or the terms and conditions of a permit 32070  
issued under it. The chief or the chief's duly authorized 32071  
representative may enter at reasonable times on any private or 32072  
public property to inspect and investigate conditions relating to 32073  
any such alleged act of noncompliance and, if necessary, may apply 32074  
to the court of common pleas having jurisdiction for a warrant 32075  
permitting the entrance and inspection. 32076

Sec. 1522.20. (A)(1) The chief of the division of ~~soil and~~ 32077  
water resources may issue an order to a person that the chief 32078  
determines has violated, is violating, or is threatening to 32079  
violate any provisions of this chapter, rules adopted under it, or 32080  
permits or orders issued under it. The order shall be effective 32081  
upon issuance and shall identify the facility where the violation 32082  
has occurred, is occurring, or is threatened to occur, the 32083  
specific violation, and actions that the owner or operator of the 32084  
facility must take to comply with the order. The order shall 32085  
establish a reasonable date by which the owner or operator must 32086  
comply with the order. 32087

(2) An order issued under division (A)(1) of this section 32088  
shall be in writing and shall contain a finding of the facts on 32089  
which the order is based. Notice of the order shall be given by 32090  
certified mail to the applicable owner or operator of a facility. 32091  
Notice also shall be provided to a person who initiated a 32092  
complaint that resulted in the order and shall be posted on the 32093  
web site of the department of natural resources in a manner 32094  
prescribed by the chief. 32095

(B)(1) The chief, by order, may propose to suspend or revoke 32096  
a permit issued under this chapter if the chief determines that 32097  
any term or condition of the permit is being violated. The chief's 32098  
order shall identify the facility where the violation allegedly 32099  
occurred, describe the nature of the violation, and prescribe what 32100  
action the permittee may take to bring the facility into 32101  
compliance with the permit. The chief shall fix and specify in the 32102  
order a reasonable date or time by which the permittee must 32103  
comply. The order shall state that the chief may suspend or revoke 32104  
the permit if the permittee fails to comply with the order by that 32105  
date or time. If on that date or time the chief finds that the 32106  
permittee has not complied with the order, the chief may issue a 32107  
new order suspending or revoking the permit. 32108



(2) The chief or the chief's designee may enter on private or public lands and take action to mitigate, minimize, remove, or abate the conditions caused by a violation that is the subject of an order issued under division (B)(1) of this section.

(C) The attorney general, upon written request of the chief, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it. The attorney general shall bring the action in the court of common pleas of Franklin county or the county where the applicable facility is located. In an action for injunction, any factual findings of the chief presented at a hearing conducted under division (A) of section 1522.21 of the Revised Code is prima-facie evidence of the facts regarding the order that is the subject of the hearing.

(D) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of ~~soil and~~ water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs in the court of common pleas of Franklin county. Moneys recovered under this division shall be deposited in the state treasury to the credit of the water management fund created in section 1501.32 of the Revised Code.

**Sec. 1522.21.** (A) As used in this section, "person who is or will be aggrieved or adversely affected" means a person with a direct economic or property interest that is or will be adversely

affected by an order or rule issued or adopted by the chief of the 32140  
division of ~~soil and~~ water resources under this chapter. 32141

(B)(1) Before issuance of a final order denying the issuance 32142  
of a permit under section 1522.11, 1522.12, or 1522.131 of the 32143  
Revised Code, denying a transfer under section 1522.15 of the 32144  
Revised Code, denying a petition to the chief under section 32145  
1522.16 of the Revised Code, or denying a request for 32146  
confidentiality under section 1522.17 of the Revised Code, or 32147  
before the issuance of a final order under section 1522.20 of the 32148  
Revised Code, the chief shall issue a proposed order indicating 32149  
the chief's intent to issue a final order. If the chief receives a 32150  
written objection from a person who is or will be aggrieved or 32151  
adversely affected by the issuance of the final order, the chief 32152  
shall conduct an adjudication hearing with respect to the proposed 32153  
order in accordance with Chapter 119. of the Revised Code. A 32154  
person who is or will be aggrieved or adversely affected by the 32155  
issuance of the final order and who submitted a written objection 32156  
under this division may be a party to the adjudication. 32157

(2) Any person who is issued a proposed order or a final 32158  
order by the chief shall be a party in any administrative or legal 32159  
proceeding in which the proposed order or final order is at issue. 32160  
This division is in addition to any other rights that a person may 32161  
have as a person aggrieved or adversely affected. 32162

(C)(1) After the issuance of a final order, a person who is 32163  
or will be aggrieved or adversely affected by the issuance of the 32164  
order may appeal the order to the court of common pleas of 32165  
Franklin county or the court of common pleas of the county in 32166  
which the facility that is the subject of the order is located. 32167  
Subject to the exceptions specified in section 2506.03 of the 32168  
Revised Code, the court is confined to the record as certified to 32169  
it by the chief if an adjudication hearing was conducted by the 32170

chief under division (B) of this section. However, the court also 32171  
may grant a request for the admission of additional evidence when 32172  
satisfied that the additional evidence is newly discovered and 32173  
could not with reasonable diligence have been ascertained prior to 32174  
the hearing before the chief. If no adjudication hearing was 32175  
conducted under division (B) of this section, the court shall 32176  
conduct a hearing de novo. 32177

(2) The filing of an appeal under division (C)(1) of this 32178  
section does not automatically suspend the order that is the 32179  
subject of the appeal. Upon application by the appellant, the 32180  
court may suspend or stay the order, pending an immediate hearing 32181  
on the appeal. 32182

(3) If the court finds that the order was lawful and 32183  
reasonable, it shall issue a written order affirming the order. If 32184  
the court finds that the order was unreasonable or unlawful, it 32185  
shall issue a written order vacating or modifying the order. The 32186  
judgment of the court is final unless reversed, vacated, or 32187  
modified on appeal. 32188

(4) Attorney's fees shall not be awarded to any party to an 32189  
administrative or legal proceeding under this section. 32190

**Sec. 1523.01.** In addition to all other powers granted to and 32191  
duties devolving upon the chief of the division of ~~soil and~~ water 32192  
resources, when in the chief's judgment it is for the public 32193  
welfare and the best interests of the citizens of the state that 32194  
the surplus, flood, and other waters of any of the watersheds, 32195  
rivers, streams, watercourses, or public waters should be 32196  
conserved, impounded, and stored in order to insure and promote 32197  
the public health, welfare, and safety and to encourage and 32198  
promote agriculture, commerce, manufacturing, and other public 32199  
purposes, such chief shall proceed in furtherance of the purposes 32200  
of sections 1523.01 to 1523.13 of the Revised Code, and for the 32201

preservation of the use of such waters for navigation, in case 32202  
such waters are required for navigation, to construct such 32203  
reservoirs, dams, storage basins, dikes, canals, raceways, and 32204  
other improvements as are necessary for such purposes, or the 32205  
chief may make additions to, enlarge, and make alterations in and 32206  
upon such reservoirs, dams, storage basins, dikes, canals, 32207  
raceways, and other improvements already in existence and 32208  
constituting a part of the public works, as are necessary for such 32209  
purposes. Any rights or privileges granted by sections 1523.01 to 32210  
1523.13 of the Revised Code, shall not interfere with the control 32211  
and maintenance of the state reservoirs or public parks which have 32212  
been dedicated to the public for purposes of recreation and 32213  
pleasure. 32214

The chief, subject to the written approval of the director of 32215  
natural resources and the governor, may acquire by gift, purchase, 32216  
or by appropriation proceedings, in the name of and on behalf of 32217  
the state, such real and personal property, rights, privileges, 32218  
and appurtenances as are necessary in the chief's judgment for the 32219  
construction of such reservoirs, dams, storage basins, dikes, 32220  
canals, raceways, and other improvements, or for the alteration, 32221  
enlargement, or maintenance of existing reservoirs, dams, and 32222  
other improvements, together with such rights of way, drives, and 32223  
roadways as are necessary for convenient access thereto. The 32224  
appropriation proceedings referred to in this section shall be 32225  
restricted to private property only. 32226

Before proceeding to purchase or appropriate any such 32227  
property or rights, the cost of which, together with the land or 32228  
real estate necessary upon which to locate and construct such 32229  
improvements, including damages to remaining property, is in 32230  
excess of one thousand dollars, the chief shall prepare plans, 32231  
specifications, and estimates of such cost, including all material 32232  
and labor therefor, together with the cost of such land or real 32233

estate and damages, and shall thereupon submit such plans, 32234  
specifications, and estimates to the director, who in turn shall 32235  
submit them to the governor for approval. 32236

The governor shall thereupon publish written notice once a 32237  
week for two consecutive weeks in a newspaper published in and of 32238  
general circulation in the counties where any such improvements 32239  
are proposed to be constructed, setting forth the location and 32240  
character of the proposed improvements, that the plans, 32241  
specifications, and estimates therefor are on file in the 32242  
governor's office, and that objections thereto will be heard by 32243  
the governor on a day to be named in the notice, which day shall 32244  
be not less than ten nor more than twenty days after the first 32245  
publication thereof. Within thirty days after the date fixed for 32246  
the hearing, the governor shall return such plans, specifications, 32247  
and estimates to the director, with the governor's written 32248  
approval or rejection thereof indorsed thereon. The director shall 32249  
immediately return such plans, specifications, and estimates, 32250  
together with the governor's indorsement thereon, to the chief. 32251

Any instrument by which real property is acquired pursuant to 32252  
this section shall identify the agency of the state that has the 32253  
use and benefit of the real property as specified in section 32254  
5301.012 of the Revised Code. 32255

**Sec. 1523.02.** If the governor approves the plans, 32256  
specifications, and estimates authorized by section 1523.01 of the 32257  
Revised Code, the chief of the division of ~~soil and~~ water 32258  
resources shall thereupon proceed, as provided in sections 1523.02 32259  
to 1523.13 of the Revised Code, to construct the improvements or 32260  
to make alterations in or to enlarge those already existing, in 32261  
such manner and form as is shown by such plans and specifications. 32262  
In order to provide the funds for such construction, alteration, 32263  
or enlargement, the chief shall issue and sell bonds of the state, 32264

not in excess of the estimated cost of such improvements. The 32265  
bonds shall be issued in denominations of not less than one 32266  
hundred dollars payable as a whole or in series on or before fifty 32267  
years from the date thereof, with interest not to exceed the rate 32268  
provided in section 9.95 of the Revised Code, payable either 32269  
annually or semiannually. 32270

The bonds shall show on their face the purpose for which 32271  
issued and shall create no liability upon or be considered an 32272  
indebtedness of the state, but both the principal and interest 32273  
shall be paid solely out of the proceeds arising from the 32274  
improvements constructed, altered, or enlarged by the chief, or 32275  
from the proceeds of the sale or foreclosure of the lien securing 32276  
the bonds on such improvement or such part thereof as is 32277  
constructed from the money realized from the sale of the bonds. 32278

The form of the bonds shall be approved by the attorney 32279  
general, and they shall be signed by the governor and attested by 32280  
the director of natural resources and the chief. The bonds may be 32281  
issued as coupon bonds, payable to bearer only, or upon demand of 32282  
the owner or holder thereof as registered bonds. 32283

Such bonds shall be sold by the chief to the highest bidder 32284  
therefor, but for not less than the par value thereof, with 32285  
accrued interest thereon, after thirty days' notice in at least 32286  
two newspapers of general circulation in the county where such 32287  
improvements are to be constructed, altered, or enlarged, setting 32288  
forth the nature, amount, rate of interest, and length of time the 32289  
bonds have to run, with the time and place of sale. 32290

The treasurer of state shall be the treasurer of the fund 32291  
realized from the sale of such bonds, and the auditor of state 32292  
shall be the auditor of such fund. The proceeds of such sale shall 32293  
be turned over to the treasurer of state and shall be deposited by 32294  
the treasurer of state in a solvent bank, located either in 32295  
Columbus or in the county in which such improvements are located. 32296

Such proceeds shall be kept by such bank in a fund to be known as 32297  
the water conservation improvement fund. Such fund shall be used 32298  
to acquire the necessary real estate and to construct such new 32299  
improvements and for no other purpose, except that the treasurer 32300  
of state may pay the interest on the bonds during the period of 32301  
condemnation and the construction, alteration, or enlargement of 32302  
such improvements out of the proceeds arising from the sale of the 32303  
bonds for a term not exceeding three years from the date on which 32304  
the bonds are issued. The bank shall give bond to the state in 32305  
such amount as the treasurer of state considers advisable, and 32306  
with surety to the satisfaction of the treasurer of state, for the 32307  
benefit of the holders of the bonds, and for the benefit of any 32308  
contractors performing labor or furnishing material for such 32309  
improvements, as provided by law, conditioned that it will safely 32310  
keep the money and will make no payments or disbursements 32311  
therefrom except as provided in sections 1523.01 to 1523.13 of the 32312  
Revised Code. 32313

The treasurer of state shall hold such fund as trustee for 32314  
the holders of the bonds and for all persons performing labor or 32315  
furnishing material for the construction, alteration, or 32316  
enlargement of any improvement made under such sections. Such 32317  
funds shall not be turned into the state treasury, but shall be 32318  
deposited and disbursed by the treasurer of state as provided in 32319  
such sections. The interest coupons attached to such bonds shall 32320  
bear the signature of the treasurer of state, executed by the 32321  
treasurer of state or printed or lithographed thereon. 32322

Both the interest and principal of such bonds shall be made 32323  
payable at the office of the treasurer of state in Columbus, and 32324  
shall be paid by the treasurer of state, without warrant or 32325  
authority of the director of budget and management, to the owner 32326  
or holder of such bonds upon presentation by the owner or holder 32327  
of matured interest coupons or bonds. 32328

**Sec. 1523.03.** Immediately after the sale of the bonds 32329  
authorized by section 1523.02 of the Revised Code and the payment 32330  
of the proceeds thereof to the treasurer of state as provided in 32331  
such section, the chief of the division of ~~soil and~~ water 32332  
resources shall make a written contract for the construction of 32333  
the improvements or for the making of additions to or alterations 32334  
in existing improvements with the lowest responsive and 32335  
responsible bidder, in accordance with section 9.312 of the 32336  
Revised Code, after advertisements once a week for four 32337  
consecutive weeks in one newspaper in each of the cities of 32338  
Columbus, Cleveland, and Cincinnati having a general circulation 32339  
therein, one trade paper having a circulation among contractors 32340  
engaged in the construction of public improvement work of like 32341  
character, and two newspapers having a general circulation within 32342  
the county in which the dam, reservoir, storage basin, or other 32343  
improvement is located or is to be located. 32344

All bids shall be filed with the chief, within the time fixed 32345  
for the filing of such bids in the advertisement. The bids shall 32346  
be opened and publicly read by the chief at twelve noon on the 32347  
last day for filing them. Each bid shall contain the full names of 32348  
every person or company interested in it, shall separately state 32349  
the price of both the labor and material to be furnished under it, 32350  
and shall meet the requirements of section 153.54 of the Revised 32351  
Code. 32352

The chief may reject any bids. If the chief rejects all bids, 32353  
the chief shall within sixty days thereafter readvertise for bids 32354  
for the construction of such improvements, as provided in this 32355  
section, and may continue to readvertise for bids every sixty days 32356  
until bids are received which are made to the chief's satisfaction 32357  
and in conformity to sections 1523.01 to 1523.13 of the Revised 32358  
Code. 32359



The chief may award separate contracts to bidders for each 32360  
part of the labor to be done or material to be furnished for the 32361  
construction of such improvements, provided that the amount of the 32362  
contract, if awarded as a whole, or the aggregate of the several 32363  
contracts, if awarded separately, shall not, together with the 32364  
cost of the land necessary for such improvements and the estimated 32365  
damages to remaining property, be in excess of the estimated cost 32366  
of the construction thereof, including such land and damages. Such 32367  
contracts shall provide that all payments thereunder shall be made 32368  
only from the proceeds of the sale of the bonds issued for the 32369  
construction of such improvements. No contractor shall receive 32370  
payment for any work or labor performed or material furnished for 32371  
such improvements unless the contract therefor was, at the time of 32372  
its execution, approved by the governor by the governor's written 32373  
indorsement on such contract. 32374

**Sec. 1523.04.** When estimates or statements for either 32375  
material theretofore furnished or labor theretofore performed 32376  
under a contract entered into as provided in section 1523.03 of 32377  
the Revised Code are presented to the chief of the division of 32378  
~~soil and~~ water resources by the contractor, certified as to the 32379  
correctness thereof under oath by the contractor or the 32380  
contractor's authorized agent and approved in writing by the 32381  
chief, the chief shall pay the amount of such estimates or 32382  
statements from the water conservation improvement fund. 32383

**Sec. 1523.05.** The chief of the division of ~~soil and~~ water 32384  
resources shall by contract in writing sell or lease for 32385  
agricultural, commercial, manufacturing, or other lawful purposes, 32386  
for any term not exceeding fifty years, the water, or any part 32387  
thereof, conserved and stored by the improvements then existing, 32388  
or that will be conserved and stored by any improvements 32389  
thereafter to be constructed by the chief. The chief may lease the 32390

land surrounding the water for a term not exceeding fifty years, 32391  
as shown by the plans and specifications prepared by the chief and 32392  
approved by the governor as provided in section 1523.01 of the 32393  
Revised Code. Such agreements shall be for a certain price or 32394  
rental for the water or lands furnished to or used by the 32395  
grantees, lessees, or their assigns, to be paid quarterly, 32396  
semiannually, or annually as the chief deems advisable. 32397

The chief may, for a term not exceeding fifty years, sell or 32398  
lease power generated by any head of water raised or maintained by 32399  
any such improvement, or the chief may sell or lease the right to 32400  
use such head of water for generating power or other hydraulic 32401  
purposes. 32402

All such contracts of sale or lease, whether for water or 32403  
power, shall contain such reservations or restrictions as the 32404  
chief deems necessary and proper in furtherance of the purposes of 32405  
sections 1523.01 to 1523.13 of the Revised Code, and the 32406  
preservation of the use of such waters for navigation in case they 32407  
are required therefor. 32408

Such contracts or leases shall be approved by the attorney 32409  
general as to their general form and legality and, before becoming 32410  
binding obligations on the state, they shall be approved by the 32411  
governor by the governor's written indorsement thereon. 32412

**Sec. 1523.06.** (A) The chief of the division of ~~soil and~~ water 32413  
resources before selling bonds as provided in section 1523.02 of 32414  
the Revised Code or before receiving bids for the construction of 32415  
improvements as authorized by section 1523.03 of the Revised Code 32416  
may enter into tentative agreements for the sale or lease of water 32417  
or power to: 32418

(1) Ascertain whether the public interest and welfare 32419  
reasonably require the proposed improvements in the proposed 32420  
locality; 32421

(2) Determine whether the revenues which the state may derive 32422  
from the lease of lands and the lease and sale of the waters which 32423  
are estimated will be conserved, impounded, and stored, or from 32424  
the sale or lease of the power generated by such improvements, 32425  
will be sufficient: 32426

(a) To pay the interest on bonds issued under section 1523.02 32427  
of the Revised Code; 32428

(b) To create a sinking fund to retire the bonds at their 32429  
maturity; 32430

(c) To maintain and keep the improvements in repair. 32431

(B) The performance and carrying out of such tentative 32432  
agreements shall be conditioned upon the ability of such chief to: 32433

(1) Sell the proposed bonds at not less than par and accrued 32434  
interest; 32435

(2) Secure bids for the furnishing of all the labor and 32436  
material necessary in the construction of such improvements, 32437  
including all real estate required and damages incurred, at such a 32438  
price that the rentals or compensation to be paid will provide 32439  
during the terms of such contracts or leases a sum sufficient to 32440  
pay the interest, retire the bonds, and maintain and keep the 32441  
improvements in repair. 32442

**Sec. 1523.07.** The treasurer of state shall be treasurer and 32443  
the auditor of state shall be auditor of all moneys derived from 32444  
the use of the improvements authorized by sections 1523.01 to 32445  
1523.13 of the Revised Code. The treasurer of state shall hold the 32446  
moneys as trustee for the maintenance of any improvements 32447  
constructed under such sections, and for the holders of any bonds 32448  
issued in accordance with section 1523.02 of the Revised Code. The 32449  
moneys shall not be turned into the state treasury, but shall be 32450  
deposited and disbursed by the treasurer of state in the manner 32451

provided in this section. All such moneys shall be collected by 32452  
the treasurer of state on statements to be furnished by the chief 32453  
of the division of ~~soil and~~ water resources and when so collected 32454  
shall be deposited in solvent banks in the state upon the same 32455  
terms as state funds are now loaned. The funds shall be kept by 32456  
such banks in a fund known as the "water conservation fund" and 32457  
shall be used, first, to maintain and keep in repair the dams, 32458  
reservoirs, storage basins, and other improvements, and, second, 32459  
to pay the interest upon and principal of the bonds issued and 32460  
sold pursuant to section 1523.02 of the Revised Code, as such 32461  
interest falls due or the bonds mature. 32462

The banks in which the treasurer of state deposits any of the 32463  
moneys belonging either to the water conservation improvement fund 32464  
provided for in section 1523.02 of the Revised Code or the water 32465  
conservation fund provided for in this section shall be state 32466  
depository banks as provided for in sections 135.01 to 135.21 of 32467  
the Revised Code. An amount not to exceed fifty thousand dollars 32468  
of the money on deposit at any one time in the water conservation 32469  
improvement fund, and an amount not to exceed ten thousand dollars 32470  
in the water conservation fund shall be held by any of the banks 32471  
as an active deposit, and the banks shall pay the treasurer of 32472  
state on such deposits, both active and inactive, the same rate of 32473  
interest then being paid by them upon the funds of the state then 32474  
deposited with them by the treasurer of state. All such payments 32475  
of interest shall be credited to the respective funds upon which 32476  
such interest is paid. 32477

**Sec. 1523.08.** When the cost of any repairs to the 32478  
improvements authorized by section 1523.01 of the Revised Code 32479  
does not exceed one thousand dollars, the chief of the division of 32480  
~~soil and~~ water resources either may make such repairs or may let a 32481  
contract therefor without advertising for bids. If the cost of any 32482  
such repairs is in excess of one thousand dollars, the chief shall 32483

advertise for bids for the making of such repairs and let a 32484  
contract therefor as provided in section 1523.03 of the Revised 32485  
Code. 32486

When itemized statements are presented to the chief showing 32487  
the amount of labor performed and material furnished in the making 32488  
of such repairs, verified by the person making them and approved 32489  
in writing by the chief, the chief shall pay the amount of such 32490  
statement from the water conservation fund. 32491

**Sec. 1523.09.** If a reservoir, dam, storage basin, or other 32492  
improvement constructed or enlarged by the chief of the division 32493  
of ~~soil and~~ water resources as provided in sections 1523.01 to 32494  
1523.13 of the Revised Code constitutes a part of the canal system 32495  
of the state or is located upon any river, stream, or body of 32496  
water formerly used as a feeder for the canal system, no water 32497  
shall be sold or leased from the improvement except in accordance 32498  
with section 1520.03 of the Revised Code. 32499

**Sec. 1523.10.** The funds derived from the sale, use, or lease 32500  
of the water impounded and conserved or the power generated by the 32501  
improvements constructed pursuant to sections 1523.01 to 1523.13 32502  
of the Revised Code, or from the lease of the lands and 32503  
improvements adjacent thereto are hereby expressly pledged for the 32504  
purpose of maintaining and keeping the improvements in repair and 32505  
for the payment of the interest on and principal of the bonds 32506  
issued under section 1523.02 of the Revised Code, as the same fall 32507  
due and mature. The owners of such bonds are hereby given a lien 32508  
for the payment of the principal and interest of such bonds upon 32509  
any dam, reservoir, storage basin, or other improvements, or any 32510  
part thereof, with the appurtenances belonging thereto, 32511  
constructed by the chief of the division of ~~soil and~~ water 32512  
resources with the funds derived from the sale of such bonds. 32513

If default is made in the payment of the interest on any of 32514  
the bonds for three or more successive years, or if bonds, 32515  
aggregating in par value not less than ten per cent of the total 32516  
amount of such bonds then outstanding are not paid at maturity, 32517  
then all of the bonds, both principal and interest, shall become 32518  
due and payable, and the owners of any of the bonds, aggregating 32519  
in par value not less than ten per cent of the total amount of 32520  
such bonds then outstanding, may institute proceedings to 32521  
foreclose such lien against the state in the court of common pleas 32522  
of the county in which is located any of the improvements, 32523  
constructed, altered, or enlarged out of the proceeds of the sale 32524  
of such bonds. 32525

The court shall have jurisdiction of such action with full 32526  
power to foreclose such lien and to make an order to the sheriff 32527  
of the county, acting as a master commissioner, directing the 32528  
sheriff to make a sale of such improvements or part thereof at not 32529  
less than two-thirds of the appraised value thereof, and upon such 32530  
terms and in manner and form as provided for in the order, and to 32531  
pay the proceeds of such sale to the clerk of the court of common 32532  
pleas. Upon motion of the purchaser of such improvements at such 32533  
sale, the court, if such sale is found to be regular in all 32534  
respects and according to law, shall confirm the sale and order 32535  
the sheriff to execute a deed to such purchaser and the 32536  
purchaser's assigns, conveying to the purchaser and the 32537  
purchaser's assigns all the right, title, and interest of the 32538  
holders of the bonds in and to the improvements, and all the 32539  
right, title, and interest of the state, for a period of not more 32540  
than fifty years from the date of such conveyance, in the same, 32541  
with full right and franchise, for the period of not to exceed 32542  
fifty years, to operate the improvements and dispose of the water 32543  
conserved or the power generated thereby, with the further right, 32544  
for the period of fifty years, to flow, transport, and convey the 32545  
water from the improvements, or to conduct and transmit power 32546

generated thereby through, over, and upon any of the lands of the 32547  
state or channels or beds of any of its reservoirs, lakes, canals, 32548  
races, aqueducts, or watercourses. In the exercise of such rights, 32549  
such purchaser or the purchaser's assigns shall at all times 32550  
during the term of the grant maintain the improvements so conveyed 32551  
to them in a good state of repair and shall not interfere with the 32552  
navigation of the canals of the state or with the control and 32553  
maintenance thereof or with the sale of water by the state from 32554  
its dams, reservoirs, and improvements other than those so 32555  
constructed. The state does not incur any liability by reason of 32556  
such sale and the rights granted thereunder to continue to 32557  
maintain such canals, races, channels, or watercourses, or to 32558  
continue the use thereof. Such conveyance or grant by the sheriff 32559  
as such master commissioner shall contain a clause giving the 32560  
chief such control of waste gates and wickets as to regulate the 32561  
flow of water in the state reservoirs or canals, in such manner as 32562  
to maintain the proper level therein and to prevent the flowing 32563  
into such reservoirs and canals of such quantities of water as 32564  
might impair any of the property of the state or its lessees, 32565  
except as otherwise provided in section 1520.03 of the Revised 32566  
Code. 32567

Upon the foreclosure of the lien and the sale of the 32568  
improvements, all contracts or leases for the sale, use, or lease 32569  
of water, the lands and improvements adjacent thereto, or power 32570  
rights then outstanding shall become void, and the rights of the 32571  
state and the several lessees thereunder, shall cease. 32572

Upon the making of an order by the court for the sale of such 32573  
improvements, and before they are offered for sale by the sheriff, 32574  
the court shall appoint three disinterested appraisers, one of 32575  
whom shall be a water-works or hydraulic engineer with at least 32576  
five years' experience in the practice of the engineer's 32577  
profession, and two of whom shall be freeholders residing in the 32578

county in which any of such improvements are located. The 32579  
appraisers shall appraise the improvements and shall, within the 32580  
time fixed by the court, file such appraisal in writing with the 32581  
clerk. If the lien given by this section as security for the 32582  
payment of the bonds covers a part only of the improvements, the 32583  
appraisers shall appraise the improvements as an entirety, and 32584  
shall also appraise separately the part constructed from the 32585  
proceeds of the sale of the bonds, the lien of which is being 32586  
foreclosed in such proceeding. 32587

In making such appraisal and fixing the value of the 32588  
improvements or of such part thereof, the appraisers shall have 32589  
access to all papers and documents on file in the office of the 32590  
chief relating to such improvements, including the plans and 32591  
specifications therefor, and the bids made and contracts entered 32592  
into for the construction thereof, and all leases and contracts 32593  
for the sale of water impounded therein and power generated 32594  
thereby. The order of the court shall direct the sale only of such 32595  
part of the improvements as have been constructed from the 32596  
proceeds of the sale of the bonds. The purchaser at such sale, in 32597  
the operation of such improvements during the term of the 32598  
franchise granted to the purchaser by this section, shall draw 32599  
from the dam or reservoir impounding such water only such portion 32600  
thereof as the appraised value of that part of such improvements, 32601  
constructed from the proceeds of the sale of such bonds and sold 32602  
to the purchaser under the order of the court, bears to the entire 32603  
appraised value of such improvements. 32604

If at any time during the term of the franchise granted to 32605  
the purchaser of such improvements at such foreclosure sale any 32606  
controversy arises between the purchaser or the purchaser's 32607  
assigns and the chief as to the operation of such improvements, or 32608  
as to the amount of water which the purchaser is drawing or is 32609  
entitled to draw therefrom, either the purchaser or the chief may 32610



file a petition in the court, setting forth the facts connected 32611  
with such controversy. 32612

Notice in writing of the filing of such petition shall be 32613  
given to the opposite party to the controversy within thirty days 32614  
from the date of the filing thereof, either by service of such 32615  
notice personally upon such opposite party by the sheriff of such 32616  
county or by service by mail by the clerk. Such notice shall be 32617  
mailed to the name and address which the purchaser filed with the 32618  
clerk at the time of the delivery to the purchaser by the sheriff 32619  
of the deed. Within thirty days from the serving or mailing of 32620  
such notice, the opposite party to the controversy shall file an 32621  
answer in the court, and thereupon the court shall hear and 32622  
determine the controversy and make such order in regard to it as 32623  
is just and proper, which order shall be binding upon all the 32624  
parties to the controversy. 32625

At the termination of the period of not to exceed fifty 32626  
years, all of the rights and privileges conveyed to the purchaser 32627  
by the deed and grant of such sheriff as master commissioner shall 32628  
cease and the improvements, with all the appurtenances belonging 32629  
thereto, shall revert to and become the property of the state, 32630  
free and clear of any claims whatever against them. 32631

The clerk shall distribute and pay the money received by the 32632  
clerk from the sheriff as such master commissioner from the sale 32633  
of such improvements to the holders of the bonds pro rata, and 32634  
upon such payment to any of the bondholders, they shall surrender 32635  
to the ~~the~~ clerk their bonds, with all unpaid interest coupons 32636  
thereon. The clerk shall thereupon cancel the same and deliver 32637  
them, so canceled, to the treasurer of the water conservation 32638  
improvement fund. 32639

**Sec. 1523.11.** All appropriations of property made by the 32640  
chief of the division of ~~soil and~~ water resources in carrying out 32641

sections 1523.01 to 1523.13 of the Revised Code, shall be made in 32642  
accordance with sections 163.01 to 163.22 of the Revised Code, 32643  
provided that possession of any property so appropriated shall not 32644  
be taken by the state or the chief before the compensation and 32645  
damages awarded therefor in the appropriation proceedings have 32646  
been paid into court. 32647

**Sec. 1523.12.** Sections 1523.01 to 1523.13 of the Revised Code 32648  
do not authorize any reduction in the quantity or any impairment 32649  
in the quality of the water in any watershed, stream, or basin, 32650  
developed or undeveloped, from which any political subdivision is, 32651  
at the time the chief of the division of ~~soil and~~ water resources 32652  
proposes and is proceeding to construct in such watershed, stream, 32653  
or basin any of the improvements authorized by such sections, 32654  
taking water for the use of itself or its inhabitants, or has 32655  
plans under way, or has made or begun appropriation of any 32656  
property or rights in such watershed, stream, or basin for the 32657  
purpose of acquiring a water supply for itself or its inhabitants 32658  
for either domestic, industrial, or other uses. Such sections do 32659  
not authorize the chief to sell or lease the right to use water at 32660  
any time for any purpose or to such an extent as to prejudice, 32661  
abrogate, or supersede any of the water rights granted by the 32662  
state to the city of Akron as provided in volume 102, Ohio Laws, 32663  
page 175, sections 1 to 3. 32664

**Sec. 1523.13.** If by reason of severe drought or other causes 32665  
the water supply of any political subdivision is, in the judgment 32666  
of the chief of the division of ~~soil and~~ water resources, at any 32667  
time so reduced or impaired as to endanger the property of such 32668  
political subdivision, or the health, safety, or property of the 32669  
inhabitants thereof, then the chief, under such regulations as the 32670  
chief prescribes, may grant to such political subdivision the 32671  
right, during the continuance of such emergency, to draw or take 32672

such quantity of water as is necessary to protect the property of 32673  
such political subdivision and the health, safety, or property of 32674  
its inhabitants from any improvement constructed under sections 32675  
1523.01 to 1523.13 of the Revised Code, before any of the lessees 32676  
or grantees of the state using the water for industrial purposes 32677  
take water therefrom. Such political subdivision shall pay such 32678  
price per thousand gallons for the water so taken by it as is 32679  
fixed by the chief and the governor. The price so fixed shall not 32680  
exceed the maximum price then being paid for water to the state by 32681  
any of its lessees or grantees. Such grant by the chief to such 32682  
political subdivision shall not modify the terms or impair the 32683  
validity of any leases then existing between the state and other 32684  
persons, firms, or corporations, except as expressly provided in 32685  
this section. 32686

**Sec. 1523.14.** The director of transportation in constructing 32687  
highways, bridges, and culverts as provided by law; the board of 32688  
county commissioners in constructing highways, bridges, and 32689  
culverts as provided by law; the board of township trustees of any 32690  
township in constructing highways, bridges, and culverts as 32691  
provided by law; and any municipal corporation constructing or 32692  
improving viaducts, bridges, and culverts under section 717.01 of 32693  
the Revised Code, either severally or jointly, upon request of the 32694  
chief of the division of ~~soil and~~ water resources and with the 32695  
approval of the director of transportation, may construct and 32696  
maintain slack-water dams in connection with the highway, highway 32697  
bridge, or culvert so as to create reservoirs, ponds, water parks, 32698  
basins, lakes, or other incidental works to conserve the water 32699  
supply of the state. 32700

**Sec. 1523.15.** The chief of the division of ~~soil and~~ water 32701  
resources may request the public authority having charge of the 32702  
construction of state, county, or township highways, highway 32703

bridges, and culverts, or municipal streets, for the construction 32704  
of slack-water dams in connection with the construction of any 32705  
such highway, street, highway bridge, or culvert whenever, in the 32706  
chief's opinion, the construction of such dam is desirable and 32707  
feasible for the economical creation and construction of 32708  
reservoirs, ponds, water parks, basins, lakes, or other incidental 32709  
works for the conservation of the water supply of the state. 32710

The public authority having charge of such construction may 32711  
approve such request when, in its opinion, the construction of 32712  
such dams will not unnecessarily delay or hinder the construction 32713  
of the highway, street, highway bridge, or culvert, or will not 32714  
interfere with its value or use for highway purposes. 32715

If such request is approved, the chief, in cooperation with 32716  
the department of transportation and the public authority 32717  
participating in the project, shall make a survey and prepare 32718  
plans, specifications, and estimates for the construction of such 32719  
dams and the reservoir, pond, water park, basin, lake, or other 32720  
incidental works in connection therewith. 32721

Upon approval of the plans and specifications and 32722  
determination to proceed with the project, the chief shall enter 32723  
into an agreement with the public authority on the distribution of 32724  
the cost and expense of the construction of such dams and 32725  
incidental works in connection therewith. The portion of the cost 32726  
to be paid by the division of ~~soil and~~ water resources shall be 32727  
paid from any funds appropriated for or paid into the division and 32728  
available for such purpose. 32729

Such dams shall be constructed under and subject to any laws 32730  
governing the construction of state, county, or township highways, 32731  
bridges, or culverts. Any public authority undertaking 32732  
construction under sections 1523.14 to 1523.20 of the Revised Code 32733  
shall proceed in the same manner as provided for the construction 32734  
of highway or street improvements. 32735

**Sec. 1523.16.** Any department or division of the state 32736  
government, or any county, township, municipal corporation, park 32737  
board, or district, or any organization, club, corporation, or 32738  
private person may petition the chief of the division of ~~soil and~~ 32739  
water resources for the construction of dams and reservoir 32740  
projects in connection with the construction of any highway, 32741  
highway bridge, or culvert. 32742

Upon receipt of such a petition and its approval by the 32743  
chief, the chief shall proceed as authorized by section 1523.15 of 32744  
the Revised Code. If the public authority having charge of the 32745  
construction of such highway, street, highway bridge, or culvert 32746  
approves the request, then the chief shall enter into an agreement 32747  
with the public authority, organization, or person petitioning for 32748  
the construction of such dam or reservoir on the apportionment of 32749  
the cost and expense of construction. The cost and expense of such 32750  
dam project shall include the cost of clearing and grubbing and 32751  
the cost of property and damages incidental thereto. Such 32752  
agreement shall also contain provisions for the proper maintenance 32753  
and repair of such projects after completion, and also apportion 32754  
the revenue derived therefrom between the division of ~~soil and~~ 32755  
water resources and the petitioner. 32756

**Sec. 1523.17.** In all cases in which a public authority, 32757  
private organization, or person petitions for the construction of 32758  
a dam and reservoir project as authorized by sections 1523.14 to 32759  
1523.20 of the Revised Code, the chief of the division of ~~soil and~~ 32760  
water resources, as a condition precedent to the construction of 32761  
such project, shall require the petitioning authority, 32762  
organization, or person to pay the petitioning authority's, 32763  
organization's, or person's share of the cost and expense of such 32764  
project. 32765

Any deficiency shall be made up by the parties bearing the 32766

cost before any further work is done. If the deficiency is not 32767  
made up within sixty days after it is known, the amount paid in, 32768  
less the expense incurred by the chief and the cooperating public 32769  
authorities, shall be refunded to the donor. After completion of 32770  
the work, any amount remaining to the credit of the project shall 32771  
likewise be refunded. 32772

**Sec. 1523.18.** In the construction of dams, reservoirs, and 32773  
other incidental works under sections 1523.14 to 1523.20 of the 32774  
Revised Code, the chief of the division of ~~soil and~~ water 32775  
resources shall proceed as provided by law, and shall enter into 32776  
contracts therefor as provided in sections 153.01 to 153.29 of the 32777  
Revised Code. The director of transportation, the chief of the 32778  
division of wildlife with the approval of the director of natural 32779  
resources, and any county, township, municipal corporation, and 32780  
public park board or district may proceed with the letting of 32781  
contracts for the construction of such dams or reservoir projects, 32782  
approved by the chief of the division of ~~soil and~~ water resources, 32783  
under any laws regulating the letting of contracts applicable to 32784  
their respective departments, divisions, districts, or political 32785  
subdivisions, and the authority of sections 1523.14 to 1523.20 of 32786  
the Revised Code. 32787

**Sec. 1523.19.** The chief of the division of ~~soil and~~ water 32788  
resources shall have the supervision, care, and control of all 32789  
dams, reservoirs, ponds, water parks, basins, lakes, or other 32790  
incidental works constructed under sections 1523.14 to 1523.20 of 32791  
the Revised Code, and shall maintain and keep them in repair. The 32792  
cost of such maintenance and repair shall be paid from any funds 32793  
appropriated to the division of ~~soil and~~ water resources for that 32794  
purpose or paid into the state treasury as agreed upon with the 32795  
public or contracting authorities co-operating in the construction 32796  
of such projects. 32797

Such projects may also be maintained by any department or 32798  
division of state government or other public authorities leasing 32799  
or operating the projects, through agreements made with the chief. 32800  
All rentals derived from the lessees of such projects shall be 32801  
used by the chief in the maintenance or repair of all such 32802  
projects constructed under such sections. The costs and expenses 32803  
of the reconstruction of any such projects shall be distributed, 32804  
unless otherwise agreed, on the same basis and pro-rata share of 32805  
the costs and expenses as was paid by the contracting authorities 32806  
contributing to the cost of the original project. 32807

**Sec. 1523.20.** When the chief of the division of ~~soil and~~ 32808  
water resources and the owners of the lands, waters, or riparian 32809  
rights are unable to agree upon the terms, purchase price, and 32810  
sale thereof, the chief may acquire the lands by appropriation 32811  
proceedings in the manner provided by sections 163.01 to 163.22 of 32812  
the Revised Code. 32813

The title or lease to any such lands, waters, or riparian 32814  
rights shall be taken by the chief, subject to the approval of the 32815  
governor and the attorney general, in the name of the state. The 32816  
lease rentals or purchase price of any such lands, waters, or 32817  
riparian rights, as well as all costs and expenses of constructing 32818  
any such reservoirs, ponds, water parks, basins, lakes, or other 32819  
incidental works on those lands, may be paid for from any funds 32820  
appropriated for the use of or paid into the division of ~~soil and~~ 32821  
water resources and available for that purpose. The chief may 32822  
accept contributions to those funds from individuals, 32823  
associations, clubs, organizations, and corporations. 32824

**Sec. 1531.35.** The wildlife boater angler fund is hereby 32825  
created in the state treasury. The fund shall consist of money 32826  
credited to the fund pursuant to section 5735.051 of the Revised 32827  
Code and other money contributed to the division of wildlife for 32828

the purposes of the fund. The fund shall be used for boating 32829  
access construction, improvements, ~~and~~ maintenance and repair of 32830  
dams and impoundments, and acquisitions, including lands and 32831  
facilities for boating access, and to pay for equipment and 32832  
personnel costs involved with those activities, on ~~lakes~~ waters on 32833  
which the operation of gasoline-powered watercraft is permissible. 32834  
However, not more than ~~two~~ five hundred thousand dollars of the 32835  
annual expenditures from the fund may be used to pay for the 32836  
equipment and personnel costs. 32837

**Sec. 1548.11.** (A) In the event of the transfer of ownership 32838  
of a watercraft or outboard motor by operation of law, as upon 32839  
inheritance, devise, bequest, order in bankruptcy, insolvency, 32840  
replevin, or execution of sale, or whenever the engine of a 32841  
watercraft is replaced by another engine, a watercraft or outboard 32842  
motor is sold to satisfy storage or repair charges, or 32843  
repossession is had upon default in performance of the terms of a 32844  
security agreement as provided in Chapter 1309. of the Revised 32845  
Code, a clerk of a court of common pleas, upon the surrender of 32846  
the prior certificate of title or the manufacturer's or importer's 32847  
certificate, or, when that is not possible, upon presentation of 32848  
satisfactory proof to the clerk of ownership and rights of 32849  
possession to the watercraft or outboard motor, and upon payment 32850  
of the fee prescribed in section 1548.10 of the Revised Code and 32851  
presentation of an application for certificate of title, may issue 32852  
to the applicant a certificate of title to the watercraft or 32853  
outboard motor. Only an affidavit by the person or agent of the 32854  
person to whom possession of the watercraft or outboard motor has 32855  
passed, setting forth the facts entitling the person to possession 32856  
and ownership, together with a copy of the journal entry, court 32857  
order, or instrument upon which the claim of possession and 32858  
ownership is founded, is satisfactory proof of ownership and right 32859  
of possession. If the applicant cannot produce such proof of 32860



ownership, the applicant may apply directly to the chief of the 32861  
division of watercraft and submit such evidence as the applicant 32862  
has, and the chief, if the chief finds the evidence sufficient, 32863  
may authorize the clerk to issue a certificate of title. If the 32864  
chief finds the evidence insufficient, the applicant may petition 32865  
the court of common pleas for a court order ordering the clerk to 32866  
issue a certificate of title. The court shall grant or deny the 32867  
petition based on the sufficiency of the evidence presented to the 32868  
court. If, from the records in the office of the clerk, there 32869  
appears to be any lien on the watercraft or outboard motor, the 32870  
certificate of title shall contain a statement of the lien unless 32871  
the application is accompanied by proper evidence of its 32872  
extinction. 32873

(B) Upon the death of one of the persons who have established 32874  
joint ownership with right of survivorship under section 2131.12 32875  
of the Revised Code in a watercraft or outboard motor and the 32876  
presentation to the clerk of the title and the certificate of 32877  
death of the deceased person, the clerk shall enter into the 32878  
records the transfer of the watercraft or outboard motor to the 32879  
surviving person, and the title to the watercraft or outboard 32880  
motor immediately passes to the surviving person. The transfer 32881  
does not affect any liens on the watercraft or outboard motor. 32882

(C) The clerk shall transfer a decedent's interest in one 32883  
watercraft, one watercraft trailer, one outboard motor, or one of 32884  
each to the decedent's surviving spouse as provided in section 32885  
2106.19 of the Revised Code. 32886

(D) Upon the death of an owner of a watercraft or outboard 32887  
motor designated in beneficiary form under section 2131.13 of the 32888  
Revised Code, upon application of the transfer-on-death 32889  
beneficiary or beneficiaries designated pursuant to that section, 32890  
and upon presentation to the clerk of the certificate of title and 32891  
the certificate of death of the deceased owner, the clerk shall 32892

transfer the watercraft or outboard motor and issue a certificate 32893  
of title to the transfer-on-death beneficiary or beneficiaries. 32894  
The transfer does not affect any liens upon any watercraft or 32895  
outboard motor so transferred. 32896

**Sec. 1561.04.** ~~The chief of the division of mineral resources~~ 32897  
~~management~~ director of natural resources or the director's 32898  
designee shall annually make a report to the governor, which shall 32899  
include: 32900

(A) A summary of the activities and of the reports of the 32901  
deputy mine inspectors; 32902

(B) A statement of the condition and the operation of the 32903  
mines of the state; 32904

(C) A statement of the number of accidents in and about the 32905  
mines, the manner in which they occurred, and any other data and 32906  
facts bearing upon the prevention of accidents and the 32907  
preservation of life, health, and property, and any suggestions 32908  
relative to the better preservation of the life, health, and 32909  
property of those engaged in the mining industry. 32910

The records of the bureau of workers' compensation shall be 32911  
available to the ~~chief~~ director or the director's designee for 32912  
information concerning such a report. The ~~chief~~ director or the 32913  
director's designee shall send by mail to each coal operator in 32914  
the state, to a duly designated representative of the miners at 32915  
each mine, and to such other persons as the ~~chief~~ director or the 32916  
director's designee deems proper, a copy of such report. The ~~chief~~ 32917  
director or the director's designee may have as many copies of 32918  
such report printed as are needed to make the distribution thereof 32919  
as provided in this section. 32920

The ~~chief~~ director or the director's designee shall also 32921  
prepare and publish for public distribution quarterly reports, 32922

including therein information relative to the items enumerated in 32923  
this section that is pertinent or available at such times. 32924

**Sec. 1707.01.** As used in this chapter: 32925

(A) Whenever the context requires it, "division" or "division 32926  
of securities" may be read as "director of commerce" or as 32927  
"commissioner of securities." 32928

(B) "Security" means any certificate or instrument, or any 32929  
oral, written, or electronic agreement, understanding, or 32930  
opportunity, that represents title to or interest in, or is 32931  
secured by any lien or charge upon, the capital, assets, profits, 32932  
property, or credit of any person or of any public or governmental 32933  
body, subdivision, or agency. It includes shares of stock, 32934  
certificates for shares of stock, an uncertificated security, 32935  
membership interests in limited liability companies, voting-trust 32936  
certificates, warrants and options to purchase securities, 32937  
subscription rights, interim receipts, interim certificates, 32938  
promissory notes, all forms of commercial paper, evidences of 32939  
indebtedness, bonds, debentures, land trust certificates, fee 32940  
certificates, leasehold certificates, syndicate certificates, 32941  
endowment certificates, interests in or under profit-sharing or 32942  
participation agreements, interests in or under oil, gas, or 32943  
mining leases, preorganization or reorganization subscriptions, 32944  
preorganization certificates, reorganization certificates, 32945  
interests in any trust or pretended trust, any investment 32946  
contract, any life settlement interest, any instrument evidencing 32947  
a promise or an agreement to pay money, warehouse receipts for 32948  
intoxicating liquor, and the currency of any government other than 32949  
those of the United States and Canada, but sections 1707.01 to 32950  
1707.45 of the Revised Code do not apply to the sale of real 32951  
estate. 32952

(C)(1) "Sale" has the full meaning of "sale" as applied by or 32953

accepted in courts of law or equity, and includes every 32954  
disposition, or attempt to dispose, of a security or of an 32955  
interest in a security. "Sale" also includes a contract to sell, 32956  
an exchange, an attempt to sell, an option of sale, a solicitation 32957  
of a sale, a solicitation of an offer to buy, a subscription, or 32958  
an offer to sell, directly or indirectly, by agent, circular, 32959  
pamphlet, advertisement, or otherwise. 32960

(2) "Sell" means any act by which a sale is made. 32961

(3) The use of advertisements, circulars, or pamphlets in 32962  
connection with the sale of securities in this state exclusively 32963  
to the purchasers specified in division (D) of section 1707.03 of 32964  
the Revised Code is not a sale when the advertisements, circulars, 32965  
and pamphlets describing and offering those securities bear a 32966  
readily legible legend in substance as follows: "This offer is 32967  
made on behalf of dealers licensed under sections 1707.01 to 32968  
1707.45 of the Revised Code, and is confined in this state 32969  
exclusively to institutional investors and licensed dealers." 32970

(4) The offering of securities by any person in conjunction 32971  
with a licensed dealer by use of advertisement, circular, or 32972  
pamphlet is not a sale if that person does not otherwise attempt 32973  
to sell securities in this state. 32974

(5) Any security given with, or as a bonus on account of, any 32975  
purchase of securities is conclusively presumed to constitute a 32976  
part of the subject of that purchase and has been "sold." 32977

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 32978  
acting in a representative capacity, includes sale on behalf of 32979  
such party by an agent, including a licensed dealer or 32980  
salesperson. 32981

(D) "Person," except as otherwise provided in this chapter, 32982  
means a natural person, firm, partnership, limited partnership, 32983  
partnership association, syndicate, joint-stock company, 32984

unincorporated association, trust or trustee except where the 32985  
trust was created or the trustee designated by law or judicial 32986  
authority or by a will, and a corporation or limited liability 32987  
company organized under the laws of any state, any foreign 32988  
government, or any political subdivision of a state or foreign 32989  
government. 32990

(E)(1) "Dealer," except as otherwise provided in this 32991  
chapter, means every person, other than a salesperson, who engages 32992  
or professes to engage, in this state, for either all or part of 32993  
the person's time, directly or indirectly, either in the business 32994  
of the sale of securities for the person's own account, or in the 32995  
business of the purchase or sale of securities for the account of 32996  
others in the reasonable expectation of receiving a commission, 32997  
fee, or other remuneration as a result of engaging in the purchase 32998  
and sale of securities. "Dealer" does not mean any of the 32999  
following: 33000

(a) Any issuer, including any officer, director, employee, or 33001  
trustee of, or member or manager of, or partner in, or any general 33002  
partner of, any issuer, that sells, offers for sale, or does any 33003  
act in furtherance of the sale of a security that represents an 33004  
economic interest in that issuer, provided no commission, fee, or 33005  
other similar remuneration is paid to or received by the issuer 33006  
for the sale; 33007

(b) Any licensed attorney, public accountant, or firm of such 33008  
attorneys or accountants, whose activities are incidental to the 33009  
practice of the attorney's, accountant's, or firm's profession; 33010

(c) Any person that, for the account of others, engages in 33011  
the purchase or sale of securities that are issued and outstanding 33012  
before such purchase and sale, if a majority or more of the equity 33013  
interest of an issuer is sold in that transaction, and if, in the 33014  
case of a corporation, the securities sold in that transaction 33015  
represent a majority or more of the voting power of the 33016

corporation in the election of directors; 33017

(d) Any person that brings an issuer together with a 33018  
potential investor and whose compensation is not directly or 33019  
indirectly based on the sale of any securities by the issuer to 33020  
the investor; 33021

(e) Any bank; 33022

(f) Any person that the division of securities by rule 33023  
exempts from the definition of "dealer" under division (E)(1) of 33024  
this section. 33025

(2) "Licensed dealer" means a dealer licensed under this 33026  
chapter. 33027

(F)(1) "Salesman" or "salesperson" means every natural 33028  
person, other than a dealer, who is employed, authorized, or 33029  
appointed by a dealer to sell securities within this state. 33030

(2) The general partners of a partnership, and the executive 33031  
officers of a corporation or unincorporated association, licensed 33032  
as a dealer are not salespersons within the meaning of this 33033  
definition, nor are clerical or other employees of an issuer or 33034  
dealer that are employed for work to which the sale of securities 33035  
is secondary and incidental; but the division of securities may 33036  
require a license from any such partner, executive officer, or 33037  
employee if it determines that protection of the public 33038  
necessitates the licensing. 33039

(3) "Licensed salesperson" means a salesperson licensed under 33040  
this chapter. 33041

(G) "Issuer" means every person who has issued, proposes to 33042  
issue, or issues any security. 33043

(H) "Director" means each director or trustee of a 33044  
corporation, each trustee of a trust, each general partner of a 33045  
partnership, except a partnership association, each manager of a 33046

partnership association, and any person vested with managerial or 33047  
directory power over an issuer not having a board of directors or 33048  
trustees. 33049

(I) "Incorporator" means any incorporator of a corporation 33050  
and any organizer of, or any person participating, other than in a 33051  
representative or professional capacity, in the organization of an 33052  
unincorporated issuer. 33053

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 33054  
practices," or "fraudulent transactions" means anything recognized 33055  
on or after July 22, 1929, as such in courts of law or equity; any 33056  
device, scheme, or artifice to defraud or to obtain money or 33057  
property by means of any false pretense, representation, or 33058  
promise; any fictitious or pretended purchase or sale of 33059  
securities; and any act, practice, transaction, or course of 33060  
business relating to the purchase or sale of securities that is 33061  
fraudulent or that has operated or would operate as a fraud upon 33062  
the seller or purchaser. 33063

(K) Except as otherwise specifically provided, whenever any 33064  
classification or computation is based upon "par value," as 33065  
applied to securities without par value, the average of the 33066  
aggregate consideration received or to be received by the issuer 33067  
for each class of those securities shall be used as the basis for 33068  
that classification or computation. 33069

(L)(1) "Intangible property" means patents, copyrights, 33070  
secret processes, formulas, services, good will, promotion and 33071  
organization fees and expenses, trademarks, trade brands, trade 33072  
names, licenses, franchises, any other assets treated as 33073  
intangible according to generally accepted accounting principles, 33074  
and securities, accounts receivable, or contract rights having no 33075  
readily determinable value. 33076

(2) "Tangible property" means all property other than 33077

intangible property and includes securities, accounts receivable, 33078  
and contract rights, when the securities, accounts receivable, or 33079  
contract rights have a readily determinable value. 33080

(M) "Public utilities" means those utilities defined in 33081  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 33082  
Code; in the case of a foreign corporation, it means those 33083  
utilities defined as public utilities by the laws of its domicile; 33084  
and in the case of any other foreign issuer, it means those 33085  
utilities defined as public utilities by the laws of the situs of 33086  
its principal place of business. The term always includes 33087  
railroads whether or not they are so defined as public utilities. 33088

(N) "State" means any state of the United States, any 33089  
territory or possession of the United States, the District of 33090  
Columbia, and any province of Canada. 33091

(O) "Bank" means any bank, trust company, savings and loan 33092  
association, savings bank, or credit union that is incorporated or 33093  
organized under the laws of the United States, any state of the 33094  
United States, Canada, or any province of Canada and that is 33095  
subject to regulation or supervision by that country, state, or 33096  
province. 33097

(P) "Include," when used in a definition, does not exclude 33098  
other things or persons otherwise within the meaning of the term 33099  
defined. 33100

(Q)(1) "Registration by description" means that the 33101  
requirements of section 1707.08 of the Revised Code have been 33102  
complied with. 33103

(2) "Registration by qualification" means that the 33104  
requirements of sections 1707.09 and 1707.11 of the Revised Code 33105  
have been complied with. 33106

(3) "Registration by coordination" means that there has been 33107  
compliance with section 1707.091 of the Revised Code. Reference in 33108



this chapter to registration by qualification also includes 33109  
registration by coordination unless the context otherwise 33110  
indicates. 33111

(R) "Intoxicating liquor" includes all liquids and compounds 33112  
that contain more than three and two-tenths per cent of alcohol by 33113  
weight and are fit for use for beverage purposes. 33114

(S) "Institutional investor" means ~~any corporation, bank,~~ 33115  
~~insurance company, pension fund or pension fund trust, employees'~~ 33116  
~~profit sharing fund or employees' profit sharing trust, any~~ 33117  
~~association engaged, as a substantial part of its business or~~ 33118  
~~operations, in purchasing or holding securities, or any trust in~~ 33119  
~~respect of which a bank is trustee or cotrustee. "Institutional~~ 33120  
~~investor" does not include any business entity formed for the~~ 33121  
~~primary purpose of evading sections 1707.01 to 1707.45 of the~~ 33122  
~~Revised Code~~ any of the following, whether acting for itself or 33123  
for others in a fiduciary capacity: 33124

(1) A bank or international banking institution; 33125

(2) An insurance company; 33126

(3) A separate account of an insurance company; 33127

(4) An investment company as defined in the "Investment 33128  
Company Act of 1940," 15 U.S.C. 80a-3; 33129

(5) A broker-dealer registered under the "Securities Exchange 33130  
Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the 33131  
division of securities as a dealer; 33132

(6) An employee pension, profit-sharing, or benefit plan if 33133  
the plan has total assets in excess of ten million dollars or its 33134  
investment decisions are made by a named fiduciary, as defined in 33135  
the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 33136  
1001, that is one of the following: 33137

(a) A broker-dealer registered under the "Securities Exchange 33138

<u>Act of 1934," 15 U.S.C. 78o, as amended;</u>	33139
<u>(b) An investment adviser registered or exempt from</u>	33140
<u>registration under the "Investment Advisers Act of 1940," 15</u>	33141
<u>U.S.C. 80b-3;</u>	33142
<u>(c) An investment adviser registered under this chapter, a</u>	33143
<u>bank, or an insurance company.</u>	33144
<u>(7) A plan established and maintained by a state, a political</u>	33145
<u>subdivision of a state, or an agency or instrumentality of a state</u>	33146
<u>or a political subdivision of a state for the benefit of its</u>	33147
<u>employees, if the plan has total assets in excess of ten million</u>	33148
<u>dollars or its investment decisions are made by a duly designated</u>	33149
<u>public official or by a named fiduciary, as defined in the</u>	33150
<u>"Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001,</u>	33151
<u>that is one of the following:</u>	33152
<u>(a) A broker-dealer registered under the "Securities Exchange</u>	33153
<u>Act of 1934," 15 U.S.C. 78o, as amended;</u>	33154
<u>(b) An investment adviser registered or exempt from</u>	33155
<u>registration under the "Investment Advisers Act of 1940," 15</u>	33156
<u>U.S.C. 80b-3;</u>	33157
<u>(c) An investment adviser registered under this chapter, a</u>	33158
<u>bank, or an insurance company.</u>	33159
<u>(8) A trust, if it has total assets in excess of ten million</u>	33160
<u>dollars, its trustee is a bank, and its participants are</u>	33161
<u>exclusively plans of the types identified in division (S)(6) or</u>	33162
<u>(7) of this section, regardless of the size of their assets,</u>	33163
<u>except a trust that includes as participants self-directed</u>	33164
<u>individual retirement accounts or similar self-directed plans;</u>	33165
<u>(9) An organization described in section 501(c)(3) of the</u>	33166
<u>"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended,</u>	33167
<u>corporation, Massachusetts trust or similar business trust,</u>	33168

<u>limited liability company, or partnership, not formed for the</u>	33169
<u>specific purpose of acquiring the securities offered, with total</u>	33170
<u>assets in excess of ten million dollars;</u>	33171
<u>(10) A small business investment company licensed by the</u>	33172
<u>small business administration under section 301(c) of the "Small</u>	33173
<u>Business Investment Act of 1958," 15 U.S.C. 681(c), with total</u>	33174
<u>assets in excess of ten million dollars;</u>	33175
<u>(11) A private business development company as defined in</u>	33176
<u>section 202(a)(22) of the "Investment Advisers Act of 1940," 15</u>	33177
<u>U.S.C. 80b-2(a)(22), with total assets in excess of ten million</u>	33178
<u>dollars;</u>	33179
<u>(12) A federal covered investment adviser acting for its own</u>	33180
<u>account;</u>	33181
<u>(13) A "qualified institutional buyer" as defined in 17</u>	33182
<u>C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);</u>	33183
<u>(14) A "major U.S. institutional investor" as defined in 17</u>	33184
<u>C.F.R. 240.15a-6(b)(4)(i);</u>	33185
<u>(15) Any other person, other than an individual, of</u>	33186
<u>institutional character with total assets in excess of ten million</u>	33187
<u>dollars not organized for the specific purpose of evading this</u>	33188
<u>chapter;</u>	33189
<u>(16) Any other person specified by rule adopted or order</u>	33190
<u>issued under this chapter.</u>	33191
(T) A reference to a statute of the United States or to a	33192
rule, regulation, or form promulgated by the securities and	33193
exchange commission or by another federal agency means the	33194
statute, rule, regulation, or form as it exists at the time of the	33195
act, omission, event, or transaction to which it is applied under	33196
this chapter.	33197
(U) "Securities and exchange commission" means the securities	33198

and exchange commission established by the Securities Exchange Act of 1934. 33199  
33200

(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies: 33201  
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33203

(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer. 33204  
33205  
33206  
33207

(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent. 33208  
33209  
33210  
33211

(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following: 33212  
33213

(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities; 33214  
33215

(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, in good faith and not for the purpose of avoiding the provisions of this chapter, and not involving any public offering of the other security within the meaning of Section 4 of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), as amended; 33216  
33217  
33218  
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33223

(c) Any other offer to acquire any equity security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, from not more than fifty persons, in good faith and not for the purpose of avoiding the provisions of this chapter. 33224  
33225  
33226  
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(W) "Offeror" means a person who makes, or in any way 33229  
participates or aids in making, a control bid and includes persons 33230  
acting jointly or in concert, or who intend to exercise jointly or 33231  
in concert any voting rights attached to the securities for which 33232  
the control bid is made and also includes any subject company 33233  
making a control bid for its own securities. 33234

(X)(1) "Investment adviser" means any person who, for 33235  
compensation, engages in the business of advising others, either 33236  
directly or through publications or writings, as to the value of 33237  
securities or as to the advisability of investing in, purchasing, 33238  
or selling securities, or who, for compensation and as a part of 33239  
regular business, issues or promulgates analyses or reports 33240  
concerning securities. 33241

(2) "Investment adviser" does not mean any of the following: 33242

(a) Any attorney, accountant, engineer, or teacher, whose 33243  
performance of investment advisory services described in division 33244  
(X)(1) of this section is solely incidental to the practice of the 33245  
attorney's, accountant's, engineer's, or teacher's profession; 33246

(b) A publisher of any bona fide newspaper, news magazine, or 33247  
business or financial publication of general and regular 33248  
circulation; 33249

(c) A person who acts solely as an investment adviser 33250  
representative; 33251

(d) A bank holding company, as defined in the "Bank Holding 33252  
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 33253  
investment company; 33254

(e) A bank, or any receiver, conservator, or other 33255  
liquidating agent of a bank; 33256

(f) Any licensed dealer or licensed salesperson whose 33257  
performance of investment advisory services described in division 33258

(X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal

executive office is located in this state, or it owns or controls 33290  
assets located within this state that have a fair market value of 33291  
at least one million dollars. 33292

(b) More than ten per cent of its beneficial or record equity 33293  
security holders are resident in this state, more than ten per 33294  
cent of its equity securities are owned beneficially or of record 33295  
by residents in this state, or more than one thousand of its 33296  
beneficial or record equity security holders are resident in this 33297  
state. 33298

(2) The division of securities may adopt rules to establish 33299  
more specific application of the provisions set forth in division 33300  
(Y)(1) of this section. Notwithstanding the provisions set forth 33301  
in division (Y)(1) of this section and any rules adopted under 33302  
this division, the division, by rule or in an adjudicatory 33303  
proceeding, may make a determination that an issuer does not 33304  
constitute a "subject company" under division (Y)(1) of this 33305  
section if appropriate review of control bids involving the issuer 33306  
is to be made by any regulatory authority of another jurisdiction. 33307

(Z) "Beneficial owner" includes any person who directly or 33308  
indirectly through any contract, arrangement, understanding, or 33309  
relationship has or shares, or otherwise has or shares, the power 33310  
to vote or direct the voting of a security or the power to dispose 33311  
of, or direct the disposition of, the security. "Beneficial 33312  
ownership" includes the right, exercisable within sixty days, to 33313  
acquire any security through the exercise of any option, warrant, 33314  
or right, the conversion of any convertible security, or 33315  
otherwise. Any security subject to any such option, warrant, 33316  
right, or conversion privilege held by any person shall be deemed 33317  
to be outstanding for the purpose of computing the percentage of 33318  
outstanding securities of the class owned by that person, but 33319  
shall not be deemed to be outstanding for the purpose of computing 33320  
the percentage of the class owned by any other person. A person 33321

shall be deemed the beneficial owner of any security beneficially 33322  
owned by any relative or spouse or relative of the spouse residing 33323  
in the home of that person, any trust or estate in which that 33324  
person owns ten per cent or more of the total beneficial interest 33325  
or serves as trustee or executor, any corporation or entity in 33326  
which that person owns ten per cent or more of the equity, and any 33327  
affiliate or associate of that person. 33328

(AA) "Offeree" means the beneficial or record owner of any 33329  
security that an offeror acquires or offers to acquire in 33330  
connection with a control bid. 33331

(BB) "Equity security" means any share or similar security, 33332  
or any security convertible into any such security, or carrying 33333  
any warrant or right to subscribe to or purchase any such 33334  
security, or any such warrant or right, or any other security 33335  
that, for the protection of security holders, is treated as an 33336  
equity security pursuant to rules of the division of securities. 33337

(CC)(1) "Investment adviser representative" means a 33338  
supervised person of an investment adviser, provided that the 33339  
supervised person has more than five clients who are natural 33340  
persons other than excepted persons defined in division (EE) of 33341  
this section, and that more than ten per cent of the supervised 33342  
person's clients are natural persons other than excepted persons 33343  
defined in division (EE) of this section. "Investment adviser 33344  
representative" does not mean any of the following: 33345

(a) A supervised person that does not on a regular basis 33346  
solicit, meet with, or otherwise communicate with clients of the 33347  
investment adviser; 33348

(b) A supervised person that provides only investment 33349  
advisory services described in division (X)(1) of this section by 33350  
means of written materials or oral statements that do not purport 33351  
to meet the objectives or needs of specific individuals or 33352



accounts; 33353

(c) Any other person that the division designates by rule, if 33354  
the division finds that the designation is necessary or 33355  
appropriate in the public interest or for the protection of 33356  
investors or clients and is consistent with the provisions fairly 33357  
intended by the policy and provisions of this chapter. 33358

(2) For the purpose of the calculation of clients in division 33359  
(CC)(1) of this section, a natural person and the following 33360  
persons are deemed a single client: Any minor child of the natural 33361  
person; any relative, spouse, or relative of the spouse of the 33362  
natural person who has the same principal residence as the natural 33363  
person; all accounts of which the natural person or the persons 33364  
referred to in division (CC)(2) of this section are the only 33365  
primary beneficiaries; and all trusts of which the natural person 33366  
or persons referred to in division (CC)(2) of this section are the 33367  
only primary beneficiaries. Persons who are not residents of the 33368  
United States need not be included in the calculation of clients 33369  
under division (CC)(1) of this section. 33370

(3) If subsequent to March 18, 1999, amendments are enacted 33371  
or adopted defining "investment adviser representative" for 33372  
purposes of the Investment Advisers Act of 1940 or additional 33373  
rules or regulations are promulgated by the securities and 33374  
exchange commission regarding the definition of "investment 33375  
adviser representative" for purposes of the Investment Advisers 33376  
Act of 1940, the division of securities shall, by rule, adopt the 33377  
substance of the amendments, rules, or regulations, unless the 33378  
division finds that the amendments, rules, or regulations are not 33379  
necessary for the protection of investors or in the public 33380  
interest. 33381

(DD) "Supervised person" means a natural person who is any of 33382  
the following: 33383

(1) A partner, officer, or director of an investment adviser,	33384
or other person occupying a similar status or performing similar	33385
functions with respect to an investment adviser;	33386
(2) An employee of an investment adviser;	33387
(3) A person who provides investment advisory services	33388
described in division (X)(1) of this section on behalf of the	33389
investment adviser and is subject to the supervision and control	33390
of the investment adviser.	33391
(EE) "Excepted person" means a natural person to whom any of	33392
the following applies:	33393
(1) Immediately after entering into the investment advisory	33394
contract with the investment adviser, the person has at least	33395
seven hundred fifty thousand dollars under the management of the	33396
investment adviser.	33397
(2) The investment adviser reasonably believes either of the	33398
following at the time the investment advisory contract is entered	33399
into with the person:	33400
(a) The person has a net worth, together with assets held	33401
jointly with a spouse, of more than one million five hundred	33402
thousand dollars.	33403
(b) The person is a qualified purchaser as defined in	33404
division (FF) of this section.	33405
(3) Immediately prior to entering into an investment advisory	33406
contract with the investment adviser, the person is either of the	33407
following:	33408
(a) An executive officer, director, trustee, general partner,	33409
or person serving in a similar capacity, of the investment	33410
adviser;	33411
(b) An employee of the investment adviser, other than an	33412
employee performing solely clerical, secretarial, or	33413

administrative functions or duties for the investment adviser, 33414  
which employee, in connection with the employee's regular 33415  
functions or duties, participates in the investment activities of 33416  
the investment adviser, provided that, for at least twelve months, 33417  
the employee has been performing such nonclerical, nonsecretarial, 33418  
or nonadministrative functions or duties for or on behalf of the 33419  
investment adviser or performing substantially similar functions 33420  
or duties for or on behalf of another company. 33421

If subsequent to March 18, 1999, amendments are enacted or 33422  
adopted defining "excepted person" for purposes of the Investment 33423  
Advisers Act of 1940 or additional rules or regulations are 33424  
promulgated by the securities and exchange commission regarding 33425  
the definition of "excepted person" for purposes of the Investment 33426  
Advisers Act of 1940, the division of securities shall, by rule, 33427  
adopt the substance of the amendments, rules, or regulations, 33428  
unless the division finds that the amendments, rules, or 33429  
regulations are not necessary for the protection of investors or 33430  
in the public interest. 33431

(FF)(1) "Qualified purchaser" means either of the following: 33432

(a) A natural person who owns not less than five million 33433  
dollars in investments as defined by rule by the division of 33434  
securities; 33435

(b) A natural person, acting for the person's own account or 33436  
accounts of other qualified purchasers, who in the aggregate owns 33437  
and invests on a discretionary basis, not less than twenty-five 33438  
million dollars in investments as defined by rule by the division 33439  
of securities. 33440

(2) If subsequent to March 18, 1999, amendments are enacted 33441  
or adopted defining "qualified purchaser" for purposes of the 33442  
Investment Advisers Act of 1940 or additional rules or regulations 33443  
are promulgated by the securities and exchange commission 33444

regarding the definition of "qualified purchaser" for purposes of 33445  
the Investment Advisers Act of 1940, the division of securities 33446  
shall, by rule, adopt the amendments, rules, or regulations, 33447  
unless the division finds that the amendments, rules, or 33448  
regulations are not necessary for the protection of investors or 33449  
in the public interest. 33450

(GG)(1) "Purchase" has the full meaning of "purchase" as 33451  
applied by or accepted in courts of law or equity and includes 33452  
every acquisition of, or attempt to acquire, a security or an 33453  
interest in a security. "Purchase" also includes a contract to 33454  
purchase, an exchange, an attempt to purchase, an option to 33455  
purchase, a solicitation of a purchase, a solicitation of an offer 33456  
to sell, a subscription, or an offer to purchase, directly or 33457  
indirectly, by agent, circular, pamphlet, advertisement, or 33458  
otherwise. 33459

(2) "Purchase" means any act by which a purchase is made. 33460

(3) Any security given with, or as a bonus on account of, any 33461  
purchase of securities is conclusively presumed to constitute a 33462  
part of the subject of that purchase. 33463

(HH) "Life settlement interest" means the entire interest or 33464  
any fractional interest in an insurance policy or certificate of 33465  
insurance, or in an insurance benefit under such a policy or 33466  
certificate, that is the subject of a life settlement contract. 33467

For purposes of this division, "life settlement contract" 33468  
means an agreement for the purchase, sale, assignment, transfer, 33469  
devise, or bequest of any portion of the death benefit or 33470  
ownership of any life insurance policy or contract, in return for 33471  
consideration or any other thing of value that is less than the 33472  
expected death benefit of the life insurance policy or contract. 33473  
"Life settlement contract" includes a viatical settlement contract 33474  
as defined in section 3916.01 of the Revised Code, but does not 33475

include any of the following:	33476
(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;	33477 33478 33479
(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;	33480 33481
(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;	33482 33483
(4) Any agreement between an insurer and a reinsurer;	33484
(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;	33485 33486 33487 33488
(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.	33489 33490 33491 33492
(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.	33493 33494 33495 33496
(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.	33497 33498 33499 33500 33501 33502
(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a	33503 33504 33505

position that is substantially equivalent to a chief investment officer. 33506  
33507

**Sec. 1707.14.** (A)~~(1)~~ No person shall act as a dealer, unless 33508  
the person is licensed as a dealer by the division of securities, 33509  
except ~~in~~ when at least one of the following cases applies: 33510

~~(a)~~(1) When the person is transacting business through or 33511  
with a licensed dealer; 33512

~~(b)~~(2) When the securities are the subject matter of one or 33513  
more transactions enumerated in divisions (B) to (L), (O) to (R), 33514  
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 33515  
Revised Code, except when a commission, discount, or other 33516  
remuneration is paid or given in consideration with transactions 33517  
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 33518  
1707.03, or in section 1707.06 of the Revised Code; 33519

~~(c)~~(3) When the person is an issuer selling securities issued 33520  
by it or by its subsidiary, if such securities are specified under 33521  
division (G) or (I) of section 1707.02, or under section 1707.04 33522  
of the Revised Code; 33523

~~(d)~~(4) When the person is participating in transactions 33524  
exempt, under section 1707.34 of the Revised Code, from this 33525  
chapter; 33526

(5) When the person has no place of business in this state, 33527  
is registered with the securities and exchange commission, and the 33528  
only transactions effected in this state are with institutional 33529  
investors. 33530

~~(2) Notwithstanding the exceptions to licensure set forth in~~ 33531  
~~divisions (A)(1)(a) to (d) of this section, no person other than~~ 33532  
~~an issuer selling its own securities shall engage in the business~~ 33533  
~~of selling securities to an institutional investor unless the~~ 33534  
~~person is licensed as a dealer or the division, by rule, finds~~ 33535

~~that such licensure is not necessary for the protection of~~ 33536  
~~investors or in the public interest.~~ 33537

(B) Each dealer that in any twelve-month or shorter period, 33538  
alone or with any other dealer with which it is affiliated, has 33539  
total revenues of one hundred fifty thousand dollars or more 33540  
derived from the business of buying, selling, or otherwise dealing 33541  
in securities, and that at any time during such period has one 33542  
hundred or more retail securities customers, shall be registered 33543  
as a broker or dealer with the securities and exchange commission 33544  
under the Securities Exchange Act of 1934, except the following 33545  
entities: 33546

(1) A bank; 33547

(2) A dealer that enters into and is in compliance with an 33548  
undertaking accepted by the division, in which the dealer agrees 33549  
that it will not engage in any transaction involving the buying, 33550  
selling, or otherwise dealing in securities with any natural 33551  
person in this state, except for transactions involving either of 33552  
the following: 33553

(a) Securities of corporations or associations that have 33554  
qualified for treatment as nonprofit organizations pursuant to 33555  
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 33556  
Stat. 2085, 26 U.S.C.A. 501, as amended; 33557

(b) Securities or transactions that are described in 33558  
divisions (A)(1)~~(a)~~ to ~~(d)~~(4) of this section. 33559

(C) Every dealer that must be registered as a broker or 33560  
dealer with the securities and exchange commission pursuant to 33561  
division (B) of this section shall become so registered no later 33562  
than ninety days after the date on which the dealer meets the 33563  
requirements for such registration. 33564

(D) The division by rule may exempt any dealer from complying 33565  
with the licensing or registration requirements of this section, 33566

if the division finds that such licensing or registration is not 33567  
necessary for the protection of investors or in the public 33568  
interest. 33569

(E) As used in division (B) of this section, "retail 33570  
securities customer" means a person that purchases from or through 33571  
or sells securities to or through a dealer, and that is not an 33572  
officer, a director, a principal, a general partner, or an 33573  
employee of, the dealer. Each of the following is deemed to be a 33574  
single retail securities customer: 33575

(1) A husband and wife; 33576

(2) A minor child and the minor child's parent or legal 33577  
guardian; 33578

(3) A corporation, a partnership, an association or other 33579  
unincorporated entity, a joint stock company, or a trust. 33580

**Sec. 1711.15.** In any county in which there is a duly 33581  
organized county agricultural society, the board of county 33582  
commissioners or the county agricultural society itself may 33583  
purchase or lease, for a term of not less than twenty years, real 33584  
estate on which to hold fairs under the management and control of 33585  
the county agricultural society, and may erect suitable buildings 33586  
on the real estate and otherwise improve it. 33587

In counties in which there is a county agricultural society 33588  
that has purchased, or leased, for a term of not less than twenty 33589  
years, real estate as a site on which to hold fairs, ~~or in which~~ 33590  
if the title to the site is vested in fee in the county, the board 33591  
of county commissioners may erect or repair buildings or otherwise 33592  
improve the site and pay the rental of it, or contribute to or pay 33593  
any other form of indebtedness of the society, if the director of 33594  
agriculture has certified to the board that the county 33595  
agricultural society is complying with all laws and rules 33596



governing the operation of county agricultural societies. The 33597  
board may appropriate from the county's general fund or permanent 33598  
improvement fund, and may appropriate revenue from a tax levied 33599  
under division (L) of section 5739.09 of the Revised Code, any 33600  
amount that it considers necessary for any of those purposes, 33601  
provided that an appropriation of revenue from that tax may be 33602  
expended only for the purposes provided in the resolution levying 33603  
that tax. 33604

**Sec. 1711.16.** When the control and management of a fairground 33605  
is in a county agricultural society, and the board of county 33606  
commissioners has appropriated an amount for the aid of the 33607  
society as provided in section 1711.15 of the Revised Code, the 33608  
society, with the consent of the board, may contract for the 33609  
erection or repair of buildings or otherwise improve the 33610  
fairground, to the extent that the payment for the improvement is 33611  
provided by the board. 33612

When the appropriation is made by the board, the county 33613  
auditor shall place the proceeds in a special fund, designated the 33614  
"county agricultural society fund," indicating the purpose for 33615  
which it is available, provided that an appropriation of revenue 33616  
from a tax levied by the board under division (L) of section 33617  
5739.09 of the Revised Code may be expended only for the purposes 33618  
provided in the resolution levying that tax. On application of the 33619  
treasurer of the society, the auditor shall issue an order for the 33620  
amount of the appropriation to the treasurer of the society, if 33621  
the society has secured the certificate required under section 33622  
1711.05 of the Revised Code, on the treasurer's filing with the 33623  
auditor a bond in double the amount collected, with good and 33624  
sufficient sureties approved by the auditor, conditioned for the 33625  
satisfactory paying over and accounting of the funds for the 33626  
purposes for which they were provided. The funds shall remain in 33627  
the special fund in which they are placed by the auditor until 33628

they are applied ~~or~~ for by the treasurer of the society and the 33629  
bond is given, or until they are expended by the board for the 33630  
purposes for which the fund was created. If the society ceases to 33631  
exist or releases the fund as not required for the purposes for 33632  
which the fund was created, the board may by resolution transfer 33633  
the fund to the general fund of the county. 33634

**Sec. 1713.02.** (A) Any institution described in division (A) 33635  
of section 1713.01 of the Revised Code may become incorporated 33636  
under sections 1702.01 to 1702.58 of the Revised Code. 33637

(B) Except as provided in division (E) of this section, no 33638  
nonprofit institution or corporation of the type described in 33639  
division (A) of section 1713.01 of the Revised Code that is 33640  
established after October 13, 1967, may confer degrees, diplomas, 33641  
or other written evidences of proficiency or achievement, until it 33642  
has received a certificate of authorization issued by the ~~Ohio~~ 33643  
~~board of regents~~ chancellor of higher education, nor shall any 33644  
such institution or corporation identify itself as a "college" or 33645  
"university" unless it has received a certificate of authorization 33646  
from the ~~board~~ chancellor. 33647

(C) Except as provided in division (E) of this section, no 33648  
institution of the type described in division (A)(3) or (B) of 33649  
section 1713.01 of the Revised Code that intends to offer or 33650  
offers a course or courses within this state, but that did not 33651  
offer a course or courses within this state on or before October 33652  
13, 1967, may confer degrees, diplomas, or other written evidences 33653  
of proficiency or achievement or offer any course or courses 33654  
within this state until it has received a certificate of 33655  
authorization from the ~~Ohio board of regents~~ chancellor, nor shall 33656  
the institution identify itself as a "college" or "university" 33657  
unless it has received such a certificate from the ~~board~~ 33658  
chancellor. 33659

(D) Each certificate of authorization shall specify the 33660  
diplomas or degrees authorized to be given, courses authorized to 33661  
be offered, and the sites at which courses are to be conducted. A 33662  
copy of such certificate shall be filed with the secretary of 33663  
state if the institution is incorporated. Any institution or 33664  
corporation established or that offered a course or courses of 33665  
instruction in this state prior to October 13, 1967, may apply to 33666  
the ~~board~~ chancellor for a certificate of authorization, and the 33667  
~~board~~ chancellor shall issue a certificate if it finds that such 33668  
institution or corporation meets the requirements established 33669  
pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 33670  
1713.09, and 1713.25 of the Revised Code. 33671

(E) An institution that clearly identifies itself in its name 33672  
with the phrase "bible college" or "bible institute" and has not 33673  
received a certificate of authorization may confer diplomas and 33674  
other written evidences of proficiency or achievement other than 33675  
associate, baccalaureate, master's, and doctoral degrees or any 33676  
other type of degree and may identify itself as a "bible college" 33677  
if such institution: 33678

(1) Prominently discloses on any transcripts, diplomas, or 33679  
other written evidences of proficiency or achievement, and 33680  
includes with any promotional material or other literature 33681  
intended for the public, the statement: "this institution is not 33682  
certified by the ~~board of regents~~ department of higher education 33683  
or the state of Ohio." 33684

(2) Limits its course of instruction to religion, theology, 33685  
or preparation for a religious vocation, or is operated by a 33686  
church or religious organization and limits its instruction to 33687  
preparation for service to churches or other religious 33688  
organizations. 33689

(3) Confers only diplomas and other written evidences of 33690  
proficiency or achievement that bear titles clearly signifying the 33691

religious nature of the instruction offered by the institution. 33692

(F) Except as otherwise provided in section 3333.046 of the 33693  
Revised Code, no school of the type described in division (E) of 33694  
section 3332.01 of the Revised Code that intends to offer or 33695  
offers a degree program within this state or solicits students 33696  
within this state may confer a baccalaureate, master's, or 33697  
doctoral degree or solicit students for such degree programs until 33698  
it has received both a certificate of authorization from the ~~board~~ 33699  
~~of regents~~ chancellor of higher education under this chapter and 33700  
program authorization from the state board of career colleges and 33701  
schools for such degree program under section 3332.05 of the 33702  
Revised Code. 33703

**Sec. 1713.03.** The ~~Ohio board of regents~~ chancellor of higher 33704  
education shall establish standards for certificates of 33705  
authorization to be issued to institutions as defined in section 33706  
1713.01 of the Revised Code, to private institutions exempt from 33707  
regulation under Chapter 3332. of the Revised Code as prescribed 33708  
in section 3333.046 of the Revised Code, and to schools holding 33709  
certificates of registration issued by the state board of career 33710  
colleges and schools pursuant to division (C) of section 3332.05 33711  
of the Revised Code. A certificate of authorization may permit an 33712  
institution or school to award one or more types of degrees. 33713

The standards for a certificate of authorization may include, 33714  
for various types of institutions, schools, or degrees, minimum 33715  
qualifications for faculty, library, laboratories, and other 33716  
facilities as adopted and published by the ~~Ohio board of regents~~ 33717  
chancellor. The standards shall be adopted by the ~~board~~ chancellor 33718  
pursuant to Chapter 119. of the Revised Code. 33719

An institution or school shall apply to the ~~board~~ chancellor 33720  
for a certificate of authorization on forms containing such 33721  
information as is prescribed by the ~~board~~ chancellor. Each 33722

institution or school with a certificate of authorization shall 33723  
file an annual report with the ~~board~~ chancellor in such form and 33724  
containing such information as the ~~board~~ chancellor prescribes. 33725

The ~~board~~ chancellor shall adopt a rule under Chapter 119. of 33726  
the Revised Code establishing fees to pay the cost of reviewing an 33727  
application for a certificate of authorization, which the 33728  
institution or school shall pay when it applies for a certificate 33729  
of authorization, and establishing fees, which an institution or 33730  
school shall pay, for any further reviews the ~~board~~ chancellor 33731  
determines necessary upon examining an institution's or school's 33732  
annual report. 33733

**Sec. 1713.031.** The ~~Ohio board of regents~~ chancellor of higher 33734  
education shall review an application for a certificate of 33735  
authorization from a school described in division (E) of section 33736  
3332.01 of the Revised Code within twenty-two weeks. 33737

**Sec. 1713.04.** A certificate of authorization provided for in 33738  
section 1713.02 of the Revised Code is subject to revocation by 33739  
the ~~Ohio board of regents~~ chancellor of higher education for cause 33740  
pursuant to Chapter 119. of the Revised Code. 33741

**Sec. 1713.05.** (A) As used in this section: 33742

(1) "College or university" means a nonprofit educational 33743  
institution qualifying under division (A)(2) of section 1713.01 33744  
and holding a certificate of authorization issued under section 33745  
1713.02 of the Revised Code. 33746

(2) "Controlled entity" means a wholly owned subsidiary of a 33747  
college or a university or a partnership in which a college or a 33748  
university, or its wholly owned subsidiary, is the sole general 33749  
partner. 33750

(3) "Student" means a person attending a college or 33751

university who borrows money or obtains credit from such college 33752  
or university, or from a controlled entity of such college or 33753  
university, to finance the costs of attending such college or 33754  
university, and includes the parents, guardians, and spouse of the 33755  
student. 33756

(B) Notwithstanding section 1343.01 of the Revised Code, a 33757  
college or university, or a controlled entity of such college or 33758  
university, may charge interest or finance charges on loans made 33759  
or credit granted to a student for the student's costs of 33760  
attending such college or university at any rate or rates agreed 33761  
upon or consented to by the student in any open accounts 33762  
receivable, loan agreement, or promissory note, but not to exceed 33763  
the maximum interest rate applicable to the federal Stafford loan 33764  
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 33765  
chancellor of higher education shall adopt rules specifying a 33766  
schedule for the certification of such maximum interest rate. 33767

(C) A college or university, or a controlled entity of such 33768  
college or university, may charge students for the late payment of 33769  
any costs of attending such college or university, including any 33770  
payment under an agreement or note pursuant to division (B) of 33771  
this section, at a rate not exceeding five per cent of any unpaid 33772  
amount due and not paid per month for two months and not exceeding 33773  
two per cent of such amount for subsequent months. A charge for a 33774  
full month may be made for payments more than ten days late. 33775

**Sec. 1713.06.** If any institution, school, or person confers 33776  
degrees, diplomas, or other written evidences of proficiency or 33777  
achievement or offers or intends to offer a course or courses in 33778  
this state applicable to requirements for a diploma or degree 33779  
without the certificate of authorization required by section 33780  
1713.02 of the Revised Code, the ~~Ohio board of regents~~ chancellor 33781  
of higher education may, through the office of the attorney 33782

general, apply to the court of common pleas in the county in which 33783  
such institution, school, or person is operating to restrain such 33784  
institution, school, or person from the exercise of its franchise, 33785  
if the institution, school, or person is a corporation, from the 33786  
awarding of the degrees or diplomas the institution, school, or 33787  
person is not authorized to award, and from offering any course or 33788  
courses or enrolling any student in any course or courses it is 33789  
not authorized to conduct. 33790

The ~~board~~ chancellor may, through the office of the attorney 33791  
general, petition the court of common pleas in the county in which 33792  
the institution, school, or person is operating for an order 33793  
enjoining the awarding of diplomas or degrees, the offering of 33794  
courses, and the enrolling of students. The court may grant such 33795  
injunctive relief upon a showing that the institution, school, or 33796  
person named in the petition is awarding degrees or diplomas, 33797  
offering courses applicable to requirements for such degrees or 33798  
diplomas, or enrolling students in such courses to be offered in 33799  
the state without receiving the appropriate certificate of 33800  
authorization issued by the ~~board of regents~~ chancellor. 33801

**Sec. 1713.09.** A college, university, or other institution of 33802  
learning, existing by virtue of an act of incorporation, or that 33803  
becomes incorporated for any of the purposes specified in sections 33804  
1713.01 to 1713.39, inclusive, of the Revised Code, if 33805  
three-fourths of the trustees or directors thereof deem it proper, 33806  
or if the institution is owned in shares, or by stock subscribed 33807  
or taken, by a vote of the holders of three-fourths of the stock 33808  
or shares, may change the location of such institution, convey its 33809  
real estate, and transfer the effects thereof, and invest them at 33810  
the place to which such institution is removed. Any institution 33811  
which has a certificate of authorization from the ~~Ohio board of~~ 33812  
~~regents~~ chancellor of higher education shall give written notice 33813  
to the ~~board~~ chancellor before such institution changes its 33814

location. No such removal shall be ordered, and no vote taken 33815  
thereon, until after publication in the manner provided by law in 33816  
case of a sale and distribution of the property of such an 33817  
institution. Such publication shall fully set forth the place to 33818  
which it is proposed to remove the institution. In case of 33819  
removal, a copy of the proceedings of such meeting shall be filed 33820  
with the secretary of state. 33821

**Sec. 1713.25.** The board of trustees of an institution of 33822  
learning incorporated under the authority of this state for the 33823  
sole purpose of promoting education, religion and morality, or the 33824  
fine arts, at a regular or special meeting of such board called 33825  
for that purpose, after thirty days' actual notice to each 33826  
trustee, may change the name and enlarge the purposes and objects 33827  
of such institution of learning, by amendment to its charter, 33828  
approved by a majority of the board. 33829

No institution as defined in section 1713.01 of the Revised 33830  
Code or school that holds a certificate of registration issued by 33831  
the state board of career colleges and schools pursuant to 33832  
division (C) of section 3332.05 of the Revised Code, that has been 33833  
issued a certificate of authorization by the ~~Ohio board of regents~~ 33834  
chancellor of higher education shall change the purposes of the 33835  
institution without giving written notice to the ~~Ohio board of~~ 33836  
~~regents, which~~ chancellor, who shall issue an amended certificate 33837  
of authorization to the institution or school upon receipt of such 33838  
notice. 33839

**Sec. 1724.04.** A county ~~having a population of more than sixty~~ 33840  
~~thousand as of the most recent decennial census~~ that elects under 33841  
section 5722.02 of the Revised Code to adopt and implement the 33842  
procedures set forth in sections 5722.02 to 5722.15 of the Revised 33843  
Code may organize a county land reutilization corporation under 33844  
this chapter and Chapter 1702. of the Revised Code for the purpose 33845



of exercising the powers granted to a county under Chapter 5722. 33846  
of the Revised Code. The county treasurer of the county for the 33847  
benefit of which the corporation is being organized shall be the 33848  
incorporator of the county land reutilization corporation. The 33849  
form of the articles of incorporation of the corporation shall be 33850  
approved by resolution of the board of county commissioners of the 33851  
county. 33852

When the articles of incorporation of any community 33853  
improvement corporation, or any amendment, amended articles, 33854  
merger, or consolidation which provides for the creation of such a 33855  
corporation, are deposited for filing and recording in the office 33856  
of the secretary of state, the secretary of state shall submit 33857  
them to the attorney general for examination. If such articles, 33858  
amendment, amended articles, merger, or consolidation, are found 33859  
by the attorney general to be in accordance with Chapter 1724. of 33860  
the Revised Code, and not inconsistent with the constitution and 33861  
laws of the United States and of this state, the attorney general 33862  
shall endorse thereon the attorney general's approval and deliver 33863  
them to the secretary of state, who shall file and record them 33864  
pursuant to section 1702.07 of the Revised Code. 33865

**Sec. 1739.02.** (A) ~~A trade association, industry association,~~ 33866  
~~or professional association~~ The following groups that has have 33867  
been organized and maintained in good faith for a continuous 33868  
period of ~~one year~~ five years or more for purposes other than 33869  
obtaining insurance may establish, maintain, or operate a group 33870  
self-insurance program under a multiple employer welfare 33871  
arrangement that is chartered and created in this state under 33872  
sections 1739.01 to 1739.22 of the Revised Code: 33873

(1) A chamber of commerce; 33874

(2) A trade association; 33875

(3) An industry association; 33876

<u>(4) A professional association;</u>	33877
<u>(5) A voluntary employee beneficiary association that is</u>	33878
<u>exempt from taxation by the internal revenue service under section</u>	33879
<u>501(c)(9) of the Internal Revenue Code of 1986, as amended;</u>	33880
<u>(6) A business league that is exempt from taxation by the</u>	33881
<u>internal revenue service under section 501(c)(6) of the Internal</u>	33882
<u>Revenue Code of 1986, as amended;</u>	33883
<u>(7) Any other association that the superintendent of</u>	33884
<u>insurance may define by rule.</u>	33885
(B) Except as provided in section 9.833 and sections 1739.01	33886
to 1739.22 of the Revised Code, no multiple employer welfare	33887
arrangement or other entity by which two or more employers jointly	33888
participate in a common employee welfare benefit plan shall	33889
operate a group self-insurance program in this state after four	33890
months after <del>the effective date of this section</del> <u>April 9, 1993.</u>	33891
(C) Sections 1739.01 to 1739.22 of the Revised Code do not	33892
apply to any entity that establishes, maintains, or operates a	33893
<del>fully insured</del> <u>fully insured</u> program.	33894
(D) No person shall establish, operate, or maintain a	33895
multiple employer welfare arrangement providing benefits through a	33896
group self-insurance program in this state unless the multiple	33897
employer welfare arrangement has a valid certificate of authority	33898
from the superintendent of insurance.	33899
<b>Sec. 1739.03.</b> (A) No employer shall enter into an agreement	33900
to participate in a group self-insurance program unless the	33901
multiple employer welfare arrangement has been issued a	33902
certificate of authority by the superintendent of insurance.	33903
Employers or other organizers that propose to create an	33904
arrangement or arrangements and provide benefits through a group	33905
self-insurance program or group self-insurance programs shall	33906

apply to the superintendent for a certificate of authority. 33907

If a ~~trade association, industry association, or professional~~ 33908  
~~association~~ group listed under division (A) of section 1739.02 of 33909  
the Revised Code establishes, maintains, or operates more than one 33910  
multiple employer welfare arrangement subject to sections 1739.01 33911  
to 1739.22 of the Revised Code, the ~~trade association, industry~~ 33912  
~~association, or professional association~~ group shall apply to the 33913  
superintendent for only one certificate of authority which shall 33914  
cover all such arrangements. 33915

(B) When applying for a certificate of authority, a proposed 33916  
multiple employer welfare arrangement or arrangements shall file 33917  
with the superintendent a nonrefundable filing fee of one thousand 33918  
dollars and an application setting forth all of the following: 33919

(1) The name of each arrangement; 33920

(2) The address of each arrangement's principal place of 33921  
business; 33922

(3) The name and address of a resident of this state 33923  
designated and appointed as the registered agent of each proposed 33924  
arrangement for service of process in this state in accordance 33925  
with division ~~(B)~~(C) of section 1739.15 of the Revised Code. The 33926  
person so designated and appointed shall be an officer of the 33927  
arrangement. 33928

(4) The names and addresses of the officers, directors, and 33929  
trustees of each proposed arrangement and a statement of whether 33930  
any of such officers, directors, and trustees have been convicted 33931  
of any felony or misdemeanor within ten years prior to the date of 33932  
the application; 33933

(5) The powers of the officers, directors, and trustees; 33934

(6) The term of office of each officer, director, and 33935  
trustee; 33936

(7) A brief outline of the method by which the administrative obligations of each arrangement will be met;	33937 33938
(8) A business plan describing the arrangement's anticipated method of operations for two years from its commencement of activities.	33939 33940 33941
(9) A copy of the articles and bylaws of each arrangement;	33942
(10) A copy of the agreement;	33943
(11) The name and address of all third-party administrators;	33944
(12) A copy of each agreement between each arrangement and all third-party administrators;	33945 33946
(13) A statement certified by an independent certified public accountant regarding the financial condition of each arrangement listing, on a form as may be prescribed by the superintendent, all of its assets and liabilities for the last month ending forty-five days prior to the application date;	33947 33948 33949 33950 33951
(14) A copy of each contract, certificate, endorsement, and application form each proposed arrangement intends to issue or use;	33952 33953 33954
(15) The names of any co-sponsors, promoters, trustees, or other facilitators involved with the establishment of each arrangement;	33955 33956 33957
(16) Other information, documents, or statements as the superintendent requires.	33958 33959
(C) All fees collected under division (B) of this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	33960 33961 33962 33963
<b>Sec. 1739.05.</b> (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the	33964 33965

Revised Code and that operates a group self-insurance program may 33966  
be established only if any of the following applies: 33967

(1) The arrangement has and maintains a minimum enrollment of 33968  
three hundred employees of two or more employers. 33969

(2) The arrangement has and maintains a minimum enrollment of 33970  
three hundred self-employed individuals. 33971

(3) The arrangement has and maintains a minimum enrollment of 33972  
three hundred employees or self-employed individuals in any 33973  
combination of divisions (A)(1) and (2) of this section. 33974

(B) A multiple employer welfare arrangement that is created 33975  
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 33976  
that operates a group self-insurance program shall comply with all 33977  
laws applicable to self-funded programs in this state, including 33978  
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 33979  
to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 33980  
3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 33981  
3923.63, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the 33982  
Revised Code. 33983

(C) A multiple employer welfare arrangement created pursuant 33984  
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 33985  
enrollments only through agents or solicitors licensed pursuant to 33986  
Chapter 3905. of the Revised Code to sell or solicit sickness and 33987  
accident insurance. 33988

(D) A multiple employer welfare arrangement created pursuant 33989  
to sections 1739.01 to 1739.22 of the Revised Code shall provide 33990  
benefits only to individuals who are members, employees of 33991  
members, or the dependents of members or employees, or are 33992  
eligible for continuation of coverage under section 1751.53 or 33993  
3923.38 of the Revised Code or under Title X of the "Consolidated 33994  
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 33995  
U.S.C.A. 1161, as amended. 33996

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code.

**Sec. 1739.07.** (A)(1) ~~Except as provided in division (B) of section 1739.15 of the Revised Code, unless~~ Unless otherwise stated in the agreement, a member may elect to terminate voluntarily its participation in a multiple employer welfare arrangement operating a group self-insurance program by giving no less than thirty days' written notice to the arrangement. Except as provided in division (A)(2) of this section, the voluntary termination shall be approved by the board of the arrangement upon a finding that the member is in good standing, that both the member and the arrangement have met all the requirements of sections 1739.01 to 1739.22 of the Revised Code and any rules adopted by the superintendent of insurance pursuant to such sections, and that the member has complied with all the requirements of the agreement as of the proposed effective date of termination.

(2) If a member voluntarily terminates its participation in a multiple employer welfare arrangement at a time when the total number of covered employees employed by the member represents less than five per cent of the total number of covered employees employed by all members of the arrangement, the member's voluntary termination of its participation, unless otherwise stated in the agreement, does not require approval by the board of the arrangement.

(B)(1) A multiple employer welfare arrangement operating a group self-insurance program may involuntarily terminate a member upon a finding by the board of the arrangement, after notice is

given in accordance with division (B)(2) of this section, that the member has done any of the following:

(a) Failed to comply with the requirements of sections 1739.01 to 1739.22 of the Revised Code;

(b) Failed to comply with the articles and bylaws of the arrangement or the applicable agreement;

(c) Failed to pay its proportionate share of any premiums or installments thereof due the arrangement;

(d) Otherwise failed to discharge its obligations to the arrangement when due.

(2) A multiple employer welfare arrangement operating a group self-insurance program shall give the member written notice stating the time when the termination is effective, which time shall not be less than fifteen days from the date of the notice or any longer period as may be specified by rule of the superintendent or the agreement. Notice may be delivered in person, or sent by ~~certified mail to the last address of record of the member~~ any manner permitted in the agreement. The notice may or may not be accompanied by a tender of the unearned premium paid by the member, calculated on a pro rata basis. If the tender is not made simultaneously with the notice, it shall be made within fifteen days after notice of termination unless an audit or rate investigation is required, in which case the tender shall be made as soon as practicable after completion of the audit or investigation.

(C) Any member that terminates its membership or is involuntarily terminated from membership in a multiple employer welfare arrangement pursuant to division (A) or (B) of this section shall remain liable for all obligations of the arrangement incurred during its membership in proportion to the ratio of the total number of covered employees employed by the member at the

time of termination to the total number of covered employees 34059  
employed by all members of the arrangement at the time of 34060  
termination. 34061

**Sec. 1739.12.** (A) The excess loss funding program of a 34062  
multiple employer welfare arrangement operating a group 34063  
self-insurance program shall be filed with the superintendent of 34064  
insurance. 34065

(B) As a condition to the issuance and maintenance of a 34066  
certificate of authority, a multiple employer welfare arrangement 34067  
operating a group self-insurance program shall purchase individual 34068  
stop-loss insurance from insurers authorized to transact business 34069  
in this state with a deductible retention of no more than five per 34070  
cent of the arrangement's annual aggregate premium up to one 34071  
million dollars and no more than two and one-half per cent of the 34072  
arrangement's annual aggregate premium above that amount. ~~If the~~ 34073  
~~superintendent determines that aggregate stop loss insurance is~~ 34074  
~~available for arrangements, the~~ The arrangement also shall 34075  
purchase, as a condition to the issuance and maintenance of a 34076  
certificate of authority, aggregate stop-loss insurance from 34077  
insurers authorized to transact business in this state with a 34078  
deductible retention of no more than one hundred twenty-five per 34079  
cent of its projected claims for the succeeding fiscal year. 34080

(C) Any excess or stop-loss insurance policy purchased by a 34081  
multiple employer welfare arrangement shall provide that the 34082  
superintendent must be notified by the arrangement of the 34083  
cancellation of the policy for any reason, including the failure 34084  
of the arrangement to pay any applicable premium. 34085

(D) No excess or stop-loss insurance policy purchased by a 34086  
multiple employer welfare arrangement shall do any of the 34087  
following on the basis of actual or expected claims for an 34088  
individual or an individual's given diagnosis: 34089



<u>(1) Assign a different attachment point for that individual;</u>	34090
<u>(2) Assign a deductible to that individual that must be met</u>	34091
<u>before excess or stop-loss insurance applies;</u>	34092
<u>(3) Deny excess or stop-loss insurance coverage to that</u>	34093
<u>individual.</u>	34094
<b>Sec. 1739.13.</b> (A) A multiple employer welfare arrangement	34095
operating a group self-insurance program shall maintain a minimum	34096
surplus of not less than <del>one</del> <u>five</u> hundred <del>fifty</del> thousand dollars	34097
or such higher amounts of surplus as the superintendent of	34098
insurance may establish by rule for the protection of the members	34099
and their employees.	34100
(B) Except as otherwise provided for in sections 1739.01 to	34101
1739.21 of the Revised Code, the assets of a multiple employer	34102
welfare arrangement operating a group self-insurance program shall	34103
be invested only in securities or other investments permitted by	34104
the laws of this state for the investment of assets of domestic	34105
insurance companies other than life.	34106
(C) A multiple employer welfare arrangement operating a group	34107
self-insurance program shall maintain assets in cash, receivables,	34108
or securities authorized by the laws of this state for the	34109
investment of assets of domestic insurance companies other than	34110
life in an amount that is equivalent to or higher than the	34111
unearned premiums and minimum surplus required under sections	34112
1739.01 to 1739.22 of the Revised Code, the reserves for losses	34113
outstanding and unpaid, and any other liabilities of the	34114
arrangement.	34115
<b>Sec. 1739.141.</b> (A) <u>Each multiple employer welfare arrangement</u>	34116
<u>operating a group self-insurance program shall file annually with</u>	34117
<u>the superintendent of insurance an actuarial certification</u>	34118
<u>including a statement that the underwriting and rating methods of</u>	34119

<u>the carrier do all of the following:</u>	34120
<u>(1) Comply with accepted actuarial practices;</u>	34121
<u>(2) Are uniformly applied to arrangement members, employees</u> <u>of members, and the dependents of members or employees;</u>	34122 34123
<u>(3) Comply with the provisions of section 1739.06 of the</u> <u>Revised Code.</u>	34124 34125
<u>(B) The certification shall be filed with the superintendent</u> <u>not later than the thirty-first day of March.</u>	34126 34127
<b>Sec. 1739.20.</b> (A) No multiple employer welfare arrangement operating a group self-insurance program shall do any of the following:	34128 34129 34130
(1) Refuse, without just cause, to pay proper claims arising under coverage provided by the arrangement;	34131 34132
(2) Compel, without just cause, employee claimants of members or other persons entitled to the proceeds of the coverage to accept less than the amount due them;	34133 34134 34135
(3) Compel, without just cause, employee claimants of members or other persons entitled to the proceeds of the coverage to bring an action against the arrangement to secure full payment or settlement thereof;	34136 34137 34138 34139
<u>(4) Enroll a member into the group self-insurance program</u> <u>until the arrangement has provided to the member written</u> <u>notification stating that the member may be required to make</u> <u>additional payments in the event the program has insufficient</u> <u>funds to cover its liabilities. The arrangement shall maintain a</u> <u>copy of the notification in its program files to evidence</u> <u>compliance with this requirement.</u>	34140 34141 34142 34143 34144 34145 34146
(B) No officer, director, trustee, third-party administrator, member of any board or committee, or employee of a multiple	34147 34148

employer welfare arrangement operating a group self-insurance 34149  
program who is charged with the duty of investing or handling the 34150  
arrangement's assets shall do any of the following: 34151

(1) Deposit or invest the assets except in the name of the 34152  
arrangement; 34153

(2) Borrow the assets of the arrangement; 34154

(3) Have a pecuniary interest in any loan, pledge of deposit, 34155  
security, investment, sale, purchase, exchange, reinsurance, or 34156  
other similar transaction or property of the arrangement; 34157

(4) Take or receive for ~~his own personal~~ use any fee, 34158  
brokerage, commission, gift, or other consideration for, or use 34159  
any fee, brokerage, commission, gift, or other consideration for, 34160  
or on account of any transaction made by or on behalf of the 34161  
arrangement. Division (B)(4) of this section does not prevent 34162  
either of the following: 34163

(a) The reimbursement of a third-party administrator for 34164  
administrative services related to the adjustment and settlement 34165  
of claims pursuant to a contract with an arrangement; 34166

(b) The payment of reasonable compensation to a corporation 34167  
or firm, which is affiliated with ~~a trade association, industry~~ 34168  
~~association, or professional association~~ any of the groups listed 34169  
in division (A) of section 1739.02 of the Revised Code that 34170  
establishes, maintains, or operates the arrangement, for necessary 34171  
services performed or sales or purchases made to or for the 34172  
arrangement in the ordinary course of the arrangement's business. 34173

(C) No multiple employer welfare arrangement operating a 34174  
group self-insurance program shall guarantee any financial 34175  
obligation of any of its officers, directors, trustees, board or 34176  
committee members, or third-party administrators. 34177

(D) This section does not prohibit a trustee, officer, 34178

director, member of a board or committee, or employee of a 34179  
multiple employer welfare arrangement operating a group 34180  
self-insurance program from being covered by the arrangement as a 34181  
member or an employee of a member. 34182

(E) The superintendent of insurance may allow, by rule, 34183  
exceptions to division (B) of this section to allow the payment of 34184  
reasonable compensation to a trustee or third-party administrator 34185  
who is not an officer or employee of the multiple employer welfare 34186  
arrangement operating a group self-insurance program or to a 34187  
corporation or firm with which a trustee or third-party 34188  
administrator is affiliated, for necessary services performed or 34189  
sales or purchases made to or for the arrangement in the ordinary 34190  
course of the arrangement's business and in the usual, private, 34191  
professional or business capacity of the trustee, third-party 34192  
administrator, corporation, or firm. 34193

**Sec. 1739.21.** (A) The superintendent of insurance, after 34194  
notice and opportunity for hearing in accordance with Chapter 119. 34195  
of the Revised Code, may impose a fine upon a multiple employer 34196  
welfare arrangement operating a group self-insurance program, a 34197  
third-party administrator, or other entity ~~if he finds~~ after 34198  
finding either of the following: 34199

(1) The arrangement, third-party administrator, or other 34200  
entity, through the acts of its officers, directors, board or 34201  
committee members, employees, agents, or representatives, has 34202  
engaged in an act in violation of any applicable provision of 34203  
division (B) of section 1739.02, division (F) of section 1739.09, 34204  
or division (A), (B), or (C) of section 1739.20 of the Revised 34205  
Code or of any rule or order adopted or issued by the 34206  
superintendent to enforce or carry out the purposes of such 34207  
sections; 34208

(2) Division (C)(2), (3), or (4), ~~or (6)~~ of section 1739.04 34209

of the Revised Code, or any rule or order adopted or issued by the 34210  
superintendent to enforce or carry out the purposes of such 34211  
section, applies to the arrangement, third-party administrator, or 34212  
other entity. 34213

(B) The fine imposed for any violation described in division 34214  
(A) of this section shall not exceed one thousand dollars for each 34215  
violation, except that a fine of not more than five thousand 34216  
dollars may be imposed for each act of willful misconduct 34217  
constituting a violation described in division (A) of this 34218  
section. 34219

(C) In addition to any penalty provided under this section, 34220  
the superintendent, in lieu of an order of suspension or 34221  
revocation under section 1739.04 of the Revised Code, may place 34222  
any multiple employer welfare arrangement on probation for a 34223  
period not to exceed one year for each violation described in 34224  
division (A) of this section, and may subject the arrangement to a 34225  
fine of up to one thousand dollars for each such violation. If the 34226  
arrangement or its third-party administrator knew or reasonably 34227  
should have known that the arrangement was engaged in a violation 34228  
described in division (A) of this section, the fine provided in 34229  
this division may be increased to an amount up to five thousand 34230  
dollars for each such violation. 34231

(D)(1) If the superintendent places an arrangement on 34232  
probation under division (C) of this section, the superintendent 34233  
may appoint a supervisor to supervise the arrangement and may 34234  
prohibit the arrangement from doing any of the following, during 34235  
the period of probation, without the prior approval of the 34236  
~~superintendent~~ superintendent or the supervisor: 34237

(a) Dispose of, convey, or encumber any of its assets or its 34238  
business in force; 34239

(b) Withdraw from any of its bank accounts; 34240

(c) Lend any of its funds;	34241
(d) Invest any of its funds;	34242
(e) Transfer any of its property;	34243
(f) Incur any debt, obligation, or liability;	34244
(g) Merge or consolidate with another company;	34245
(h) Enter into any new reinsurance contract or treaty.	34246
(2) All expenses incurred as a result of probation shall be borne by the arrangement.	34247 34248
(E) All fines collected under this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	34249 34250 34251
<b>Sec. 1751.18.</b> (A)(1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the subscriber or enrollee, the subscriber's or enrollee's requirements for health care services, or for any other reason designated under rules adopted by the superintendent of insurance.	34252 34253 34254 34255 34256 34257
(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider through which the health insuring corporation has made arrangements to provide health care services, shall discriminate against any individual with regard to enrollment, disenrollment, or the quality of health care services rendered, on the basis of the individual's race, color, sex, age, religion, military status as defined in section 4112.01 of the Revised Code, or status as a recipient of medicare or medicaid, or any health status-related factor in relation to the individual. However, a health insuring corporation shall not be required to accept a recipient of medicare or medical assistance, if an agreement has not been reached on appropriate payment mechanisms between the health	34258 34259 34260 34261 34262 34263 34264 34265 34266 34267 34268 34269 34270

insuring corporation and the governmental agency administering 34271  
these programs. Further, except for open enrollment coverage under 34272  
sections 3923.58 and 3923.581 of the Revised Code and except as 34273  
provided in section 1751.65 of the Revised Code, a health insuring 34274  
corporation may reject an applicant for nongroup enrollment on the 34275  
basis of any health status-related factor in relation to the 34276  
applicant. 34277

(B) A health insuring corporation may cancel or decide not to 34278  
renew the coverage of an enrollee if the enrollee has performed an 34279  
act or practice that constitutes fraud or intentional 34280  
misrepresentation of material fact under the terms of the coverage 34281  
and if the cancellation or nonrenewal is not based, either 34282  
directly or indirectly, on any health status-related factor in 34283  
relation to the enrollee. 34284

(C) An enrollee may appeal any action or decision of a health 34285  
insuring corporation taken pursuant to section 2742(b) to (e) of 34286  
the "Health Insurance Portability and Accountability Act of 1996," 34287  
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 34288  
amended. To appeal, the enrollee may submit a written complaint to 34289  
the health insuring corporation pursuant to section 1751.19 of the 34290  
Revised Code. The enrollee may, within thirty days after receiving 34291  
a written response from the health insuring corporation, appeal 34292  
the health insuring corporation's action or decision to the 34293  
superintendent. 34294

(D) As used in this section, "health status-related factor" 34295  
means any of the following: 34296

(1) Health status; 34297

(2) Medical condition, including both physical and mental 34298  
illnesses; 34299

(3) Claims experience; 34300

(4) Receipt of health care; 34301

(5) Medical history;	34302
(6) Genetic information;	34303
(7) Evidence of insurability, including conditions arising out of acts of domestic violence;	34304 34305
(8) Disability.	34306
<b>Sec. 1751.65.</b> (A) As used in this section, "genetic screening or testing" means a laboratory test of a person's genes or chromosomes for abnormalities, defects, or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease, or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects, or deficiencies, and not an indirect manifestation of genetic disorders.	34307 34308 34309 34310 34311 34312 34313 34314 34315
(B) <del>Upon the repeal of section 1751.64 of the Revised Code,</del> <del>ne</del> <u>No</u> health insuring corporation shall do either of the following:	34316 34317 34318
(1) Consider any information obtained from genetic screening or testing in processing an application for coverage for health care services under an individual or group policy, contract, or agreement or in determining insurability under such a policy, contract, or agreement;	34319 34320 34321 34322 34323
(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, <del>or</del> limit benefits under, <u>or set premiums for</u> , an individual or group policy, contract, or agreement.	34324 34325 34326 34327 34328
(C) Any health insuring corporation that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the	34329 34330 34331



superintendent of insurance under section 3901.04 of the Revised Code. 34332  
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**Sec. 1776.82.** (A) The name of a limited liability partnership shall contain "registered limited liability partnership," "registered partnership having limited liability," "limited liability partnership," "R.L.L.P.," "P.L.L.," "L.L.P.," "RLLP," "PLL," or "LLP." 34334  
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(B) The name of a domestic registered limited liability partnership or foreign limited liability partnership shall be distinguishable upon the records in the office of the secretary of state from all of the following: 34339  
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(1) The name of any other limited liability partnership registered in the office of the secretary of state pursuant to this chapter or Chapter 1775. of the Revised Code, whether domestic or foreign; 34343  
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(2) The name of any domestic corporation that is formed under Chapter 1701. or 1702. of the Revised Code or any foreign corporation that is registered pursuant to Chapter 1703. of the Revised Code; 34347  
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(3) The name of any limited liability company registered in the office of the secretary of state pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign; 34351  
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(4) The name of any limited partnership registered in the office of the secretary of state pursuant to Chapter 1782. of the Revised Code, whether domestic or foreign; 34354  
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(5) Any trade name the exclusive right to which is at the time in question registered in the office of the secretary of state pursuant to Chapter 1329. of the Revised Code. 34357  
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**Sec. 2106.19.** (A) Upon the death of a married resident who 34360

owned at least one watercraft, one watercraft trailer, one 34361  
outboard motor, or one of each at the time of death, the interest 34362  
of the deceased spouse in one watercraft, one watercraft trailer, 34363  
one outboard motor, or one of each that is not otherwise 34364  
specifically disposed of by testamentary disposition and that is 34365  
selected by the surviving spouse immediately shall pass to the 34366  
surviving spouse upon receipt by the clerk of the court of common 34367  
pleas, or in the case of an untitled but registered watercraft 34368  
trailer, upon receipt by the bureau of motor vehicles, of both of 34369  
the following: 34370

(1) The title executed by the surviving spouse, if titled; 34371

(2) An affidavit sworn by the surviving spouse stating the 34372  
date of the decedent's death, a description of the watercraft, 34373  
watercraft trailer, or outboard motor, ~~or both, its or their~~ the 34374  
approximate value, and that the watercraft, watercraft trailer, or 34375  
outboard motor, ~~or both are~~ is not disposed of by testamentary 34376  
disposition. 34377

The watercraft, watercraft trailer, or outboard motor, ~~or~~ 34378  
~~both~~ shall not be considered an estate asset and shall not be 34379  
included and stated in the estate inventory. 34380

Transfer of a decedent's interest under this division does 34381  
not affect the existence of any lien against a watercraft, 34382  
watercraft trailer, or outboard motor so transferred. 34383

(B) Except for a watercraft, watercraft trailer, or outboard 34384  
motor, ~~or both~~ transferred as provided in division (A) of this 34385  
section, the executor or administrator may transfer title to a 34386  
watercraft, watercraft trailer, or outboard motor in the manner 34387  
provided for transfer of an automobile under divisions (B) and (C) 34388  
of section 2106.18 of the Revised Code. 34389

(C) A watercraft trailer under this section only refers to 34390  
one trailer used to transport the watercraft transferred under 34391

this section. 34392

**Sec. 2109.301.** (A) An administrator or executor shall render 34393  
an account at any time other than a time otherwise mentioned in 34394  
this section upon an order of the probate court issued for good 34395  
cause shown either at its own instance or upon the motion of any 34396  
person interested in the estate. Except as otherwise provided in 34397  
division (B)(2) of this section, an administrator or executor 34398  
shall render a final account within thirty days after completing 34399  
the administration of the estate or within any other period of 34400  
time that the court may order. 34401

Every account shall include an itemized statement of all 34402  
receipts of the administrator or executor during the accounting 34403  
period and of all disbursements and distributions made by the 34404  
executor or administrator during the accounting period. In 34405  
addition, the account shall include an itemized statement of all 34406  
funds, assets, and investments of the estate known to or in the 34407  
possession of the administrator or executor at the end of the 34408  
accounting period and shall show any changes in investments since 34409  
the last previous account. 34410

Every account shall be upon the signature of the 34411  
administrator or executor. When two or more administrators or 34412  
executors render an account, the court may allow the account upon 34413  
the signature of one of them. The court may examine the 34414  
administrator or executor under oath concerning the account. 34415

When an administrator or executor is authorized by law or by 34416  
the instrument governing distribution to distribute the assets of 34417  
the estate, in whole or in part, the administrator or executor may 34418  
do so and include a report of the distribution in the 34419  
administrator's or executor's succeeding account. 34420

In estates of decedents in which none of the legatees, 34421  
devisees, or heirs is under a legal disability, each partial 34422

accounting of an executor or administrator may be waived by the 34423  
written consent of all the legatees, devisees, or heirs filed in 34424  
lieu of a partial accounting otherwise required. 34425

(B)(1) Every administrator and executor, within six months 34426  
after appointment, shall render a final and distributive account 34427  
of the administrator's or executor's administration of the estate 34428  
unless one or more of the following circumstances apply: 34429

(a) An Ohio estate tax return must be filed for the estate. 34430

(b) A proceeding contesting the validity of the decedent's 34431  
will pursuant to section 2107.71 of the Revised Code has been 34432  
commenced. 34433

(c) The surviving spouse has filed an election to take 34434  
against the will. 34435

(d) The administrator or executor is a party in a civil 34436  
action. 34437

(e) The estate is insolvent. 34438

(f) For other reasons set forth by the administrator or 34439  
executor, subject to court approval, it would be detrimental to 34440  
the estate and its beneficiaries or heirs to file a final and 34441  
distributive account. 34442

(2) In estates of decedents in which the sole legatee, 34443  
devisee, or heir is also the administrator or executor of the 34444  
estate, no partial accountings are required. The administrator or 34445  
executor of an estate of that type shall file a final account or 34446  
final and distributive account or, in lieu of filing a final 34447  
account, the administrator or executor may file with the court 34448  
within thirty days after completing the administration of the 34449  
estate a certificate of termination of an estate that states all 34450  
of the following: 34451

(a) All debts and claims presented to the estate have been 34452

paid in full or settled finally. 34453

(b) An estate tax return, if required under the provisions of 34454  
the Internal Revenue Code or Chapter 5731. of the Revised Code, 34455  
has been filed, and any estate tax has been paid. 34456

(c) All attorney's fees have been waived by or paid to 34457  
counsel of record of the estate, and all executor or administrator 34458  
fees have been waived or paid. 34459

(d) The amount of attorney's fees and the amount of 34460  
administrator or executor fees that have been paid. 34461

(e) All assets remaining after completion of the activities 34462  
described in divisions (B)(2)(a) to (d) of this section have been 34463  
distributed to the sole legatee, devisee, or heir. 34464

(3) In an estate of the type described in division (B)(2) of 34465  
this section, a sole legatee, devisee, or heir of a decedent may 34466  
be liable to creditors for debts of and claims against the estate 34467  
that are presented after the filing of the certificate of 34468  
termination described in that division and within the time allowed 34469  
by section 2117.06 of the Revised Code for presentation of the 34470  
creditors' claims. 34471

(4) Not later than thirteen months after appointment, every 34472  
administrator and executor shall render an account of the 34473  
administrator's or executor's administration, unless a partial 34474  
account is waived under division (A) of this section or a 34475  
certificate of termination is filed under division (B)(2) of this 34476  
section. ~~Except as provided in divisions (B)(1) and (2) of this~~ 34477  
~~section, after~~ After the initial account is rendered or a waiver 34478  
of a partial account is filed, every administrator and executor 34479  
shall ~~render further accounts,~~ at least once each year, render 34480  
further accounts or file waivers of partial accounts until the 34481  
estate is closed, unless a certificate of termination is filed 34482  
under division (B)(2) of this section. 34483

Sec. 2113.35. (A) Executors and administrators shall be 34484  
allowed fees upon the amount of all the personal property, 34485  
including the income from the personal property, that is received 34486  
and accounted for by them and upon the proceeds of real property 34487  
that is sold, as follows: 34488

(1) For the first one hundred thousand dollars, at the rate 34489  
of four per cent; 34490

(2) All above one hundred thousand dollars and not exceeding 34491  
four hundred thousand dollars, at the rate of three per cent; 34492

(3) All above four hundred thousand dollars, at the rate of 34493  
two per cent. 34494

(B) Executors and administrators shall be allowed a fee of 34495  
one per cent on the value of real property that is not sold. 34496  
Executors and administrators also shall be allowed a fee of one 34497  
per cent on the value of all property that is not subject to 34498  
administration and that ~~is~~ would have been includable for purposes 34499  
of computing the Ohio estate tax, except joint and survivorship 34500  
property, had the decedent died on December 31, 2012, so that 34501  
section 5731.02 of the Revised Code applied to the estate. 34502

(C) The basis of valuation for the allowance of the fees on 34503  
real property sold shall be the gross proceeds of sale, and for 34504  
all other property the fair market value of the other property as 34505  
of the date of death of the decedent. The fees allowed to 34506  
executors and administrators in this section shall be received in 34507  
full compensation for all their ordinary services. 34508

(D) If the probate court finds, after a hearing, that an 34509  
executor or administrator, in any respect, has not faithfully 34510  
discharged the duties as executor or administrator, the court may 34511  
deny the executor or administrator any compensation whatsoever or 34512  
may allow the executor or administrator the reduced compensation 34513

that the court thinks proper. 34514

**Sec. 2151.011.** (A) As used in the Revised Code: 34515

(1) "Juvenile court" means whichever of the following is 34516  
applicable that has jurisdiction under this chapter and Chapter 34517  
2152. of the Revised Code: 34518

(a) The division of the court of common pleas specified in 34519  
section 2101.022 or 2301.03 of the Revised Code as having 34520  
jurisdiction under this chapter and Chapter 2152. of the Revised 34521  
Code or as being the juvenile division or the juvenile division 34522  
combined with one or more other divisions; 34523

(b) The juvenile court of Cuyahoga county or Hamilton county 34524  
that is separately and independently created by section 2151.08 or 34525  
Chapter 2153. of the Revised Code and that has jurisdiction under 34526  
this chapter and Chapter 2152. of the Revised Code; 34527

(c) If division (A)(1)(a) or (b) of this section does not 34528  
apply, the probate division of the court of common pleas. 34529

(2) "Juvenile judge" means a judge of a court having 34530  
jurisdiction under this chapter. 34531

(3) "Private child placing agency" means any association, as 34532  
defined in section 5103.02 of the Revised Code, that is certified 34533  
under section 5103.03 of the Revised Code to accept temporary, 34534  
permanent, or legal custody of children and place the children for 34535  
either foster care or adoption. 34536

(4) "Private noncustodial agency" means any person, 34537  
organization, association, or society certified by the department 34538  
of job and family services that does not accept temporary or 34539  
permanent legal custody of children, that is privately operated in 34540  
this state, and that does one or more of the following: 34541

(a) Receives and cares for children for two or more 34542  
consecutive weeks; 34543

(b) Participates in the placement of children in certified foster homes;	34544 34545
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	34546 34547
(B) As used in this chapter:	34548
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	34549 34550 34551 34552 34553 34554
(2) "Adult" means an individual who is eighteen years of age or older.	34555 34556
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	34557 34558 34559 34560
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	34561 34562 34563 34564 34565 34566
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	34567 34568 34569
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of	34570 34571 34572 34573



age, and, for purposes of that jurisdiction related to that 34574  
adjudication, a person who is so adjudicated an unruly child shall 34575  
be deemed a "child" until the person attains twenty-one years of 34576  
age. 34577

(7) "Child day camp," "child care," "child day-care center," 34578  
"part-time child day-care center," "type A family day-care home," 34579  
"licensed type B family day-care home," "type B family day-care 34580  
home," "administrator of a child day-care center," "administrator 34581  
of a type A family day-care home," and "in-home aide" have the 34582  
same meanings as in section 5104.01 of the Revised Code. 34583

(8) "Child care provider" means an individual who is a 34584  
child-care staff member or administrator of a child day-care 34585  
center, a type A family day-care home, or a type B family day-care 34586  
home, or an in-home aide or an individual who is licensed, is 34587  
regulated, is approved, operates under the direction of, or 34588  
otherwise is certified by the department of job and family 34589  
services, department of developmental disabilities, or the early 34590  
childhood programs of the department of education. 34591

(9) "Chronic truant" has the same meaning as in section 34592  
2152.02 of the Revised Code. 34593

(10) "Commit" means to vest custody as ordered by the court. 34594

(11) "Counseling" includes both of the following: 34595

(a) General counseling services performed by a public 34596  
children services agency or shelter for victims of domestic 34597  
violence to assist a child, a child's parents, and a child's 34598  
siblings in alleviating identified problems that may cause or have 34599  
caused the child to be an abused, neglected, or dependent child. 34600

(b) Psychiatric or psychological therapeutic counseling 34601  
services provided to correct or alleviate any mental or emotional 34602  
illness or disorder and performed by a licensed psychiatrist, 34603  
licensed psychologist, or a person licensed under Chapter 4757. of 34604

the Revised Code to engage in social work or professional counseling. 34605  
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(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child. 34607  
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(13) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 34611  
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(14) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children. 34613  
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(15) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code. 34617  
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(16) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response. 34619  
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(17) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 34623  
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(18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents. 34625  
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(19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year. 34630  
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(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 34635  
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(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court. 34637  
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(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following: 34647  
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(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state; 34650  
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(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 34653  
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(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 34656  
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(23) "Mental illness" and "mentally ill person subject to court order" have the same meanings as in section 5122.01 of the Revised Code. 34659  
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(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the 34662  
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child's care. 34666

(25) "Mentally retarded person" has the same meaning as in 34667  
section 5123.01 of the Revised Code. 34668

(26) "Nonsecure care, supervision, or training" means care, 34669  
supervision, or training of a child in a facility that does not 34670  
confine or prevent movement of the child within the facility or 34671  
from the facility. 34672

(27) "Of compulsory school age" has the same meaning as in 34673  
section 3321.01 of the Revised Code. 34674

(28) "Organization" means any institution, public, 34675  
semipublic, or private, and any private association, society, or 34676  
agency located or operating in the state, incorporated or 34677  
unincorporated, having among its functions the furnishing of 34678  
protective services or care for children, or the placement of 34679  
children in certified foster homes or elsewhere. 34680

(29) "Out-of-home care" means detention facilities, shelter 34681  
facilities, certified children's crisis care facilities, certified 34682  
foster homes, placement in a prospective adoptive home prior to 34683  
the issuance of a final decree of adoption, organizations, 34684  
certified organizations, child day-care centers, type A family 34685  
day-care homes, type B family day-care homes, child care provided 34686  
by in-home aides, group home providers, group homes, institutions, 34687  
state institutions, residential facilities, residential care 34688  
facilities, residential camps, day camps, private, nonprofit 34689  
therapeutic wilderness camps, public schools, chartered nonpublic 34690  
schools, educational service centers, hospitals, and medical 34691  
clinics that are responsible for the care, physical custody, or 34692  
control of children. 34693

(30) "Out-of-home care child abuse" means any of the 34694  
following when committed by a person responsible for the care of a 34695  
child in out-of-home care: 34696

(a) Engaging in sexual activity with a child in the person's care;	34697 34698
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	34699 34700 34701
(c) Use of restraint procedures on a child that cause injury or pain;	34702 34703
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	34704 34705 34706
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	34707 34708 34709 34710 34711
(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	34712 34713 34714
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	34715 34716 34717
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	34718 34719 34720 34721
(c) Failure to develop a process for all of the following:	34722
(i) Administration of prescription drugs or psychotropic drugs for the child;	34723 34724
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	34725 34726

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	34727 34728 34729
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	34730 34731 34732
(e) Confinement of the child to a locked room without monitoring by staff;	34733 34734
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	34735 34736
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	34737 34738 34739
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	34740 34741 34742 34743 34744 34745
(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	34746 34747 34748 34749 34750
(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	34751 34752 34753
(35) "Person responsible for a child's care in out-of-home care" means any of the following:	34754 34755
(a) Any foster caregiver, in-home aide, or provider;	34756

(b) Any administrator, employee, or agent of any of the 34757  
following: a public or private detention facility; shelter 34758  
facility; certified children's crisis care facility; organization; 34759  
certified organization; child day-care center; type A family 34760  
day-care home; licensed type B family day-care home; group home; 34761  
institution; state institution; residential facility; residential 34762  
care facility; residential camp; day camp; school district; 34763  
community school; chartered nonpublic school; educational service 34764  
center; hospital; or medical clinic; 34765

(c) Any person who supervises or coaches children as part of 34766  
an extracurricular activity sponsored by a school district, public 34767  
school, or chartered nonpublic school; 34768

(d) Any other person who performs a similar function with 34769  
respect to, or has a similar relationship to, children. 34770

(36) "Physically impaired" means having one or more of the 34771  
following conditions that substantially limit one or more of an 34772  
individual's major life activities, including self-care, receptive 34773  
and expressive language, learning, mobility, and self-direction: 34774

(a) A substantial impairment of vision, speech, or hearing; 34775

(b) A congenital orthopedic impairment; 34776

(c) An orthopedic impairment caused by disease, rheumatic 34777  
fever or any other similar chronic or acute health problem, or 34778  
amputation or another similar cause. 34779

(37) "Placement for adoption" means the arrangement by a 34780  
public children services agency or a private child placing agency 34781  
with a person for the care and adoption by that person of a child 34782  
of whom the agency has permanent custody. 34783

(38) "Placement in foster care" means the arrangement by a 34784  
public children services agency or a private child placing agency 34785  
for the out-of-home care of a child of whom the agency has 34786

temporary custody or permanent custody. 34787

(39) "Planned permanent living arrangement" means an order of 34788  
a juvenile court pursuant to which both of the following apply: 34789

(a) The court gives legal custody of a child to a public 34790  
children services agency or a private child placing agency without 34791  
the termination of parental rights. 34792

(b) The order permits the agency to make an appropriate 34793  
placement of the child and to enter into a written agreement with 34794  
a foster care provider or with another person or agency with whom 34795  
the child is placed. 34796

(40) "Practice of social work" and "practice of professional 34797  
counseling" have the same meanings as in section 4757.01 of the 34798  
Revised Code. 34799

(41) "Private, nonprofit therapeutic wilderness camp" has the 34800  
same meaning as in section 5103.02 of the Revised Code. 34801

(42) "Sanction, service, or condition" means a sanction, 34802  
service, or condition created by court order following an 34803  
adjudication that a child is an unruly child that is described in 34804  
division (A)(4) of section 2152.19 of the Revised Code. 34805

~~(42)~~(43) "Protective supervision" means an order of 34806  
disposition pursuant to which the court permits an abused, 34807  
neglected, dependent, or unruly child to remain in the custody of 34808  
the child's parents, guardian, or custodian and stay in the 34809  
child's home, subject to any conditions and limitations upon the 34810  
child, the child's parents, guardian, or custodian, or any other 34811  
person that the court prescribes, including supervision as 34812  
directed by the court for the protection of the child. 34813

~~(43)~~(44) "Psychiatrist" has the same meaning as in section 34814  
5122.01 of the Revised Code. 34815

~~(44)~~(45) "Psychologist" has the same meaning as in section 34816



4732.01 of the Revised Code.	34817
<del>(45)</del> <u>(46)</u> "Residential camp" means a program in which the	34818
care, physical custody, or control of children is accepted	34819
overnight for recreational or recreational and educational	34820
purposes.	34821
<del>(46)</del> <u>(47)</u> "Residential care facility" means an institution,	34822
residence, or facility that is licensed by the department of	34823
mental health and addiction services under section 5119.34 of the	34824
Revised Code and that provides care for a child.	34825
<del>(47)</del> <u>(48)</u> "Residential facility" means a home or facility that	34826
is licensed by the department of developmental disabilities under	34827
section 5123.19 of the Revised Code and in which a child with a	34828
developmental disability resides.	34829
<del>(48)</del> <u>(49)</u> "Residual parental rights, privileges, and	34830
responsibilities" means those rights, privileges, and	34831
responsibilities remaining with the natural parent after the	34832
transfer of legal custody of the child, including, but not	34833
necessarily limited to, the privilege of reasonable visitation,	34834
consent to adoption, the privilege to determine the child's	34835
religious affiliation, and the responsibility for support.	34836
<del>(49)</del> <u>(50)</u> "School day" means the school day established by the	34837
board of education of the applicable school district pursuant to	34838
section 3313.481 of the Revised Code.	34839
<del>(50)</del> <u>(51)</u> "School year" has the same meaning as in section	34840
3313.62 of the Revised Code.	34841
<del>(51)</del> <u>(52)</u> "Secure correctional facility" means a facility	34842
under the direction of the department of youth services that is	34843
designed to physically restrict the movement and activities of	34844
children and used for the placement of children after adjudication	34845
and disposition.	34846

~~(52)~~(53) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code. 34847  
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~~(53)~~(54) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 34849  
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~~(54)~~(55) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 34852  
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~~(55)~~(56) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 34854  
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~~(56)~~(57) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 34859  
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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 34866  
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**Sec. 2151.3514.** (A) As used in this section: 34871

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code; 34872  
34873

(2) "Chemical dependency" means either of the following: 34874

(a) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol 34875  
34876

or endangers the user's health, safety, or welfare or that of 34877  
others; 34878

(b) The use of a drug of abuse to the extent that the user 34879  
becomes physically or psychologically dependent on the drug or 34880  
endangers the user's health, safety, or welfare or that of others. 34881

(3) "Drug of abuse" has the same meaning as in section 34882  
3719.011 of the Revised Code. 34883

(B) If the juvenile court issues an order of temporary 34884  
custody or protective supervision under division (A) of section 34885  
2151.353 of the Revised Code with respect to a child adjudicated 34886  
to be an abused, neglected, or dependent child and the alcohol or 34887  
other drug addiction of a parent or other caregiver of the child 34888  
was the basis for the adjudication of abuse, neglect, or 34889  
dependency, the court shall issue an order requiring the parent or 34890  
other caregiver to submit to an assessment and, if needed, 34891  
treatment from a community addiction services provider ~~certified~~ 34892  
~~by the department of mental health and addiction services.~~ The 34893  
court may order the parent or other caregiver to submit to alcohol 34894  
or other drug testing during, after, or both during and after, the 34895  
treatment. The court shall send any order issued pursuant to this 34896  
division to the public children services agency that serves the 34897  
county in which the court is located for use as described in 34898  
section 340.15 of the Revised Code. 34899

(C) Any order requiring alcohol or other drug testing that is 34900  
issued pursuant to division (B) of this section shall require one 34901  
alcohol or other drug test to be conducted each month during a 34902  
period of twelve consecutive months beginning the month 34903  
immediately following the month in which the order for alcohol or 34904  
other drug testing is issued. Arrangements for administering the 34905  
alcohol or other drug tests, as well as funding the costs of the 34906  
tests, shall be locally determined in accordance with sections 34907  
340.03 and 340.15 of the Revised Code. If a parent or other 34908

caregiver required to submit to alcohol or other drug tests under 34909  
this section is not a recipient of medicaid, the agency that 34910  
refers the parent or caregiver for the tests may require the 34911  
parent or caregiver to reimburse the agency for the cost of 34912  
conducting the tests. 34913

(D) The ~~certified~~ community addiction services provider that 34914  
conducts any alcohol or other drug tests ordered in accordance 34915  
with divisions (B) and (C) of this section shall send the results 34916  
of the tests, along with the provider's recommendations as to the 34917  
benefits of continued treatment, to the court and to the public 34918  
children services agency providing services to the involved 34919  
family, according to federal regulations set forth in 42 C.F.R. 34920  
Part 2, and division (B) of section 340.15 of the Revised Code. 34921  
The court shall consider the results and the recommendations sent 34922  
to it under this division in any adjudication or review by the 34923  
court, according to section 2151.353, 2151.414, or 2151.419 of the 34924  
Revised Code. 34925

**Sec. 2151.421.** (A)(1)(a) No person described in division 34926  
(A)(1)(b) of this section who is acting in an official or 34927  
professional capacity and knows, or has reasonable cause to 34928  
suspect based on facts that would cause a reasonable person in a 34929  
similar position to suspect, that a child under eighteen years of 34930  
age or a mentally retarded, developmentally disabled, or 34931  
physically impaired child under twenty-one years of age has 34932  
suffered or faces a threat of suffering any physical or mental 34933  
wound, injury, disability, or condition of a nature that 34934  
reasonably indicates abuse or neglect of the child shall fail to 34935  
immediately report that knowledge or reasonable cause to suspect 34936  
to the entity or persons specified in this division. Except as 34937  
provided in section 5120.173 of the Revised Code, the person 34938  
making the report shall make it to the public children services 34939  
agency or a municipal or county peace officer in the county in 34940

which the child resides or in which the abuse or neglect is 34941  
occurring or has occurred. In the circumstances described in 34942  
section 5120.173 of the Revised Code, the person making the report 34943  
shall make it to the entity specified in that section. 34944

(b) Division (A)(1)(a) of this section applies to any person 34945  
who is an attorney; physician, including a hospital intern or 34946  
resident; dentist; podiatrist; practitioner of a limited branch of 34947  
medicine as specified in section 4731.15 of the Revised Code; 34948  
registered nurse; licensed practical nurse; visiting nurse; other 34949  
health care professional; licensed psychologist; licensed school 34950  
psychologist; independent marriage and family therapist or 34951  
marriage and family therapist; speech pathologist or audiologist; 34952  
coroner; administrator or employee of a child day-care center; 34953  
administrator or employee of a residential camp ~~or~~, child day 34954  
camp, or private, nonprofit therapeutic wilderness camp; 34955  
administrator or employee of a certified child care agency or 34956  
other public or private children services agency; school teacher; 34957  
school employee; school authority; person engaged in social work 34958  
or the practice of professional counseling; agent of a county 34959  
humane society; person, other than a cleric, rendering spiritual 34960  
treatment through prayer in accordance with the tenets of a 34961  
well-recognized religion; employee of a county department of job 34962  
and family services who is a professional and who works with 34963  
children and families; superintendent or regional administrator 34964  
employed by the department of youth services; superintendent, 34965  
board member, or employee of a county board of developmental 34966  
disabilities; investigative agent contracted with by a county 34967  
board of developmental disabilities; employee of the department of 34968  
developmental disabilities; employee of a facility or home that 34969  
provides respite care in accordance with section 5123.171 of the 34970  
Revised Code; employee of a home health agency; employee of an 34971  
entity that provides homemaker services; a person performing the 34972  
duties of an assessor pursuant to Chapter 3107. or 5103. of the 34973

Revised Code; third party employed by a public children services 34974  
agency to assist in providing child or family related services; 34975  
court appointed special advocate; or guardian ad litem. 34976

(2) Except as provided in division (A)(3) of this section, an 34977  
attorney or a physician is not required to make a report pursuant 34978  
to division (A)(1) of this section concerning any communication 34979  
the attorney or physician receives from a client or patient in an 34980  
attorney-client or physician-patient relationship, if, in 34981  
accordance with division (A) or (B) of section 2317.02 of the 34982  
Revised Code, the attorney or physician could not testify with 34983  
respect to that communication in a civil or criminal proceeding. 34984

(3) The client or patient in an attorney-client or 34985  
physician-patient relationship described in division (A)(2) of 34986  
this section is deemed to have waived any testimonial privilege 34987  
under division (A) or (B) of section 2317.02 of the Revised Code 34988  
with respect to any communication the attorney or physician 34989  
receives from the client or patient in that attorney-client or 34990  
physician-patient relationship, and the attorney or physician 34991  
shall make a report pursuant to division (A)(1) of this section 34992  
with respect to that communication, if all of the following apply: 34993

(a) The client or patient, at the time of the communication, 34994  
is either a child under eighteen years of age or a mentally 34995  
retarded, developmentally disabled, or physically impaired person 34996  
under twenty-one years of age. 34997

(b) The attorney or physician knows, or has reasonable cause 34998  
to suspect based on facts that would cause a reasonable person in 34999  
similar position to suspect, as a result of the communication or 35000  
any observations made during that communication, that the client 35001  
or patient has suffered or faces a threat of suffering any 35002  
physical or mental wound, injury, disability, or condition of a 35003  
nature that reasonably indicates abuse or neglect of the client or 35004  
patient. 35005

(c) The abuse or neglect does not arise out of the client's 35006  
or patient's attempt to have an abortion without the notification 35007  
of her parents, guardian, or custodian in accordance with section 35008  
2151.85 of the Revised Code. 35009

(4)(a) No cleric and no person, other than a volunteer, 35010  
designated by any church, religious society, or faith acting as a 35011  
leader, official, or delegate on behalf of the church, religious 35012  
society, or faith who is acting in an official or professional 35013  
capacity, who knows, or has reasonable cause to believe based on 35014  
facts that would cause a reasonable person in a similar position 35015  
to believe, that a child under eighteen years of age or a mentally 35016  
retarded, developmentally disabled, or physically impaired child 35017  
under twenty-one years of age has suffered or faces a threat of 35018  
suffering any physical or mental wound, injury, disability, or 35019  
condition of a nature that reasonably indicates abuse or neglect 35020  
of the child, and who knows, or has reasonable cause to believe 35021  
based on facts that would cause a reasonable person in a similar 35022  
position to believe, that another cleric or another person, other 35023  
than a volunteer, designated by a church, religious society, or 35024  
faith acting as a leader, official, or delegate on behalf of the 35025  
church, religious society, or faith caused, or poses the threat of 35026  
causing, the wound, injury, disability, or condition that 35027  
reasonably indicates abuse or neglect shall fail to immediately 35028  
report that knowledge or reasonable cause to believe to the entity 35029  
or persons specified in this division. Except as provided in 35030  
section 5120.173 of the Revised Code, the person making the report 35031  
shall make it to the public children services agency or a 35032  
municipal or county peace officer in the county in which the child 35033  
resides or in which the abuse or neglect is occurring or has 35034  
occurred. In the circumstances described in section 5120.173 of 35035  
the Revised Code, the person making the report shall make it to 35036  
the entity specified in that section. 35037

(b) Except as provided in division (A)(4)(c) of this section, 35038  
a cleric is not required to make a report pursuant to division 35039  
(A)(4)(a) of this section concerning any communication the cleric 35040  
receives from a penitent in a cleric-penitent relationship, if, in 35041  
accordance with division (C) of section 2317.02 of the Revised 35042  
Code, the cleric could not testify with respect to that 35043  
communication in a civil or criminal proceeding. 35044

(c) The penitent in a cleric-penitent relationship described 35045  
in division (A)(4)(b) of this section is deemed to have waived any 35046  
testimonial privilege under division (C) of section 2317.02 of the 35047  
Revised Code with respect to any communication the cleric receives 35048  
from the penitent in that cleric-penitent relationship, and the 35049  
cleric shall make a report pursuant to division (A)(4)(a) of this 35050  
section with respect to that communication, if all of the 35051  
following apply: 35052

(i) The penitent, at the time of the communication, is either 35053  
a child under eighteen years of age or a mentally retarded, 35054  
developmentally disabled, or physically impaired person under 35055  
twenty-one years of age. 35056

(ii) The cleric knows, or has reasonable cause to believe 35057  
based on facts that would cause a reasonable person in a similar 35058  
position to believe, as a result of the communication or any 35059  
observations made during that communication, the penitent has 35060  
suffered or faces a threat of suffering any physical or mental 35061  
wound, injury, disability, or condition of a nature that 35062  
reasonably indicates abuse or neglect of the penitent. 35063

(iii) The abuse or neglect does not arise out of the 35064  
penitent's attempt to have an abortion performed upon a child 35065  
under eighteen years of age or upon a mentally retarded, 35066  
developmentally disabled, or physically impaired person under 35067  
twenty-one years of age without the notification of her parents, 35068  
guardian, or custodian in accordance with section 2151.85 of the 35069



Revised Code. 35070

(d) Divisions (A)(4)(a) and (c) of this section do not apply 35071  
in a cleric-penitent relationship when the disclosure of any 35072  
communication the cleric receives from the penitent is in 35073  
violation of the sacred trust. 35074

(e) As used in divisions (A)(1) and (4) of this section, 35075  
"cleric" and "sacred trust" have the same meanings as in section 35076  
2317.02 of the Revised Code. 35077

(B) Anyone who knows, or has reasonable cause to suspect 35078  
based on facts that would cause a reasonable person in similar 35079  
circumstances to suspect, that a child under eighteen years of age 35080  
or a mentally retarded, developmentally disabled, or physically 35081  
impaired person under twenty-one years of age has suffered or 35082  
faces a threat of suffering any physical or mental wound, injury, 35083  
disability, or other condition of a nature that reasonably 35084  
indicates abuse or neglect of the child may report or cause 35085  
reports to be made of that knowledge or reasonable cause to 35086  
suspect to the entity or persons specified in this division. 35087  
Except as provided in section 5120.173 of the Revised Code, a 35088  
person making a report or causing a report to be made under this 35089  
division shall make it or cause it to be made to the public 35090  
children services agency or to a municipal or county peace 35091  
officer. In the circumstances described in section 5120.173 of the 35092  
Revised Code, a person making a report or causing a report to be 35093  
made under this division shall make it or cause it to be made to 35094  
the entity specified in that section. 35095

(C) Any report made pursuant to division (A) or (B) of this 35096  
section shall be made forthwith either by telephone or in person 35097  
and shall be followed by a written report, if requested by the 35098  
receiving agency or officer. The written report shall contain: 35099

(1) The names and addresses of the child and the child's 35100

parents or the person or persons having custody of the child, if 35101  
known; 35102

(2) The child's age and the nature and extent of the child's 35103  
injuries, abuse, or neglect that is known or reasonably suspected 35104  
or believed, as applicable, to have occurred or of the threat of 35105  
injury, abuse, or neglect that is known or reasonably suspected or 35106  
believed, as applicable, to exist, including any evidence of 35107  
previous injuries, abuse, or neglect; 35108

(3) Any other information that might be helpful in 35109  
establishing the cause of the injury, abuse, or neglect that is 35110  
known or reasonably suspected or believed, as applicable, to have 35111  
occurred or of the threat of injury, abuse, or neglect that is 35112  
known or reasonably suspected or believed, as applicable, to 35113  
exist. 35114

Any person, who is required by division (A) of this section 35115  
to report child abuse or child neglect that is known or reasonably 35116  
suspected or believed to have occurred, may take or cause to be 35117  
taken color photographs of areas of trauma visible on a child and, 35118  
if medically indicated, cause to be performed radiological 35119  
examinations of the child. 35120

(D) As used in this division, "children's advocacy center" 35121  
and "sexual abuse of a child" have the same meanings as in section 35122  
2151.425 of the Revised Code. 35123

(1) When a municipal or county peace officer receives a 35124  
report concerning the possible abuse or neglect of a child or the 35125  
possible threat of abuse or neglect of a child, upon receipt of 35126  
the report, the municipal or county peace officer who receives the 35127  
report shall refer the report to the appropriate public children 35128  
services agency. 35129

(2) When a public children services agency receives a report 35130  
pursuant to this division or division (A) or (B) of this section, 35131

upon receipt of the report, the public children services agency 35132  
shall do both of the following: 35133

(a) Comply with section 2151.422 of the Revised Code; 35134

(b) If the county served by the agency is also served by a 35135  
children's advocacy center and the report alleges sexual abuse of 35136  
a child or another type of abuse of a child that is specified in 35137  
the memorandum of understanding that creates the center as being 35138  
within the center's jurisdiction, comply regarding the report with 35139  
the protocol and procedures for referrals and investigations, with 35140  
the coordinating activities, and with the authority or 35141  
responsibility for performing or providing functions, activities, 35142  
and services stipulated in the interagency agreement entered into 35143  
under section 2151.428 of the Revised Code relative to that 35144  
center. 35145

(E) No township, municipal, or county peace officer shall 35146  
remove a child about whom a report is made pursuant to this 35147  
section from the child's parents, stepparents, or guardian or any 35148  
other persons having custody of the child without consultation 35149  
with the public children services agency, unless, in the judgment 35150  
of the officer, and, if the report was made by physician, the 35151  
physician, immediate removal is considered essential to protect 35152  
the child from further abuse or neglect. The agency that must be 35153  
consulted shall be the agency conducting the investigation of the 35154  
report as determined pursuant to section 2151.422 of the Revised 35155  
Code. 35156

(F)(1) Except as provided in section 2151.422 of the Revised 35157  
Code or in an interagency agreement entered into under section 35158  
2151.428 of the Revised Code that applies to the particular 35159  
report, the public children services agency shall investigate, 35160  
within twenty-four hours, each report of child abuse or child 35161  
neglect that is known or reasonably suspected or believed to have 35162  
occurred and of a threat of child abuse or child neglect that is 35163

known or reasonably suspected or believed to exist that is 35164  
referred to it under this section to determine the circumstances 35165  
surrounding the injuries, abuse, or neglect or the threat of 35166  
injury, abuse, or neglect, the cause of the injuries, abuse, 35167  
neglect, or threat, and the person or persons responsible. The 35168  
investigation shall be made in cooperation with the law 35169  
enforcement agency and in accordance with the memorandum of 35170  
understanding prepared under division (J) of this section. A 35171  
representative of the public children services agency shall, at 35172  
the time of initial contact with the person subject to the 35173  
investigation, inform the person of the specific complaints or 35174  
allegations made against the person. The information shall be 35175  
given in a manner that is consistent with division (H)(1) of this 35176  
section and protects the rights of the person making the report 35177  
under this section. 35178

A failure to make the investigation in accordance with the 35179  
memorandum is not grounds for, and shall not result in, the 35180  
dismissal of any charges or complaint arising from the report or 35181  
the suppression of any evidence obtained as a result of the report 35182  
and does not give, and shall not be construed as giving, any 35183  
rights or any grounds for appeal or post-conviction relief to any 35184  
person. The public children services agency shall report each case 35185  
to the uniform statewide automated child welfare information 35186  
system that the department of job and family services shall 35187  
maintain in accordance with section 5101.13 of the Revised Code. 35188  
The public children services agency shall submit a report of its 35189  
investigation, in writing, to the law enforcement agency. 35190

(2) The public children services agency shall make any 35191  
recommendations to the county prosecuting attorney or city 35192  
director of law that it considers necessary to protect any 35193  
children that are brought to its attention. 35194

(G)(1)(a) Except as provided in division (H)(3) of this 35195

section, anyone or any hospital, institution, school, health 35196  
department, or agency participating in the making of reports under 35197  
division (A) of this section, anyone or any hospital, institution, 35198  
school, health department, or agency participating in good faith 35199  
in the making of reports under division (B) of this section, and 35200  
anyone participating in good faith in a judicial proceeding 35201  
resulting from the reports, shall be immune from any civil or 35202  
criminal liability for injury, death, or loss to person or 35203  
property that otherwise might be incurred or imposed as a result 35204  
of the making of the reports or the participation in the judicial 35205  
proceeding. 35206

(b) Notwithstanding section 4731.22 of the Revised Code, the 35207  
physician-patient privilege shall not be a ground for excluding 35208  
evidence regarding a child's injuries, abuse, or neglect, or the 35209  
cause of the injuries, abuse, or neglect in any judicial 35210  
proceeding resulting from a report submitted pursuant to this 35211  
section. 35212

(2) In any civil or criminal action or proceeding in which it 35213  
is alleged and proved that participation in the making of a report 35214  
under this section was not in good faith or participation in a 35215  
judicial proceeding resulting from a report made under this 35216  
section was not in good faith, the court shall award the 35217  
prevailing party reasonable attorney's fees and costs and, if a 35218  
civil action or proceeding is voluntarily dismissed, may award 35219  
reasonable attorney's fees and costs to the party against whom the 35220  
civil action or proceeding is brought. 35221

(H)(1) Except as provided in divisions (H)(4) and (N) of this 35222  
section, a report made under this section is confidential. The 35223  
information provided in a report made pursuant to this section and 35224  
the name of the person who made the report shall not be released 35225  
for use, and shall not be used, as evidence in any civil action or 35226  
proceeding brought against the person who made the report. Nothing 35227

in this division shall preclude the use of reports of other 35228  
incidents of known or suspected abuse or neglect in a civil action 35229  
or proceeding brought pursuant to division (M) of this section 35230  
against a person who is alleged to have violated division (A)(1) 35231  
of this section, provided that any information in a report that 35232  
would identify the child who is the subject of the report or the 35233  
maker of the report, if the maker of the report is not the 35234  
defendant or an agent or employee of the defendant, has been 35235  
redacted. In a criminal proceeding, the report is admissible in 35236  
evidence in accordance with the Rules of Evidence and is subject 35237  
to discovery in accordance with the Rules of Criminal Procedure. 35238

(2) No person shall permit or encourage the unauthorized 35239  
dissemination of the contents of any report made under this 35240  
section. 35241

(3) A person who knowingly makes or causes another person to 35242  
make a false report under division (B) of this section that 35243  
alleges that any person has committed an act or omission that 35244  
resulted in a child being an abused child or a neglected child is 35245  
guilty of a violation of section 2921.14 of the Revised Code. 35246

(4) If a report is made pursuant to division (A) or (B) of 35247  
this section and the child who is the subject of the report dies 35248  
for any reason at any time after the report is made, but before 35249  
the child attains eighteen years of age, the public children 35250  
services agency or municipal or county peace officer to which the 35251  
report was made or referred, on the request of the child fatality 35252  
review board or the director of health pursuant to guidelines 35253  
established under section 3701.70 of the Revised Code, shall 35254  
submit a summary sheet of information providing a summary of the 35255  
report to the review board of the county in which the deceased 35256  
child resided at the time of death or to the director. On the 35257  
request of the review board or director, the agency or peace 35258  
officer may, at its discretion, make the report available to the 35259

review board or director. If the county served by the public 35260  
children services agency is also served by a children's advocacy 35261  
center and the report of alleged sexual abuse of a child or 35262  
another type of abuse of a child is specified in the memorandum of 35263  
understanding that creates the center as being within the center's 35264  
jurisdiction, the agency or center shall perform the duties and 35265  
functions specified in this division in accordance with the 35266  
interagency agreement entered into under section 2151.428 of the 35267  
Revised Code relative to that advocacy center. 35268

(5) A public children services agency shall advise a person 35269  
alleged to have inflicted abuse or neglect on a child who is the 35270  
subject of a report made pursuant to this section, including a 35271  
report alleging sexual abuse of a child or another type of abuse 35272  
of a child referred to a children's advocacy center pursuant to an 35273  
interagency agreement entered into under section 2151.428 of the 35274  
Revised Code, in writing of the disposition of the investigation. 35275  
The agency shall not provide to the person any information that 35276  
identifies the person who made the report, statements of 35277  
witnesses, or police or other investigative reports. 35278

(I) Any report that is required by this section, other than a 35279  
report that is made to the state highway patrol as described in 35280  
section 5120.173 of the Revised Code, shall result in protective 35281  
services and emergency supportive services being made available by 35282  
the public children services agency on behalf of the children 35283  
about whom the report is made, in an effort to prevent further 35284  
neglect or abuse, to enhance their welfare, and, whenever 35285  
possible, to preserve the family unit intact. The agency required 35286  
to provide the services shall be the agency conducting the 35287  
investigation of the report pursuant to section 2151.422 of the 35288  
Revised Code. 35289

(J)(1) Each public children services agency shall prepare a 35290  
memorandum of understanding that is signed by all of the 35291

following:	35292
(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;	35293 35294 35295
(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;	35296 35297 35298 35299 35300
(c) The county peace officer;	35301
(d) All chief municipal peace officers within the county;	35302
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	35303 35304
(f) The prosecuting attorney of the county;	35305
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	35306 35307 35308
(h) The county humane society;	35309
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	35310 35311 35312 35313 35314
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children	35315 35316 35317 35318 35319 35320 35321



who are the subject of reports made pursuant to division (A) or 35322  
(B) of this section and, when feasible, providing for only one 35323  
interview of a child who is the subject of any report made 35324  
pursuant to division (A) or (B) of this section. A failure to 35325  
follow the procedure set forth in the memorandum by the concerned 35326  
officials is not grounds for, and shall not result in, the 35327  
dismissal of any charges or complaint arising from any reported 35328  
case of abuse or neglect or the suppression of any evidence 35329  
obtained as a result of any reported child abuse or child neglect 35330  
and does not give, and shall not be construed as giving, any 35331  
rights or any grounds for appeal or post-conviction relief to any 35332  
person. 35333

(3) A memorandum of understanding shall include all of the 35334  
following: 35335

(a) The roles and responsibilities for handling emergency and 35336  
nonemergency cases of abuse and neglect; 35337

(b) Standards and procedures to be used in handling and 35338  
coordinating investigations of reported cases of child abuse and 35339  
reported cases of child neglect, methods to be used in 35340  
interviewing the child who is the subject of the report and who 35341  
allegedly was abused or neglected, and standards and procedures 35342  
addressing the categories of persons who may interview the child 35343  
who is the subject of the report and who allegedly was abused or 35344  
neglected. 35345

(4) If a public children services agency participated in the 35346  
execution of a memorandum of understanding under section 2151.426 35347  
of the Revised Code establishing a children's advocacy center, the 35348  
agency shall incorporate the contents of that memorandum in the 35349  
memorandum prepared pursuant to this section. 35350

(5) The clerk of the court of common pleas in the county may 35351  
sign the memorandum of understanding prepared under division 35352

(J)(1) of this section. If the clerk signs the memorandum of 35353  
understanding, the clerk shall execute all relevant 35354  
responsibilities as required of officials specified in the 35355  
memorandum. 35356

(K)(1) Except as provided in division (K)(4) of this section, 35357  
a person who is required to make a report pursuant to division (A) 35358  
of this section may make a reasonable number of requests of the 35359  
public children services agency that receives or is referred the 35360  
report, or of the children's advocacy center that is referred the 35361  
report if the report is referred to a children's advocacy center 35362  
pursuant to an interagency agreement entered into under section 35363  
2151.428 of the Revised Code, to be provided with the following 35364  
information: 35365

(a) Whether the agency or center has initiated an 35366  
investigation of the report; 35367

(b) Whether the agency or center is continuing to investigate 35368  
the report; 35369

(c) Whether the agency or center is otherwise involved with 35370  
the child who is the subject of the report; 35371

(d) The general status of the health and safety of the child 35372  
who is the subject of the report; 35373

(e) Whether the report has resulted in the filing of a 35374  
complaint in juvenile court or of criminal charges in another 35375  
court. 35376

(2) A person may request the information specified in 35377  
division (K)(1) of this section only if, at the time the report is 35378  
made, the person's name, address, and telephone number are 35379  
provided to the person who receives the report. 35380

When a municipal or county peace officer or employee of a 35381  
public children services agency receives a report pursuant to 35382

division (A) or (B) of this section the recipient of the report 35383  
shall inform the person of the right to request the information 35384  
described in division (K)(1) of this section. The recipient of the 35385  
report shall include in the initial child abuse or child neglect 35386  
report that the person making the report was so informed and, if 35387  
provided at the time of the making of the report, shall include 35388  
the person's name, address, and telephone number in the report. 35389

Each request is subject to verification of the identity of 35390  
the person making the report. If that person's identity is 35391  
verified, the agency shall provide the person with the information 35392  
described in division (K)(1) of this section a reasonable number 35393  
of times, except that the agency shall not disclose any 35394  
confidential information regarding the child who is the subject of 35395  
the report other than the information described in those 35396  
divisions. 35397

(3) A request made pursuant to division (K)(1) of this 35398  
section is not a substitute for any report required to be made 35399  
pursuant to division (A) of this section. 35400

(4) If an agency other than the agency that received or was 35401  
referred the report is conducting the investigation of the report 35402  
pursuant to section 2151.422 of the Revised Code, the agency 35403  
conducting the investigation shall comply with the requirements of 35404  
division (K) of this section. 35405

(L) The director of job and family services shall adopt rules 35406  
in accordance with Chapter 119. of the Revised Code to implement 35407  
this section. The department of job and family services may enter 35408  
into a plan of cooperation with any other governmental entity to 35409  
aid in ensuring that children are protected from abuse and 35410  
neglect. The department shall make recommendations to the attorney 35411  
general that the department determines are necessary to protect 35412  
children from child abuse and child neglect. 35413

(M) Whoever violates division (A) of this section is liable 35414  
for compensatory and exemplary damages to the child who would have 35415  
been the subject of the report that was not made. A person who 35416  
brings a civil action or proceeding pursuant to this division 35417  
against a person who is alleged to have violated division (A)(1) 35418  
of this section may use in the action or proceeding reports of 35419  
other incidents of known or suspected abuse or neglect, provided 35420  
that any information in a report that would identify the child who 35421  
is the subject of the report or the maker of the report, if the 35422  
maker is not the defendant or an agent or employee of the 35423  
defendant, has been redacted. 35424

(N)(1) As used in this division: 35425

(a) "Out-of-home care" includes a nonchartered nonpublic 35426  
school if the alleged child abuse or child neglect, or alleged 35427  
threat of child abuse or child neglect, described in a report 35428  
received by a public children services agency allegedly occurred 35429  
in or involved the nonchartered nonpublic school and the alleged 35430  
perpetrator named in the report holds a certificate, permit, or 35431  
license issued by the state board of education under section 35432  
3301.071 or Chapter 3319. of the Revised Code. 35433

(b) "Administrator, director, or other chief administrative 35434  
officer" means the superintendent of the school district if the 35435  
out-of-home care entity subject to a report made pursuant to this 35436  
section is a school operated by the district. 35437

(2) No later than the end of the day following the day on 35438  
which a public children services agency receives a report of 35439  
alleged child abuse or child neglect, or a report of an alleged 35440  
threat of child abuse or child neglect, that allegedly occurred in 35441  
or involved an out-of-home care entity, the agency shall provide 35442  
written notice of the allegations contained in and the person 35443  
named as the alleged perpetrator in the report to the 35444  
administrator, director, or other chief administrative officer of 35445

the out-of-home care entity that is the subject of the report 35446  
unless the administrator, director, or other chief administrative 35447  
officer is named as an alleged perpetrator in the report. If the 35448  
administrator, director, or other chief administrative officer of 35449  
an out-of-home care entity is named as an alleged perpetrator in a 35450  
report of alleged child abuse or child neglect, or a report of an 35451  
alleged threat of child abuse or child neglect, that allegedly 35452  
occurred in or involved the out-of-home care entity, the agency 35453  
shall provide the written notice to the owner or governing board 35454  
of the out-of-home care entity that is the subject of the report. 35455  
The agency shall not provide witness statements or police or other 35456  
investigative reports. 35457

(3) No later than three days after the day on which a public 35458  
children services agency that conducted the investigation as 35459  
determined pursuant to section 2151.422 of the Revised Code makes 35460  
a disposition of an investigation involving a report of alleged 35461  
child abuse or child neglect, or a report of an alleged threat of 35462  
child abuse or child neglect, that allegedly occurred in or 35463  
involved an out-of-home care entity, the agency shall send written 35464  
notice of the disposition of the investigation to the 35465  
administrator, director, or other chief administrative officer and 35466  
the owner or governing board of the out-of-home care entity. The 35467  
agency shall not provide witness statements or police or other 35468  
investigative reports. 35469

(O) As used in this section, "investigation" means the public 35470  
children services agency's response to an accepted report of child 35471  
abuse or neglect through either an alternative response or a 35472  
traditional response. 35473

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 35474  
of common pleas whose terms begin on January 1, 1953, January 2, 35475  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 35476

successors, shall have the same qualifications, exercise the same 35477  
powers and jurisdiction, and receive the same compensation as 35478  
other judges of the court of common pleas of Franklin county and 35479  
shall be elected and designated as judges of the court of common 35480  
pleas, division of domestic relations. They shall have all the 35481  
powers relating to juvenile courts, and all cases under Chapters 35482  
2151. and 2152. of the Revised Code, all parentage proceedings 35483  
under Chapter 3111. of the Revised Code over which the juvenile 35484  
court has jurisdiction, and all divorce, dissolution of marriage, 35485  
legal separation, and annulment cases shall be assigned to them. 35486  
In addition to the judge's regular duties, the judge who is senior 35487  
in point of service shall serve on the children services board and 35488  
the county advisory board and shall be the administrator of the 35489  
domestic relations division and its subdivisions and departments. 35490

(B) In Hamilton county: 35491

(1) The judge of the court of common pleas, whose term begins 35492  
on January 1, 1957, and successors, and the judge of the court of 35493  
common pleas, whose term begins on February 14, 1967, and 35494  
successors, shall be the juvenile judges as provided in Chapters 35495  
2151. and 2152. of the Revised Code, with the powers and 35496  
jurisdiction conferred by those chapters. 35497  
35498

(2) The judges of the court of common pleas whose terms begin 35499  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 35500  
successors, shall be elected and designated as judges of the court 35501  
of common pleas, division of domestic relations, and shall have 35502  
assigned to them all divorce, dissolution of marriage, legal 35503  
separation, and annulment cases coming before the court. On or 35504  
after the first day of July and before the first day of August of 35505  
1991 and each year thereafter, a majority of the judges of the 35506  
division of domestic relations shall elect one of the judges of 35507  
the division as administrative judge of that division. If a 35508

majority of the judges of the division of domestic relations are 35509  
unable for any reason to elect an administrative judge for the 35510  
division before the first day of August, a majority of the judges 35511  
of the Hamilton county court of common pleas, as soon as possible 35512  
after that date, shall elect one of the judges of the division of 35513  
domestic relations as administrative judge of that division. The 35514  
term of the administrative judge shall begin on the earlier of the 35515  
first day of August of the year in which the administrative judge 35516  
is elected or the date on which the administrative judge is 35517  
elected by a majority of the judges of the Hamilton county court 35518  
of common pleas and shall terminate on the date on which the 35519  
administrative judge's successor is elected in the following year. 35520

In addition to the judge's regular duties, the administrative 35521  
judge of the division of domestic relations shall be the 35522  
administrator of the domestic relations division and its 35523  
subdivisions and departments and shall have charge of the 35524  
employment, assignment, and supervision of the personnel of the 35525  
division engaged in handling, servicing, or investigating divorce, 35526  
dissolution of marriage, legal separation, and annulment cases, 35527  
including any referees considered necessary by the judges in the 35528  
discharge of their various duties. 35529

The administrative judge of the division of domestic 35530  
relations also shall designate the title, compensation, expense 35531  
allowances, hours, leaves of absence, and vacations of the 35532  
personnel of the division, and shall fix the duties of its 35533  
personnel. The duties of the personnel, in addition to those 35534  
provided for in other sections of the Revised Code, shall include 35535  
the handling, servicing, and investigation of divorce, dissolution 35536  
of marriage, legal separation, and annulment cases and counseling 35537  
and conciliation services that may be made available to persons 35538  
requesting them, whether or not the persons are parties to an 35539  
action pending in the division. 35540

The board of county commissioners shall appropriate the sum 35541  
of money each year as will meet all the administrative expenses of 35542  
the division of domestic relations, including reasonable expenses 35543  
of the domestic relations judges and the division counselors and 35544  
other employees designated to conduct the handling, servicing, and 35545  
investigation of divorce, dissolution of marriage, legal 35546  
separation, and annulment cases, conciliation and counseling, and 35547  
all matters relating to those cases and counseling, and the 35548  
expenses involved in the attendance of division personnel at 35549  
domestic relations and welfare conferences designated by the 35550  
division, and the further sum each year as will provide for the 35551  
adequate operation of the division of domestic relations. 35552

The compensation and expenses of all employees and the salary 35553  
and expenses of the judges shall be paid by the county treasurer 35554  
from the money appropriated for the operation of the division, 35555  
upon the warrant of the county auditor, certified to by the 35556  
administrative judge of the division of domestic relations. 35557

The summonses, warrants, citations, subpoenas, and other 35558  
writs of the division may issue to a bailiff, constable, or staff 35559  
investigator of the division or to the sheriff of any county or 35560  
any marshal, constable, or police officer, and the provisions of 35561  
law relating to the subpoenaing of witnesses in other cases shall 35562  
apply insofar as they are applicable. When a summons, warrant, 35563  
citation, subpoena, or other writ is issued to an officer, other 35564  
than a bailiff, constable, or staff investigator of the division, 35565  
the expense of serving it shall be assessed as a part of the costs 35566  
in the case involved. 35567

(3) The judge of the court of common pleas of Hamilton county 35568  
whose term begins on January 3, 1997, and the successors to that 35569  
judge shall each be elected and designated as the drug court judge 35570  
of the court of common pleas of Hamilton county. The drug court 35571  
judge may accept or reject any case referred to the drug court 35572



judge under division (B)(3) of this section. After the drug court 35573  
judge accepts a referred case, the drug court judge has full 35574  
authority over the case, including the authority to conduct 35575  
arraignment, accept pleas, enter findings and dispositions, 35576  
conduct trials, order treatment, and if treatment is not 35577  
successfully completed pronounce and enter sentence. 35578

A judge of the general division of the court of common pleas 35579  
of Hamilton county and a judge of the Hamilton county municipal 35580  
court may refer to the drug court judge any case, and any 35581  
companion cases, the judge determines meet the criteria described 35582  
under divisions (B)(3)(a) and (b) of this section. If the drug 35583  
court judge accepts referral of a referred case, the case, and any 35584  
companion cases, shall be transferred to the drug court judge. A 35585  
judge may refer a case meeting the criteria described in divisions 35586  
(B)(3)(a) and (b) of this section that involves a violation of a 35587  
condition of a community control sanction to the drug court judge, 35588  
and, if the drug court judge accepts the referral, the referring 35589  
judge and the drug court judge have concurrent jurisdiction over 35590  
the case. 35591

A judge of the general division of the court of common pleas 35592  
of Hamilton county and a judge of the Hamilton county municipal 35593  
court may refer a case to the drug court judge under division 35594  
(B)(3) of this section if the judge determines that both of the 35595  
following apply: 35596

(a) One of the following applies: 35597

(i) The case involves a drug abuse offense, as defined in 35598  
section 2925.01 of the Revised Code, that is a felony of the third 35599  
or fourth degree if the offense is committed prior to July 1, 35600  
1996, a felony of the third, fourth, or fifth degree if the 35601  
offense is committed on or after July 1, 1996, or a misdemeanor. 35602

(ii) The case involves a theft offense, as defined in section 35603

2913.01 of the Revised Code, that is a felony of the third or 35604  
fourth degree if the offense is committed prior to July 1, 1996, a 35605  
felony of the third, fourth, or fifth degree if the offense is 35606  
committed on or after July 1, 1996, or a misdemeanor, and the 35607  
defendant is drug or alcohol dependent or in danger of becoming 35608  
drug or alcohol dependent and would benefit from treatment. 35609

(b) All of the following apply: 35610

(i) The case involves an offense for which a community 35611  
control sanction may be imposed or is a case in which a mandatory 35612  
prison term or a mandatory jail term is not required to be 35613  
imposed. 35614

(ii) The defendant has no history of violent behavior. 35615

(iii) The defendant has no history of mental illness. 35616

(iv) The defendant's current or past behavior, or both, is 35617  
drug or alcohol driven. 35618

(v) The defendant demonstrates a sincere willingness to 35619  
participate in a fifteen-month treatment process. 35620

(vi) The defendant has no acute health condition. 35621

(vii) If the defendant is incarcerated, the county prosecutor 35622  
approves of the referral. 35623

(4) If the administrative judge of the court of common pleas 35624  
of Hamilton county determines that the volume of cases pending 35625  
before the drug court judge does not constitute a sufficient 35626  
caseload for the drug court judge, the administrative judge, in 35627  
accordance with the Rules of Superintendence for Courts of Common 35628  
Pleas, shall assign individual cases to the drug court judge from 35629  
the general docket of the court. If the assignments so occur, the 35630  
administrative judge shall cease the assignments when the 35631  
administrative judge determines that the volume of cases pending 35632  
before the drug court judge constitutes a sufficient caseload for 35633

the drug court judge. 35634

(5) As used in division (B) of this section, "community 35635  
control sanction," "mandatory prison term," and "mandatory jail 35636  
term" have the same meanings as in section 2929.01 of the Revised 35637  
Code. 35638

(C)(1) In Lorain county: 35639

(a) The judges of the court of common pleas whose terms begin 35640  
on January 3, 1959, January 4, 1989, and January 2, 1999, and 35641  
successors, and the judge of the court of common pleas whose term 35642  
begins on February 9, 2009, shall have the same qualifications, 35643  
exercise the same powers and jurisdiction, and receive the same 35644  
compensation as the other judges of the court of common pleas of 35645  
Lorain county and shall be elected and designated as the judges of 35646  
the court of common pleas, division of domestic relations. The 35647  
judges of the court of common pleas whose terms begin on January 35648  
3, 1959, January 4, 1989, and January 2, 1999, and successors, 35649  
shall have all of the powers relating to juvenile courts, and all 35650  
cases under Chapters 2151. and 2152. of the Revised Code, all 35651  
parentage proceedings over which the juvenile court has 35652  
jurisdiction, and all divorce, dissolution of marriage, legal 35653  
separation, and annulment cases shall be assigned to them, except 35654  
cases that for some special reason are assigned to some other 35655  
judge of the court of common pleas. From February 9, 2009, through 35656  
September 28, 2009, the judge of the court of common pleas whose 35657  
term begins on February 9, 2009, shall have all the powers 35658  
relating to juvenile courts, and cases under Chapters 2151. and 35659  
2152. of the Revised Code, parentage proceedings over which the 35660  
juvenile court has jurisdiction, and divorce, dissolution of 35661  
marriage, legal separation, and annulment cases shall be assigned 35662  
to that judge, except cases that for some special reason are 35663  
assigned to some other judge of the court of common pleas. 35664

(b) From January 1, 2006, through September 28, 2009, the 35665

judges of the court of common pleas, division of domestic 35666  
relations, in addition to the powers and jurisdiction set forth in 35667  
division (C)(1)(a) of this section, shall have jurisdiction over 35668  
matters that are within the jurisdiction of the probate court 35669  
under Chapter 2101. and other provisions of the Revised Code. 35670

(c) The judge of the court of common pleas, division of 35671  
domestic relations, whose term begins on February 9, 2009, is the 35672  
successor to the probate judge who was elected in 2002 for a term 35673  
that began on February 9, 2003. After September 28, 2009, the 35674  
judge of the court of common pleas, division of domestic 35675  
relations, whose term begins on February 9, 2009, shall be the 35676  
probate judge. 35677

(2)(a) From February 9, 2009, through September 28, 2009, 35678  
with respect to Lorain county, all references in law to the 35679  
probate court shall be construed as references to the court of 35680  
common pleas, division of domestic relations, and all references 35681  
to the probate judge shall be construed as references to the 35682  
judges of the court of common pleas, division of domestic 35683  
relations. 35684

(b) From February 9, 2009, through September 28, 2009, with 35685  
respect to Lorain county, all references in law to the clerk of 35686  
the probate court shall be construed as references to the judge 35687  
who is serving pursuant to Rule 4 of the Rules of Superintendence 35688  
for the Courts of Ohio as the administrative judge of the court of 35689  
common pleas, division of domestic relations. 35690

(D) In Lucas county: 35691

(1) The judges of the court of common pleas whose terms begin 35692  
on January 1, 1955, and January 3, 1965, and successors, shall 35693  
have the same qualifications, exercise the same powers and 35694  
jurisdiction, and receive the same compensation as other judges of 35695  
the court of common pleas of Lucas county and shall be elected and 35696

designated as judges of the court of common pleas, division of 35697  
domestic relations. All divorce, dissolution of marriage, legal 35698  
separation, and annulment cases shall be assigned to them. 35699

The judge of the division of domestic relations, senior in 35700  
point of service, shall be considered as the presiding judge of 35701  
the court of common pleas, division of domestic relations, and 35702  
shall be charged exclusively with the assignment and division of 35703  
the work of the division and the employment and supervision of all 35704  
other personnel of the domestic relations division. 35705

(2) The judges of the court of common pleas whose terms begin 35706  
on January 5, 1977, and January 2, 1991, and successors shall have 35707  
the same qualifications, exercise the same powers and 35708  
jurisdiction, and receive the same compensation as other judges of 35709  
the court of common pleas of Lucas county, shall be elected and 35710  
designated as judges of the court of common pleas, juvenile 35711  
division, and shall be the juvenile judges as provided in Chapters 35712  
2151. and 2152. of the Revised Code with the powers and 35713  
jurisdictions conferred by those chapters. In addition to the 35714  
judge's regular duties, the judge of the court of common pleas, 35715  
juvenile division, senior in point of service, shall be the 35716  
administrator of the juvenile division and its subdivisions and 35717  
departments and shall have charge of the employment, assignment, 35718  
and supervision of the personnel of the division engaged in 35719  
handling, servicing, or investigating juvenile cases, including 35720  
any referees considered necessary by the judges of the division in 35721  
the discharge of their various duties. 35722

The judge of the court of common pleas, juvenile division, 35723  
senior in point of service, also shall designate the title, 35724  
compensation, expense allowance, hours, leaves of absence, and 35725  
vacation of the personnel of the division and shall fix the duties 35726  
of the personnel of the division. The duties of the personnel, in 35727  
addition to other statutory duties include the handling, 35728

servicing, and investigation of juvenile cases and counseling and 35729  
conciliation services that may be made available to persons 35730  
requesting them, whether or not the persons are parties to an 35731  
action pending in the division. 35732

(3) If one of the judges of the court of common pleas, 35733  
division of domestic relations, or one of the judges of the 35734  
juvenile division is sick, absent, or unable to perform that 35735  
judge's judicial duties or the volume of cases pending in that 35736  
judge's division necessitates it, the duties shall be performed by 35737  
the judges of the other of those divisions. 35738

(E) In Mahoning county: 35739

(1) The judge of the court of common pleas whose term began 35740  
on January 1, 1955, and successors, shall have the same 35741  
qualifications, exercise the same powers and jurisdiction, and 35742  
receive the same compensation as other judges of the court of 35743  
common pleas of Mahoning county, shall be elected and designated 35744  
as judge of the court of common pleas, division of domestic 35745  
relations, and shall be assigned all the divorce, dissolution of 35746  
marriage, legal separation, and annulment cases coming before the 35747  
court. In addition to the judge's regular duties, the judge of the 35748  
court of common pleas, division of domestic relations, shall be 35749  
the administrator of the domestic relations division and its 35750  
subdivisions and departments and shall have charge of the 35751  
employment, assignment, and supervision of the personnel of the 35752  
division engaged in handling, servicing, or investigating divorce, 35753  
dissolution of marriage, legal separation, and annulment cases, 35754  
including any referees considered necessary in the discharge of 35755  
the various duties of the judge's office. 35756

The judge also shall designate the title, compensation, 35757  
expense allowances, hours, leaves of absence, and vacations of the 35758  
personnel of the division and shall fix the duties of the 35759  
personnel of the division. The duties of the personnel, in 35760

addition to other statutory duties, include the handling, 35761  
servicing, and investigation of divorce, dissolution of marriage, 35762  
legal separation, and annulment cases and counseling and 35763  
conciliation services that may be made available to persons 35764  
requesting them, whether or not the persons are parties to an 35765  
action pending in the division. 35766

(2) The judge of the court of common pleas whose term began 35767  
on January 2, 1969, and successors, shall have the same 35768  
qualifications, exercise the same powers and jurisdiction, and 35769  
receive the same compensation as other judges of the court of 35770  
common pleas of Mahoning county, shall be elected and designated 35771  
as judge of the court of common pleas, juvenile division, and 35772  
shall be the juvenile judge as provided in Chapters 2151. and 35773  
2152. of the Revised Code, with the powers and jurisdictions 35774  
conferred by those chapters. In addition to the judge's regular 35775  
duties, the judge of the court of common pleas, juvenile division, 35776  
shall be the administrator of the juvenile division and its 35777  
subdivisions and departments and shall have charge of the 35778  
employment, assignment, and supervision of the personnel of the 35779  
division engaged in handling, servicing, or investigating juvenile 35780  
cases, including any referees considered necessary by the judge in 35781  
the discharge of the judge's various duties. 35782

The judge also shall designate the title, compensation, 35783  
expense allowances, hours, leaves of absence, and vacation of the 35784  
personnel of the division and shall fix the duties of the 35785  
personnel of the division. The duties of the personnel, in 35786  
addition to other statutory duties, include the handling, 35787  
servicing, and investigation of juvenile cases and counseling and 35788  
conciliation services that may be made available to persons 35789  
requesting them, whether or not the persons are parties to an 35790  
action pending in the division. 35791

(3) If a judge of the court of common pleas, division of 35792

domestic relations or juvenile division, is sick, absent, or 35793  
unable to perform that judge's judicial duties, or the volume of 35794  
cases pending in that judge's division necessitates it, that 35795  
judge's duties shall be performed by another judge of the court of 35796  
common pleas. 35797

(F) In Montgomery county: 35798

(1) The judges of the court of common pleas whose terms begin 35799  
on January 2, 1953, and January 4, 1977, and successors, shall 35800  
have the same qualifications, exercise the same powers and 35801  
jurisdiction, and receive the same compensation as other judges of 35802  
the court of common pleas of Montgomery county and shall be 35803  
elected and designated as judges of the court of common pleas, 35804  
division of domestic relations. These judges shall have assigned 35805  
to them all divorce, dissolution of marriage, legal separation, 35806  
and annulment cases. 35807

The judge of the division of domestic relations, senior in 35808  
point of service, shall be charged exclusively with the assignment 35809  
and division of the work of the division and shall have charge of 35810  
the employment and supervision of the personnel of the division 35811  
engaged in handling, servicing, or investigating divorce, 35812  
dissolution of marriage, legal separation, and annulment cases, 35813  
including any necessary referees, except those employees who may 35814  
be appointed by the judge, junior in point of service, under this 35815  
section and sections 2301.12 and 2301.18 of the Revised Code. The 35816  
judge of the division of domestic relations, senior in point of 35817  
service, also shall designate the title, compensation, expense 35818  
allowances, hours, leaves of absence, and vacation of the 35819  
personnel of the division and shall fix their duties. 35820

(2) The judges of the court of common pleas whose terms begin 35821  
on January 1, 1953, and January 1, 1993, and successors, shall 35822  
have the same qualifications, exercise the same powers and 35823  
jurisdiction, and receive the same compensation as other judges of 35824



the court of common pleas of Montgomery county, shall be elected 35825  
and designated as judges of the court of common pleas, juvenile 35826  
division, and shall be, and have the powers and jurisdiction of, 35827  
the juvenile judge as provided in Chapters 2151. and 2152. of the 35828  
Revised Code. 35829

In addition to the judge's regular duties, the judge of the 35830  
court of common pleas, juvenile division, senior in point of 35831  
service, shall be the administrator of the juvenile division and 35832  
its subdivisions and departments and shall have charge of the 35833  
employment, assignment, and supervision of the personnel of the 35834  
juvenile division, including any necessary referees, who are 35835  
engaged in handling, servicing, or investigating juvenile cases. 35836  
The judge, senior in point of service, also shall designate the 35837  
title, compensation, expense allowances, hours, leaves of absence, 35838  
and vacation of the personnel of the division and shall fix their 35839  
duties. The duties of the personnel, in addition to other 35840  
statutory duties, shall include the handling, servicing, and 35841  
investigation of juvenile cases and of any counseling and 35842  
conciliation services that are available upon request to persons, 35843  
whether or not they are parties to an action pending in the 35844  
division. 35845

If one of the judges of the court of common pleas, division 35846  
of domestic relations, or one of the judges of the court of common 35847  
pleas, juvenile division, is sick, absent, or unable to perform 35848  
that judge's duties or the volume of cases pending in that judge's 35849  
division necessitates it, the duties of that judge may be 35850  
performed by the judge or judges of the other of those divisions. 35851

(G) In Richland county: 35852

(1) The judge of the court of common pleas whose term begins 35853  
on January 1, 1957, and successors, shall have the same 35854  
qualifications, exercise the same powers and jurisdiction, and 35855  
receive the same compensation as the other judges of the court of 35856

common pleas of Richland county and shall be elected and 35857  
designated as judge of the court of common pleas, division of 35858  
domestic relations. That judge shall be assigned and hear all 35859  
divorce, dissolution of marriage, legal separation, and annulment 35860  
cases, all domestic violence cases arising under section 3113.31 35861  
of the Revised Code, and all post-decree proceedings arising from 35862  
any case pertaining to any of those matters. The division of 35863  
domestic relations has concurrent jurisdiction with the juvenile 35864  
division of the court of common pleas of Richland county to 35865  
determine the care, custody, or control of any child not a ward of 35866  
another court of this state, and to hear and determine a request 35867  
for an order for the support of any child if the request is not 35868  
ancillary to an action for divorce, dissolution of marriage, 35869  
annulment, or legal separation, a criminal or civil action 35870  
involving an allegation of domestic violence, or an action for 35871  
support brought under Chapter 3115. of the Revised Code. Except in 35872  
cases that are subject to the exclusive original jurisdiction of 35873  
the juvenile court, the judge of the division of domestic 35874  
relations shall be assigned and hear all cases pertaining to 35875  
paternity or parentage, the care, custody, or control of children, 35876  
parenting time or visitation, child support, or the allocation of 35877  
parental rights and responsibilities for the care of children, all 35878  
proceedings arising under Chapter 3111. of the Revised Code, all 35879  
proceedings arising under the uniform interstate family support 35880  
act contained in Chapter 3115. of the Revised Code, and all 35881  
post-decree proceedings arising from any case pertaining to any of 35882  
those matters. 35883

In addition to the judge's regular duties, the judge of the 35884  
court of common pleas, division of domestic relations, shall be 35885  
the administrator of the domestic relations division and its 35886  
subdivisions and departments. The judge shall have charge of the 35887  
employment, assignment, and supervision of the personnel of the 35888  
domestic relations division, including any magistrates the judge 35889

considers necessary for the discharge of the judge's duties. The 35890  
judge shall also designate the title, compensation, expense 35891  
allowances, hours, leaves of absence, vacation, and other 35892  
employment-related matters of the personnel of the division and 35893  
shall fix their duties. 35894

(2) The judge of the court of common pleas whose term begins 35895  
on January 3, 2005, and successors, shall have the same 35896  
qualifications, exercise the same powers and jurisdiction, and 35897  
receive the same compensation as other judges of the court of 35898  
common pleas of Richland county, shall be elected and designated 35899  
as judge of the court of common pleas, juvenile division, and 35900  
shall be, and have the powers and jurisdiction of, the juvenile 35901  
judge as provided in Chapters 2151. and 2152. of the Revised Code. 35902  
Except in cases that are subject to the exclusive original 35903  
jurisdiction of the juvenile court, the judge of the juvenile 35904  
division shall not have jurisdiction or the power to hear, and 35905  
shall not be assigned, any case pertaining to paternity or 35906  
parentage, the care, custody, or control of children, parenting 35907  
time or visitation, child support, or the allocation of parental 35908  
rights and responsibilities for the care of children or any 35909  
post-decree proceeding arising from any case pertaining to any of 35910  
those matters. The judge of the juvenile division shall not have 35911  
jurisdiction or the power to hear, and shall not be assigned, any 35912  
proceeding under the uniform interstate family support act 35913  
contained in Chapter 3115. of the Revised Code. 35914

In addition to the judge's regular duties, the judge of the 35915  
juvenile division shall be the administrator of the juvenile 35916  
division and its subdivisions and departments. The judge shall 35917  
have charge of the employment, assignment, and supervision of the 35918  
personnel of the juvenile division who are engaged in handling, 35919  
servicing, or investigating juvenile cases, including any 35920  
magistrates whom the judge considers necessary for the discharge 35921

of the judge's various duties. 35922

The judge of the juvenile division also shall designate the 35923  
title, compensation, expense allowances, hours, leaves of absence, 35924  
and vacation of the personnel of the division and shall fix their 35925  
duties. The duties of the personnel, in addition to other 35926  
statutory duties, include the handling, servicing, and 35927  
investigation of juvenile cases and providing any counseling, 35928  
conciliation, and mediation services that the court makes 35929  
available to persons, whether or not the persons are parties to an 35930  
action pending in the court, who request the services. 35931

(H)(1) In Stark county, the judges of the court of common 35932  
pleas whose terms begin on January 1, 1953, January 2, 1959, and 35933  
January 1, 1993, and successors, shall have the same 35934  
qualifications, exercise the same powers and jurisdiction, and 35935  
receive the same compensation as other judges of the court of 35936  
common pleas of Stark county and shall be elected and designated 35937  
as judges of the court of common pleas, family court division ~~of~~ 35938  
~~domestic relations~~. They shall have all the powers relating to 35939  
juvenile courts, and all cases under Chapters 2151. and 2152. of 35940  
the Revised Code, all parentage proceedings over which the 35941  
juvenile court has jurisdiction, and all divorce, dissolution of 35942  
marriage, legal separation, and annulment cases, except cases that 35943  
are assigned to some other judge of the court of common pleas for 35944  
some special reason, shall be assigned to the judges. 35945

(2) The judge of the family court division ~~of domestic~~ 35946  
~~relations~~, second most senior in point of service, shall have 35947  
charge of the employment and supervision of the personnel of the 35948  
division engaged in handling, servicing, or investigating divorce, 35949  
dissolution of marriage, legal separation, and annulment cases, 35950  
and necessary referees required for the judge's respective court. 35951

(3) The judge of the family court division ~~of domestic~~ 35952  
~~relations~~, senior in point of service, shall be charged 35953

exclusively with the administration of sections 2151.13, 2151.16, 35954  
2151.17, and 2152.71 of the Revised Code and with the assignment 35955  
and division of the work of the division and the employment and 35956  
supervision of all other personnel of the division, including, but 35957  
not limited to, that judge's necessary referees, but excepting 35958  
those employees who may be appointed by the judge second most 35959  
senior in point of service. The senior judge further shall serve 35960  
in every other position in which the statutes permit or require a 35961  
juvenile judge to serve. 35962

(4) On and after the effective date of this amendment, all 35963  
references in law to "the division of domestic relations," "the 35964  
domestic relations division," "the domestic relations court," "the 35965  
judge of the division of domestic relations," or "the judge of the 35966  
domestic relations division" shall be construed, with respect to 35967  
Stark county, as being references to "the family court division" 35968  
or "the judge of the family court division." 35969

(I) In Summit county: 35970

(1) The judges of the court of common pleas whose terms begin 35971  
on January 4, 1967, and January 6, 1993, and successors, shall 35972  
have the same qualifications, exercise the same powers and 35973  
jurisdiction, and receive the same compensation as other judges of 35974  
the court of common pleas of Summit county and shall be elected 35975  
and designated as judges of the court of common pleas, division of 35976  
domestic relations. The judges of the division of domestic 35977  
relations shall have assigned to them and hear all divorce, 35978  
dissolution of marriage, legal separation, and annulment cases 35979  
that come before the court. Except in cases that are subject to 35980  
the exclusive original jurisdiction of the juvenile court, the 35981  
judges of the division of domestic relations shall have assigned 35982  
to them and hear all cases pertaining to paternity, custody, 35983  
visitation, child support, or the allocation of parental rights 35984  
and responsibilities for the care of children and all post-decree 35985

proceedings arising from any case pertaining to any of those 35986  
matters. The judges of the division of domestic relations shall 35987  
have assigned to them and hear all proceedings under the uniform 35988  
interstate family support act contained in Chapter 3115. of the 35989  
Revised Code. 35990

The judge of the division of domestic relations, senior in 35991  
point of service, shall be the administrator of the domestic 35992  
relations division and its subdivisions and departments and shall 35993  
have charge of the employment, assignment, and supervision of the 35994  
personnel of the division, including any necessary referees, who 35995  
are engaged in handling, servicing, or investigating divorce, 35996  
dissolution of marriage, legal separation, and annulment cases. 35997  
That judge also shall designate the title, compensation, expense 35998  
allowances, hours, leaves of absence, and vacations of the 35999  
personnel of the division and shall fix their duties. The duties 36000  
of the personnel, in addition to other statutory duties, shall 36001  
include the handling, servicing, and investigation of divorce, 36002  
dissolution of marriage, legal separation, and annulment cases and 36003  
of any counseling and conciliation services that are available 36004  
upon request to all persons, whether or not they are parties to an 36005  
action pending in the division. 36006

(2) The judge of the court of common pleas whose term begins 36007  
on January 1, 1955, and successors, shall have the same 36008  
qualifications, exercise the same powers and jurisdiction, and 36009  
receive the same compensation as other judges of the court of 36010  
common pleas of Summit county, shall be elected and designated as 36011  
judge of the court of common pleas, juvenile division, and shall 36012  
be, and have the powers and jurisdiction of, the juvenile judge as 36013  
provided in Chapters 2151. and 2152. of the Revised Code. Except 36014  
in cases that are subject to the exclusive original jurisdiction 36015  
of the juvenile court, the judge of the juvenile division shall 36016  
not have jurisdiction or the power to hear, and shall not be 36017

assigned, any case pertaining to paternity, custody, visitation, 36018  
child support, or the allocation of parental rights and 36019  
responsibilities for the care of children or any post-decree 36020  
proceeding arising from any case pertaining to any of those 36021  
matters. The judge of the juvenile division shall not have 36022  
jurisdiction or the power to hear, and shall not be assigned, any 36023  
proceeding under the uniform interstate family support act 36024  
contained in Chapter 3115. of the Revised Code. 36025

The juvenile judge shall be the administrator of the juvenile 36026  
division and its subdivisions and departments and shall have 36027  
charge of the employment, assignment, and supervision of the 36028  
personnel of the juvenile division, including any necessary 36029  
referees, who are engaged in handling, servicing, or investigating 36030  
juvenile cases. The judge also shall designate the title, 36031  
compensation, expense allowances, hours, leaves of absence, and 36032  
vacation of the personnel of the division and shall fix their 36033  
duties. The duties of the personnel, in addition to other 36034  
statutory duties, shall include the handling, servicing, and 36035  
investigation of juvenile cases and of any counseling and 36036  
conciliation services that are available upon request to persons, 36037  
whether or not they are parties to an action pending in the 36038  
division. 36039

(J) In Trumbull county, the judges of the court of common 36040  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 36041  
and successors, shall have the same qualifications, exercise the 36042  
same powers and jurisdiction, and receive the same compensation as 36043  
other judges of the court of common pleas of Trumbull county and 36044  
shall be elected and designated as judges of the court of common 36045  
pleas, division of domestic relations. They shall have all the 36046  
powers relating to juvenile courts, and all cases under Chapters 36047  
2151. and 2152. of the Revised Code, all parentage proceedings 36048  
over which the juvenile court has jurisdiction, and all divorce, 36049

dissolution of marriage, legal separation, and annulment cases 36050  
shall be assigned to them, except cases that for some special 36051  
reason are assigned to some other judge of the court of common 36052  
pleas. 36053

(K) In Butler county: 36054

(1) The judges of the court of common pleas whose terms begin 36055  
on January 1, 1957, and January 4, 1993, and successors, shall 36056  
have the same qualifications, exercise the same powers and 36057  
jurisdiction, and receive the same compensation as other judges of 36058  
the court of common pleas of Butler county and shall be elected 36059  
and designated as judges of the court of common pleas, division of 36060  
domestic relations. The judges of the division of domestic 36061  
relations shall have assigned to them all divorce, dissolution of 36062  
marriage, legal separation, and annulment cases coming before the 36063  
court, except in cases that for some special reason are assigned 36064  
to some other judge of the court of common pleas. The judges of 36065  
the division of domestic relations also have concurrent 36066  
jurisdiction with judges of the juvenile division of the court of 36067  
common pleas of Butler county with respect to and may hear cases 36068  
to determine the custody, support, or custody and support of a 36069  
child who is born of issue of a marriage and who is not the ward 36070  
of another court of this state, cases commenced by a party of the 36071  
marriage to obtain an order requiring support of any child when 36072  
the request for that order is not ancillary to an action for 36073  
divorce, dissolution of marriage, annulment, or legal separation, 36074  
a criminal or civil action involving an allegation of domestic 36075  
violence, an action for support under Chapter 3115. of the Revised 36076  
Code, or an action that is within the exclusive original 36077  
jurisdiction of the juvenile division of the court of common pleas 36078  
of Butler county and that involves an allegation that the child is 36079  
an abused, neglected, or dependent child, and post-decree 36080  
proceedings and matters arising from those types of cases. The 36081



judge senior in point of service shall be charged with the 36082  
assignment and division of the work of the division and with the 36083  
employment and supervision of all other personnel of the domestic 36084  
relations division. 36085

The judge senior in point of service also shall designate the 36086  
title, compensation, expense allowances, hours, leaves of absence, 36087  
and vacations of the personnel of the division and shall fix their 36088  
duties. The duties of the personnel, in addition to other 36089  
statutory duties, shall include the handling, servicing, and 36090  
investigation of divorce, dissolution of marriage, legal 36091  
separation, and annulment cases and providing any counseling and 36092  
conciliation services that the division makes available to 36093  
persons, whether or not the persons are parties to an action 36094  
pending in the division, who request the services. 36095

(2) The judges of the court of common pleas whose terms begin 36096  
on January 3, 1987, and January 2, 2003, and successors, shall 36097  
have the same qualifications, exercise the same powers and 36098  
jurisdiction, and receive the same compensation as other judges of 36099  
the court of common pleas of Butler county, shall be elected and 36100  
designated as judges of the court of common pleas, juvenile 36101  
division, and shall be the juvenile judges as provided in Chapters 36102  
2151. and 2152. of the Revised Code, with the powers and 36103  
jurisdictions conferred by those chapters. Except in cases that 36104  
are subject to the exclusive original jurisdiction of the juvenile 36105  
court, the judges of the juvenile division shall not have 36106  
jurisdiction or the power to hear and shall not be assigned, but 36107  
shall have the limited ability and authority to certify, any case 36108  
commenced by a party of a marriage to determine the custody, 36109  
support, or custody and support of a child who is born of issue of 36110  
the marriage and who is not the ward of another court of this 36111  
state when the request for the order in the case is not ancillary 36112  
to an action for divorce, dissolution of marriage, annulment, or 36113

legal separation. The judge of the court of common pleas, juvenile 36114  
division, who is senior in point of service, shall be the 36115  
administrator of the juvenile division and its subdivisions and 36116  
departments. The judge, senior in point of service, shall have 36117  
charge of the employment, assignment, and supervision of the 36118  
personnel of the juvenile division who are engaged in handling, 36119  
servicing, or investigating juvenile cases, including any referees 36120  
whom the judge considers necessary for the discharge of the 36121  
judge's various duties. 36122

The judge, senior in point of service, also shall designate 36123  
the title, compensation, expense allowances, hours, leaves of 36124  
absence, and vacation of the personnel of the division and shall 36125  
fix their duties. The duties of the personnel, in addition to 36126  
other statutory duties, include the handling, servicing, and 36127  
investigation of juvenile cases and providing any counseling and 36128  
conciliation services that the division makes available to 36129  
persons, whether or not the persons are parties to an action 36130  
pending in the division, who request the services. 36131

(3) If a judge of the court of common pleas, division of 36132  
domestic relations or juvenile division, is sick, absent, or 36133  
unable to perform that judge's judicial duties or the volume of 36134  
cases pending in the judge's division necessitates it, the duties 36135  
of that judge shall be performed by the other judges of the 36136  
domestic relations and juvenile divisions. 36137

(L)(1) In Cuyahoga county, the judges of the court of common 36138  
pleas whose terms begin on January 8, 1961, January 9, 1961, 36139  
January 18, 1975, January 19, 1975, and January 13, 1987, and 36140  
successors, shall have the same qualifications, exercise the same 36141  
powers and jurisdiction, and receive the same compensation as 36142  
other judges of the court of common pleas of Cuyahoga county and 36143  
shall be elected and designated as judges of the court of common 36144  
pleas, division of domestic relations. They shall have all the 36145

powers relating to all divorce, dissolution of marriage, legal 36146  
separation, and annulment cases, except in cases that are assigned 36147  
to some other judge of the court of common pleas for some special 36148  
reason. 36149

(2) The administrative judge is administrator of the domestic 36150  
relations division and its subdivisions and departments and has 36151  
the following powers concerning division personnel: 36152

(a) Full charge of the employment, assignment, and 36153  
supervision; 36154

(b) Sole determination of compensation, duties, expenses, 36155  
allowances, hours, leaves, and vacations. 36156

(3) "Division personnel" include persons employed or referees 36157  
engaged in hearing, servicing, investigating, counseling, or 36158  
conciliating divorce, dissolution of marriage, legal separation 36159  
and annulment matters. 36160

(M) In Lake county: 36161

(1) The judge of the court of common pleas whose term begins 36162  
on January 2, 1961, and successors, shall have the same 36163  
qualifications, exercise the same powers and jurisdiction, and 36164  
receive the same compensation as the other judges of the court of 36165  
common pleas of Lake county and shall be elected and designated as 36166  
judge of the court of common pleas, division of domestic 36167  
relations. The judge shall be assigned all the divorce, 36168  
dissolution of marriage, legal separation, and annulment cases 36169  
coming before the court, except in cases that for some special 36170  
reason are assigned to some other judge of the court of common 36171  
pleas. The judge shall be charged with the assignment and division 36172  
of the work of the division and with the employment and 36173  
supervision of all other personnel of the domestic relations 36174  
division. 36175

The judge also shall designate the title, compensation, 36176

expense allowances, hours, leaves of absence, and vacations of the 36177  
personnel of the division and shall fix their duties. The duties 36178  
of the personnel, in addition to other statutory duties, shall 36179  
include the handling, servicing, and investigation of divorce, 36180  
dissolution of marriage, legal separation, and annulment cases and 36181  
providing any counseling and conciliation services that the 36182  
division makes available to persons, whether or not the persons 36183  
are parties to an action pending in the division, who request the 36184  
services. 36185

(2) The judge of the court of common pleas whose term begins 36186  
on January 4, 1979, and successors, shall have the same 36187  
qualifications, exercise the same powers and jurisdiction, and 36188  
receive the same compensation as other judges of the court of 36189  
common pleas of Lake county, shall be elected and designated as 36190  
judge of the court of common pleas, juvenile division, and shall 36191  
be the juvenile judge as provided in Chapters 2151. and 2152. of 36192  
the Revised Code, with the powers and jurisdictions conferred by 36193  
those chapters. The judge of the court of common pleas, juvenile 36194  
division, shall be the administrator of the juvenile division and 36195  
its subdivisions and departments. The judge shall have charge of 36196  
the employment, assignment, and supervision of the personnel of 36197  
the juvenile division who are engaged in handling, servicing, or 36198  
investigating juvenile cases, including any referees whom the 36199  
judge considers necessary for the discharge of the judge's various 36200  
duties. 36201

The judge also shall designate the title, compensation, 36202  
expense allowances, hours, leaves of absence, and vacation of the 36203  
personnel of the division and shall fix their duties. The duties 36204  
of the personnel, in addition to other statutory duties, include 36205  
the handling, servicing, and investigation of juvenile cases and 36206  
providing any counseling and conciliation services that the 36207  
division makes available to persons, whether or not the persons 36208

are parties to an action pending in the division, who request the 36209  
services. 36210

(3) If a judge of the court of common pleas, division of 36211  
domestic relations or juvenile division, is sick, absent, or 36212  
unable to perform that judge's judicial duties or the volume of 36213  
cases pending in the judge's division necessitates it, the duties 36214  
of that judge shall be performed by the other judges of the 36215  
domestic relations and juvenile divisions. 36216

(N) In Erie county: 36217

(1) The judge of the court of common pleas whose term begins 36218  
on January 2, 1971, and the successors to that judge whose terms 36219  
begin before January 2, 2007, shall have the same qualifications, 36220  
exercise the same powers and jurisdiction, and receive the same 36221  
compensation as the other judge of the court of common pleas of 36222  
Erie county and shall be elected and designated as judge of the 36223  
court of common pleas, division of domestic relations. The judge 36224  
shall have all the powers relating to juvenile courts, and shall 36225  
be assigned all cases under Chapters 2151. and 2152. of the 36226  
Revised Code, parentage proceedings over which the juvenile court 36227  
has jurisdiction, and divorce, dissolution of marriage, legal 36228  
separation, and annulment cases, except cases that for some 36229  
special reason are assigned to some other judge. 36230

On or after January 2, 2007, the judge of the court of common 36231  
pleas who is elected in 2006 shall be the successor to the judge 36232  
of the domestic relations division whose term expires on January 36233  
1, 2007, shall be designated as judge of the court of common 36234  
pleas, juvenile division, and shall be the juvenile judge as 36235  
provided in Chapters 2151. and 2152. of the Revised Code with the 36236  
powers and jurisdictions conferred by those chapters. 36237

(2) The judge of the court of common pleas, general division, 36238  
whose term begins on January 1, 2005, and successors, the judge of 36239

the court of common pleas, general division whose term begins on 36240  
January 2, 2005, and successors, and the judge of the court of 36241  
common pleas, general division, whose term begins February 9, 36242  
2009, and successors, shall have assigned to them, in addition to 36243  
all matters that are within the jurisdiction of the general 36244  
division of the court of common pleas, all divorce, dissolution of 36245  
marriage, legal separation, and annulment cases coming before the 36246  
court, and all matters that are within the jurisdiction of the 36247  
probate court under Chapter 2101., and other provisions, of the 36248  
Revised Code. 36249

(0) In Greene county: 36250

(1) The judge of the court of common pleas whose term begins 36251  
on January 1, 1961, and successors, shall have the same 36252  
qualifications, exercise the same powers and jurisdiction, and 36253  
receive the same compensation as the other judges of the court of 36254  
common pleas of Greene county and shall be elected and designated 36255  
as the judge of the court of common pleas, division of domestic 36256  
relations. The judge shall be assigned all divorce, dissolution of 36257  
marriage, legal separation, annulment, uniform reciprocal support 36258  
enforcement, and domestic violence cases and all other cases 36259  
related to domestic relations, except cases that for some special 36260  
reason are assigned to some other judge of the court of common 36261  
pleas. 36262

The judge shall be charged with the assignment and division 36263  
of the work of the division and with the employment and 36264  
supervision of all other personnel of the division. The judge also 36265  
shall designate the title, compensation, hours, leaves of absence, 36266  
and vacations of the personnel of the division and shall fix their 36267  
duties. The duties of the personnel of the division, in addition 36268  
to other statutory duties, shall include the handling, servicing, 36269  
and investigation of divorce, dissolution of marriage, legal 36270  
separation, and annulment cases and the provision of counseling 36271

and conciliation services that the division considers necessary 36272  
and makes available to persons who request the services, whether 36273  
or not the persons are parties in an action pending in the 36274  
division. The compensation for the personnel shall be paid from 36275  
the overall court budget and shall be included in the 36276  
appropriations for the existing judges of the general division of 36277  
the court of common pleas. 36278

(2) The judge of the court of common pleas whose term begins 36279  
on January 1, 1995, and successors, shall have the same 36280  
qualifications, exercise the same powers and jurisdiction, and 36281  
receive the same compensation as the other judges of the court of 36282  
common pleas of Greene county, shall be elected and designated as 36283  
judge of the court of common pleas, juvenile division, and, on or 36284  
after January 1, 1995, shall be the juvenile judge as provided in 36285  
Chapters 2151. and 2152. of the Revised Code with the powers and 36286  
jurisdiction conferred by those chapters. The judge of the court 36287  
of common pleas, juvenile division, shall be the administrator of 36288  
the juvenile division and its subdivisions and departments. The 36289  
judge shall have charge of the employment, assignment, and 36290  
supervision of the personnel of the juvenile division who are 36291  
engaged in handling, servicing, or investigating juvenile cases, 36292  
including any referees whom the judge considers necessary for the 36293  
discharge of the judge's various duties. 36294

The judge also shall designate the title, compensation, 36295  
expense allowances, hours, leaves of absence, and vacation of the 36296  
personnel of the division and shall fix their duties. The duties 36297  
of the personnel, in addition to other statutory duties, include 36298  
the handling, servicing, and investigation of juvenile cases and 36299  
providing any counseling and conciliation services that the court 36300  
makes available to persons, whether or not the persons are parties 36301  
to an action pending in the court, who request the services. 36302

(3) If one of the judges of the court of common pleas, 36303

general division, is sick, absent, or unable to perform that 36304  
judge's judicial duties or the volume of cases pending in the 36305  
general division necessitates it, the duties of that judge of the 36306  
general division shall be performed by the judge of the division 36307  
of domestic relations and the judge of the juvenile division. 36308

(P) In Portage county, the judge of the court of common 36309  
pleas, whose term begins January 2, 1987, and successors, shall 36310  
have the same qualifications, exercise the same powers and 36311  
jurisdiction, and receive the same compensation as the other 36312  
judges of the court of common pleas of Portage county and shall be 36313  
elected and designated as judge of the court of common pleas, 36314  
division of domestic relations. The judge shall be assigned all 36315  
divorce, dissolution of marriage, legal separation, and annulment 36316  
cases coming before the court, except in cases that for some 36317  
special reason are assigned to some other judge of the court of 36318  
common pleas. The judge shall be charged with the assignment and 36319  
division of the work of the division and with the employment and 36320  
supervision of all other personnel of the domestic relations 36321  
division. 36322

The judge also shall designate the title, compensation, 36323  
expense allowances, hours, leaves of absence, and vacations of the 36324  
personnel of the division and shall fix their duties. The duties 36325  
of the personnel, in addition to other statutory duties, shall 36326  
include the handling, servicing, and investigation of divorce, 36327  
dissolution of marriage, legal separation, and annulment cases and 36328  
providing any counseling and conciliation services that the 36329  
division makes available to persons, whether or not the persons 36330  
are parties to an action pending in the division, who request the 36331  
services. 36332

(Q) In Clermont county, the judge of the court of common 36333  
pleas, whose term begins January 2, 1987, and successors, shall 36334  
have the same qualifications, exercise the same powers and 36335



jurisdiction, and receive the same compensation as the other 36336  
judges of the court of common pleas of Clermont county and shall 36337  
be elected and designated as judge of the court of common pleas, 36338  
division of domestic relations. The judge shall be assigned all 36339  
divorce, dissolution of marriage, legal separation, and annulment 36340  
cases coming before the court, except in cases that for some 36341  
special reason are assigned to some other judge of the court of 36342  
common pleas. The judge shall be charged with the assignment and 36343  
division of the work of the division and with the employment and 36344  
supervision of all other personnel of the domestic relations 36345  
division. 36346

The judge also shall designate the title, compensation, 36347  
expense allowances, hours, leaves of absence, and vacations of the 36348  
personnel of the division and shall fix their duties. The duties 36349  
of the personnel, in addition to other statutory duties, shall 36350  
include the handling, servicing, and investigation of divorce, 36351  
dissolution of marriage, legal separation, and annulment cases and 36352  
providing any counseling and conciliation services that the 36353  
division makes available to persons, whether or not the persons 36354  
are parties to an action pending in the division, who request the 36355  
services. 36356

(R) In Warren county, the judge of the court of common pleas, 36357  
whose term begins January 1, 1987, and successors, shall have the 36358  
same qualifications, exercise the same powers and jurisdiction, 36359  
and receive the same compensation as the other judges of the court 36360  
of common pleas of Warren county and shall be elected and 36361  
designated as judge of the court of common pleas, division of 36362  
domestic relations. The judge shall be assigned all divorce, 36363  
dissolution of marriage, legal separation, and annulment cases 36364  
coming before the court, except in cases that for some special 36365  
reason are assigned to some other judge of the court of common 36366  
pleas. The judge shall be charged with the assignment and division 36367

of the work of the division and with the employment and 36368  
supervision of all other personnel of the domestic relations 36369  
division. 36370

The judge also shall designate the title, compensation, 36371  
expense allowances, hours, leaves of absence, and vacations of the 36372  
personnel of the division and shall fix their duties. The duties 36373  
of the personnel, in addition to other statutory duties, shall 36374  
include the handling, servicing, and investigation of divorce, 36375  
dissolution of marriage, legal separation, and annulment cases and 36376  
providing any counseling and conciliation services that the 36377  
division makes available to persons, whether or not the persons 36378  
are parties to an action pending in the division, who request the 36379  
services. 36380

(S) In Licking county, the judges of the court of common 36381  
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 36382  
and successors, shall have the same qualifications, exercise the 36383  
same powers and jurisdiction, and receive the same compensation as 36384  
the other judges of the court of common pleas of Licking county 36385  
and shall be elected and designated as judges of the court of 36386  
common pleas, division of domestic relations. The judges shall be 36387  
assigned all divorce, dissolution of marriage, legal separation, 36388  
and annulment cases, all cases arising under Chapter 3111. of the 36389  
Revised Code, all proceedings involving child support, the 36390  
allocation of parental rights and responsibilities for the care of 36391  
children and the designation for the children of a place of 36392  
residence and legal custodian, parenting time, and visitation, and 36393  
all post-decree proceedings and matters arising from those cases 36394  
and proceedings, except in cases that for some special reason are 36395  
assigned to another judge of the court of common pleas. The 36396  
administrative judge of the division of domestic relations shall 36397  
be charged with the assignment and division of the work of the 36398  
division and with the employment and supervision of the personnel 36399

of the division. 36400

The administrative judge of the division of domestic 36401  
relations shall designate the title, compensation, expense 36402  
allowances, hours, leaves of absence, and vacations of the 36403  
personnel of the division and shall fix the duties of the 36404  
personnel of the division. The duties of the personnel of the 36405  
division, in addition to other statutory duties, shall include the 36406  
handling, servicing, and investigation of divorce, dissolution of 36407  
marriage, legal separation, and annulment cases, cases arising 36408  
under Chapter 3111. of the Revised Code, and proceedings involving 36409  
child support, the allocation of parental rights and 36410  
responsibilities for the care of children and the designation for 36411  
the children of a place of residence and legal custodian, 36412  
parenting time, and visitation and providing any counseling and 36413  
conciliation services that the division makes available to 36414  
persons, whether or not the persons are parties to an action 36415  
pending in the division, who request the services. 36416

(T) In Allen county, the judge of the court of common pleas, 36417  
whose term begins January 1, 1993, and successors, shall have the 36418  
same qualifications, exercise the same powers and jurisdiction, 36419  
and receive the same compensation as the other judges of the court 36420  
of common pleas of Allen county and shall be elected and 36421  
designated as judge of the court of common pleas, division of 36422  
domestic relations. The judge shall be assigned all divorce, 36423  
dissolution of marriage, legal separation, and annulment cases, 36424  
all cases arising under Chapter 3111. of the Revised Code, all 36425  
proceedings involving child support, the allocation of parental 36426  
rights and responsibilities for the care of children and the 36427  
designation for the children of a place of residence and legal 36428  
custodian, parenting time, and visitation, and all post-decree 36429  
proceedings and matters arising from those cases and proceedings, 36430  
except in cases that for some special reason are assigned to 36431

another judge of the court of common pleas. The judge shall be 36432  
charged with the assignment and division of the work of the 36433  
division and with the employment and supervision of the personnel 36434  
of the division. 36435

The judge shall designate the title, compensation, expense 36436  
allowances, hours, leaves of absence, and vacations of the 36437  
personnel of the division and shall fix the duties of the 36438  
personnel of the division. The duties of the personnel of the 36439  
division, in addition to other statutory duties, shall include the 36440  
handling, servicing, and investigation of divorce, dissolution of 36441  
marriage, legal separation, and annulment cases, cases arising 36442  
under Chapter 3111. of the Revised Code, and proceedings involving 36443  
child support, the allocation of parental rights and 36444  
responsibilities for the care of children and the designation for 36445  
the children of a place of residence and legal custodian, 36446  
parenting time, and visitation, and providing any counseling and 36447  
conciliation services that the division makes available to 36448  
persons, whether or not the persons are parties to an action 36449  
pending in the division, who request the services. 36450

(U) In Medina county, the judge of the court of common pleas 36451  
whose term begins January 1, 1995, and successors, shall have the 36452  
same qualifications, exercise the same powers and jurisdiction, 36453  
and receive the same compensation as other judges of the court of 36454  
common pleas of Medina county and shall be elected and designated 36455  
as judge of the court of common pleas, division of domestic 36456  
relations. The judge shall be assigned all divorce, dissolution of 36457  
marriage, legal separation, and annulment cases, all cases arising 36458  
under Chapter 3111. of the Revised Code, all proceedings involving 36459  
child support, the allocation of parental rights and 36460  
responsibilities for the care of children and the designation for 36461  
the children of a place of residence and legal custodian, 36462  
parenting time, and visitation, and all post-decree proceedings 36463

and matters arising from those cases and proceedings, except in 36464  
cases that for some special reason are assigned to another judge 36465  
of the court of common pleas. The judge shall be charged with the 36466  
assignment and division of the work of the division and with the 36467  
employment and supervision of the personnel of the division. 36468

The judge shall designate the title, compensation, expense 36469  
allowances, hours, leaves of absence, and vacations of the 36470  
personnel of the division and shall fix the duties of the 36471  
personnel of the division. The duties of the personnel, in 36472  
addition to other statutory duties, include the handling, 36473  
servicing, and investigation of divorce, dissolution of marriage, 36474  
legal separation, and annulment cases, cases arising under Chapter 36475  
3111. of the Revised Code, and proceedings involving child 36476  
support, the allocation of parental rights and responsibilities 36477  
for the care of children and the designation for the children of a 36478  
place of residence and legal custodian, parenting time, and 36479  
visitation, and providing counseling and conciliation services 36480  
that the division makes available to persons, whether or not the 36481  
persons are parties to an action pending in the division, who 36482  
request the services. 36483

(V) In Fairfield county, the judge of the court of common 36484  
pleas whose term begins January 2, 1995, and successors, shall 36485  
have the same qualifications, exercise the same powers and 36486  
jurisdiction, and receive the same compensation as the other 36487  
judges of the court of common pleas of Fairfield county and shall 36488  
be elected and designated as judge of the court of common pleas, 36489  
division of domestic relations. The judge shall be assigned all 36490  
divorce, dissolution of marriage, legal separation, and annulment 36491  
cases, all cases arising under Chapter 3111. of the Revised Code, 36492  
all proceedings involving child support, the allocation of 36493  
parental rights and responsibilities for the care of children and 36494  
the designation for the children of a place of residence and legal 36495

custodian, parenting time, and visitation, and all post-decree 36496  
proceedings and matters arising from those cases and proceedings, 36497  
except in cases that for some special reason are assigned to 36498  
another judge of the court of common pleas. The judge also has 36499  
concurrent jurisdiction with the probate-juvenile division of the 36500  
court of common pleas of Fairfield county with respect to and may 36501  
hear cases to determine the custody of a child, as defined in 36502  
section 2151.011 of the Revised Code, who is not the ward of 36503  
another court of this state, cases that are commenced by a parent, 36504  
guardian, or custodian of a child, as defined in section 2151.011 36505  
of the Revised Code, to obtain an order requiring a parent of the 36506  
child to pay child support for that child when the request for 36507  
that order is not ancillary to an action for divorce, dissolution 36508  
of marriage, annulment, or legal separation, a criminal or civil 36509  
action involving an allegation of domestic violence, an action for 36510  
support under Chapter 3115. of the Revised Code, or an action that 36511  
is within the exclusive original jurisdiction of the 36512  
probate-juvenile division of the court of common pleas of 36513  
Fairfield county and that involves an allegation that the child is 36514  
an abused, neglected, or dependent child, and post-decree 36515  
proceedings and matters arising from those types of cases. 36516

The judge of the domestic relations division shall be charged 36517  
with the assignment and division of the work of the division and 36518  
with the employment and supervision of the personnel of the 36519  
division. 36520

The judge shall designate the title, compensation, expense 36521  
allowances, hours, leaves of absence, and vacations of the 36522  
personnel of the division and shall fix the duties of the 36523  
personnel of the division. The duties of the personnel of the 36524  
division, in addition to other statutory duties, shall include the 36525  
handling, servicing, and investigation of divorce, dissolution of 36526  
marriage, legal separation, and annulment cases, cases arising 36527

under Chapter 3111. of the Revised Code, and proceedings involving 36528  
child support, the allocation of parental rights and 36529  
responsibilities for the care of children and the designation for 36530  
the children of a place of residence and legal custodian, 36531  
parenting time, and visitation, and providing any counseling and 36532  
conciliation services that the division makes available to 36533  
persons, regardless of whether the persons are parties to an 36534  
action pending in the division, who request the services. When the 36535  
judge hears a case to determine the custody of a child, as defined 36536  
in section 2151.011 of the Revised Code, who is not the ward of 36537  
another court of this state or a case that is commenced by a 36538  
parent, guardian, or custodian of a child, as defined in section 36539  
2151.011 of the Revised Code, to obtain an order requiring a 36540  
parent of the child to pay child support for that child when the 36541  
request for that order is not ancillary to an action for divorce, 36542  
dissolution of marriage, annulment, or legal separation, a 36543  
criminal or civil action involving an allegation of domestic 36544  
violence, an action for support under Chapter 3115. of the Revised 36545  
Code, or an action that is within the exclusive original 36546  
jurisdiction of the probate-juvenile division of the court of 36547  
common pleas of Fairfield county and that involves an allegation 36548  
that the child is an abused, neglected, or dependent child, the 36549  
duties of the personnel of the domestic relations division also 36550  
include the handling, servicing, and investigation of those types 36551  
of cases. 36552

(W)(1) In Clark county, the judge of the court of common 36553  
pleas whose term begins on January 2, 1995, and successors, shall 36554  
have the same qualifications, exercise the same powers and 36555  
jurisdiction, and receive the same compensation as other judges of 36556  
the court of common pleas of Clark county and shall be elected and 36557  
designated as judge of the court of common pleas, domestic 36558  
relations division. The judge shall have all the powers relating 36559  
to juvenile courts, and all cases under Chapters 2151. and 2152. 36560

of the Revised Code and all parentage proceedings under Chapter 36561  
3111. of the Revised Code over which the juvenile court has 36562  
jurisdiction shall be assigned to the judge of the division of 36563  
domestic relations. All divorce, dissolution of marriage, legal 36564  
separation, annulment, uniform reciprocal support enforcement, and 36565  
other cases related to domestic relations shall be assigned to the 36566  
domestic relations division, and the presiding judge of the court 36567  
of common pleas shall assign the cases to the judge of the 36568  
domestic relations division and the judges of the general 36569  
division. 36570

(2) In addition to the judge's regular duties, the judge of 36571  
the division of domestic relations shall serve on the children 36572  
services board and the county advisory board. 36573

(3) If the judge of the court of common pleas of Clark 36574  
county, division of domestic relations, is sick, absent, or unable 36575  
to perform that judge's judicial duties or if the presiding judge 36576  
of the court of common pleas of Clark county determines that the 36577  
volume of cases pending in the division of domestic relations 36578  
necessitates it, the duties of the judge of the division of 36579  
domestic relations shall be performed by the judges of the general 36580  
division or probate division of the court of common pleas of Clark 36581  
county, as assigned for that purpose by the presiding judge of 36582  
that court, and the judges so assigned shall act in conjunction 36583  
with the judge of the division of domestic relations of that 36584  
court. 36585

(X) In Scioto county, the judge of the court of common pleas 36586  
whose term begins January 2, 1995, and successors, shall have the 36587  
same qualifications, exercise the same powers and jurisdiction, 36588  
and receive the same compensation as other judges of the court of 36589  
common pleas of Scioto county and shall be elected and designated 36590  
as judge of the court of common pleas, division of domestic 36591  
relations. The judge shall be assigned all divorce, dissolution of 36592



marriage, legal separation, and annulment cases, all cases arising 36593  
under Chapter 3111. of the Revised Code, all proceedings involving 36594  
child support, the allocation of parental rights and 36595  
responsibilities for the care of children and the designation for 36596  
the children of a place of residence and legal custodian, 36597  
parenting time, visitation, and all post-decree proceedings and 36598  
matters arising from those cases and proceedings, except in cases 36599  
that for some special reason are assigned to another judge of the 36600  
court of common pleas. The judge shall be charged with the 36601  
assignment and division of the work of the division and with the 36602  
employment and supervision of the personnel of the division. 36603

The judge shall designate the title, compensation, expense 36604  
allowances, hours, leaves of absence, and vacations of the 36605  
personnel of the division and shall fix the duties of the 36606  
personnel of the division. The duties of the personnel, in 36607  
addition to other statutory duties, include the handling, 36608  
servicing, and investigation of divorce, dissolution of marriage, 36609  
legal separation, and annulment cases, cases arising under Chapter 36610  
3111. of the Revised Code, and proceedings involving child 36611  
support, the allocation of parental rights and responsibilities 36612  
for the care of children and the designation for the children of a 36613  
place of residence and legal custodian, parenting time, and 36614  
visitation, and providing counseling and conciliation services 36615  
that the division makes available to persons, whether or not the 36616  
persons are parties to an action pending in the division, who 36617  
request the services. 36618

(Y) In Auglaize county, the judge of the probate and juvenile 36619  
divisions of the Auglaize county court of common pleas also shall 36620  
be the administrative judge of the domestic relations division of 36621  
the court and shall be assigned all divorce, dissolution of 36622  
marriage, legal separation, and annulment cases coming before the 36623  
court. The judge shall have all powers as administrator of the 36624

domestic relations division and shall have charge of the personnel 36625  
engaged in handling, servicing, or investigating divorce, 36626  
dissolution of marriage, legal separation, and annulment cases, 36627  
including any referees considered necessary for the discharge of 36628  
the judge's various duties. 36629

(Z)(1) In Marion county, the judge of the court of common 36630  
pleas whose term begins on February 9, 1999, and the successors to 36631  
that judge, shall have the same qualifications, exercise the same 36632  
powers and jurisdiction, and receive the same compensation as the 36633  
other judges of the court of common pleas of Marion county and 36634  
shall be elected and designated as judge of the court of common 36635  
pleas, domestic relations-juvenile-probate division. Except as 36636  
otherwise specified in this division, that judge, and the 36637  
successors to that judge, shall have all the powers relating to 36638  
juvenile courts, and all cases under Chapters 2151. and 2152. of 36639  
the Revised Code, all cases arising under Chapter 3111. of the 36640  
Revised Code, all divorce, dissolution of marriage, legal 36641  
separation, and annulment cases, all proceedings involving child 36642  
support, the allocation of parental rights and responsibilities 36643  
for the care of children and the designation for the children of a 36644  
place of residence and legal custodian, parenting time, and 36645  
visitation, and all post-decree proceedings and matters arising 36646  
from those cases and proceedings shall be assigned to that judge 36647  
and the successors to that judge. Except as provided in division 36648  
(Z)(2) of this section and notwithstanding any other provision of 36649  
any section of the Revised Code, on and after February 9, 2003, 36650  
the judge of the court of common pleas of Marion county whose term 36651  
begins on February 9, 1999, and the successors to that judge, 36652  
shall have all the powers relating to the probate division of the 36653  
court of common pleas of Marion county in addition to the powers 36654  
previously specified in this division, and shall exercise 36655  
concurrent jurisdiction with the judge of the probate division of 36656  
that court over all matters that are within the jurisdiction of 36657

the probate division of that court under Chapter 2101., and other 36658  
provisions, of the Revised Code in addition to the jurisdiction of 36659  
the domestic relations-juvenile-probate division of that court 36660  
otherwise specified in division (Z)(1) of this section. 36661

(2) The judge of the domestic relations-juvenile-probate 36662  
division of the court of common pleas of Marion county or the 36663  
judge of the probate division of the court of common pleas of 36664  
Marion county, whichever of those judges is senior in total length 36665  
of service on the court of common pleas of Marion county, 36666  
regardless of the division or divisions of service, shall serve as 36667  
the clerk of the probate division of the court of common pleas of 36668  
Marion county. 36669

(3) On and after February 9, 2003, all references in law to 36670  
"the probate court," "the probate judge," "the juvenile court," or 36671  
"the judge of the juvenile court" shall be construed, with respect 36672  
to Marion county, as being references to both "the probate 36673  
division" and "the domestic relations-juvenile-probate division" 36674  
and as being references to both "the judge of the probate 36675  
division" and "the judge of the domestic relations- 36676  
juvenile-probate division." On and after February 9, 2003, all 36677  
references in law to "the clerk of the probate court" shall be 36678  
construed, with respect to Marion county, as being references to 36679  
the judge who is serving pursuant to division (Z)(2) of this 36680  
section as the clerk of the probate division of the court of 36681  
common pleas of Marion county. 36682

(AA) In Muskingum county, the judge of the court of common 36683  
pleas whose term begins on January 2, 2003, and successors, shall 36684  
have the same qualifications, exercise the same powers and 36685  
jurisdiction, and receive the same compensation as the other 36686  
judges of the court of common pleas of Muskingum county and shall 36687  
be elected and designated as the judge of the court of common 36688  
pleas, division of domestic relations. The judge shall be assigned 36689

all divorce, dissolution of marriage, legal separation, and 36690  
annulment cases, all cases arising under Chapter 3111. of the 36691  
Revised Code, all proceedings involving child support, the 36692  
allocation of parental rights and responsibilities for the care of 36693  
children and the designation for the children of a place of 36694  
residence and legal custodian, parenting time, and visitation, and 36695  
all post-decree proceedings and matters arising from those cases 36696  
and proceedings, except in cases that for some special reason are 36697  
assigned to another judge of the court of common pleas. The judge 36698  
shall be charged with the assignment and division of the work of 36699  
the division and with the employment and supervision of the 36700  
personnel of the division. 36701

The judge shall designate the title, compensation, expense 36702  
allowances, hours, leaves of absence, and vacations of the 36703  
personnel of the division and shall fix the duties of the 36704  
personnel of the division. The duties of the personnel of the 36705  
division, in addition to other statutory duties, shall include the 36706  
handling, servicing, and investigation of divorce, dissolution of 36707  
marriage, legal separation, and annulment cases, cases arising 36708  
under Chapter 3111. of the Revised Code, and proceedings involving 36709  
child support, the allocation of parental rights and 36710  
responsibilities for the care of children and the designation for 36711  
the children of a place of residence and legal custodian, 36712  
parenting time, and visitation and providing any counseling and 36713  
conciliation services that the division makes available to 36714  
persons, whether or not the persons are parties to an action 36715  
pending in the division, who request the services. 36716

(BB) In Henry county, the judge of the court of common pleas 36717  
whose term begins on January 1, 2005, and successors, shall have 36718  
the same qualifications, exercise the same powers and 36719  
jurisdiction, and receive the same compensation as the other judge 36720  
of the court of common pleas of Henry county and shall be elected 36721

and designated as the judge of the court of common pleas, division 36722  
of domestic relations. The judge shall have all of the powers 36723  
relating to juvenile courts, and all cases under Chapter 2151. or 36724  
2152. of the Revised Code, all parentage proceedings arising under 36725  
Chapter 3111. of the Revised Code over which the juvenile court 36726  
has jurisdiction, all divorce, dissolution of marriage, legal 36727  
separation, and annulment cases, all proceedings involving child 36728  
support, the allocation of parental rights and responsibilities 36729  
for the care of children and the designation for the children of a 36730  
place of residence and legal custodian, parenting time, and 36731  
visitation, and all post-decree proceedings and matters arising 36732  
from those cases and proceedings shall be assigned to that judge, 36733  
except in cases that for some special reason are assigned to the 36734  
other judge of the court of common pleas. 36735

(CC)(1) In Logan county, the judge of the court of common 36736  
pleas whose term begins January 2, 2005, and the successors to 36737  
that judge, shall have the same qualifications, exercise the same 36738  
powers and jurisdiction, and receive the same compensation as the 36739  
other judges of the court of common pleas of Logan county and 36740  
shall be elected and designated as judge of the court of common 36741  
pleas, domestic relations-juvenile-probate division. Except as 36742  
otherwise specified in this division, that judge, and the 36743  
successors to that judge, shall have all the powers relating to 36744  
juvenile courts, and all cases under Chapters 2151. and 2152. of 36745  
the Revised Code, all cases arising under Chapter 3111. of the 36746  
Revised Code, all divorce, dissolution of marriage, legal 36747  
separation, and annulment cases, all proceedings involving child 36748  
support, the allocation of parental rights and responsibilities 36749  
for the care of children and designation for the children of a 36750  
place of residence and legal custodian, parenting time, and 36751  
visitation, and all post-decree proceedings and matters arising 36752  
from those cases and proceedings shall be assigned to that judge 36753  
and the successors to that judge. Notwithstanding any other 36754

provision of any section of the Revised Code, on and after January 2, 2005, the judge of the court of common pleas of Logan county whose term begins on January 2, 2005, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Logan county in addition to the powers previously specified in this division and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (CC)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate division of the court of common pleas of Logan county or the probate judge of the court of common pleas of Logan county who is elected as the administrative judge of the probate division of the court of common pleas of Logan county pursuant to Rule 4 of the Rules of Superintendence shall be the clerk of the probate division and juvenile division of the court of common pleas of Logan county. The clerk of the court of common pleas who is elected pursuant to section 2303.01 of the Revised Code shall keep all of the journals, records, books, papers, and files pertaining to the domestic relations cases.

(3) On and after January 2, 2005, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Logan county, as being references to both "the probate division" and the "domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and the "judge of the domestic relations-juvenile-probate division." On and after January 2, 2005, all references in law to "the clerk of the probate court"

shall be construed, with respect to Logan county, as being 36787  
references to the judge who is serving pursuant to division 36788  
(CC)(2) of this section as the clerk of the probate division of 36789  
the court of common pleas of Logan county. 36790

(DD)(1) In Champaign county, the judge of the court of common 36791  
pleas whose term begins February 9, 2003, and the judge of the 36792  
court of common pleas whose term begins February 10, 2009, and the 36793  
successors to those judges, shall have the same qualifications, 36794  
exercise the same powers and jurisdiction, and receive the same 36795  
compensation as the other judges of the court of common pleas of 36796  
Champaign county and shall be elected and designated as judges of 36797  
the court of common pleas, domestic relations-juvenile-probate 36798  
division. Except as otherwise specified in this division, those 36799  
judges, and the successors to those judges, shall have all the 36800  
powers relating to juvenile courts, and all cases under Chapters 36801  
2151. and 2152. of the Revised Code, all cases arising under 36802  
Chapter 3111. of the Revised Code, all divorce, dissolution of 36803  
marriage, legal separation, and annulment cases, all proceedings 36804  
involving child support, the allocation of parental rights and 36805  
responsibilities for the care of children and the designation for 36806  
the children of a place of residence and legal custodian, 36807  
parenting time, and visitation, and all post-decree proceedings 36808  
and matters arising from those cases and proceedings shall be 36809  
assigned to those judges and the successors to those judges. 36810  
Notwithstanding any other provision of any section of the Revised 36811  
Code, on and after February 9, 2009, the judges designated by this 36812  
division as judges of the court of common pleas of Champaign 36813  
county, domestic relations-juvenile-probate division, and the 36814  
successors to those judges, shall have all the powers relating to 36815  
probate courts in addition to the powers previously specified in 36816  
this division and shall exercise jurisdiction over all matters 36817  
that are within the jurisdiction of probate courts under Chapter 36818  
2101., and other provisions, of the Revised Code in addition to 36819

the jurisdiction of the domestic relations-juvenile-probate 36820  
division otherwise specified in division (DD)(1) of this section. 36821

(2) On and after February 9, 2009, all references in law to 36822  
"the probate court," "the probate judge," "the juvenile court," or 36823  
"the judge of the juvenile court" shall be construed with respect 36824  
to Champaign county as being references to the "domestic 36825  
relations-juvenile-probate division" and as being references to 36826  
the "judge of the domestic relations-juvenile-probate division." 36827  
On and after February 9, 2009, all references in law to "the clerk 36828  
of the probate court" shall be construed with respect to Champaign 36829  
county as being references to the judge who is serving pursuant to 36830  
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 36831  
the administrative judge of the court of common pleas, domestic 36832  
relations-juvenile-probate division. 36833

(EE) If a judge of the court of common pleas, division of 36834  
domestic relations, or juvenile judge, of any of the counties 36835  
mentioned in this section is sick, absent, or unable to perform 36836  
that judge's judicial duties or the volume of cases pending in the 36837  
judge's division necessitates it, the duties of that judge shall 36838  
be performed by another judge of the court of common pleas of that 36839  
county, assigned for that purpose by the presiding judge of the 36840  
court of common pleas of that county to act in place of or in 36841  
conjunction with that judge, as the case may require. 36842

**Sec. 2305.231.** (A) As used in this section: 36843

(1) "Dentist" means a person who is licensed under Chapter 36844  
4715. of the Revised Code to practice dentistry. 36845

(2) "Physician" means a person who holds a certificate issued 36846  
by the state medical board to practice medicine and surgery, 36847  
osteopathic medicine and surgery, or podiatric medicine and 36848  
surgery. 36849



(3) "Registered nurse" means a nurse who is licensed as a registered nurse under Chapter 4723. of the Revised Code. 36850  
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(4) "Therapeutic recreation" means adoptive recreation services to persons with illnesses or disabling conditions in order to do any of the following: 36852  
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(a) Restore, remediate, or rehabilitate; 36855

(b) Improve functioning and independence; 36856

(c) Reduce or eliminate the effects of illness or disability. 36857

(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct. 36858  
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(C)(1) No physician who volunteers the physician's services as a camp physician at a camp that specializes in therapeutic recreation, and no registered nurse who volunteers the registered nurse's services at such a camp, is liable in damages in a civil action for either of the following: 36872  
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(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility; 36877  
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<u>(b) Acts performed in administering that care or treatment.</u>	36881
<u>(2) Division (C)(1) of this section does not apply if the acts of the physician or registered nurse constitute willful or wanton misconduct.</u>	36882 36883 36884
<u>(D) This section does not apply if the administration of emergency medical care, emergency dental care, other emergency professional care, or first aid treatment is rendered for remuneration, or with the expectation of remuneration, from the recipient of the care or treatment or from someone on the recipient's behalf.</u>	36885 36886 36887 36888 36889 36890
<u>Sec. 2323.44. (A) As used in this section:</u>	36891
<u>(1) "Health care provider-sponsored organization" means an entity that is sponsored by hospitals, physician groups, other licensed health care providers, or any combination of hospitals, physician groups, or other licensed health care providers that are affiliated through common ownership or control and share financial risk for the purpose of delivering health care services.</u>	36892 36893 36894 36895 36896 36897
<u>(2) "Injured party" means any person who claims any injury, death, or loss to person in a tort action or an estate that makes a survivorship claim due to injury, death, or loss to person, but not including a derivative claim, a claim made by a beneficiary in a wrongful death action pursuant to section 2125.02 of the Revised Code, or a claim for punitive damages arising from a person's claim of injury, death, or loss to person.</u>	36898 36899 36900 36901 36902 36903 36904
<u>(3) "Injured party's interest" means the injured party's past and future income loss, past and future medical expense, past and future life care expense, and past and future noneconomic damages.</u>	36905 36906 36907
<u>(4) "Recovery" means the amount obtained from a third party in a tort action or the amount obtained for a claim in connection with uninsured or underinsured motorist coverage.</u>	36908 36909 36910

<u>(5) "Third party" means any individual, automobile insurance</u>	36911
<u>company, or public or private entity against which a person or</u>	36912
<u>estate has a tort action.</u>	36913
<u>(6) "Subrogee" means any of the following:</u>	36914
<u>(a) An insurance company doing business in this state;</u>	36915
<u>(b) A self-funded plan providing health, sickness, or</u>	36916
<u>disability benefits;</u>	36917
<u>(c) A health care provider-sponsored organization;</u>	36918
<u>(d) Any person or entity that claims a right of subrogation</u>	36919
<u>by contract or common law.</u>	36920
<u>(7) "Subrogee's interest" means medical expenses paid by a</u>	36921
<u>subrogee on behalf of an injured party that are directly and</u>	36922
<u>proximately related to the injury, death, or loss to person that</u>	36923
<u>is the basis of the tort action.</u>	36924
<u>(8) "Tort action" means a civil action for injury, death, or</u>	36925
<u>loss to person. "Tort action" includes any claim for damages for</u>	36926
<u>injury, death, or loss to person, whether or not a lawsuit is</u>	36927
<u>pending, or a claim in connection with uninsured or underinsured</u>	36928
<u>motorist coverage, but does not include a civil action for breach</u>	36929
<u>of contract or another agreement between persons.</u>	36930
<u>(B) Notwithstanding any contract or statutory provision to</u>	36931
<u>the contrary, the rights of a subrogee or any other person or</u>	36932
<u>entity that asserts a contractual, statutory, or common law</u>	36933
<u>subrogation claim against a third party or an injured party in a</u>	36934
<u>tort action shall be subject to all of the following:</u>	36935
<u>(1) If less than the full value of the tort action is</u>	36936
<u>recovered for any reason, including, but not limited to,</u>	36937
<u>comparative negligence, diminishment due to a party's liability</u>	36938
<u>under sections 2307.22 to 2307.28 of the Revised Code, or by</u>	36939
<u>reason of the collectability of the full value of the claim for</u>	36940

injury, death, or loss to person resulting from limited liability 36941  
insurance or any other cause, the subrogee's or other person's or 36942  
entity's claim shall be diminished in the same proportion as the 36943  
injured party's interest is diminished. 36944

(2) Regardless of the recovery in the tort action, any 36945  
reasonable attorney's fees contracted by the injured party and the 36946  
expenses of procuring a recovery in the tort action, including, 36947  
but not limited to, deposition costs, court costs, expert and 36948  
other witness fees, and costs for trial preparation and 36949  
presentation, shall be shared by the injured party and the 36950  
subrogee or other person or entity on a pro rata basis. 36951

(3) A tort action and any settlement of a tort action shall 36952  
be controlled solely by the injured party. If a dispute regarding 36953  
the distribution of the recovery in the tort action arises, either 36954  
party may file an action under Chapter 2721. of the Revised Code 36955  
to resolve the issue of the distribution of the recovery. 36956

**Sec. 2919.21.** (A) No person shall abandon, or fail to provide 36957  
adequate support to: 36958

(1) The person's spouse, as required by law; 36959

(2) The person's child who is under age eighteen, or mentally 36960  
or physically handicapped child who is under age twenty-one; 36961

(3) The person's aged or infirm parent or adoptive parent, 36962  
who from lack of ability and means is unable to provide adequately 36963  
for the parent's own support. 36964

(B) No person shall abandon, or fail to provide support as 36965  
established by a court order to, another person whom, by court 36966  
order or decree, the person is legally obligated to support. 36967

(C) No person shall aid, abet, induce, cause, encourage, or 36968  
contribute to a child or a ward of the juvenile court becoming a 36969  
dependent child, as defined in section 2151.04 of the Revised 36970

Code, or a neglected child, as defined in section 2151.03 of the Revised Code. 36971  
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(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support but did provide the support that was within the accused's ability and means. 36973  
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(E) It is an affirmative defense to a charge under division (A)(3) of this section that the parent abandoned the accused or failed to support the accused as required by law, while the accused was under age eighteen, or was mentally or physically handicapped and under age twenty-one. 36980  
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(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused. 36985  
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(G)(1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) or (B) of this section or if the offender has failed to provide support under division (A)(2) or (B) of this section for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section, a violation of division (A)(2) or (B) of this section is a felony of the fourth degree. 36989  
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If the violation of division (A) or (B) of this section is a 37003  
felony, all of the following apply to the sentencing of the 37004  
offender: 37005

(a) Except as otherwise provided in division (G)(1)(b) of 37006  
this section, the court in imposing sentence on the offender shall 37007  
first consider placing the offender on one or more community 37008  
control sanctions under section 2929.16, 2929.17, or 2929.18 of 37009  
the Revised Code, with an emphasis under the sanctions on 37010  
intervention for nonsupport, obtaining or maintaining employment, 37011  
or another related condition. 37012

(b) The preference for placement on community control 37013  
sanctions described in division (G)(1)(a) of this section does not 37014  
apply to any offender to whom one or more of the following 37015  
applies: 37016

(i) The court determines that the imposition of a prison term 37017  
on the offender is consistent with the purposes and principles of 37018  
sentencing set forth in section 2929.11 of the Revised Code. 37019

(ii) The offender previously was convicted of or pleaded 37020  
guilty to a violation of this section that was a felony, and the 37021  
offender was sentenced to a prison term for that violation. 37022

(iii) The offender previously was convicted of or pleaded 37023  
guilty to a violation of this section that was a felony, the 37024  
offender was sentenced to one or more community control sanctions 37025  
of a type described in division (G)(1)(a) of this section for that 37026  
violation, and the offender failed to comply with the conditions 37027  
of any of those community control sanctions. 37028

(2) If the offender is guilty of nonsupport of dependents by 37029  
reason of failing to provide support to the offender's child as 37030  
required by a child support order issued on or after April 15, 37031  
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 37032  
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, or former 37033

section 3115.31 of the Revised Code, the court, in addition to any 37034  
other sentence imposed, shall assess all court costs arising out 37035  
of the charge against the person and require the person to pay any 37036  
reasonable attorney's fees of any adverse party other than the 37037  
state, as determined by the court, that arose in relation to the 37038  
charge. 37039

(3) Whoever violates division (C) of this section is guilty 37040  
of contributing to the nonsupport of dependents, a misdemeanor of 37041  
the first degree. Each day of violation of division (C) of this 37042  
section is a separate offense. 37043

**Sec. 2923.129.** (A)(1) If a sheriff, the superintendent of the 37044  
bureau of criminal identification and investigation, the employees 37045  
of the bureau, the Ohio peace officer training commission, or the 37046  
employees of the commission make a good faith effort in performing 37047  
the duties imposed upon the sheriff, the superintendent, the 37048  
bureau's employees, the commission, or the commission's employees 37049  
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 37050  
Revised Code, in addition to the personal immunity provided by 37051  
section 9.86 of the Revised Code or division (A)(6) of section 37052  
2744.03 of the Revised Code and the governmental immunity of 37053  
sections 2744.02 and 2744.03 of the Revised Code and in addition 37054  
to any other immunity possessed by the bureau, the commission, and 37055  
their employees, the sheriff, the sheriff's office, the county in 37056  
which the sheriff has jurisdiction, the bureau, the superintendent 37057  
of the bureau, the bureau's employees, the commission, and the 37058  
commission's employees are immune from liability in a civil action 37059  
for injury, death, or loss to person or property that allegedly 37060  
was caused by or related to any of the following: 37061

(a) The issuance, renewal, suspension, or revocation of a 37062  
concealed handgun license; 37063

(b) The failure to issue, renew, suspend, or revoke a 37064

concealed handgun license; 37065

(c) Any action or misconduct with a handgun committed by a 37066  
licensee. 37067

(2) Any action of a sheriff relating to the issuance, 37068  
renewal, suspension, or revocation of a concealed handgun license 37069  
shall be considered to be a governmental function for purposes of 37070  
Chapter 2744. of the Revised Code. 37071

(3) An entity that or instructor who provides a competency 37072  
certification of a type described in division (B)(3) of section 37073  
2923.125 of the Revised Code is immune from civil liability that 37074  
might otherwise be incurred or imposed for any death or any injury 37075  
or loss to person or property that is caused by or related to a 37076  
person to whom the entity or instructor has issued the competency 37077  
certificate if all of the following apply: 37078

(a) The alleged liability of the entity or instructor relates 37079  
to the training provided in the course, class, or program covered 37080  
by the competency certificate. 37081

(b) The entity or instructor makes a good faith effort in 37082  
determining whether the person has satisfactorily completed the 37083  
course, class, or program and makes a good faith effort in 37084  
assessing the person in the competency examination conducted 37085  
pursuant to division (G)(2) of section 2923.125 of the Revised 37086  
Code. 37087

(c) The entity or instructor did not issue the competency 37088  
certificate with malicious purpose, in bad faith, or in a wanton 37089  
or reckless manner. 37090

(4) An entity that or instructor who, prior to ~~the effective~~ 37091  
~~date of this amendment~~ March 27, 2013, provides a renewed 37092  
competency certification of a type described in division (G)(4) of 37093  
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37094  
~~effective date of this amendment~~ March 27, 2013, is immune from 37095



civil liability that might otherwise be incurred or imposed for 37096  
any death or any injury or loss to person or property that is 37097  
caused by or related to a person to whom the entity or instructor 37098  
has issued the renewed competency certificate if all of the 37099  
following apply: 37100

(a) The entity or instructor makes a good faith effort in 37101  
assessing the person in the physical demonstrations or the 37102  
competency examination conducted pursuant to division (G)(4) of 37103  
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37104  
~~effective date of this amendment~~ March 27, 2013. 37105

(b) The entity or instructor did not issue the renewed 37106  
competency certificate with malicious purpose, in bad faith, or in 37107  
a wanton or reckless manner. 37108

(5) A law enforcement agency that employs a peace officer is 37109  
immune from liability in a civil action to recover damages for 37110  
injury, death, or loss to person or property allegedly caused by 37111  
any act of that peace officer if the act occurred while the peace 37112  
officer carried a concealed handgun and was off duty and if the 37113  
act allegedly involved the peace officer's use of the concealed 37114  
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 37115  
Code apply to any civil action involving a peace officer's use of 37116  
a concealed handgun in the performance of the peace officer's 37117  
official duties while the peace officer is off duty. 37118

~~(B)(1)~~ Notwithstanding section 149.43 of the Revised Code, 37119  
~~except as provided in division (B)(2) of this section~~, the records 37120  
that a sheriff keeps relative to the issuance, renewal, 37121  
suspension, or revocation of a concealed handgun license, 37122  
including, but not limited to, completed applications for the 37123  
issuance or renewal of a license, completed affidavits submitted 37124  
regarding an application for a license on a temporary emergency 37125  
basis, reports of criminal records checks and incompetency records 37126  
checks under section 311.41 of the Revised Code, and applicants' 37127

social security numbers and fingerprints that are obtained under 37128  
division (A) of section 311.41 of the Revised Code, are 37129  
confidential and are not public records. ~~Except as provided in~~ 37130  
~~division (B)(2) of this section, no~~ No person shall release or 37131  
otherwise disseminate records that are confidential under this 37132  
division unless required to do so pursuant to a court order. 37133

~~(2)(a) A journalist, on or after April 8, 2004, may submit to~~ 37134  
~~a sheriff a signed, written request to view the name, county of~~ 37135  
~~residence, and date of birth of each person to whom the sheriff~~ 37136  
~~has issued, renewed, or issued a replacement for a concealed~~ 37137  
~~handgun license, or a signed, written request to view the name,~~ 37138  
~~county of residence, and date of birth of each person for whom the~~ 37139  
~~sheriff has suspended or revoked a concealed handgun license. The~~ 37140  
~~request shall include the journalist's name and title, shall~~ 37141  
~~include the name and address of the journalist's employer, and~~ 37142  
~~shall state that disclosure of the information sought would be in~~ 37143  
~~the public interest. If a journalist submits a signed, written~~ 37144  
~~request to the sheriff to view the information described in this~~ 37145  
~~division, the sheriff shall grant the journalist's request. The~~ 37146  
~~journalist shall not copy the name, county of residence, or date~~ 37147  
~~of birth of each person to or for whom the sheriff has issued,~~ 37148  
~~suspended, or revoked a license described in this division.~~ 37149

~~(b) As used in division (B)(2) of this section, "journalist"~~ 37150  
~~means a person engaged in, connected with, or employed by any news~~ 37151  
~~medium, including a newspaper, magazine, press association, news~~ 37152  
~~agency, or wire service, a radio or television station, or a~~ 37153  
~~similar medium, for the purpose of gathering, processing,~~ 37154  
~~transmitting, compiling, editing, or disseminating information for~~ 37155  
~~the general public.~~ 37156

(C) Each sheriff shall report to the Ohio peace officer 37157  
training commission the number of concealed handgun licenses that 37158  
the sheriff issued, renewed, suspended, revoked, or denied under 37159

section 2923.125 of the Revised Code during the previous quarter 37160  
of the calendar year, the number of applications for those 37161  
licenses for which processing was suspended in accordance with 37162  
division (D)(3) of section 2923.125 of the Revised Code during the 37163  
previous quarter of the calendar year, and the number of concealed 37164  
handgun licenses on a temporary emergency basis that the sheriff 37165  
issued, suspended, revoked, or denied under section 2923.1213 of 37166  
the Revised Code during the previous quarter of the calendar year. 37167  
The sheriff shall not include in the report the name or any other 37168  
identifying information of an applicant or licensee. The sheriff 37169  
shall report that information in a manner that permits the 37170  
commission to maintain the statistics described in division (C) of 37171  
section 109.731 of the Revised Code and to timely prepare the 37172  
statistical report described in that division. The information 37173  
that is received by the commission under this division is a public 37174  
record kept by the commission for the purposes of section 149.43 37175  
of the Revised Code. 37176

(D) Law enforcement agencies may use the information a 37177  
sheriff makes available through the use of the law enforcement 37178  
automated data system pursuant to division (H) of section 2923.125 37179  
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 37180  
for law enforcement purposes only. The information is confidential 37181  
and is not a public record. A person who releases or otherwise 37182  
disseminates this information obtained through the law enforcement 37183  
automated data system in a manner not described in this division 37184  
is guilty of a violation of section 2913.04 of the Revised Code. 37185

(E) Whoever violates division (B) of this section is guilty 37186  
of illegal release of confidential concealed handgun license 37187  
records, a felony of the fifth degree. In addition to any 37188  
penalties imposed under Chapter 2929. of the Revised Code for a 37189  
violation of division (B) of this section or a violation of 37190  
section 2913.04 of the Revised Code described in division (D) of 37191

this section, if the offender is a sheriff, an employee of a 37192  
sheriff, or any other public officer or employee, and if the 37193  
violation was willful and deliberate, the offender shall be 37194  
subject to a civil fine of one thousand dollars. Any person who is 37195  
harmed by a violation of division (B) or (C) of this section or a 37196  
violation of section 2913.04 of the Revised Code described in 37197  
division (D) of this section has a private cause of action against 37198  
the offender for any injury, death, or loss to person or property 37199  
that is a proximate result of the violation and may recover court 37200  
costs and attorney's fees related to the action. 37201

**Sec. 2925.03.** (A) No person shall knowingly do any of the 37202  
following: 37203

(1) Sell or offer to sell a controlled substance or a 37204  
controlled substance analog; 37205

(2) Prepare for shipment, ship, transport, deliver, prepare 37206  
for distribution, or distribute a controlled substance or a 37207  
controlled substance analog, when the offender knows or has 37208  
reasonable cause to believe that the controlled substance or a 37209  
controlled substance analog is intended for sale or resale by the 37210  
offender or another person. 37211

(B) This section does not apply to any of the following: 37212

(1) Manufacturers, licensed health professionals authorized 37213  
to prescribe drugs, pharmacists, owners of pharmacies, and other 37214  
persons whose conduct is in accordance with Chapters 3719., 4715., 37215  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 37216

(2) If the offense involves an anabolic steroid, any person 37217  
who is conducting or participating in a research project involving 37218  
the use of an anabolic steroid if the project has been approved by 37219  
the United States food and drug administration; 37220

(3) Any person who sells, offers for sale, prescribes, 37221

dispenses, or administers for livestock or other nonhuman species 37222  
an anabolic steroid that is expressly intended for administration 37223  
through implants to livestock or other nonhuman species and 37224  
approved for that purpose under the "Federal Food, Drug, and 37225  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 37226  
and is sold, offered for sale, prescribed, dispensed, or 37227  
administered for that purpose in accordance with that act. 37228

(C) Whoever violates division (A) of this section is guilty 37229  
of one of the following: 37230

(1) If the drug involved in the violation is any compound, 37231  
mixture, preparation, or substance included in schedule I or 37232  
schedule II, with the exception of marihuana, cocaine, L.S.D., 37233  
heroin, hashish, and controlled substance analogs, whoever 37234  
violates division (A) of this section is guilty of aggravated 37235  
trafficking in drugs. The penalty for the offense shall be 37236  
determined as follows: 37237

(a) Except as otherwise provided in division (C)(1)(b), (c), 37238  
(d), (e), or (f) of this section, aggravated trafficking in drugs 37239  
is a felony of the fourth degree, and division (C) of section 37240  
2929.13 of the Revised Code applies in determining whether to 37241  
impose a prison term on the offender. 37242

(b) Except as otherwise provided in division (C)(1)(c), (d), 37243  
(e), or (f) of this section, if the offense was committed in the 37244  
vicinity of a school or in the vicinity of a juvenile, aggravated 37245  
trafficking in drugs is a felony of the third degree, and division 37246  
(C) of section 2929.13 of the Revised Code applies in determining 37247  
whether to impose a prison term on the offender. 37248

(c) Except as otherwise provided in this division, if the 37249  
amount of the drug involved equals or exceeds the bulk amount but 37250  
is less than five times the bulk amount, aggravated trafficking in 37251  
drugs is a felony of the third degree, and, except as otherwise 37252

provided in this division, there is a presumption for a prison 37253  
term for the offense. If aggravated trafficking in drugs is a 37254  
felony of the third degree under this division and if the offender 37255  
two or more times previously has been convicted of or pleaded 37256  
guilty to a felony drug abuse offense, the court shall impose as a 37257  
mandatory prison term one of the prison terms prescribed for a 37258  
felony of the third degree. If the amount of the drug involved is 37259  
within that range and if the offense was committed in the vicinity 37260  
of a school or in the vicinity of a juvenile, aggravated 37261  
trafficking in drugs is a felony of the second degree, and the 37262  
court shall impose as a mandatory prison term one of the prison 37263  
terms prescribed for a felony of the second degree. 37264

(d) Except as otherwise provided in this division, if the 37265  
amount of the drug involved equals or exceeds five times the bulk 37266  
amount but is less than fifty times the bulk amount, aggravated 37267  
trafficking in drugs is a felony of the second degree, and the 37268  
court shall impose as a mandatory prison term one of the prison 37269  
terms prescribed for a felony of the second degree. If the amount 37270  
of the drug involved is within that range and if the offense was 37271  
committed in the vicinity of a school or in the vicinity of a 37272  
juvenile, aggravated trafficking in drugs is a felony of the first 37273  
degree, and the court shall impose as a mandatory prison term one 37274  
of the prison terms prescribed for a felony of the first degree. 37275

(e) If the amount of the drug involved equals or exceeds 37276  
fifty times the bulk amount but is less than one hundred times the 37277  
bulk amount and regardless of whether the offense was committed in 37278  
the vicinity of a school or in the vicinity of a juvenile, 37279  
aggravated trafficking in drugs is a felony of the first degree, 37280  
and the court shall impose as a mandatory prison term one of the 37281  
prison terms prescribed for a felony of the first degree. 37282

(f) If the amount of the drug involved equals or exceeds one 37283  
hundred times the bulk amount and regardless of whether the 37284

offense was committed in the vicinity of a school or in the 37285  
vicinity of a juvenile, aggravated trafficking in drugs is a 37286  
felony of the first degree, the offender is a major drug offender, 37287  
and the court shall impose as a mandatory prison term the maximum 37288  
prison term prescribed for a felony of the first degree. 37289

(2) If the drug involved in the violation is any compound, 37290  
mixture, preparation, or substance included in schedule III, IV, 37291  
or V, whoever violates division (A) of this section is guilty of 37292  
trafficking in drugs. The penalty for the offense shall be 37293  
determined as follows: 37294

(a) Except as otherwise provided in division (C)(2)(b), (c), 37295  
(d), or (e) of this section, trafficking in drugs is a felony of 37296  
the fifth degree, and division (B) of section 2929.13 of the 37297  
Revised Code applies in determining whether to impose a prison 37298  
term on the offender. 37299

(b) Except as otherwise provided in division (C)(2)(c), (d), 37300  
or (e) of this section, if the offense was committed in the 37301  
vicinity of a school or in the vicinity of a juvenile, trafficking 37302  
in drugs is a felony of the fourth degree, and division (C) of 37303  
section 2929.13 of the Revised Code applies in determining whether 37304  
to impose a prison term on the offender. 37305

(c) Except as otherwise provided in this division, if the 37306  
amount of the drug involved equals or exceeds the bulk amount but 37307  
is less than five times the bulk amount, trafficking in drugs is a 37308  
felony of the fourth degree, and division (B) of section 2929.13 37309  
of the Revised Code applies in determining whether to impose a 37310  
prison term for the offense. If the amount of the drug involved is 37311  
within that range and if the offense was committed in the vicinity 37312  
of a school or in the vicinity of a juvenile, trafficking in drugs 37313  
is a felony of the third degree, and there is a presumption for a 37314  
prison term for the offense. 37315

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), (g), or (h) of this section, if the offense was



committed in the vicinity of a school or in the vicinity of a 37348  
juvenile, trafficking in marihuana is a felony of the fourth 37349  
degree, and division (B) of section 2929.13 of the Revised Code 37350  
applies in determining whether to impose a prison term on the 37351  
offender. 37352

(c) Except as otherwise provided in this division, if the 37353  
amount of the drug involved equals or exceeds two hundred grams 37354  
but is less than one thousand grams, trafficking in marihuana is a 37355  
felony of the fourth degree, and division (B) of section 2929.13 37356  
of the Revised Code applies in determining whether to impose a 37357  
prison term on the offender. If the amount of the drug involved is 37358  
within that range and if the offense was committed in the vicinity 37359  
of a school or in the vicinity of a juvenile, trafficking in 37360  
marihuana is a felony of the third degree, and division (C) of 37361  
section 2929.13 of the Revised Code applies in determining whether 37362  
to impose a prison term on the offender. 37363

(d) Except as otherwise provided in this division, if the 37364  
amount of the drug involved equals or exceeds one thousand grams 37365  
but is less than five thousand grams, trafficking in marihuana is 37366  
a felony of the third degree, and division (C) of section 2929.13 37367  
of the Revised Code applies in determining whether to impose a 37368  
prison term on the offender. If the amount of the drug involved is 37369  
within that range and if the offense was committed in the vicinity 37370  
of a school or in the vicinity of a juvenile, trafficking in 37371  
marihuana is a felony of the second degree, and there is a 37372  
presumption that a prison term shall be imposed for the offense. 37373

(e) Except as otherwise provided in this division, if the 37374  
amount of the drug involved equals or exceeds five thousand grams 37375  
but is less than twenty thousand grams, trafficking in marihuana 37376  
is a felony of the third degree, and there is a presumption that a 37377  
prison term shall be imposed for the offense. If the amount of the 37378  
drug involved is within that range and if the offense was 37379

committed in the vicinity of a school or in the vicinity of a 37380  
juvenile, trafficking in marihuana is a felony of the second 37381  
degree, and there is a presumption that a prison term shall be 37382  
imposed for the offense. 37383

(f) Except as otherwise provided in this division, if the 37384  
amount of the drug involved equals or exceeds twenty thousand 37385  
grams but is less than forty thousand grams, trafficking in 37386  
marihuana is a felony of the second degree, and the court shall 37387  
impose a mandatory prison term of five, six, seven, or eight 37388  
years. If the amount of the drug involved is within that range and 37389  
if the offense was committed in the vicinity of a school or in the 37390  
vicinity of a juvenile, trafficking in marihuana is a felony of 37391  
the first degree, and the court shall impose as a mandatory prison 37392  
term the maximum prison term prescribed for a felony of the first 37393  
degree. 37394

(g) Except as otherwise provided in this division, if the 37395  
amount of the drug involved equals or exceeds forty thousand 37396  
grams, trafficking in marihuana is a felony of the second degree, 37397  
and the court shall impose as a mandatory prison term the maximum 37398  
prison term prescribed for a felony of the second degree. If the 37399  
amount of the drug involved equals or exceeds forty thousand grams 37400  
and if the offense was committed in the vicinity of a school or in 37401  
the vicinity of a juvenile, trafficking in marihuana is a felony 37402  
of the first degree, and the court shall impose as a mandatory 37403  
prison term the maximum prison term prescribed for a felony of the 37404  
first degree. 37405

(h) Except as otherwise provided in this division, if the 37406  
offense involves a gift of twenty grams or less of marihuana, 37407  
trafficking in marihuana is a minor misdemeanor upon a first 37408  
offense and a misdemeanor of the third degree upon a subsequent 37409  
offense. If the offense involves a gift of twenty grams or less of 37410  
marihuana and if the offense was committed in the vicinity of a 37411

school or in the vicinity of a juvenile, trafficking in marihuana 37412  
is a misdemeanor of the third degree. 37413

(4) If the drug involved in the violation is cocaine or a 37414  
compound, mixture, preparation, or substance containing cocaine, 37415  
whoever violates division (A) of this section is guilty of 37416  
trafficking in cocaine. The penalty for the offense shall be 37417  
determined as follows: 37418

(a) Except as otherwise provided in division (C)(4)(b), (c), 37419  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 37420  
felony of the fifth degree, and division (B) of section 2929.13 of 37421  
the Revised Code applies in determining whether to impose a prison 37422  
term on the offender. 37423

(b) Except as otherwise provided in division (C)(4)(c), (d), 37424  
(e), (f), or (g) of this section, if the offense was committed in 37425  
the vicinity of a school or in the vicinity of a juvenile, 37426  
trafficking in cocaine is a felony of the fourth degree, and 37427  
division (C) of section 2929.13 of the Revised Code applies in 37428  
determining whether to impose a prison term on the offender. 37429

(c) Except as otherwise provided in this division, if the 37430  
amount of the drug involved equals or exceeds five grams but is 37431  
less than ten grams of cocaine, trafficking in cocaine is a felony 37432  
of the fourth degree, and division (B) of section 2929.13 of the 37433  
Revised Code applies in determining whether to impose a prison 37434  
term for the offense. If the amount of the drug involved is within 37435  
that range and if the offense was committed in the vicinity of a 37436  
school or in the vicinity of a juvenile, trafficking in cocaine is 37437  
a felony of the third degree, and there is a presumption for a 37438  
prison term for the offense. 37439

(d) Except as otherwise provided in this division, if the 37440  
amount of the drug involved equals or exceeds ten grams but is 37441  
less than twenty grams of cocaine, trafficking in cocaine is a 37442

felony of the third degree, and, except as otherwise provided in 37443  
this division, there is a presumption for a prison term for the 37444  
offense. If trafficking in cocaine is a felony of the third degree 37445  
under this division and if the offender two or more times 37446  
previously has been convicted of or pleaded guilty to a felony 37447  
drug abuse offense, the court shall impose as a mandatory prison 37448  
term one of the prison terms prescribed for a felony of the third 37449  
degree. If the amount of the drug involved is within that range 37450  
and if the offense was committed in the vicinity of a school or in 37451  
the vicinity of a juvenile, trafficking in cocaine is a felony of 37452  
the second degree, and the court shall impose as a mandatory 37453  
prison term one of the prison terms prescribed for a felony of the 37454  
second degree. 37455

(e) Except as otherwise provided in this division, if the 37456  
amount of the drug involved equals or exceeds twenty grams but is 37457  
less than twenty-seven grams of cocaine, trafficking in cocaine is 37458  
a felony of the second degree, and the court shall impose as a 37459  
mandatory prison term one of the prison terms prescribed for a 37460  
felony of the second degree. If the amount of the drug involved is 37461  
within that range and if the offense was committed in the vicinity 37462  
of a school or in the vicinity of a juvenile, trafficking in 37463  
cocaine is a felony of the first degree, and the court shall 37464  
impose as a mandatory prison term one of the prison terms 37465  
prescribed for a felony of the first degree. 37466

(f) If the amount of the drug involved equals or exceeds 37467  
twenty-seven grams but is less than one hundred grams of cocaine 37468  
and regardless of whether the offense was committed in the 37469  
vicinity of a school or in the vicinity of a juvenile, trafficking 37470  
in cocaine is a felony of the first degree, and the court shall 37471  
impose as a mandatory prison term one of the prison terms 37472  
prescribed for a felony of the first degree. 37473

(g) If the amount of the drug involved equals or exceeds one 37474

hundred grams of cocaine and regardless of whether the offense was 37475  
committed in the vicinity of a school or in the vicinity of a 37476  
juvenile, trafficking in cocaine is a felony of the first degree, 37477  
the offender is a major drug offender, and the court shall impose 37478  
as a mandatory prison term the maximum prison term prescribed for 37479  
a felony of the first degree. 37480

(5) If the drug involved in the violation is L.S.D. or a 37481  
compound, mixture, preparation, or substance containing L.S.D., 37482  
whoever violates division (A) of this section is guilty of 37483  
trafficking in L.S.D. The penalty for the offense shall be 37484  
determined as follows: 37485

(a) Except as otherwise provided in division (C)(5)(b), (c), 37486  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 37487  
felony of the fifth degree, and division (B) of section 2929.13 of 37488  
the Revised Code applies in determining whether to impose a prison 37489  
term on the offender. 37490

(b) Except as otherwise provided in division (C)(5)(c), (d), 37491  
(e), (f), or (g) of this section, if the offense was committed in 37492  
the vicinity of a school or in the vicinity of a juvenile, 37493  
trafficking in L.S.D. is a felony of the fourth degree, and 37494  
division (C) of section 2929.13 of the Revised Code applies in 37495  
determining whether to impose a prison term on the offender. 37496

(c) Except as otherwise provided in this division, if the 37497  
amount of the drug involved equals or exceeds ten unit doses but 37498  
is less than fifty unit doses of L.S.D. in a solid form or equals 37499  
or exceeds one gram but is less than five grams of L.S.D. in a 37500  
liquid concentrate, liquid extract, or liquid distillate form, 37501  
trafficking in L.S.D. is a felony of the fourth degree, and 37502  
division (B) of section 2929.13 of the Revised Code applies in 37503  
determining whether to impose a prison term for the offense. If 37504  
the amount of the drug involved is within that range and if the 37505  
offense was committed in the vicinity of a school or in the 37506

vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37507  
third degree, and there is a presumption for a prison term for the 37508  
offense. 37509

(d) Except as otherwise provided in this division, if the 37510  
amount of the drug involved equals or exceeds fifty unit doses but 37511  
is less than two hundred fifty unit doses of L.S.D. in a solid 37512  
form or equals or exceeds five grams but is less than twenty-five 37513  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 37514  
distillate form, trafficking in L.S.D. is a felony of the third 37515  
degree, and, except as otherwise provided in this division, there 37516  
is a presumption for a prison term for the offense. If trafficking 37517  
in L.S.D. is a felony of the third degree under this division and 37518  
if the offender two or more times previously has been convicted of 37519  
or pleaded guilty to a felony drug abuse offense, the court shall 37520  
impose as a mandatory prison term one of the prison terms 37521  
prescribed for a felony of the third degree. If the amount of the 37522  
drug involved is within that range and if the offense was 37523  
committed in the vicinity of a school or in the vicinity of a 37524  
juvenile, trafficking in L.S.D. is a felony of the second degree, 37525  
and the court shall impose as a mandatory prison term one of the 37526  
prison terms prescribed for a felony of the second degree. 37527

(e) Except as otherwise provided in this division, if the 37528  
amount of the drug involved equals or exceeds two hundred fifty 37529  
unit doses but is less than one thousand unit doses of L.S.D. in a 37530  
solid form or equals or exceeds twenty-five grams but is less than 37531  
one hundred grams of L.S.D. in a liquid concentrate, liquid 37532  
extract, or liquid distillate form, trafficking in L.S.D. is a 37533  
felony of the second degree, and the court shall impose as a 37534  
mandatory prison term one of the prison terms prescribed for a 37535  
felony of the second degree. If the amount of the drug involved is 37536  
within that range and if the offense was committed in the vicinity 37537  
of a school or in the vicinity of a juvenile, trafficking in 37538

L.S.D. is a felony of the first degree, and the court shall impose 37539  
as a mandatory prison term one of the prison terms prescribed for 37540  
a felony of the first degree. 37541

(f) If the amount of the drug involved equals or exceeds one 37542  
thousand unit doses but is less than five thousand unit doses of 37543  
L.S.D. in a solid form or equals or exceeds one hundred grams but 37544  
is less than five hundred grams of L.S.D. in a liquid concentrate, 37545  
liquid extract, or liquid distillate form and regardless of 37546  
whether the offense was committed in the vicinity of a school or 37547  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 37548  
of the first degree, and the court shall impose as a mandatory 37549  
prison term one of the prison terms prescribed for a felony of the 37550  
first degree. 37551

(g) If the amount of the drug involved equals or exceeds five 37552  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 37553  
five hundred grams of L.S.D. in a liquid concentrate, liquid 37554  
extract, or liquid distillate form and regardless of whether the 37555  
offense was committed in the vicinity of a school or in the 37556  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37557  
first degree, the offender is a major drug offender, and the court 37558  
shall impose as a mandatory prison term the maximum prison term 37559  
prescribed for a felony of the first degree. 37560

(6) If the drug involved in the violation is heroin or a 37561  
compound, mixture, preparation, or substance containing heroin, 37562  
whoever violates division (A) of this section is guilty of 37563  
trafficking in heroin. The penalty for the offense shall be 37564  
determined as follows: 37565

(a) Except as otherwise provided in division (C)(6)(b), (c), 37566  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 37567  
felony of the fifth degree, and division (B) of section 2929.13 of 37568  
the Revised Code applies in determining whether to impose a prison 37569  
term on the offender. 37570

(b) Except as otherwise provided in division (C)(6)(c), (d), 37571  
(e), (f), or (g) of this section, if the offense was committed in 37572  
the vicinity of a school or in the vicinity of a juvenile, 37573  
trafficking in heroin is a felony of the fourth degree, and 37574  
division (C) of section 2929.13 of the Revised Code applies in 37575  
determining whether to impose a prison term on the offender. 37576

(c) Except as otherwise provided in this division, if the 37577  
amount of the drug involved equals or exceeds ten unit doses but 37578  
is less than fifty unit doses or equals or exceeds one gram but is 37579  
less than five grams, trafficking in heroin is a felony of the 37580  
fourth degree, and division (B) of section 2929.13 of the Revised 37581  
Code applies in determining whether to impose a prison term for 37582  
the offense. If the amount of the drug involved is within that 37583  
range and if the offense was committed in the vicinity of a school 37584  
or in the vicinity of a juvenile, trafficking in heroin is a 37585  
felony of the third degree, and there is a presumption for a 37586  
prison term for the offense. 37587

(d) Except as otherwise provided in this division, if the 37588  
amount of the drug involved equals or exceeds fifty unit doses but 37589  
is less than one hundred unit doses or equals or exceeds five 37590  
grams but is less than ten grams, trafficking in heroin is a 37591  
felony of the third degree, and there is a presumption for a 37592  
prison term for the offense. If the amount of the drug involved is 37593  
within that range and if the offense was committed in the vicinity 37594  
of a school or in the vicinity of a juvenile, trafficking in 37595  
heroin is a felony of the second degree, and there is a 37596  
presumption for a prison term for the offense. 37597

(e) Except as otherwise provided in this division, if the 37598  
amount of the drug involved equals or exceeds one hundred unit 37599  
doses but is less than five hundred unit doses or equals or 37600  
exceeds ten grams but is less than fifty grams, trafficking in 37601  
heroin is a felony of the second degree, and the court shall 37602



impose as a mandatory prison term one of the prison terms 37603  
prescribed for a felony of the second degree. If the amount of the 37604  
drug involved is within that range and if the offense was 37605  
committed in the vicinity of a school or in the vicinity of a 37606  
juvenile, trafficking in heroin is a felony of the first degree, 37607  
and the court shall impose as a mandatory prison term one of the 37608  
prison terms prescribed for a felony of the first degree. 37609

(f) If the amount of the drug involved equals or exceeds five 37610  
hundred unit doses but is less than two thousand five hundred unit 37611  
doses or equals or exceeds fifty grams but is less than two 37612  
hundred fifty grams and regardless of whether the offense was 37613  
committed in the vicinity of a school or in the vicinity of a 37614  
juvenile, trafficking in heroin is a felony of the first degree, 37615  
and the court shall impose as a mandatory prison term one of the 37616  
prison terms prescribed for a felony of the first degree. 37617

(g) If the amount of the drug involved equals or exceeds two 37618  
thousand five hundred unit doses or equals or exceeds two hundred 37619  
fifty grams and regardless of whether the offense was committed in 37620  
the vicinity of a school or in the vicinity of a juvenile, 37621  
trafficking in heroin is a felony of the first degree, the 37622  
offender is a major drug offender, and the court shall impose as a 37623  
mandatory prison term the maximum prison term prescribed for a 37624  
felony of the first degree. 37625

(7) If the drug involved in the violation is hashish or a 37626  
compound, mixture, preparation, or substance containing hashish, 37627  
whoever violates division (A) of this section is guilty of 37628  
trafficking in hashish. The penalty for the offense shall be 37629  
determined as follows: 37630

(a) Except as otherwise provided in division (C)(7)(b), (c), 37631  
(d), (e), (f), or (g) of this section, trafficking in hashish is a 37632  
felony of the fifth degree, and division (B) of section 2929.13 of 37633  
the Revised Code applies in determining whether to impose a prison 37634

term on the offender. 37635

(b) Except as otherwise provided in division (C)(7)(c), (d), 37636  
(e), (f), or (g) of this section, if the offense was committed in 37637  
the vicinity of a school or in the vicinity of a juvenile, 37638  
trafficking in hashish is a felony of the fourth degree, and 37639  
division (B) of section 2929.13 of the Revised Code applies in 37640  
determining whether to impose a prison term on the offender. 37641

(c) Except as otherwise provided in this division, if the 37642  
amount of the drug involved equals or exceeds ten grams but is 37643  
less than fifty grams of hashish in a solid form or equals or 37644  
exceeds two grams but is less than ten grams of hashish in a 37645  
liquid concentrate, liquid extract, or liquid distillate form, 37646  
trafficking in hashish is a felony of the fourth degree, and 37647  
division (B) of section 2929.13 of the Revised Code applies in 37648  
determining whether to impose a prison term on the offender. If 37649  
the amount of the drug involved is within that range and if the 37650  
offense was committed in the vicinity of a school or in the 37651  
vicinity of a juvenile, trafficking in hashish is a felony of the 37652  
third degree, and division (C) of section 2929.13 of the Revised 37653  
Code applies in determining whether to impose a prison term on the 37654  
offender. 37655

(d) Except as otherwise provided in this division, if the 37656  
amount of the drug involved equals or exceeds fifty grams but is 37657  
less than two hundred fifty grams of hashish in a solid form or 37658  
equals or exceeds ten grams but is less than fifty grams of 37659  
hashish in a liquid concentrate, liquid extract, or liquid 37660  
distillate form, trafficking in hashish is a felony of the third 37661  
degree, and division (C) of section 2929.13 of the Revised Code 37662  
applies in determining whether to impose a prison term on the 37663  
offender. If the amount of the drug involved is within that range 37664  
and if the offense was committed in the vicinity of a school or in 37665  
the vicinity of a juvenile, trafficking in hashish is a felony of 37666

the second degree, and there is a presumption that a prison term shall be imposed for the offense. 37667  
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense. 37669  
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(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 37681  
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(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second 37694  
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degree, and the court shall impose as a mandatory prison term the 37699  
maximum prison term prescribed for a felony of the second degree. 37700  
If the amount of the drug involved equals or exceeds two thousand 37701  
grams of hashish in a solid form or equals or exceeds four hundred 37702  
grams of hashish in a liquid concentrate, liquid extract, or 37703  
liquid distillate form and if the offense was committed in the 37704  
vicinity of a school or in the vicinity of a juvenile, trafficking 37705  
in hashish is a felony of the first degree, and the court shall 37706  
impose as a mandatory prison term the maximum prison term 37707  
prescribed for a felony of the first degree. 37708

(8) If the drug involved in the violation is a controlled 37709  
substance analog or compound, mixture, preparation, or substance 37710  
that contains a controlled substance analog, whoever violates 37711  
division (A) of this section is guilty of trafficking in a 37712  
controlled substance analog. The penalty for the offense shall be 37713  
determined as follows: 37714

(a) Except as otherwise provided in division (C)(8)(b), (c), 37715  
(d), (e), (f), or (g) of this section, trafficking in a controlled 37716  
substance analog is a felony of the fifth degree, and division (C) 37717  
of section 2929.13 of the Revised Code applies in determining 37718  
whether to impose a prison term on the offender. 37719

(b) Except as otherwise provided in division (C)(8)(c), (d), 37720  
(e), (f), or (g) of this section, if the offense was committed in 37721  
the vicinity of a school or in the vicinity of a juvenile, 37722  
trafficking in a controlled substance analog is a felony of the 37723  
fourth degree, and division (C) of section 2929.13 of the Revised 37724  
Code applies in determining whether to impose a prison term on the 37725  
offender. 37726

(c) Except as otherwise provided in this division, if the 37727  
amount of the drug involved equals or exceeds ten grams but is 37728  
less than twenty grams, trafficking in a controlled substance 37729  
analog is a felony of the fourth degree, and division (B) of 37730

section 2929.13 of the Revised Code applies in determining whether 37731  
to impose a prison term for the offense. If the amount of the drug 37732  
involved is within that range and if the offense was committed in 37733  
the vicinity of a school or in the vicinity of a juvenile, 37734  
trafficking in a controlled substance analog is a felony of the 37735  
third degree, and there is a presumption for a prison term for the 37736  
offense. 37737

(d) Except as otherwise provided in this division, if the 37738  
amount of the drug involved equals or exceeds twenty grams but is 37739  
less than thirty grams, trafficking in a controlled substance 37740  
analog is a felony of the third degree, and there is a presumption 37741  
for a prison term for the offense. If the amount of the drug 37742  
involved is within that range and if the offense was committed in 37743  
the vicinity of a school or in the vicinity of a juvenile, 37744  
trafficking in a controlled substance analog is a felony of the 37745  
second degree, and there is a presumption for a prison term for 37746  
the offense. 37747

(e) Except as otherwise provided in this division, if the 37748  
amount of the drug involved equals or exceeds thirty grams but is 37749  
less than forty grams, trafficking in a controlled substance 37750  
analog is a felony of the second degree, and the court shall 37751  
impose as a mandatory prison term one of the prison terms 37752  
prescribed for a felony of the second degree. If the amount of the 37753  
drug involved is within that range and if the offense was 37754  
committed in the vicinity of a school or in the vicinity of a 37755  
juvenile, trafficking in a controlled substance analog is a felony 37756  
of the first degree, and the court shall impose as a mandatory 37757  
prison term one of the prison terms prescribed for a felony of the 37758  
first degree. 37759

(f) If the amount of the drug involved equals or exceeds 37760  
forty grams but is less than fifty grams and regardless of whether 37761  
the offense was committed in the vicinity of a school or in the 37762

vicinity of a juvenile, trafficking in a controlled substance 37763  
analog is a felony of the first degree, and the court shall impose 37764  
as a mandatory prison term one of the prison terms prescribed for 37765  
a felony of the first degree. 37766

(g) If the amount of the drug involved equals or exceeds 37767  
fifty grams and regardless of whether the offense was committed in 37768  
the vicinity of a school or in the vicinity of a juvenile, 37769  
trafficking in a controlled substance analog is a felony of the 37770  
first degree, the offender is a major drug offender, and the court 37771  
shall impose as a mandatory prison term the maximum prison term 37772  
prescribed for a felony of the first degree. 37773

(D) In addition to any prison term authorized or required by 37774  
division (C) of this section and sections 2929.13 and 2929.14 of 37775  
the Revised Code, and in addition to any other sanction imposed 37776  
for the offense under this section or sections 2929.11 to 2929.18 37777  
of the Revised Code, the court that sentences an offender who is 37778  
convicted of or pleads guilty to a violation of division (A) of 37779  
this section shall do all of the following that are applicable 37780  
regarding the offender: 37781

(1) If the violation of division (A) of this section is a 37782  
felony of the first, second, or third degree, the court shall 37783  
impose upon the offender the mandatory fine specified for the 37784  
offense under division (B)(1) of section 2929.18 of the Revised 37785  
Code unless, as specified in that division, the court determines 37786  
that the offender is indigent. Except as otherwise provided in 37787  
division (H)(1) of this section, a mandatory fine or any other 37788  
fine imposed for a violation of this section is subject to 37789  
division (F) of this section. If a person is charged with a 37790  
violation of this section that is a felony of the first, second, 37791  
or third degree, posts bail, and forfeits the bail, the clerk of 37792  
the court shall pay the forfeited bail pursuant to divisions 37793  
(D)(1) and (F) of this section, as if the forfeited bail was a 37794

fine imposed for a violation of this section. If any amount of the 37795  
forfeited bail remains after that payment and if a fine is imposed 37796  
under division (H)(1) of this section, the clerk of the court 37797  
shall pay the remaining amount of the forfeited bail pursuant to 37798  
divisions (H)(2) and (3) of this section, as if that remaining 37799  
amount was a fine imposed under division (H)(1) of this section. 37800

(2) The court shall suspend the driver's or commercial 37801  
driver's license or permit of the offender in accordance with 37802  
division (G) of this section. 37803

(3) If the offender is a professionally licensed person, the 37804  
court immediately shall comply with section 2925.38 of the Revised 37805  
Code. 37806

(E) When a person is charged with the sale of or offer to 37807  
sell a bulk amount or a multiple of a bulk amount of a controlled 37808  
substance, the jury, or the court trying the accused, shall 37809  
determine the amount of the controlled substance involved at the 37810  
time of the offense and, if a guilty verdict is returned, shall 37811  
return the findings as part of the verdict. In any such case, it 37812  
is unnecessary to find and return the exact amount of the 37813  
controlled substance involved, and it is sufficient if the finding 37814  
and return is to the effect that the amount of the controlled 37815  
substance involved is the requisite amount, or that the amount of 37816  
the controlled substance involved is less than the requisite 37817  
amount. 37818

(F)(1) Notwithstanding any contrary provision of section 37819  
3719.21 of the Revised Code and except as provided in division (H) 37820  
of this section, the clerk of the court shall pay any mandatory 37821  
fine imposed pursuant to division (D)(1) of this section and any 37822  
fine other than a mandatory fine that is imposed for a violation 37823  
of this section pursuant to division (A) or (B)(5) of section 37824  
2929.18 of the Revised Code to the county, township, municipal 37825  
corporation, park district, as created pursuant to section 511.18 37826

or 1545.04 of the Revised Code, or state law enforcement agencies 37827  
in this state that primarily were responsible for or involved in 37828  
making the arrest of, and in prosecuting, the offender. However, 37829  
the clerk shall not pay a mandatory fine so imposed to a law 37830  
enforcement agency unless the agency has adopted a written 37831  
internal control policy under division (F)(2) of this section that 37832  
addresses the use of the fine moneys that it receives. Each agency 37833  
shall use the mandatory fines so paid to subsidize the agency's 37834  
law enforcement efforts that pertain to drug offenses, in 37835  
accordance with the written internal control policy adopted by the 37836  
recipient agency under division (F)(2) of this section. 37837

(2) Prior to receiving any fine moneys under division (F)(1) 37838  
of this section or division (B) of section 2925.42 of the Revised 37839  
Code, a law enforcement agency shall adopt a written internal 37840  
control policy that addresses the agency's use and disposition of 37841  
all fine moneys so received and that provides for the keeping of 37842  
detailed financial records of the receipts of those fine moneys, 37843  
the general types of expenditures made out of those fine moneys, 37844  
and the specific amount of each general type of expenditure. The 37845  
policy shall not provide for or permit the identification of any 37846  
specific expenditure that is made in an ongoing investigation. All 37847  
financial records of the receipts of those fine moneys, the 37848  
general types of expenditures made out of those fine moneys, and 37849  
the specific amount of each general type of expenditure by an 37850  
agency are public records open for inspection under section 149.43 37851  
of the Revised Code. Additionally, a written internal control 37852  
policy adopted under this division is such a public record, and 37853  
the agency that adopted it shall comply with it. 37854

(3) As used in division (F) of this section: 37855

(a) "Law enforcement agencies" includes, but is not limited 37856  
to, the state board of pharmacy and the office of a prosecutor. 37857

(b) "Prosecutor" has the same meaning as in section 2935.01 37858



of the Revised Code. 37859

(G) When required under division (D)(2) of this section or 37860  
any other provision of this chapter, the court shall suspend for 37861  
not less than six months or more than five years the driver's or 37862  
commercial driver's license or permit of any person who is 37863  
convicted of or pleads guilty to any violation of this section or 37864  
any other specified provision of this chapter. If an offender's 37865  
driver's or commercial driver's license or permit is suspended 37866  
pursuant to this division, the offender, at any time after the 37867  
expiration of two years from the day on which the offender's 37868  
sentence was imposed or from the day on which the offender finally 37869  
was released from a prison term under the sentence, whichever is 37870  
later, may file a motion with the sentencing court requesting 37871  
termination of the suspension; upon the filing of such a motion 37872  
and the court's finding of good cause for the termination, the 37873  
court may terminate the suspension. 37874

(H)(1) In addition to any prison term authorized or required 37875  
by division (C) of this section and sections 2929.13 and 2929.14 37876  
of the Revised Code, in addition to any other penalty or sanction 37877  
imposed for the offense under this section or sections 2929.11 to 37878  
2929.18 of the Revised Code, and in addition to the forfeiture of 37879  
property in connection with the offense as prescribed in Chapter 37880  
2981. of the Revised Code, the court that sentences an offender 37881  
who is convicted of or pleads guilty to a violation of division 37882  
(A) of this section may impose upon the offender an additional 37883  
fine specified for the offense in division (B)(4) of section 37884  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 37885  
of this section is not subject to division (F) of this section and 37886  
shall be used solely for the support of one or more eligible 37887  
community addiction services ~~provider~~ providers in accordance with 37888  
divisions (H)(2) and (3) of this section. 37889

(2) The court that imposes a fine under division (H)(1) of 37890

this section shall specify in the judgment that imposes the fine 37891  
one or more eligible community addiction services ~~provider~~ 37892  
providers for the support of which the fine money is to be used. 37893  
No community addiction services provider shall receive or use 37894  
money paid or collected in satisfaction of a fine imposed under 37895  
division (H)(1) of this section unless the services provider is 37896  
specified in the judgment that imposes the fine. No community 37897  
addiction services provider shall be specified in the judgment 37898  
unless the services provider is an eligible community addiction 37899  
services provider and, except as otherwise provided in division 37900  
(H)(2) of this section, unless the services provider is located in 37901  
the county in which the court that imposes the fine is located or 37902  
in a county that is immediately contiguous to the county in which 37903  
that court is located. If no eligible community addiction services 37904  
provider is located in any of those counties, the judgment may 37905  
specify an eligible community addiction services provider that is 37906  
located anywhere within this state. 37907

(3) Notwithstanding any contrary provision of section 3719.21 37908  
of the Revised Code, the clerk of the court shall pay any fine 37909  
imposed under division (H)(1) of this section to the eligible 37910  
community addiction services provider specified pursuant to 37911  
division (H)(2) of this section in the judgment. The eligible 37912  
community addiction services provider that receives the fine 37913  
moneys shall use the moneys only for the alcohol and drug 37914  
addiction services identified in the application for certification 37915  
of services under section 5119.36 of the Revised Code or in the 37916  
application for a license under section 5119.391 of the Revised 37917  
Code filed with the department of mental health and addiction 37918  
services by the community addiction services provider specified in 37919  
the judgment. 37920

(4) Each community addiction services provider that receives 37921  
in a calendar year any fine moneys under division (H)(3) of this 37922

section shall file an annual report covering that calendar year 37923  
with the court of common pleas and the board of county 37924  
commissioners of the county in which the services provider is 37925  
located, with the court of common pleas and the board of county 37926  
commissioners of each county from which the services provider 37927  
received the moneys if that county is different from the county in 37928  
which the services provider is located, and with the attorney 37929  
general. The community addiction services provider shall file the 37930  
report no later than the first day of March in the calendar year 37931  
following the calendar year in which the services provider 37932  
received the fine moneys. The report shall include statistics on 37933  
the number of persons served by the community addiction services 37934  
provider, identify the types of alcohol and drug addiction 37935  
services provided to those persons, and include a specific 37936  
accounting of the purposes for which the fine moneys received were 37937  
used. No information contained in the report shall identify, or 37938  
enable a person to determine the identity of, any person served by 37939  
the community addiction services provider. Each report received by 37940  
a court of common pleas, a board of county commissioners, or the 37941  
attorney general is a public record open for inspection under 37942  
section 149.43 of the Revised Code. 37943

(5) As used in divisions (H)(1) to (5) of this section: 37944

(a) "Community addiction services provider" and "alcohol and 37945  
drug addiction services" have the same meanings as in section 37946  
5119.01 of the Revised Code. 37947

(b) "Eligible community addiction services provider" means a 37948  
community addiction services provider ~~that is certified under~~ 37949  
~~section 5119.36, as defined in section 5119.01~~ of the Revised 37950  
Code, or a community addiction services provider that maintains a 37951  
methadone treatment program licensed under section 5119.391 of the 37952  
Revised Code ~~by the department of mental health and addiction~~ 37953  
~~services.~~ 37954

(I) As used in this section, "drug" includes any substance 37955  
that is represented to be a drug. 37956

(J) It is an affirmative defense to a charge of trafficking 37957  
in a controlled substance analog under division (C)(8) of this 37958  
section that the person charged with violating that offense sold 37959  
or offered to sell, or prepared for shipment, shipped, 37960  
transported, delivered, prepared for distribution, or distributed 37961  
an item described in division (HH)(2)(a), (b), or (c) of section 37962  
3719.01 of the Revised Code. 37963

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 37964  
(G) of this section and unless a specific sanction is required to 37965  
be imposed or is precluded from being imposed pursuant to law, a 37966  
court that imposes a sentence upon an offender for a felony may 37967  
impose any sanction or combination of sanctions on the offender 37968  
that are provided in sections 2929.14 to 2929.18 of the Revised 37969  
Code. 37970

If the offender is eligible to be sentenced to community 37971  
control sanctions, the court shall consider the appropriateness of 37972  
imposing a financial sanction pursuant to section 2929.18 of the 37973  
Revised Code or a sanction of community service pursuant to 37974  
section 2929.17 of the Revised Code as the sole sanction for the 37975  
offense. Except as otherwise provided in this division, if the 37976  
court is required to impose a mandatory prison term for the 37977  
offense for which sentence is being imposed, the court also shall 37978  
impose any financial sanction pursuant to section 2929.18 of the 37979  
Revised Code that is required for the offense and may impose any 37980  
other financial sanction pursuant to that section but may not 37981  
impose any additional sanction or combination of sanctions under 37982  
section 2929.16 or 2929.17 of the Revised Code. 37983

If the offender is being sentenced for a fourth degree felony 37984  
OVI offense or for a third degree felony OVI offense, in addition 37985

to the mandatory term of local incarceration or the mandatory 37986  
prison term required for the offense by division (G)(1) or (2) of 37987  
this section, the court shall impose upon the offender a mandatory 37988  
fine in accordance with division (B)(3) of section 2929.18 of the 37989  
Revised Code and may impose whichever of the following is 37990  
applicable: 37991

(1) For a fourth degree felony OVI offense for which sentence 37992  
is imposed under division (G)(1) of this section, an additional 37993  
community control sanction or combination of community control 37994  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 37995  
the court imposes upon the offender a community control sanction 37996  
and the offender violates any condition of the community control 37997  
sanction, the court may take any action prescribed in division (B) 37998  
of section 2929.15 of the Revised Code relative to the offender, 37999  
including imposing a prison term on the offender pursuant to that 38000  
division. 38001

(2) For a third or fourth degree felony OVI offense for which 38002  
sentence is imposed under division (G)(2) of this section, an 38003  
additional prison term as described in division (B)(4) of section 38004  
2929.14 of the Revised Code or a community control sanction as 38005  
described in division (G)(2) of this section. 38006

(B)(1)(a) Except as provided in division (B)(1)(b) of this 38007  
section, if an offender is convicted of or pleads guilty to a 38008  
felony of the fourth or fifth degree that is not an offense of 38009  
violence or that is a qualifying assault offense, the court shall 38010  
sentence the offender to a community control sanction of at least 38011  
one year's duration if all of the following apply: 38012

(i) The offender previously has not been convicted of or 38013  
pleaded guilty to a felony offense. 38014

(ii) The most serious charge against the offender at the time 38015  
of sentencing is a felony of the fourth or fifth degree. 38016

(iii) If the court made a request of the department of 38017  
rehabilitation and correction pursuant to division (B)(1)(c) of 38018  
this section, the department, within the forty-five-day period 38019  
specified in that division, provided the court with the names of, 38020  
contact information for, and program details of one or more 38021  
community control sanctions of at least one year's duration that 38022  
are available for persons sentenced by the court. 38023

(iv) The offender previously has not been convicted of or 38024  
pleaded guilty to a misdemeanor offense of violence that the 38025  
offender committed within two years prior to the offense for which 38026  
sentence is being imposed. 38027

(b) The court has discretion to impose a prison term upon an 38028  
offender who is convicted of or pleads guilty to a felony of the 38029  
fourth or fifth degree that is not an offense of violence or that 38030  
is a qualifying assault offense if any of the following apply: 38031

(i) The offender committed the offense while having a firearm 38032  
on or about the offender's person or under the offender's control. 38033

(ii) If the offense is a qualifying assault offense, the 38034  
offender caused serious physical harm to another person while 38035  
committing the offense, and, if the offense is not a qualifying 38036  
assault offense, the offender caused physical harm to another 38037  
person while committing the offense. 38038

(iii) The offender violated a term of the conditions of bond 38039  
as set by the court. 38040

(iv) The court made a request of the department of 38041  
rehabilitation and correction pursuant to division (B)(1)(c) of 38042  
this section, and the department, within the forty-five-day period 38043  
specified in that division, did not provide the court with the 38044  
name of, contact information for, and program details of any 38045  
community control sanction of at least one year's duration that is 38046  
available for persons sentenced by the court. 38047

(v) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code. 38048  
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(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon. 38051  
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(vii) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person. 38054  
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(viii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others. 38058  
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(ix) The offender committed the offense for hire or as part of an organized criminal activity. 38064  
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(x) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 38066  
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(xi) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 38068  
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(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide 38071  
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the court with the names of, contact information for, and program 38079  
details of one or more community control sanctions of at least one 38080  
year's duration that are available for persons sentenced by the 38081  
court. Not later than forty-five days after receipt of a request 38082  
from a court under this division, the department shall provide the 38083  
court with the names of, contact information for, and program 38084  
details of one or more community control sanctions of at least one 38085  
year's duration that are available for persons sentenced by the 38086  
court, if any. Upon making a request under this division that 38087  
relates to a particular offender, a court shall defer sentencing 38088  
of that offender until it receives from the department the names 38089  
of, contact information for, and program details of one or more 38090  
community control sanctions of at least one year's duration that 38091  
are available for persons sentenced by the court or for forty-five 38092  
days, whichever is the earlier. 38093

If the department provides the court with the names of, 38094  
contact information for, and program details of one or more 38095  
community control sanctions of at least one year's duration that 38096  
are available for persons sentenced by the court within the 38097  
forty-five-day period specified in this division, the court shall 38098  
impose upon the offender a community control sanction under 38099  
division (B)(1)(a) of this section, except that the court may 38100  
impose a prison term under division (B)(1)(b) of this section if a 38101  
factor described in division (B)(1)(b)(i) or (ii) of this section 38102  
applies. If the department does not provide the court with the 38103  
names of, contact information for, and program details of one or 38104  
more community control sanctions of at least one year's duration 38105  
that are available for persons sentenced by the court within the 38106  
forty-five-day period specified in this division, the court may 38107  
impose upon the offender a prison term under division 38108  
(B)(1)(b)(iv) of this section. 38109

(d) A sentencing court may impose an additional penalty under 38110



division (B) of section 2929.15 of the Revised Code upon an 38111  
offender sentenced to a community control sanction under division 38112  
(B)(1)(a) of this section if the offender violates the conditions 38113  
of the community control sanction, violates a law, or leaves the 38114  
state without the permission of the court or the offender's 38115  
probation officer. 38116

(2) If division (B)(1) of this section does not apply, except 38117  
as provided in division (E), (F), or (G) of this section, in 38118  
determining whether to impose a prison term as a sanction for a 38119  
felony of the fourth or fifth degree, the sentencing court shall 38120  
comply with the purposes and principles of sentencing under 38121  
section 2929.11 of the Revised Code and with section 2929.12 of 38122  
the Revised Code. 38123

(C) Except as provided in division (D), (E), (F), or (G) of 38124  
this section, in determining whether to impose a prison term as a 38125  
sanction for a felony of the third degree or a felony drug offense 38126  
that is a violation of a provision of Chapter 2925. of the Revised 38127  
Code and that is specified as being subject to this division for 38128  
purposes of sentencing, the sentencing court shall comply with the 38129  
purposes and principles of sentencing under section 2929.11 of the 38130  
Revised Code and with section 2929.12 of the Revised Code. 38131

(D)(1) Except as provided in division (E) or (F) of this 38132  
section, for a felony of the first or second degree, for a felony 38133  
drug offense that is a violation of any provision of Chapter 38134  
2925., 3719., or 4729. of the Revised Code for which a presumption 38135  
in favor of a prison term is specified as being applicable, and 38136  
for a violation of division (A)(4) or (B) of section 2907.05 of 38137  
the Revised Code for which a presumption in favor of a prison term 38138  
is specified as being applicable, it is presumed that a prison 38139  
term is necessary in order to comply with the purposes and 38140  
principles of sentencing under section 2929.11 of the Revised 38141  
Code. Division (D)(2) of this section does not apply to a 38142

presumption established under this division for a violation of 38143  
division (A)(4) of section 2907.05 of the Revised Code. 38144

(2) Notwithstanding the presumption established under 38145  
division (D)(1) of this section for the offenses listed in that 38146  
division other than a violation of division (A)(4) or (B) of 38147  
section 2907.05 of the Revised Code, the sentencing court may 38148  
impose a community control sanction or a combination of community 38149  
control sanctions instead of a prison term on an offender for a 38150  
felony of the first or second degree or for a felony drug offense 38151  
that is a violation of any provision of Chapter 2925., 3719., or 38152  
4729. of the Revised Code for which a presumption in favor of a 38153  
prison term is specified as being applicable if it makes both of 38154  
the following findings: 38155

(a) A community control sanction or a combination of 38156  
community control sanctions would adequately punish the offender 38157  
and protect the public from future crime, because the applicable 38158  
factors under section 2929.12 of the Revised Code indicating a 38159  
lesser likelihood of recidivism outweigh the applicable factors 38160  
under that section indicating a greater likelihood of recidivism. 38161

(b) A community control sanction or a combination of 38162  
community control sanctions would not demean the seriousness of 38163  
the offense, because one or more factors under section 2929.12 of 38164  
the Revised Code that indicate that the offender's conduct was 38165  
less serious than conduct normally constituting the offense are 38166  
applicable, and they outweigh the applicable factors under that 38167  
section that indicate that the offender's conduct was more serious 38168  
than conduct normally constituting the offense. 38169

(E)(1) Except as provided in division (F) of this section, 38170  
for any drug offense that is a violation of any provision of 38171  
Chapter 2925. of the Revised Code and that is a felony of the 38172  
third, fourth, or fifth degree, the applicability of a presumption 38173  
under division (D) of this section in favor of a prison term or of 38174

division (B) or (C) of this section in determining whether to 38175  
impose a prison term for the offense shall be determined as 38176  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 38177  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 38178  
Revised Code, whichever is applicable regarding the violation. 38179

(2) If an offender who was convicted of or pleaded guilty to 38180  
a felony violates the conditions of a community control sanction 38181  
imposed for the offense solely by reason of producing positive 38182  
results on a drug test, the court, as punishment for the violation 38183  
of the sanction, shall not order that the offender be imprisoned 38184  
unless the court determines on the record either of the following: 38185

(a) The offender had been ordered as a sanction for the 38186  
felony to participate in a drug treatment program, in a drug 38187  
education program, or in narcotics anonymous or a similar program, 38188  
and the offender continued to use illegal drugs after a reasonable 38189  
period of participation in the program. 38190

(b) The imprisonment of the offender for the violation is 38191  
consistent with the purposes and principles of sentencing set 38192  
forth in section 2929.11 of the Revised Code. 38193

(3) A court that sentences an offender for a drug abuse 38194  
offense that is a felony of the third, fourth, or fifth degree may 38195  
require that the offender be assessed by a properly credentialed 38196  
professional within a specified period of time. The court shall 38197  
require the professional to file a written assessment of the 38198  
offender with the court. If the offender is eligible for a 38199  
community control sanction and after considering the written 38200  
assessment, the court may impose a community control sanction that 38201  
includes treatment and recovery support services authorized by 38202  
division (A)(11) of section ~~3793.02~~ 340.03 of the Revised Code. If 38203  
the court imposes treatment and recovery support services as a 38204  
community control sanction, the court shall direct the level and 38205  
type of treatment and recovery support services after considering 38206

the assessment and recommendation of ~~treatment and recovery~~ 38207  
~~support services~~ community addiction services providers. 38208

(F) Notwithstanding divisions (A) to (E) of this section, the 38209  
court shall impose a prison term or terms under sections 2929.02 38210  
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 38211  
of the Revised Code and except as specifically provided in section 38212  
2929.20, divisions (C) to (I) of section 2967.19, or section 38213  
2967.191 of the Revised Code or when parole is authorized for the 38214  
offense under section 2967.13 of the Revised Code shall not reduce 38215  
the term or terms pursuant to section 2929.20, section 2967.19, 38216  
section 2967.193, or any other provision of Chapter 2967. or 38217  
Chapter 5120. of the Revised Code for any of the following 38218  
offenses: 38219

(1) Aggravated murder when death is not imposed or murder; 38220

(2) Any rape, regardless of whether force was involved and 38221  
regardless of the age of the victim, or an attempt to commit rape 38222  
if, had the offender completed the rape that was attempted, the 38223  
offender would have been guilty of a violation of division 38224  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 38225  
sentenced under section 2971.03 of the Revised Code; 38226

(3) Gross sexual imposition or sexual battery, if the victim 38227  
is less than thirteen years of age and if any of the following 38228  
applies: 38229

(a) Regarding gross sexual imposition, the offender 38230  
previously was convicted of or pleaded guilty to rape, the former 38231  
offense of felonious sexual penetration, gross sexual imposition, 38232  
or sexual battery, and the victim of the previous offense was less 38233  
than thirteen years of age; 38234

(b) Regarding gross sexual imposition, the offense was 38235  
committed on or after August 3, 2006, and evidence other than the 38236  
testimony of the victim was admitted in the case corroborating the 38237

violation.	38238
(c) Regarding sexual battery, either of the following	38239
applies:	38240
(i) The offense was committed prior to August 3, 2006, the	38241
offender previously was convicted of or pleaded guilty to rape,	38242
the former offense of felonious sexual penetration, or sexual	38243
battery, and the victim of the previous offense was less than	38244
thirteen years of age.	38245
(ii) The offense was committed on or after August 3, 2006.	38246
(4) A felony violation of section 2903.04, 2903.06, 2903.08,	38247
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code	38248
if the section requires the imposition of a prison term;	38249
(5) A first, second, or third degree felony drug offense for	38250
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	38251
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or	38252
4729.99 of the Revised Code, whichever is applicable regarding the	38253
violation, requires the imposition of a mandatory prison term;	38254
(6) Any offense that is a first or second degree felony and	38255
that is not set forth in division (F)(1), (2), (3), or (4) of this	38256
section, if the offender previously was convicted of or pleaded	38257
guilty to aggravated murder, murder, any first or second degree	38258
felony, or an offense under an existing or former law of this	38259
state, another state, or the United States that is or was	38260
substantially equivalent to one of those offenses;	38261
(7) Any offense that is a third degree felony and either is a	38262
violation of section 2903.04 of the Revised Code or an attempt to	38263
commit a felony of the second degree that is an offense of	38264
violence and involved an attempt to cause serious physical harm to	38265
a person or that resulted in serious physical harm to a person if	38266
the offender previously was convicted of or pleaded guilty to any	38267
of the following offenses:	38268

(a) Aggravated murder, murder, involuntary manslaughter,	38269
rape, felonious sexual penetration as it existed under section	38270
2907.12 of the Revised Code prior to September 3, 1996, a felony	38271
of the first or second degree that resulted in the death of a	38272
person or in physical harm to a person, or complicity in or an	38273
attempt to commit any of those offenses;	38274
(b) An offense under an existing or former law of this state,	38275
another state, or the United States that is or was substantially	38276
equivalent to an offense listed in division (F)(7)(a) of this	38277
section that resulted in the death of a person or in physical harm	38278
to a person.	38279
(8) Any offense, other than a violation of section 2923.12 of	38280
the Revised Code, that is a felony, if the offender had a firearm	38281
on or about the offender's person or under the offender's control	38282
while committing the felony, with respect to a portion of the	38283
sentence imposed pursuant to division (B)(1)(a) of section 2929.14	38284
of the Revised Code for having the firearm;	38285
(9) Any offense of violence that is a felony, if the offender	38286
wore or carried body armor while committing the felony offense of	38287
violence, with respect to the portion of the sentence imposed	38288
pursuant to division (B)(1)(d) of section 2929.14 of the Revised	38289
Code for wearing or carrying the body armor;	38290
(10) Corrupt activity in violation of section 2923.32 of the	38291
Revised Code when the most serious offense in the pattern of	38292
corrupt activity that is the basis of the offense is a felony of	38293
the first degree;	38294
(11) Any violent sex offense or designated homicide, assault,	38295
or kidnapping offense if, in relation to that offense, the	38296
offender is adjudicated a sexually violent predator;	38297
(12) A violation of division (A)(1) or (2) of section 2921.36	38298
of the Revised Code, or a violation of division (C) of that	38299

section involving an item listed in division (A)(1) or (2) of that 38300  
section, if the offender is an officer or employee of the 38301  
department of rehabilitation and correction; 38302

(13) A violation of division (A)(1) or (2) of section 2903.06 38303  
of the Revised Code if the victim of the offense is a peace 38304  
officer, as defined in section 2935.01 of the Revised Code, or an 38305  
investigator of the bureau of criminal identification and 38306  
investigation, as defined in section 2903.11 of the Revised Code, 38307  
with respect to the portion of the sentence imposed pursuant to 38308  
division (B)(5) of section 2929.14 of the Revised Code; 38309

(14) A violation of division (A)(1) or (2) of section 2903.06 38310  
of the Revised Code if the offender has been convicted of or 38311  
pleaded guilty to three or more violations of division (A) or (B) 38312  
of section 4511.19 of the Revised Code or an equivalent offense, 38313  
as defined in section 2941.1415 of the Revised Code, or three or 38314  
more violations of any combination of those divisions and 38315  
offenses, with respect to the portion of the sentence imposed 38316  
pursuant to division (B)(6) of section 2929.14 of the Revised 38317  
Code; 38318

(15) Kidnapping, in the circumstances specified in section 38319  
2971.03 of the Revised Code and when no other provision of 38320  
division (F) of this section applies; 38321

(16) Kidnapping, abduction, compelling prostitution, 38322  
promoting prostitution, engaging in a pattern of corrupt activity, 38323  
illegal use of a minor in a nudity-oriented material or 38324  
performance in violation of division (A)(1) or (2) of section 38325  
2907.323 of the Revised Code, or endangering children in violation 38326  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 38327  
the Revised Code, if the offender is convicted of or pleads guilty 38328  
to a specification as described in section 2941.1422 of the 38329  
Revised Code that was included in the indictment, count in the 38330  
indictment, or information charging the offense; 38331

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of



this section. 38364

(2) If the offender is being sentenced for a third degree 38365  
felony OVI offense, or if the offender is being sentenced for a 38366  
fourth degree felony OVI offense and the court does not impose a 38367  
mandatory term of local incarceration under division (G)(1) of 38368  
this section, the court shall impose upon the offender a mandatory 38369  
prison term of one, two, three, four, or five years if the 38370  
offender also is convicted of or also pleads guilty to a 38371  
specification of the type described in section 2941.1413 of the 38372  
Revised Code or shall impose upon the offender a mandatory prison 38373  
term of sixty days or one hundred twenty days as specified in 38374  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 38375  
if the offender has not been convicted of and has not pleaded 38376  
guilty to a specification of that type. Subject to divisions (C) 38377  
to (I) of section 2967.19 of the Revised Code, the court shall not 38378  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 38379  
any other provision of the Revised Code. The offender shall serve 38380  
the one-, two-, three-, four-, or five-year mandatory prison term 38381  
consecutively to and prior to the prison term imposed for the 38382  
underlying offense and consecutively to any other mandatory prison 38383  
term imposed in relation to the offense. In no case shall an 38384  
offender who once has been sentenced to a mandatory term of local 38385  
incarceration pursuant to division (G)(1) of this section for a 38386  
fourth degree felony OVI offense be sentenced to another mandatory 38387  
term of local incarceration under that division for any violation 38388  
of division (A) of section 4511.19 of the Revised Code. In 38389  
addition to the mandatory prison term described in division (G)(2) 38390  
of this section, the court may sentence the offender to a 38391  
community control sanction under section 2929.16 or 2929.17 of the 38392  
Revised Code, but the offender shall serve the prison term prior 38393  
to serving the community control sanction. The department of 38394  
rehabilitation and correction may place an offender sentenced to a 38395  
mandatory prison term under this division in an intensive program 38396

prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of

sentencing, of those duties and of their duration. If required 38429  
under division (A)(2) of section 2950.03 of the Revised Code, the 38430  
judge shall perform the duties specified in that section, or, if 38431  
required under division (A)(6) of section 2950.03 of the Revised 38432  
Code, the judge shall perform the duties specified in that 38433  
division. 38434

(J)(1) Except as provided in division (J)(2) of this section, 38435  
when considering sentencing factors under this section in relation 38436  
to an offender who is convicted of or pleads guilty to an attempt 38437  
to commit an offense in violation of section 2923.02 of the 38438  
Revised Code, the sentencing court shall consider the factors 38439  
applicable to the felony category of the violation of section 38440  
2923.02 of the Revised Code instead of the factors applicable to 38441  
the felony category of the offense attempted. 38442

(2) When considering sentencing factors under this section in 38443  
relation to an offender who is convicted of or pleads guilty to an 38444  
attempt to commit a drug abuse offense for which the penalty is 38445  
determined by the amount or number of unit doses of the controlled 38446  
substance involved in the drug abuse offense, the sentencing court 38447  
shall consider the factors applicable to the felony category that 38448  
the drug abuse offense attempted would be if that drug abuse 38449  
offense had been committed and had involved an amount or number of 38450  
unit doses of the controlled substance that is within the next 38451  
lower range of controlled substance amounts than was involved in 38452  
the attempt. 38453

(K) As used in this section: 38454

(1) "Community addiction services provider" has the same 38455  
meaning as in section 5119.01 of the Revised Code. 38456

(2) "Drug abuse offense" has the same meaning as in section 38457  
2925.01 of the Revised Code. 38458

~~(2)~~(3) "Qualifying assault offense" means a violation of 38459

section 2903.13 of the Revised Code for which the penalty 38460  
provision in division (C)(8)(b) or (C)(9)(b) of that section 38461  
applies. 38462

(L) At the time of sentencing an offender for any sexually 38463  
oriented offense, if the offender is a tier III sex 38464  
offender/child-victim offender relative to that offense and the 38465  
offender does not serve a prison term or jail term, the court may 38466  
require that the offender be monitored by means of a global 38467  
positioning device. If the court requires such monitoring, the 38468  
cost of monitoring shall be borne by the offender. If the offender 38469  
is indigent, the cost of compliance shall be paid by the crime 38470  
victims reparations fund. 38471

**Sec. 2929.18.** (A) Except as otherwise provided in this 38472  
division and in addition to imposing court costs pursuant to 38473  
section 2947.23 of the Revised Code, the court imposing a sentence 38474  
upon an offender for a felony may sentence the offender to any 38475  
financial sanction or combination of financial sanctions 38476  
authorized under this section or, in the circumstances specified 38477  
in section 2929.32 of the Revised Code, may impose upon the 38478  
offender a fine in accordance with that section. Financial 38479  
sanctions that may be imposed pursuant to this section include, 38480  
but are not limited to, the following: 38481

(1) Restitution by the offender to the victim of the 38482  
offender's crime or any survivor of the victim, in an amount based 38483  
on the victim's economic loss. If the court imposes restitution, 38484  
the court shall order that the restitution be made to the victim 38485  
in open court, to the adult probation department that serves the 38486  
county on behalf of the victim, to the clerk of courts, or to 38487  
another agency designated by the court. If the court imposes 38488  
restitution, at sentencing, the court shall determine the amount 38489  
of restitution to be made by the offender. If the court imposes 38490

restitution, the court may base the amount of restitution it 38491  
orders on an amount recommended by the victim, the offender, a 38492  
presentence investigation report, estimates or receipts indicating 38493  
the cost of repairing or replacing property, and other 38494  
information, provided that the amount the court orders as 38495  
restitution shall not exceed the amount of the economic loss 38496  
suffered by the victim as a direct and proximate result of the 38497  
commission of the offense. If the court decides to impose 38498  
restitution, the court shall hold a hearing on restitution if the 38499  
offender, victim, or survivor disputes the amount. All restitution 38500  
payments shall be credited against any recovery of economic loss 38501  
in a civil action brought by the victim or any survivor of the 38502  
victim against the offender. 38503

If the court imposes restitution, the court may order that 38504  
the offender pay a surcharge of not more than five per cent of the 38505  
amount of the restitution otherwise ordered to the entity 38506  
responsible for collecting and processing restitution payments. 38507

The victim or survivor may request that the prosecutor in the 38508  
case file a motion, or the offender may file a motion, for 38509  
modification of the payment terms of any restitution ordered. If 38510  
the court grants the motion, it may modify the payment terms as it 38511  
determines appropriate. 38512

(2) Except as provided in division (B)(1), (3), or (4) of 38513  
this section, a fine payable by the offender to the state, to a 38514  
political subdivision, or as described in division (B)(2) of this 38515  
section to one or more law enforcement agencies, with the amount 38516  
of the fine based on a standard percentage of the offender's daily 38517  
income over a period of time determined by the court and based 38518  
upon the seriousness of the offense. A fine ordered under this 38519  
division shall not exceed the maximum conventional fine amount 38520  
authorized for the level of the offense under division (A)(3) of 38521  
this section. 38522

(3) Except as provided in division (B)(1), (3), or (4) of	38523
this section, a fine payable by the offender to the state, to a	38524
political subdivision when appropriate for a felony, or as	38525
described in division (B)(2) of this section to one or more law	38526
enforcement agencies, in the following amount:	38527
(a) For a felony of the first degree, not more than twenty	38528
thousand dollars;	38529
(b) For a felony of the second degree, not more than fifteen	38530
thousand dollars;	38531
(c) For a felony of the third degree, not more than ten	38532
thousand dollars;	38533
(d) For a felony of the fourth degree, not more than five	38534
thousand dollars;	38535
(e) For a felony of the fifth degree, not more than two	38536
thousand five hundred dollars.	38537
(4) A state fine or costs as defined in section 2949.111 of	38538
the Revised Code.	38539
(5)(a) Reimbursement by the offender of any or all of the	38540
costs of sanctions incurred by the government, including the	38541
following:	38542
(i) All or part of the costs of implementing any community	38543
control sanction, including a supervision fee under section	38544
2951.021 of the Revised Code;	38545
(ii) All or part of the costs of confinement under a sanction	38546
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the	38547
Revised Code, provided that the amount of reimbursement ordered	38548
under this division shall not exceed the total amount of	38549
reimbursement the offender is able to pay as determined at a	38550
hearing and shall not exceed the actual cost of the confinement;	38551
(iii) All or part of the cost of purchasing and using an	38552

immobilizing or disabling device, including a certified ignition 38553  
interlock device, or a remote alcohol monitoring device that a 38554  
court orders an offender to use under section 4510.13 of the 38555  
Revised Code. 38556

(b) If the offender is sentenced to a sanction of confinement 38557  
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 38558  
to be served in a facility operated by a board of county 38559  
commissioners, a legislative authority of a municipal corporation, 38560  
or another local governmental entity, if, pursuant to section 38561  
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 38562  
or 2947.19 of the Revised Code and section 2929.37 of the Revised 38563  
Code, the board, legislative authority, or other local 38564  
governmental entity requires prisoners to reimburse the county, 38565  
municipal corporation, or other entity for its expenses incurred 38566  
by reason of the prisoner's confinement, and if the court does not 38567  
impose a financial sanction under division (A)(5)(a)(ii) of this 38568  
section, confinement costs may be assessed pursuant to section 38569  
2929.37 of the Revised Code. In addition, the offender may be 38570  
required to pay the fees specified in section 2929.38 of the 38571  
Revised Code in accordance with that section. 38572

(c) Reimbursement by the offender for costs pursuant to 38573  
section 2929.71 of the Revised Code. 38574

(B)(1) For a first, second, or third degree felony violation 38575  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 38576  
Code, the sentencing court shall impose upon the offender a 38577  
mandatory fine of at least one-half of, but not more than, the 38578  
maximum statutory fine amount authorized for the level of the 38579  
offense pursuant to division (A)(3) of this section. If an 38580  
offender alleges in an affidavit filed with the court prior to 38581  
sentencing that the offender is indigent and unable to pay the 38582  
mandatory fine and if the court determines the offender is an 38583  
indigent person and is unable to pay the mandatory fine described 38584

in this division, the court shall not impose the mandatory fine 38585  
upon the offender. 38586

(2) Any mandatory fine imposed upon an offender under 38587  
division (B)(1) of this section and any fine imposed upon an 38588  
offender under division (A)(2) or (3) of this section for any 38589  
fourth or fifth degree felony violation of any provision of 38590  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 38591  
to law enforcement agencies pursuant to division (F) of section 38592  
2925.03 of the Revised Code. 38593

(3) For a fourth degree felony OVI offense and for a third 38594  
degree felony OVI offense, the sentencing court shall impose upon 38595  
the offender a mandatory fine in the amount specified in division 38596  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 38597  
is applicable. The mandatory fine so imposed shall be disbursed as 38598  
provided in the division pursuant to which it is imposed. 38599

(4) Notwithstanding any fine otherwise authorized or required 38600  
to be imposed under division (A)(2) or (3) or (B)(1) of this 38601  
section or section 2929.31 of the Revised Code for a violation of 38602  
section 2925.03 of the Revised Code, in addition to any penalty or 38603  
sanction imposed for that offense under section 2925.03 or 38604  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 38605  
the forfeiture of property in connection with the offense as 38606  
prescribed in Chapter 2981. of the Revised Code, the court that 38607  
sentences an offender for a violation of section 2925.03 of the 38608  
Revised Code may impose upon the offender a fine in addition to 38609  
any fine imposed under division (A)(2) or (3) of this section and 38610  
in addition to any mandatory fine imposed under division (B)(1) of 38611  
this section. The fine imposed under division (B)(4) of this 38612  
section shall be used as provided in division (H) of section 38613  
2925.03 of the Revised Code. A fine imposed under division (B)(4) 38614  
of this section shall not exceed whichever of the following is 38615  
applicable: 38616



(a) The total value of any personal or real property in which the offender has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 2925.03 of the Revised Code, including any property that constitutes proceeds derived from that offense;

(b) If the offender has no interest in any property of the type described in division (B)(4)(a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B)(1) of this section or, if no mandatory fine is imposed under division (B)(1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A)(3) of this section.

(5) Prior to imposing a fine under division (B)(4) of this section, the court shall determine whether the offender has an interest in any property of the type described in division (B)(4)(a) of this section. Except as provided in division (B)(6) or (7) of this section, a fine that is authorized and imposed under division (B)(4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code.

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B)(1) of this section plus the amount of any fine imposed under division (B)(4) of this section does not exceed the maximum statutory fine amount authorized for

the level of the offense under division (A)(3) of this section or 38649  
section 2929.31 of the Revised Code, the court may impose a fine 38650  
for the offense in addition to the mandatory fine and the fine 38651  
imposed under division (B)(4) of this section. The sum total of 38652  
the amounts of the mandatory fine, the fine imposed under division 38653  
(B)(4) of this section, and the additional fine imposed under 38654  
division (B)(6) of this section shall not exceed the maximum 38655  
statutory fine amount authorized for the level of the offense 38656  
under division (A)(3) of this section or section 2929.31 of the 38657  
Revised Code. The clerk of the court shall pay any fine that is 38658  
imposed under division (B)(6) of this section to the county, 38659  
township, municipal corporation, park district as created pursuant 38660  
to section 511.18 or 1545.04 of the Revised Code, or state law 38661  
enforcement agencies in this state that primarily were responsible 38662  
for or involved in making the arrest of, and in prosecuting, the 38663  
offender pursuant to division (F) of section 2925.03 of the 38664  
Revised Code. 38665

(7) If the sum total of the amount of a mandatory fine 38666  
imposed for a first, second, or third degree felony violation of 38667  
section 2925.03 of the Revised Code plus the amount of any fine 38668  
imposed under division (B)(4) of this section exceeds the maximum 38669  
statutory fine amount authorized for the level of the offense 38670  
under division (A)(3) of this section or section 2929.31 of the 38671  
Revised Code, the court shall not impose a fine under division 38672  
(B)(6) of this section. 38673

(8)(a) If an offender who is convicted of or pleads guilty to 38674  
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 38675  
2923.32, division (A)(1) or (2) of section 2907.323, or division 38676  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 38677  
Code also is convicted of or pleads guilty to a specification of 38678  
the type described in section 2941.1422 of the Revised Code that 38679  
charges that the offender knowingly committed the offense in 38680

furtherance of human trafficking, the sentencing court shall 38681  
sentence the offender to a financial sanction of restitution by 38682  
the offender to the victim or any survivor of the victim, with the 38683  
restitution including the costs of housing, counseling, and 38684  
medical and legal assistance incurred by the victim as a direct 38685  
result of the offense and the greater of the following: 38686

(i) The gross income or value to the offender of the victim's 38687  
labor or services; 38688

(ii) The value of the victim's labor as guaranteed under the 38689  
minimum wage and overtime provisions of the "Federal Fair Labor 38690  
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 38691  
labor laws. 38692

(b) If a court imposing sentence upon an offender for a 38693  
felony is required to impose upon the offender a financial 38694  
sanction of restitution under division (B)(8)(a) of this section, 38695  
in addition to that financial sanction of restitution, the court 38696  
may sentence the offender to any other financial sanction or 38697  
combination of financial sanctions authorized under this section, 38698  
including a restitution sanction under division (A)(1) of this 38699  
section. 38700

(9) In addition to any other fine that is or may be imposed 38701  
under this section, the court imposing sentence upon an offender 38702  
for a felony that is a sexually oriented offense or a child-victim 38703  
oriented offense, as those terms are defined in section 2950.01 of 38704  
the Revised Code, may impose a fine of not less than fifty nor 38705  
more than five hundred dollars. 38706

~~(C)(1) The offender shall pay reimbursements imposed upon the 38707  
offender pursuant to division (A)(5)(a) of this section to pay the 38708  
costs incurred by the department of rehabilitation and correction 38709  
in operating a prison or other facility used to confine offenders 38710  
pursuant to sanctions imposed under section 2929.14, 2929.142, or 38711~~

~~2929.16 of the Revised Code to the treasurer of state. The 38712  
treasurer of state shall deposit the reimbursements in the 38713  
confinement cost reimbursement fund that is hereby created in the 38714  
state treasury. The department of rehabilitation and correction 38715  
shall use the amounts deposited in the fund to fund the operation 38716  
of facilities used to confine offenders pursuant to sections 38717  
2929.14, 2929.142, and 2929.16 of the Revised Code. 38718~~

~~(2)~~ Except as provided in section 2951.021 of the Revised 38719  
Code, the offender shall pay reimbursements imposed upon the 38720  
offender pursuant to division (A)(5)(a) of this section to pay the 38721  
costs incurred by a county pursuant to any sanction imposed under 38722  
this section or section 2929.16 or 2929.17 of the Revised Code or 38723  
in operating a facility used to confine offenders pursuant to a 38724  
sanction imposed under section 2929.16 of the Revised Code to the 38725  
county treasurer. The county treasurer shall deposit the 38726  
reimbursements in the sanction cost reimbursement fund that each 38727  
board of county commissioners shall create in its county treasury. 38728  
The county shall use the amounts deposited in the fund to pay the 38729  
costs incurred by the county pursuant to any sanction imposed 38730  
under this section or section 2929.16 or 2929.17 of the Revised 38731  
Code or in operating a facility used to confine offenders pursuant 38732  
to a sanction imposed under section 2929.16 of the Revised Code. 38733

~~(3)~~(2) Except as provided in section 2951.021 of the Revised 38734  
Code, the offender shall pay reimbursements imposed upon the 38735  
offender pursuant to division (A)(5)(a) of this section to pay the 38736  
costs incurred by a municipal corporation pursuant to any sanction 38737  
imposed under this section or section 2929.16 or 2929.17 of the 38738  
Revised Code or in operating a facility used to confine offenders 38739  
pursuant to a sanction imposed under section 2929.16 of the 38740  
Revised Code to the treasurer of the municipal corporation. The 38741  
treasurer shall deposit the reimbursements in a special fund that 38742  
shall be established in the treasury of each municipal 38743

corporation. The municipal corporation shall use the amounts 38744  
deposited in the fund to pay the costs incurred by the municipal 38745  
corporation pursuant to any sanction imposed under this section or 38746  
section 2929.16 or 2929.17 of the Revised Code or in operating a 38747  
facility used to confine offenders pursuant to a sanction imposed 38748  
under section 2929.16 of the Revised Code. 38749

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 38750  
Code, the offender shall pay reimbursements imposed pursuant to 38751  
division (A)(5)(a) of this section for the costs incurred by a 38752  
private provider pursuant to a sanction imposed under this section 38753  
or section 2929.16 or 2929.17 of the Revised Code to the provider. 38754

(D) Except as otherwise provided in this division, a 38755  
financial sanction imposed pursuant to division (A) or (B) of this 38756  
section is a judgment in favor of the state or a political 38757  
subdivision in which the court that imposed the financial sanction 38758  
is located, and the offender subject to the financial sanction is 38759  
the judgment debtor. A financial sanction of reimbursement imposed 38760  
pursuant to division (A)(5)(a)(ii) of this section upon an 38761  
offender who is incarcerated in a state facility or a municipal 38762  
jail is a judgment in favor of the state or the municipal 38763  
corporation, and the offender subject to the financial sanction is 38764  
the judgment debtor. A financial sanction of reimbursement imposed 38765  
upon an offender pursuant to this section for costs incurred by a 38766  
private provider of sanctions is a judgment in favor of the 38767  
private provider, and the offender subject to the financial 38768  
sanction is the judgment debtor. A financial sanction of 38769  
restitution imposed pursuant to division (A)(1) or (B)(8) of this 38770  
section is an order in favor of the victim of the offender's 38771  
criminal act that can be collected through a certificate of 38772  
judgment as described in division (D)(1) of this section, through 38773  
execution as described in division (D)(2) of this section, or 38774  
through an order as described in division (D)(3) of this section, 38775

and the offender shall be considered for purposes of the 38776  
collection as the judgment debtor. Imposition of a financial 38777  
sanction and execution on the judgment does not preclude any other 38778  
power of the court to impose or enforce sanctions on the offender. 38779  
Once the financial sanction is imposed as a judgment or order 38780  
under this division, the victim, private provider, state, or 38781  
political subdivision may do any of the following: 38782

(1) Obtain from the clerk of the court in which the judgment 38783  
was entered a certificate of judgment that shall be in the same 38784  
manner and form as a certificate of judgment issued in a civil 38785  
action; 38786

(2) Obtain execution of the judgment or order through any 38787  
available procedure, including: 38788

(a) An execution against the property of the judgment debtor 38789  
under Chapter 2329. of the Revised Code; 38790

(b) An execution against the person of the judgment debtor 38791  
under Chapter 2331. of the Revised Code; 38792

(c) A proceeding in aid of execution under Chapter 2333. of 38793  
the Revised Code, including: 38794

(i) A proceeding for the examination of the judgment debtor 38795  
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 38796  
of the Revised Code; 38797

(ii) A proceeding for attachment of the person of the 38798  
judgment debtor under section 2333.28 of the Revised Code; 38799

(iii) A creditor's suit under section 2333.01 of the Revised 38800  
Code. 38801

(d) The attachment of the property of the judgment debtor 38802  
under Chapter 2715. of the Revised Code; 38803

(e) The garnishment of the property of the judgment debtor 38804  
under Chapter 2716. of the Revised Code. 38805

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	38806 38807
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	38808 38809 38810 38811
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	38812 38813 38814 38815 38816 38817 38818 38819 38820 38821 38822 38823 38824
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid.	38825 38826 38827 38828 38829 38830 38831
(H) No financial sanction imposed under this section or section 2929.32 of the Revised Code shall preclude a victim from bringing a civil action against the offender.	38832 38833 38834
<b>Sec. 2929.20.</b> (A) As used in this section:	38835

(1)(a) Except as provided in division (A)(1)(b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms.

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity



in committing any offense listed in division (A)(1)(b)(ii) or 38867  
described in division (A)(1)(b)(iv) of this section, if the 38868  
conduct constituting the offense that was the subject of the 38869  
conspiracy, that would have constituted the offense attempted, or 38870  
constituting the offense in which the offender was complicit was 38871  
or would have been related to the duties of the offender's public 38872  
office or to the offender's actions as a public official holding 38873  
that public office. 38874

(2) "Nonmandatory prison term" means a prison term that is 38875  
not a mandatory prison term. 38876

(3) "Public office" means any elected federal, state, or 38877  
local government office in this state. 38878

(4) "Victim's representative" has the same meaning as in 38879  
section 2930.01 of the Revised Code. 38880

(5) "Imminent danger of death," "medically incapacitated," 38881  
and "terminal illness" have the same meanings as in section 38882  
2967.05 of the Revised Code. 38883

(B) On the motion of an eligible offender or upon its own 38884  
motion, the sentencing court may reduce the eligible offender's 38885  
aggregated nonmandatory prison term or terms through a judicial 38886  
release under this section. 38887

(C) An eligible offender may file a motion for judicial 38888  
release with the sentencing court within the following applicable 38889  
periods: 38890

(1) If the aggregated nonmandatory prison term or terms is 38891  
less than two years, the eligible offender may file the motion not 38892  
earlier than thirty days after the offender is delivered to a 38893  
state correctional institution or, if the prison term includes a 38894  
mandatory prison term or terms, not earlier than thirty days after 38895  
the expiration of all mandatory prison terms. 38896

(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible offender may file the motion not earlier than one hundred eighty days after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than one hundred eighty days after the expiration of all mandatory prison terms.

(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion not earlier than four years after the eligible offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than four years after the expiration of all mandatory prison terms.

(4) If the aggregated nonmandatory prison term or terms is more than five years but not more than ten years, the eligible offender may file the motion not earlier than five years after the eligible offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than five years after the expiration of all mandatory prison terms.

(5) If the aggregated nonmandatory prison term or terms is more than ten years, the eligible offender may file the motion not earlier than the later of the date on which the offender has served one-half of the offender's stated prison term or the date specified in division (C)(4) of this section.

(D) Upon receipt of a timely motion for judicial release filed by an eligible offender under division (C) of this section or upon the sentencing court's own motion made within the appropriate time specified in that division, the court may deny the motion without a hearing or schedule a hearing on the motion. The court shall not grant the motion without a hearing. If a court denies a motion without a hearing, the court later may consider

judicial release for that eligible offender on a subsequent motion 38929  
filed by that eligible offender unless the court denies the motion 38930  
with prejudice. If a court denies a motion with prejudice, the 38931  
court may later consider judicial release on its own motion. If a 38932  
court denies a motion after a hearing, the court shall not 38933  
consider a subsequent motion for that eligible offender. The court 38934  
shall hold only one hearing for any eligible offender. 38935

A hearing under this section shall be conducted in open court 38936  
not less than thirty or more than sixty days after the motion is 38937  
filed, provided that the court may delay the hearing for one 38938  
hundred eighty additional days. If the court holds a hearing, the 38939  
court shall enter a ruling on the motion within ten days after the 38940  
hearing. If the court denies the motion without a hearing, the 38941  
court shall enter its ruling on the motion within sixty days after 38942  
the motion is filed. 38943

(E) If a court schedules a hearing under division (D) of this 38944  
section, the court shall notify the eligible offender and the head 38945  
of the state correctional institution in which the eligible 38946  
offender is confined prior to the hearing. The head of the state 38947  
correctional institution immediately shall notify the appropriate 38948  
person at the department of rehabilitation and correction of the 38949  
hearing, and the department within twenty-four hours after receipt 38950  
of the notice, shall post on the database it maintains pursuant to 38951  
section 5120.66 of the Revised Code the offender's name and all of 38952  
the information specified in division (A)(1)(c)(i) of that 38953  
section. If the court schedules a hearing for judicial release, 38954  
the court promptly shall give notice of the hearing to the 38955  
prosecuting attorney of the county in which the eligible offender 38956  
was indicted. Upon receipt of the notice from the court, the 38957  
prosecuting attorney shall do whichever of the following is 38958  
applicable: 38959

(1) Subject to division (E)(2) of this section, notify the 38960

victim of the offense or the victim's representative pursuant to 38961  
division (B) of section 2930.16 of the Revised Code; 38962

(2) If the offense was an offense of violence that is a 38963  
felony of the first, second, or third degree, except as otherwise 38964  
provided in this division, notify the victim or the victim's 38965  
representative of the hearing regardless of whether the victim or 38966  
victim's representative has requested the notification. The notice 38967  
of the hearing shall not be given under this division to a victim 38968  
or victim's representative if the victim or victim's 38969  
representative has requested pursuant to division (B)(2) of 38970  
section 2930.03 of the Revised Code that the victim or the 38971  
victim's representative not be provided the notice. If notice is 38972  
to be provided to a victim or victim's representative under this 38973  
division, the prosecuting attorney may give the notice by any 38974  
reasonable means, including regular mail, telephone, and 38975  
electronic mail, in accordance with division (D)(1) of section 38976  
2930.16 of the Revised Code. If the notice is based on an offense 38977  
committed prior to March 22, 2013, the notice also shall include 38978  
the opt-out information described in division (D)(1) of section 38979  
2930.16 of the Revised Code. The prosecuting attorney, in 38980  
accordance with division (D)(2) of section 2930.16 of the Revised 38981  
Code, shall keep a record of all attempts to provide the notice, 38982  
and of all notices provided, under this division. Division (E)(2) 38983  
of this section, and the notice-related provisions of division (K) 38984  
of this section, division (D)(1) of section 2930.16, division (H) 38985  
of section 2967.12, division (E)(1)(b) of section 2967.19, 38986  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 38987  
2967.28, and division (A)(2) of section 5149.101 of the Revised 38988  
Code enacted in the act in which division (E)(2) of this section 38989  
was enacted, shall be known as "Roberta's Law." 38990

(F) Upon an offender's successful completion of 38991  
rehabilitative activities, the head of the state correctional 38992

institution may notify the sentencing court of the successful 38993  
completion of the activities. 38994

(G) Prior to the date of the hearing on a motion for judicial 38995  
release under this section, the head of the state correctional 38996  
institution in which the eligible offender is confined shall send 38997  
to the court an institutional summary report on the eligible 38998  
offender's conduct in the institution and in any institution from 38999  
which the eligible offender may have been transferred. Upon the 39000  
request of the prosecuting attorney of the county in which the 39001  
eligible offender was indicted or of any law enforcement agency, 39002  
the head of the state correctional institution, at the same time 39003  
the person sends the institutional summary report to the court, 39004  
also shall send a copy of the report to the requesting prosecuting 39005  
attorney and law enforcement agencies. The institutional summary 39006  
report shall cover the eligible offender's participation in 39007  
school, vocational training, work, treatment, and other 39008  
rehabilitative activities and any disciplinary action taken 39009  
against the eligible offender. The report shall be made part of 39010  
the record of the hearing. A presentence investigation report is 39011  
not required for judicial release. 39012

(H) If the court grants a hearing on a motion for judicial 39013  
release under this section, the eligible offender shall attend the 39014  
hearing if ordered to do so by the court. Upon receipt of a copy 39015  
of the journal entry containing the order, the head of the state 39016  
correctional institution in which the eligible offender is 39017  
incarcerated shall deliver the eligible offender to the sheriff of 39018  
the county in which the hearing is to be held. The sheriff shall 39019  
convey the eligible offender to and from the hearing. 39020

(I) At the hearing on a motion for judicial release under 39021  
this section, the court shall afford the eligible offender and the 39022  
eligible offender's attorney an opportunity to present written 39023  
and, if present, oral information relevant to the motion. The 39024

court shall afford a similar opportunity to the prosecuting attorney, the victim or the victim's representative, and any other person the court determines is likely to present additional relevant information. The court shall consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible

offender under division (J)(1) of this section shall specify on 39057  
the record both findings required in that division and also shall 39058  
list all the factors described in that division that were 39059  
presented at the hearing. 39060

(K) If the court grants a motion for judicial release under 39061  
this section, the court shall order the release of the eligible 39062  
offender, shall place the eligible offender under an appropriate 39063  
community control sanction, under appropriate conditions, and 39064  
under the supervision of the department of probation serving the 39065  
court and shall reserve the right to reimpose the sentence that it 39066  
reduced if the offender violates the sanction. If the court 39067  
reimposes the reduced sentence, it may do so either concurrently 39068  
with, or consecutive to, any new sentence imposed upon the 39069  
eligible offender as a result of the violation that is a new 39070  
offense. ~~The~~ Except as provided in division (R)(2) of this 39071  
section, the period of community control shall be no longer than 39072  
five years. The court, in its discretion, may reduce the period of 39073  
community control by the amount of time the eligible offender 39074  
spent in jail or prison for the offense and in prison. If the 39075  
court made any findings pursuant to division (J)(1) of this 39076  
section, the court shall serve a copy of the findings upon counsel 39077  
for the parties within fifteen days after the date on which the 39078  
court grants the motion for judicial release. 39079

If the court grants a motion for judicial release, the court 39080  
shall notify the appropriate person at the department of 39081  
rehabilitation and correction, and the department shall post 39082  
notice of the release on the database it maintains pursuant to 39083  
section 5120.66 of the Revised Code. The court also shall notify 39084  
the prosecuting attorney of the county in which the eligible 39085  
offender was indicted that the motion has been granted. Unless the 39086  
victim or the victim's representative has requested pursuant to 39087  
division (B)(2) of section 2930.03 of the Revised Code that the 39088

victim or victim's representative not be provided the notice, the 39089  
prosecuting attorney shall notify the victim or the victim's 39090  
representative of the judicial release in any manner, and in 39091  
accordance with the same procedures, pursuant to which the 39092  
prosecuting attorney is authorized to provide notice of the 39093  
hearing pursuant to division (E)(2) of this section. If the notice 39094  
is based on an offense committed prior to March 22, 2013, the 39095  
notice to the victim or victim's representative also shall include 39096  
the opt-out information described in division (D)(1) of section 39097  
2930.16 of the Revised Code. 39098

(L) In addition to and independent of the right of a victim 39099  
to make a statement pursuant to section 2930.14, 2930.17, or 39100  
2946.051 of the Revised Code and any right of a person to present 39101  
written information or make a statement pursuant to division (I) 39102  
of this section, any person may submit to the court, at any time 39103  
prior to the hearing on the offender's motion for judicial 39104  
release, a written statement concerning the effects of the 39105  
offender's crime or crimes, the circumstances surrounding the 39106  
crime or crimes, the manner in which the crime or crimes were 39107  
perpetrated, and the person's opinion as to whether the offender 39108  
should be released. 39109

(M) The changes to this section that are made on September 30, 2011, apply to any judicial release decision made on or after September 30, 2011, for any eligible offender. 39110  
39111  
39112

(N) Notwithstanding the eligibility requirements specified in 39113  
division (A) of this section and the filing time frames specified 39114  
in division (C) of this section and notwithstanding the findings 39115  
required under division (J) of this section, the sentencing court, 39116  
upon the court's own motion and after considering whether the 39117  
release of the offender into society would create undue risk to 39118  
public safety, may grant a judicial release to an offender who is 39119  
not serving a life sentence at any time during the offender's 39120



imposed sentence when the director of rehabilitation and 39121  
correction certifies to the sentencing court through the chief 39122  
medical officer for the department of rehabilitation and 39123  
correction that the offender is in imminent danger of death, is 39124  
medically incapacitated, or is suffering from a terminal illness. 39125

(O) The director of rehabilitation and correction shall not 39126  
certify any offender under division (N) of this section who is 39127  
serving a death sentence. 39128

(P) A motion made by the court under division (N) of this 39129  
section is subject to the notice, hearing, and other procedural 39130  
requirements specified in divisions (D), (E), (G), (H), (I), (K), 39131  
and (L) of this section, except for the following: 39132

(1) The court may waive the offender's appearance at any 39133  
hearing scheduled by the court if the offender's condition makes 39134  
it impossible for the offender to participate meaningfully in the 39135  
proceeding. 39136

(2) The court may grant the motion without a hearing, 39137  
provided that the prosecuting attorney and victim or victim's 39138  
representative to whom notice of the hearing was provided under 39139  
division (E) of this section indicate that they do not wish to 39140  
participate in the hearing or present information relevant to the 39141  
motion. 39142

(Q) The court may request health care records from the 39143  
department of rehabilitation and correction to verify the 39144  
certification made under division (N) of this section. 39145

(R)(1) If the court grants judicial release under division 39146  
(N) of this section, the court shall do all of the following: 39147

(a) Order the release of the offender; 39148

(b) Place the offender under an appropriate community control 39149  
sanction, under appropriate conditions; 39150

(c) Place the offender under the supervision of the 39151  
department of probation serving the court or under the supervision 39152  
of the adult parole authority. 39153

(2) The court, in its discretion, may revoke the judicial 39154  
release if the offender violates the community control sanction 39155  
described in division (R)(1) of this section. The period of that 39156  
community control is not subject to the five-year limitation 39157  
described in division (K) of this section and shall not expire 39158  
earlier than the date on which all of the offender's mandatory 39159  
prison terms expire. 39160

(S) If the health of an offender who is released under 39161  
division (N) of this section improves so that the offender is no 39162  
longer terminally ill, medically incapacitated, or in imminent 39163  
danger of death, the court shall, upon the court's own motion, 39164  
revoke the judicial release. The court shall not grant the motion 39165  
without a hearing unless the offender waives a hearing. If a 39166  
hearing is held, the court shall afford the offender and the 39167  
offender's attorney an opportunity to present written and, if the 39168  
offender or the offender's attorney is present, oral information 39169  
relevant to the motion. The court shall afford a similar 39170  
opportunity to the prosecuting attorney, the victim or the 39171  
victim's representative, and any other person the court determines 39172  
is likely to present additional relevant information. A court that 39173  
grants a motion under this division shall specify its findings on 39174  
the record. 39175

**Sec. 2935.33.** (A) If a person charged with a misdemeanor is 39176  
taken before a judge of a court of record and if it appears to the 39177  
judge that the person is an alcoholic or is suffering from acute 39178  
alcohol intoxication and that the person would benefit from 39179  
services provided by a community addiction services provider 39180  
~~certified under Chapter 5119. of the Revised Code, the judge may~~ 39181

place the person temporarily ~~in~~ with a community addiction 39182  
services provider ~~certified under that chapter~~ in the area in 39183  
which the court has jurisdiction for inpatient care and treatment 39184  
for an indefinite period not exceeding five days. The commitment 39185  
does not limit the right to release on bail. The judge may dismiss 39186  
a charge of a violation of division (B) of section 2917.11 of the 39187  
Revised Code or of a municipal ordinance substantially equivalent 39188  
to that division if the defendant complies with all the conditions 39189  
of treatment ordered by the court. 39190

The court may order that any fines or court costs collected 39191  
by the court from defendants who have received inpatient care from 39192  
a community addiction services provider be paid, for the benefit 39193  
of the program, to the board of alcohol, drug addiction, and 39194  
mental health services of the alcohol, drug addiction, and mental 39195  
health service district in which the community addiction services 39196  
provider is located or to the director of mental health and 39197  
addiction services. 39198

(B) If a person is being sentenced for a violation of 39199  
division (B) of section 2917.11 or section 4511.19 of the Revised 39200  
Code, a misdemeanor violation of section 2919.25 of the Revised 39201  
Code, a misdemeanor violation of section 2919.27 of the Revised 39202  
Code involving a protection order issued or consent agreement 39203  
approved pursuant to section 2919.26 or 3113.31 of the Revised 39204  
Code, or a violation of a municipal ordinance substantially 39205  
equivalent to that division or any of those sections and if it 39206  
appears to the judge at the time of sentencing that the person is 39207  
an alcoholic or is suffering from acute alcohol intoxication and 39208  
that, in lieu of imprisonment, the person would benefit from 39209  
services provided by a community addiction services provider 39210  
~~certified under Chapter 5119. of the Revised Code~~, the court may 39211  
commit the person to close supervision in any facility in the area 39212  
in which the court has jurisdiction that is, or is operated by, 39213

such a services provider. Such close supervision may include 39214  
outpatient services and part-time release, except that a person 39215  
convicted of a violation of division (A) of section 4511.19 of the 39216  
Revised Code shall be confined to the facility for at least three 39217  
days and except that a person convicted of a misdemeanor violation 39218  
of section 2919.25 of the Revised Code, a misdemeanor violation of 39219  
section 2919.27 of the Revised Code involving a protection order 39220  
issued or consent agreement approved pursuant to section 2919.26 39221  
or 3113.31 of the Revised Code, or a violation of a substantially 39222  
equivalent municipal ordinance shall be confined to the facility 39223  
in accordance with the order of commitment. A commitment of a 39224  
person to a facility for purposes of close supervision shall not 39225  
exceed the maximum term for which the person could be imprisoned. 39226

(C) A law enforcement officer who finds a person subject to 39227  
prosecution for violation of division (B) of section 2917.11 of 39228  
the Revised Code or a municipal ordinance substantially equivalent 39229  
to that division and who has reasonable cause to believe that the 39230  
person is an alcoholic or is suffering from acute alcohol 39231  
intoxication and would benefit from immediate treatment 39232  
immediately may place the person ~~in~~ with a community addiction 39233  
services provider ~~certified under Chapter 5119. of the Revised~~ 39234  
~~Code~~ in the area in which the person is found, for emergency 39235  
treatment, in lieu of other arrest procedures, for a maximum 39236  
period of forty-eight hours. During that time, if the person 39237  
desires to leave such custody, the person shall be released 39238  
forthwith. 39239

(D) As used in this section: 39240

(1) "Alcoholic" ~~has~~ and "community addiction services 39241  
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 39242  
the Revised Code; 39243

(2) "Acute alcohol intoxication" means a heavy consumption of 39244  
alcohol over a relatively short period of time, resulting in 39245

dysfunction of the brain centers controlling behavior, speech, and 39246  
memory and causing characteristic withdrawal symptoms. 39247

**Sec. 2951.041.** (A)(1) If an offender is charged with a 39248  
criminal offense, including but not limited to a violation of 39249  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 39250  
the Revised Code, and the court has reason to believe that drug or 39251  
alcohol usage by the offender was a factor leading to the criminal 39252  
offense with which the offender is charged or that, at the time of 39253  
committing that offense, the offender had a mental illness, was a 39254  
person with intellectual disability, or was a victim of a 39255  
violation of section 2905.32 of the Revised Code and that the 39256  
mental illness, status as a person with intellectual disability, 39257  
or fact that the offender was a victim of a violation of section 39258  
2905.32 of the Revised Code was a factor leading to the offender's 39259  
criminal behavior, the court may accept, prior to the entry of a 39260  
guilty plea, the offender's request for intervention in lieu of 39261  
conviction. The request shall include a statement from the 39262  
offender as to whether the offender is alleging that drug or 39263  
alcohol usage by the offender was a factor leading to the criminal 39264  
offense with which the offender is charged or is alleging that, at 39265  
the time of committing that offense, the offender had a mental 39266  
illness, was a person with intellectual disability, or was a 39267  
victim of a violation of section 2905.32 of the Revised Code and 39268  
that the mental illness, status as a person with intellectual 39269  
disability, or fact that the offender was a victim of a violation 39270  
of section 2905.32 of the Revised Code was a factor leading to the 39271  
criminal offense with which the offender is charged. The request 39272  
also shall include a waiver of the defendant's right to a speedy 39273  
trial, the preliminary hearing, the time period within which the 39274  
grand jury may consider an indictment against the offender, and 39275  
arraignment, unless the hearing, indictment, or arraignment has 39276  
already occurred. The court may reject an offender's request 39277

without a hearing. If the court elects to consider an offender's 39278  
request, the court shall conduct a hearing to determine whether 39279  
the offender is eligible under this section for intervention in 39280  
lieu of conviction and shall stay all criminal proceedings pending 39281  
the outcome of the hearing. If the court schedules a hearing, the 39282  
court shall order an assessment of the offender for the purpose of 39283  
determining the offender's eligibility for intervention in lieu of 39284  
conviction and recommending an appropriate intervention plan. 39285

If the offender alleges that drug or alcohol usage by the 39286  
offender was a factor leading to the criminal offense with which 39287  
the offender is charged, the court may order that the offender be 39288  
assessed by ~~an~~ a community addiction services provider ~~certified~~ 39289  
~~pursuant to section 5119.36 of the Revised Code~~ or a properly 39290  
credentialed professional for the purpose of determining the 39291  
offender's eligibility for intervention in lieu of conviction and 39292  
recommending an appropriate intervention plan. The community 39293  
addiction services provider or the properly credentialed 39294  
professional shall provide a written assessment of the offender to 39295  
the court. 39296

(2) The victim notification provisions of division (C) of 39297  
section ~~2930.08~~ 2930.06 of the Revised Code apply in relation to 39298  
any hearing held under division (A)(1) of this section. 39299

(B) An offender is eligible for intervention in lieu of 39300  
conviction if the court finds all of the following: 39301

(1) The offender previously has not been convicted of or 39302  
pleaded guilty to a felony offense of violence or previously has 39303  
been convicted of or pleaded guilty to any felony that is not an 39304  
offense of violence and the prosecuting attorney recommends that 39305  
the offender be found eligible for participation in intervention 39306  
in lieu of treatment under this section, previously has not been 39307  
through intervention in lieu of conviction under this section or 39308  
any similar regimen, and is charged with a felony for which the 39309

court, upon conviction, would impose a community control sanction 39310  
on the offender under division (B)(2) of section 2929.13 of the 39311  
Revised Code or with a misdemeanor. 39312

(2) The offense is not a felony of the first, second, or 39313  
third degree, is not an offense of violence, is not a violation of 39314  
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 39315  
not a violation of division (A)(1) of section 2903.08 of the 39316  
Revised Code, is not a violation of division (A) of section 39317  
4511.19 of the Revised Code or a municipal ordinance that is 39318  
substantially similar to that division, and is not an offense for 39319  
which a sentencing court is required to impose a mandatory prison 39320  
term, a mandatory term of local incarceration, or a mandatory term 39321  
of imprisonment in a jail. 39322

(3) The offender is not charged with a violation of section 39323  
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 39324  
with a violation of section 2925.03 of the Revised Code that is a 39325  
felony of the first, second, third, or fourth degree, and is not 39326  
charged with a violation of section 2925.11 of the Revised Code 39327  
that is a felony of the first, second, or third degree. 39328

(4) If an offender alleges that drug or alcohol usage by the 39329  
offender was a factor leading to the criminal offense with which 39330  
the offender is charged, the court has ordered that the offender 39331  
be assessed by ~~an~~ a community addiction services provider 39332  
~~certified pursuant to section 5119.36 of the Revised Code~~ or a 39333  
properly credentialed professional for the purpose of determining 39334  
the offender's eligibility for intervention in lieu of conviction 39335  
and recommending an appropriate intervention plan, the offender 39336  
has been assessed by ~~an~~ a community addiction services provider of 39337  
that nature or a properly credentialed professional in accordance 39338  
with the court's order, and the community addiction services 39339  
provider or properly credentialed professional has filed the 39340  
written assessment of the offender with the court. 39341

(5) If an offender alleges that, at the time of committing 39342  
the criminal offense with which the offender is charged, the 39343  
offender had a mental illness, was a person with intellectual 39344  
disability, or was a victim of a violation of section 2905.32 of 39345  
the Revised Code and that the mental illness, status as a person 39346  
with intellectual disability, or fact that the offender was a 39347  
victim of a violation of section 2905.32 of the Revised Code was a 39348  
factor leading to that offense, the offender has been assessed by 39349  
a psychiatrist, psychologist, independent social worker, licensed 39350  
professional clinical counselor, or independent marriage and 39351  
family therapist for the purpose of determining the offender's 39352  
eligibility for intervention in lieu of conviction and 39353  
recommending an appropriate intervention plan. 39354

(6) The offender's drug usage, alcohol usage, mental illness, 39355  
or intellectual disability, or the fact that the offender was a 39356  
victim of a violation of section 2905.32 of the Revised Code, 39357  
whichever is applicable, was a factor leading to the criminal 39358  
offense with which the offender is charged, intervention in lieu 39359  
of conviction would not demean the seriousness of the offense, and 39360  
intervention would substantially reduce the likelihood of any 39361  
future criminal activity. 39362

(7) The alleged victim of the offense was not sixty-five 39363  
years of age or older, permanently and totally disabled, under 39364  
thirteen years of age, or a peace officer engaged in the officer's 39365  
official duties at the time of the alleged offense. 39366

(8) If the offender is charged with a violation of section 39367  
2925.24 of the Revised Code, the alleged violation did not result 39368  
in physical harm to any person, and the offender previously has 39369  
not been treated for drug abuse. 39370

(9) The offender is willing to comply with all terms and 39371  
conditions imposed by the court pursuant to division (D) of this 39372  
section. 39373



(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter.

(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender is eligible for intervention in lieu of conviction and as to whether to grant the offender's request. If the court finds under division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made.

(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the offender under the general control and supervision of the county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists, as if the offender was subject to a community control sanction imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code. The court shall establish an intervention plan for

the offender. The terms and conditions of the intervention plan 39406  
shall require the offender, for at least one year from the date on 39407  
which the court grants the order of intervention in lieu of 39408  
conviction, to abstain from the use of illegal drugs and alcohol, 39409  
to participate in treatment and recovery support services, and to 39410  
submit to regular random testing for drug and alcohol use and may 39411  
include any other treatment terms and conditions, or terms and 39412  
conditions similar to community control sanctions, which may 39413  
include community service or restitution, that are ordered by the 39414  
court. 39415

(E) If the court grants an offender's request for 39416  
intervention in lieu of conviction and the court finds that the 39417  
offender has successfully completed the intervention plan for the 39418  
offender, including the requirement that the offender abstain from 39419  
using illegal drugs and alcohol for a period of at least one year 39420  
from the date on which the court granted the order of intervention 39421  
in lieu of conviction, the requirement that the offender 39422  
participate in treatment and recovery support services, and all 39423  
other terms and conditions ordered by the court, the court shall 39424  
dismiss the proceedings against the offender. Successful 39425  
completion of the intervention plan and period of abstinence under 39426  
this section shall be without adjudication of guilt and is not a 39427  
criminal conviction for purposes of any disqualification or 39428  
disability imposed by law and upon conviction of a crime, and the 39429  
court may order the sealing of records related to the offense in 39430  
question in the manner provided in sections 2953.31 to 2953.36 of 39431  
the Revised Code. 39432

(F) If the court grants an offender's request for 39433  
intervention in lieu of conviction and the offender fails to 39434  
comply with any term or condition imposed as part of the 39435  
intervention plan for the offender, the supervising authority for 39436  
the offender promptly shall advise the court of this failure, and 39437

the court shall hold a hearing to determine whether the offender 39438  
failed to comply with any term or condition imposed as part of the 39439  
plan. If the court determines that the offender has failed to 39440  
comply with any of those terms and conditions, it shall enter a 39441  
finding of guilty and shall impose an appropriate sanction under 39442  
Chapter 2929. of the Revised Code. If the court sentences the 39443  
offender to a prison term, the court, after consulting with the 39444  
department of rehabilitation and correction regarding the 39445  
availability of services, may order continued court-supervised 39446  
activity and treatment of the offender during the prison term and, 39447  
upon consideration of reports received from the department 39448  
concerning the offender's progress in the program of activity and 39449  
treatment, may consider judicial release under section 2929.20 of 39450  
the Revised Code. 39451

(G) As used in this section: 39452

(1) "Community addiction services provider" has the same 39453  
meaning as in section 5119.01 of the Revised Code. 39454

(2) "Community control sanction" has the same meaning as in 39455  
section 2929.01 of the Revised Code. 39456

~~(2)~~(3) "Intervention in lieu of conviction" means any 39457  
court-supervised activity that complies with this section. 39458

~~(3)~~(4) "Peace officer" has the same meaning as in section 39459  
2935.01 of the Revised Code. 39460

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 39461  
meanings as in section 5122.01 of the Revised Code. 39462

~~(5)~~(6) "Person with intellectual disability" means a person 39463  
having significantly subaverage general intellectual functioning 39464  
existing concurrently with deficiencies in adaptive behavior, 39465  
manifested during the developmental period. 39466

~~(6)~~(7) "Psychologist" has the same meaning as in section 39467

4732.01 of the Revised Code. 39468

(H) Whenever the term "mentally retarded person" is used in 39469  
any statute, rule, contract, grant, or other document, the 39470  
reference shall be deemed to include a "person with intellectual 39471  
disability," as defined in this section. 39472

**Sec. 2953.25.** (A) As used in this section: 39473

(1) "Collateral sanction" means a penalty, disability, or 39474  
disadvantage that is related to employment or occupational 39475  
licensing, however denominated, as a result of the individual's 39476  
conviction of or plea of guilty to an offense and that applies by 39477  
operation of law in this state whether or not the penalty, 39478  
disability, or disadvantage is included in the sentence or 39479  
judgment imposed. 39480

"Collateral sanction" does not include imprisonment, 39481  
probation, parole, supervised release, forfeiture, restitution, 39482  
fine, assessment, or costs of prosecution. 39483

(2) "Decision-maker" includes, but is not limited to, the 39484  
state acting through a department, agency, board, commission, or 39485  
instrumentality established by the law of this state for the 39486  
exercise of any function of government, a political subdivision, 39487  
an educational institution, or a government contractor or 39488  
subcontractor made subject to this section by contract, law, or 39489  
ordinance. 39490

(3) "Department-funded program" means a residential or 39491  
nonresidential program that is not a term in a state correctional 39492  
institution, that is funded in whole or part by the department of 39493  
rehabilitation and correction, and that is imposed as a sanction 39494  
for an offense, as part of a sanction that is imposed for an 39495  
offense, or as a term or condition of any sanction that is imposed 39496  
for an offense. 39497

(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section.

(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.

(6) "Offense" means any felony or misdemeanor under the laws of this state.

(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code.

(B)(1) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(2) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(3) A petition under division (B)(1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section

and shall contain all of the information described in division (F) 39529  
of this section. 39530

(4) An individual may file a petition under division (B)(1) 39531  
or (2) of this section at any time after the expiration of 39532  
whichever of the following is applicable: 39533

(a) If the offense that resulted in the collateral sanction 39534  
from which the individual seeks relief is a felony, at any time 39535  
after the expiration of one year from the date of release of the 39536  
individual from any period of incarceration in a state or local 39537  
correctional facility that was imposed for that offense and all 39538  
periods of supervision imposed after release from the period of 39539  
incarceration or, if the individual was not incarcerated for that 39540  
offense, at any time after the expiration of one year from the 39541  
date of the individual's final release from all other sanctions 39542  
imposed for that offense. 39543

(b) If the offense that resulted in the collateral sanction 39544  
from which the individual seeks relief is a misdemeanor, at any 39545  
time after the expiration of six months from the date of release 39546  
of the individual from any period of incarceration in a local 39547  
correctional facility that was imposed for that offense and all 39548  
periods of supervision imposed after release from the period of 39549  
incarceration or, if the individual was not incarcerated for that 39550  
offense, at any time after the expiration of six months from the 39551  
date of the final release of the individual from all sanctions 39552  
imposed for that offense including any period of supervision. 39553

(5)(a) A designee that receives a petition for a 39554  
certification of qualification for employment from an individual 39555  
under division (B)(1) or (2) of this section shall review the 39556  
petition to determine whether it is complete. If the petition is 39557  
complete, the designee shall forward the petition, and any other 39558  
information the designee possesses that relates to the petition, 39559  
to the court of common pleas of the county in which the individual 39560

resides. 39561

(b) A court of common pleas that receives a petition for a 39562  
certificate of qualification for employment from an individual 39563  
under division (B)(2) of this section, or that is forwarded a 39564  
petition for such a certificate under division (B)(5)(a) of this 39565  
section, shall attempt to determine all other courts in this state 39566  
in which the individual was convicted of or pleaded guilty to an 39567  
offense other than the offense from which the individual is 39568  
seeking relief. The court that receives or is forwarded the 39569  
petition shall notify all other courts in this state that it 39570  
determines under this division were courts in which the individual 39571  
was convicted of or pleaded guilty to an offense other than the 39572  
offense from which the individual is seeking relief that the 39573  
individual has filed the petition and that the court may send 39574  
comments regarding the possible issuance of the certificate. 39575

A court of common pleas that receives a petition for a 39576  
certificate of qualification for employment under division (B)(2) 39577  
of this section shall notify the prosecuting attorney of the 39578  
county in which the individual resides that the individual has 39579  
filed the petition. 39580

A court of common pleas that receives a petition for a 39581  
certificate of qualification for employment under division (B)(2) 39582  
of this section, or that is forwarded a petition for qualification 39583  
under division (B)(5)(a) of this section may direct the clerk of 39584  
court to process and record all notices required in or under this 39585  
section. 39586

(C)(1) Upon receiving a petition for a certificate of 39587  
qualification for employment filed by an individual under division 39588  
(B)(2) of this section or being forwarded a petition for such a 39589  
certificate under division (B)(5)(a) of this section, the court 39590  
shall review the individual's petition, the individual's criminal 39591  
history, all filings submitted by the prosecutor or by the victim 39592

in accordance with rules adopted by the division of parole and 39593  
community services, the applicant's military service record, if 39594  
applicable, and whether the applicant has an emotional, mental, or 39595  
physical condition that is traceable to the applicant's military 39596  
service in the armed forces of the United States and that was a 39597  
contributing factor in the commission of the offense or offenses, 39598  
and all other relevant evidence. The court may order any report, 39599  
investigation, or disclosure by the individual that the court 39600  
believes is necessary for the court to reach a decision on whether 39601  
to approve the individual's petition for a certificate of 39602  
qualification for employment. 39603

(2) Upon receiving a petition for a certificate of 39604  
qualification for employment filed by an individual under division 39605  
(B)(2) of this section or being forwarded a petition for such a 39606  
certificate under division (B)(5)(a) of this section, except as 39607  
otherwise provided in this division, the court shall decide 39608  
whether to issue the certificate within sixty days after the court 39609  
receives or is forwarded the completed petition and all 39610  
information requested for the court to make that decision. Upon 39611  
request of the individual who filed the petition, the court may 39612  
extend the sixty-day period specified in this division. 39613

(3) Subject to division (C)(5) of this section, a court that 39614  
receives an individual's petition for a certificate of 39615  
qualification for employment under division (B)(2) of this section 39616  
or that is forwarded a petition for such a certificate under 39617  
division (B)(5)(a) of this section may issue a certificate of 39618  
qualification for employment, at the court's discretion, if the 39619  
court finds that the individual has established all of the 39620  
following by a preponderance of the evidence: 39621

(a) Granting the petition will materially assist the 39622  
individual in obtaining employment or occupational licensing. 39623

(b) The individual has a substantial need for the relief 39624



requested in order to live a law-abiding life. 39625

(c) Granting the petition would not pose an unreasonable risk 39626  
to the safety of the public or any individual. 39627

(4) The submission of an incomplete petition by an individual 39628  
shall not be grounds for the designee or court to deny the 39629  
petition. 39630

(5) A court that receives an individual's petition for a 39631  
certificate of qualification for employment under division (B)(2) 39632  
of this section or that is forwarded a petition for such a 39633  
certificate under division (B)(5)(a) of this section shall not 39634  
issue a certificate of qualification for employment that grants 39635  
the individual relief from any of the following collateral 39636  
sanctions: 39637

(a) Requirements imposed by Chapter 2950. of the Revised Code 39638  
and rules adopted under sections 2950.13 and 2950.132 of the 39639  
Revised Code; 39640

(b) A driver's license, commercial driver's license, or 39641  
probationary license suspension, cancellation, or revocation 39642  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 39643  
Revised Code if the relief sought is available pursuant to section 39644  
4510.021 or division (B) of section 4510.13 of the Revised Code; 39645

(c) Restrictions on employment as a prosecutor or law 39646  
enforcement officer; 39647

(d) The denial, ineligibility, or automatic suspension of a 39648  
license that is imposed upon an individual applying for or holding 39649  
a license as a health care professional under Title XLVII of the 39650  
Revised Code if the individual is convicted of, pleads guilty to, 39651  
is subject to a judicial finding of eligibility for intervention 39652  
in lieu of conviction in this state under section 2951.041 of the 39653  
Revised Code, or is subject to treatment or intervention in lieu 39654  
of conviction for a violation of section 2903.01, 2903.02, 39655

2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 39656  
2911.01, 2911.11, or 2919.123 of the Revised Code; 39657

(e) The immediate suspension of a license, certificate, or 39658  
evidence of registration that is imposed upon an individual 39659  
holding a license as a health care professional under Title XLVII 39660  
of the Revised Code pursuant to division (C) of section 3719.121 39661  
of the Revised Code; 39662

(f) The denial or ineligibility for employment in a pain 39663  
clinic under division (B)(4) of section 4729.552 of the Revised 39664  
Code; 39665

(g) The mandatory suspension of a license that is imposed on 39666  
an individual applying for or holding a license as a health care 39667  
professional under Title XLVII of the Revised Code pursuant to 39668  
section 3123.43 of the Revised Code. 39669

(6) If a court that receives an individual's petition for a 39670  
certificate of qualification for employment under division (B)(2) 39671  
of this section or that is forwarded a petition for such a 39672  
certificate under division (B)(5)(a) of this section denies the 39673  
petition, the court shall provide written notice to the individual 39674  
of the court's denial. The court may place conditions on the 39675  
individual regarding the individual's filing of any subsequent 39676  
petition for a certificate of qualification for employment. The 39677  
written notice must notify the individual of any conditions placed 39678  
on the individual's filing of a subsequent petition for a 39679  
certificate of qualification for employment. 39680

If a court of common pleas that receives an individual's 39681  
petition for a certificate of qualification for employment under 39682  
division (B)(2) of this section or that is forwarded a petition 39683  
for such a certificate under division (B)(5)(a) of this section 39684  
denies the petition, the individual may appeal the decision to the 39685  
court of appeals only if the individual alleges that the denial 39686

was an abuse of discretion on the part of the court of common pleas. 39687  
39688

(D) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C)(3) of this section. 39689  
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(E) A certificate of qualification for employment does not grant the individual to whom the certificate was issued relief from the mandatory civil impacts identified in division (A)(1) of section 2961.01 or division (B) of section 2961.02 of the Revised Code. 39697  
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(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following: 39702  
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(1) The individual's name, date of birth, and social security number; 39705  
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(2) All aliases of the individual and all social security numbers associated with those aliases; 39707  
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(3) The individual's residence address, including the city, county, and state of residence and zip code; 39709  
39710

(4) The length of time that the individual has been a resident of this state, expressed in years and months of residence; 39711  
39712  
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(5) The name or type of each collateral sanction from which the individual is requesting a certificate of qualification for employment; 39714  
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(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	39717 39718 39719 39720
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	39721 39722 39723
(8) Verifiable references and endorsements;	39724
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	39725 39726 39727
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	39728 39729
(11) Any other information required by rule by the department of rehabilitation and correction.	39730 39731
(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.	39732 39733 39734 39735 39736 39737 39738 39739 39740
(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.	39741 39742 39743 39744 39745
(3) If an employer hires an individual who has been issued a	39746

certificate of qualification for employment under this section, if 39747  
the individual, after being hired, subsequently demonstrates 39748  
dangerousness or is convicted of or pleads guilty to a felony, and 39749  
if the employer retains the individual as an employee after the 39750  
demonstration of dangerousness or the conviction or guilty plea, 39751  
the employer may be held liable in a civil action that is based on 39752  
or relates to the retention of the individual as an employee only 39753  
if it is proved by a preponderance of the evidence that the person 39754  
having hiring and firing responsibility for the employer had 39755  
actual knowledge that the employee was dangerous or had been 39756  
convicted of or pleaded guilty to the felony and was willful in 39757  
retaining the individual as an employee after the demonstration of 39758  
dangerousness or the conviction or guilty plea of which the person 39759  
has actual knowledge. 39760

(H) A certificate of qualification for employment issued 39761  
under this section shall be presumptively revoked if the 39762  
individual to whom the certificate of qualification for employment 39763  
was issued is convicted of or pleads guilty to a felony offense 39764  
committed subsequent to the issuance of the certificate of 39765  
qualification for employment. 39766

(I) A designee's forwarding, or failure to forward, a 39767  
petition for a certificate of qualification for employment to a 39768  
court or a court's issuance, or failure to issue, a petition for a 39769  
certificate of qualification for employment to an individual under 39770  
division (B) of this section does not give rise to a claim for 39771  
damages against the department of rehabilitation and correction or 39772  
court. 39773

(J) Not later than ninety days after September 28, 2012, the 39774  
division of parole and community services shall adopt rules in 39775  
accordance with Chapter 119. of the Revised Code for the 39776  
implementation and administration of this section and shall 39777  
prescribe the form for the petition to be used under division 39778

(B)(1) or (2) of this section. The form for the petition shall 39779  
include places for all of the information specified in division 39780  
(F) of this section. Upon the adoption of the rules, the 39781  
provisions of divisions (A) to (I) of this section become 39782  
operative. 39783

(K) The department of rehabilitation and correction shall 39784  
conduct a study to determine the manner for transferring the 39785  
mechanism for the issuance of a certificate of qualification for 39786  
employment created by this section to an electronic database 39787  
established and maintained by the department. The database to 39788  
which the mechanism is to be transferred shall include granted 39789  
certificates and revoked certificates and shall be designed to 39790  
track the number of certificates granted and revoked, the 39791  
industries, occupations, and professions with respect to which the 39792  
certificates have been most applicable, the types of employers 39793  
that have accepted the certificates, and the recidivism rates of 39794  
individuals who have been issued the certificates. Not later than 39795  
the date that is one year after September 28, 2012, the department 39796  
of rehabilitation and correction shall submit to the general 39797  
assembly and the governor a report that contains the results of 39798  
the study and recommendations for transferring the mechanism for 39799  
the issuance of certificate of qualification for employment 39800  
created by this section to an electronic database established and 39801  
maintained by the department. 39802

(L) The department of rehabilitation and correction, in 39803  
conjunction with the Ohio judicial conference, shall conduct a 39804  
study to determine whether the application process for 39805  
certificates of qualification for employment created by this 39806  
section is feasible based upon the caseload capacity of the 39807  
department and the courts of common pleas. Not later than the date 39808  
that is one year after September 28, 2012, the department shall 39809  
submit to the general assembly a report that contains the results 39810

of the study and any recommendations for improvement of the 39811  
application process. 39812

**Sec. 2967.14.** (A) The department of rehabilitation and 39813  
correction or the adult parole authority may require or allow a 39814  
parolee, a releasee, or a prisoner otherwise released from a state 39815  
correctional institution to reside in a halfway house or other 39816  
suitable community residential center that has been licensed by 39817  
the division of parole and community services pursuant to division 39818  
(C) of this section during a part or for the entire period of the 39819  
offender's or parolee's conditional release or of the releasee's 39820  
term of post-release control. The court of common pleas that 39821  
placed an offender under a sanction consisting of a term in a 39822  
halfway house or in an alternative residential sanction may 39823  
require the offender to reside in a halfway house or other 39824  
suitable community residential center that is designated by the 39825  
court and that has been licensed by the division pursuant to 39826  
division (C) of this section during a part or for the entire 39827  
period of the offender's residential sanction. 39828

(B) The division of parole and community services may 39829  
negotiate and enter into agreements with any public or private 39830  
agency or a department or political subdivision of the state that 39831  
operates a halfway house, reentry center, or community residential 39832  
center that has been licensed by the division pursuant to division 39833  
(C) of this section. An agreement under this division shall 39834  
provide for the purchase of beds, shall set limits of supervision 39835  
and levels of occupancy, and shall determine the scope of services 39836  
for all eligible offenders, including those subject to a 39837  
residential sanction, as defined in rules adopted by the director 39838  
of rehabilitation and correction in accordance with Chapter 119. 39839  
of the Revised Code, or those released from prison without 39840  
supervision. The payments for beds and services shall not exceed 39841  
the total operating costs of the halfway house, reentry center, or 39842

community residential center during the term of an agreement. The 39843  
director of rehabilitation and correction shall adopt rules in 39844  
accordance with Chapter 119. of the Revised Code for determining 39845  
includable and excludable costs and income to be used in computing 39846  
the agency's average daily per capita costs with its facility at 39847  
full occupancy. 39848

The director of rehabilitation and correction shall adopt 39849  
rules providing for the use of no more than fifteen per cent of 39850  
the amount appropriated to the department each fiscal year for the 39851  
halfway house, reentry center, and community residential center 39852  
program to pay for contracts with licensed halfway houses for 39853  
nonresidential services for offenders under the supervision of the 39854  
adult parole authority, including but not limited to, offenders 39855  
supervised pursuant to an agreement entered into by the adult 39856  
parole authority and a court of common pleas under section 2301.32 39857  
of the Revised Code. The nonresidential services may include, but 39858  
are not limited to, treatment for substance abuse, mental health 39859  
counseling, counseling for sex offenders, electronic monitoring 39860  
services, aftercare, and other nonresidential services that the 39861  
director identifies by rule. 39862

(C) The division of parole and community services may license 39863  
a halfway house, reentry center, or community residential center 39864  
as a suitable facility for the care and treatment of adult 39865  
offenders, including offenders sentenced under section 2929.16 or 39866  
2929.26 of the Revised Code, only if the halfway house, reentry 39867  
center, or community residential center complies with the 39868  
standards that the division adopts in accordance with Chapter 119. 39869  
of the Revised Code for the licensure of halfway houses, reentry 39870  
centers, and community residential centers. The division shall 39871  
annually inspect each licensed halfway house, licensed reentry 39872  
center, and licensed community residential center to determine if 39873  
it is in compliance with the licensure standards. 39874



(D) The division of parole and community services may expend 39875  
up to one-half per cent of the annual appropriation made for 39876  
halfway house programs, for goods or services that benefit those 39877  
programs. 39878

**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 39879  
this section and subject to the maximum aggregate total specified 39880  
in division (A)(2) of this section, a person confined in a state 39881  
correctional institution or placed in the substance use disorder 39882  
treatment program may provisionally earn one day or five days of 39883  
credit, based on the category set forth in division (D)(1), (2), 39884  
(3), (4), or (5) of this section in which the person is included, 39885  
toward satisfaction of the person's stated prison term for each 39886  
completed month during which the person, if confined in a state 39887  
correctional institution, productively participates in an 39888  
education program, vocational training, employment in prison 39889  
industries, treatment for substance abuse, or any other 39890  
constructive program developed by the department with specific 39891  
standards for performance by prisoners or during which the person, 39892  
if placed in the substance use disorder treatment program, 39893  
productively participates in the program. Except as provided in 39894  
division (C) of this section and subject to the maximum aggregate 39895  
total specified in division (A)(2) of this section, a person so 39896  
confined in a state correctional institution who successfully 39897  
completes two programs or activities of that type may, in 39898  
addition, provisionally earn up to five days of credit toward 39899  
satisfaction of the person's stated prison term for the successful 39900  
completion of the second program or activity. The person shall not 39901  
be awarded any provisional days of credit for the successful 39902  
completion of the first program or activity or for the successful 39903  
completion of any program or activity that is completed after the 39904  
second program or activity. At the end of each calendar month in 39905  
which a ~~prisoner~~ person productively participates in a program or 39906

activity listed in this division or successfully completes a 39907  
program or activity listed in this division, the department of 39908  
rehabilitation and correction shall determine and record the total 39909  
number of days credit that the ~~prisoner~~ person provisionally 39910  
earned in that calendar month. If the ~~prisoner~~ person in a state 39911  
correctional institution violates prison rules or the person in 39912  
the substance use disorder treatment program violates program or 39913  
department rules, the department may deny the ~~prisoner~~ person a 39914  
credit that otherwise could have been provisionally awarded to the 39915  
~~prisoner~~ person or may withdraw one or more credits previously 39916  
provisionally earned by the ~~prisoner~~ person. Days of credit 39917  
provisionally earned by a ~~prisoner~~ person shall be finalized and 39918  
awarded by the department subject to administrative review by the 39919  
department of the ~~prisoner's~~ person's conduct. 39920

(2) The aggregate days of credit provisionally earned by a 39921  
person for program or activity participation and program and 39922  
activity completion under this section and the aggregate days of 39923  
credit finally credited to a person under this section shall not 39924  
exceed eight per cent of the total number of days in the person's 39925  
stated prison term. 39926

(B) The department of rehabilitation and correction shall 39927  
adopt rules that specify the programs or activities for which 39928  
credit may be earned under this section, the criteria for 39929  
determining productive participation in, or completion of, the 39930  
programs or activities and the criteria for awarding credit, 39931  
including criteria for awarding additional credit for successful 39932  
program or activity completion, and the criteria for denying or 39933  
withdrawing previously provisionally earned credit as a result of 39934  
a violation of prison rules, or program or department rules, 39935  
whichever is applicable. 39936

(C) No person confined in a state correctional institution or 39937  
placed in a substance use disorder treatment program to whom any 39938

of the following applies shall be awarded any days of credit under 39939  
division (A) of this section: 39940

(1) The person is serving a prison term that section 2929.13 39941  
or section 2929.14 of the Revised Code specifies cannot be reduced 39942  
pursuant to this section or this chapter or is serving a sentence 39943  
for which section 2967.13 or division (B) of section 2929.143 of 39944  
the Revised Code specifies that the person is not entitled to any 39945  
earned credit under this section. 39946

(2) The person is sentenced to death or is serving a prison 39947  
term or a term of life imprisonment for aggravated murder, murder, 39948  
or a conspiracy or attempt to commit, or complicity in committing, 39949  
aggravated murder or murder. 39950

(3) The person is serving a sentence of life imprisonment 39951  
without parole imposed pursuant to section 2929.03 or 2929.06 of 39952  
the Revised Code, a prison term or a term of life imprisonment 39953  
without parole imposed pursuant to section 2971.03 of the Revised 39954  
Code, or a sentence for a sexually oriented offense that was 39955  
committed on or after September 30, 2011. 39956

(D) This division does not apply to a determination of 39957  
whether a person confined in a state correctional institution or 39958  
placed in a substance use disorder treatment program may earn any 39959  
days of credit under division (A) of this section for successful 39960  
completion of a second program or activity. The determination of 39961  
whether a person confined in a state correctional institution may 39962  
earn one day of credit or five days of credit under division (A) 39963  
of this section for each completed month during which the person 39964  
productively participates in a program or activity specified under 39965  
that division shall be made in accordance with the following: 39966

(1) The offender may earn one day of credit under division 39967  
(A) of this section, except as provided in division (C) of this 39968  
section, if the most serious offense for which the offender is 39969

confined is any of the following that is a felony of the first or 39970  
second degree: 39971

(a) A violation of division (A) of section 2903.04 or of 39972  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 39973  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 39974  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 39975  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 39976  
of the Revised Code; 39977

(b) A conspiracy or attempt to commit, or complicity in 39978  
committing, any other offense for which the maximum penalty is 39979  
imprisonment for life or any offense listed in division (D)(1)(a) 39980  
of this section. 39981

(2) The offender may earn one day of credit under division 39982  
(A) of this section, except as provided in division (C) of this 39983  
section, if the offender is serving a stated prison term that 39984  
includes a prison term imposed for a sexually oriented offense 39985  
that the offender committed prior to September 30, 2011. 39986

(3) The offender may earn one day of credit under division 39987  
(A) of this section, except as provided in division (C) of this 39988  
section, if the offender is serving a stated prison term that 39989  
includes a prison term imposed for a felony other than carrying a 39990  
concealed weapon an essential element of which is any conduct or 39991  
failure to act expressly involving any deadly weapon or dangerous 39992  
ordnance. 39993

(4) Except as provided in division (C) of this section, if 39994  
the most serious offense for which the offender is confined is a 39995  
felony of the first or second degree and divisions (D)(1), (2), 39996  
and (3) of this section do not apply to the offender, the offender 39997  
may earn one day of credit under division (A) of this section if 39998  
the offender committed that offense prior to September 30, 2011, 39999  
and the offender may earn five days of credit under division (A) 40000

of this section if the offender committed that offense on or after 40001  
September 30, 2011. 40002

(5) Except as provided in division (C) of this section, if 40003  
the most serious offense for which the offender is confined is a 40004  
felony of the third, fourth, or fifth degree or an unclassified 40005  
felony and neither division (D)(2) nor (3) of this section applies 40006  
to the offender, the offender may earn one day of credit under 40007  
division (A) of this section if the offender committed that 40008  
offense prior to September 30, 2011, and the offender may earn 40009  
five days of credit under division (A) of this section if the 40010  
offender committed that offense on or after September 30, 2011. 40011

(E) The department annually shall seek and consider the 40012  
written feedback of the Ohio prosecuting attorneys association, 40013  
the Ohio judicial conference, the Ohio public defender, the Ohio 40014  
association of criminal defense lawyers, and other organizations 40015  
and associations that have an interest in the operation of the 40016  
corrections system and the earned credits program under this 40017  
section as part of its evaluation of the program and in 40018  
determining whether to modify the program. 40019

(F) As used in this section, ~~"sexually:~~ 40020

(1) "Sexually oriented offense" has the same meaning as in 40021  
section 2950.01 of the Revised Code. 40022

(2) "Substance use disorder treatment program" means the 40023  
substance use disorder treatment program established by the 40024  
department of rehabilitation and correction under section 5120.035 40025  
of the Revised Code. 40026

**Sec. 2969.14.** (A) If a separate account has been maintained 40027  
in the name of an offender in the crime victims recovery fund and 40028  
if there is no further requirement to pay into the fund money, or 40029  
the monetary value of property, pursuant to section 2929.32 of the 40030

Revised Code, unless otherwise ordered by a court of record in 40031  
which a judgment has been rendered against the offender or the 40032  
representatives of the offender, the clerk of the court of claims 40033  
shall pay the money remaining in the separate account in 40034  
accordance with division (B) of this section, if all of the 40035  
following apply: 40036

(1) The applicable period of time that governs the making of 40037  
payments from the separate account, as set forth in division 40038  
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 40039

(2) None of the civil actions against the offender or the 40040  
representatives of the offender of which the clerk of the court of 40041  
claims has been notified pursuant to division (B)(1) of section 40042  
2969.12 of the Revised Code is pending. 40043

(3) All judgments for which payment was requested pursuant to 40044  
division (B)(3) of section 2969.12 of the Revised Code have been 40045  
paid. 40046

(B) If the clerk of the court of claims is required by 40047  
division (A) of this section to pay the money remaining in the 40048  
separate account established in the name of an offender in 40049  
accordance with this division, the clerk shall pay the money as 40050  
follows: 40051

~~(1) If the offender was confined for a felony in a prison or 40052  
other facility operated by the department of rehabilitation and 40053  
correction under a sanction imposed pursuant to section 2929.14 or 40054  
2929.16 of the Revised Code, the clerk shall pay the money to the 40055  
treasurer of state, in accordance with division (C)(1) of section 40056  
2929.18 of the Revised Code, to cover the costs of the 40057  
confinement. If any money remains in the separate account after 40058  
the payment of the costs of the confinement pursuant to this 40059  
division, the clerk shall pay the remaining money in accordance 40060  
with divisions (B)(2), (3), and (5) of this section. 40061~~

~~(2)~~ If the offender was confined for a felony in a facility 40062  
operated by a county or a municipal corporation, ~~after payment of~~ 40063  
~~any costs required to be paid under division (B)(1) of this~~ 40064  
~~section,~~ the clerk shall pay the money to the treasurer of the 40065  
county or of the municipal corporation that operated the facility, 40066  
in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 40067  
of the Revised Code, to cover the costs of the confinement. If 40068  
more than one county or municipal corporation operated a facility 40069  
in which the offender was confined, the clerk shall equitably 40070  
apportion the money among each of those counties and municipal 40071  
corporations. If any money remains in the separate account after 40072  
the payment of the costs of the confinement pursuant to this 40073  
division, the clerk shall pay the remaining money in accordance 40074  
with divisions (B)~~(3)~~(2) and ~~(5)~~(4) of this section. 40075

~~(3)~~(2) If the offender was sentenced for a felony to any 40076  
community control sanction other than a sanction described in 40077  
division (B)~~(2)~~(1) of this section, after payment of any costs 40078  
required to be paid under division (B)(1) ~~or (2)~~ of this section, 40079  
the clerk shall pay the money to the treasurer of the county or of 40080  
the municipal corporation that incurred costs pursuant to the 40081  
sanction, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of 40082  
section 2929.18 of the Revised Code, to cover the costs so 40083  
incurred. If more than one county or municipal corporation 40084  
incurred costs pursuant to the sanction, the clerk shall equitably 40085  
apportion the money among each of those counties and municipal 40086  
corporations. If any money remains in the separate account after 40087  
the payment of the costs of the sanction pursuant to this 40088  
division, the clerk shall pay the remaining money in accordance 40089  
with division (B)~~(5)~~(4) of this section. 40090

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 40091  
misdemeanor, to the treasurer of the political subdivision that 40092  
operates the facility in which the offender was imprisoned or 40093

incarcerated, to cover the costs of the imprisonment or 40094  
incarceration. If more than one political subdivision operated a 40095  
facility in which the offender was confined, the clerk shall 40096  
equitably apportion the money among each of those political 40097  
subdivisions. If any money remains in the separate account after 40098  
the payment of the costs of the imprisonment or incarceration 40099  
under this division, the clerk shall pay the remaining money in 40100  
accordance with division (B)~~(5)~~(4) of this section. 40101

~~(5)~~(4) If any money remains in the separate account after 40102  
payment of any costs required to be paid under division (B)(1), 40103  
(2), or (3), ~~or~~ (4) of this section, or if no provision of 40104  
division (B)(1), (2), or (3), ~~or~~ (4) of this section applies, the 40105  
clerk shall distribute the amount of the money remaining in the 40106  
separate account as otherwise provided by law for the distribution 40107  
of money paid in satisfaction of a fine, as if that amount was a 40108  
fine paid by the offender. 40109

**Sec. 2981.12.** (A) Unclaimed or forfeited property in the 40110  
custody of a law enforcement agency, other than property described 40111  
in division (A)(2) of section 2981.11 of the Revised Code, shall 40112  
be disposed of by order of any court of record that has 40113  
territorial jurisdiction over the political subdivision that 40114  
employs the law enforcement agency, as follows: 40115

(1) Drugs shall be disposed of pursuant to section 3719.11 of 40116  
the Revised Code or placed in the custody of the secretary of the 40117  
treasury of the United States for disposal or use for medical or 40118  
scientific purposes under applicable federal law. 40119

(2) Firearms and dangerous ordnance suitable for police work 40120  
may be given to a law enforcement agency for that purpose. 40121  
Firearms suitable for sporting use or as museum pieces or 40122  
collectors' items may be sold at public auction pursuant to 40123  
division (B) of this section. The agency may sell other firearms 40124



and dangerous ordnance to a federally licensed firearms dealer in 40125  
a manner that the court considers proper. The agency shall destroy 40126  
any firearms or dangerous ordnance not given to a law enforcement 40127  
agency or sold or shall send them to the bureau of criminal 40128  
identification and investigation for destruction by the bureau. 40129

(3) Obscene materials shall be destroyed. 40130

(4) Beer, intoxicating liquor, or alcohol seized from a 40131  
person who does not hold a permit issued under Chapters 4301. and 40132  
4303. of the Revised Code or otherwise forfeited to the state for 40133  
an offense under section 4301.45 or 4301.53 of the Revised Code 40134  
shall be sold by the division of liquor control if the division 40135  
determines that it is fit for sale or shall be placed in the 40136  
custody of the investigations unit in the department of public 40137  
safety and be used for training relating to law enforcement 40138  
activities. The department, with the assistance of the division of 40139  
liquor control, shall adopt rules in accordance with Chapter 119. 40140  
of the Revised Code to provide for the distribution to state or 40141  
local law enforcement agencies upon their request. If any tax 40142  
imposed under Title XLIII of the Revised Code has not been paid in 40143  
relation to the beer, intoxicating liquor, or alcohol, any moneys 40144  
acquired from the sale shall first be used to pay the tax. All 40145  
other money collected under this division shall be paid into the 40146  
state treasury. Any beer, intoxicating liquor, or alcohol that the 40147  
division determines to be unfit for sale shall be destroyed. 40148

(5) Money received by an inmate of a correctional institution 40149  
from an unauthorized source or in an unauthorized manner shall be 40150  
returned to the sender, if known, or deposited in the inmates' 40151  
industrial and entertainment fund of the institution if the sender 40152  
is not known. 40153

(6)(a) Any mobile instrumentality forfeited under this 40154  
chapter may be given to the law enforcement agency that initially 40155  
seized the mobile instrumentality for use in performing its 40156

duties, if the agency wants the mobile instrumentality. The agency 40157  
shall take the mobile instrumentality subject to any security 40158  
interest or lien on the mobile instrumentality. 40159

(b) Vehicles and vehicle parts forfeited under sections 40160  
4549.61 to 4549.63 of the Revised Code may be given to a law 40161  
enforcement agency for use in performing its duties. Those parts 40162  
may be incorporated into any other official vehicle. Parts that do 40163  
not bear vehicle identification numbers or derivatives of them may 40164  
be sold or disposed of as provided by rules of the director of 40165  
public safety. Parts from which a vehicle identification number or 40166  
derivative of it has been removed, defaced, covered, altered, or 40167  
destroyed and that are not suitable for police work or 40168  
incorporation into an official vehicle shall be destroyed and sold 40169  
as junk or scrap. 40170

(7) Computers, computer networks, computer systems, and 40171  
computer software suitable for police work may be given to a law 40172  
enforcement agency for that purpose or disposed of under division 40173  
(B) of this section. 40174

(8) Money seized in connection with a violation of section 40175  
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 40176  
deposited in the victims of human trafficking fund created by 40177  
section 5101.87 of the Revised Code. 40178

(B) Unclaimed or forfeited property that is not described in 40179  
division (A) of this section or division (A)(2) of section 2981.11 40180  
of the Revised Code, with court approval, may be used by the law 40181  
enforcement agency in possession of it. If it is not used by the 40182  
agency, it may be sold without appraisal at a public auction to 40183  
the highest bidder for cash or disposed of in another manner that 40184  
the court considers proper. 40185

(C) Except as provided in divisions (A) and (F) of this 40186  
section and after compliance with division (D) of this section 40187

when applicable, any moneys acquired from the sale of property 40188  
disposed of pursuant to this section shall be placed in the 40189  
general revenue fund of the state, or the general fund of the 40190  
county, the township, or the municipal corporation of which the 40191  
law enforcement agency involved is an agency. 40192

(D) If the property was in the possession of the law 40193  
enforcement agency in relation to a delinquent child proceeding in 40194  
a juvenile court, ten per cent of any moneys acquired from the 40195  
sale of property disposed of under this section shall be applied 40196  
to one or more community addiction ~~treatment~~ services providers 40197  
~~that are certified by the department of mental health and~~ 40198  
~~addiction services under section 5119.36, as defined in section~~ 40199  
5119.01 of the Revised Code. A juvenile court shall not specify a 40200  
services provider, except as provided in this division, unless the 40201  
services provider is in the same county as the court or in a 40202  
contiguous county. If no ~~certified~~ services provider is located in 40203  
any of those counties, the juvenile court may specify a ~~certified~~ 40204  
services provider anywhere in Ohio. The remaining ninety per cent 40205  
of the proceeds or cash shall be applied as provided in division 40206  
(C) of this section. 40207

Each services provider that receives in any calendar year 40208  
forfeited money under this division shall file an annual report 40209  
for that year with the attorney general and with the court of 40210  
common pleas and board of county commissioners of the county in 40211  
which the services provider is located and of any other county 40212  
from which the services provider received forfeited money. The 40213  
services provider shall file the report on or before the first day 40214  
of March in the calendar year following the calendar year in which 40215  
the services provider received the money. The report shall include 40216  
statistics on the number of persons the services provider served, 40217  
identify the types of treatment services it provided to them, and 40218  
include a specific accounting of the purposes for which it used 40219

the money so received. No information contained in the report 40220  
shall identify, or enable a person to determine the identity of, 40221  
any person served by the services provider. 40222

(E) Each ~~certified~~ community addiction services provider that 40223  
receives in any calendar year money under this section or under 40224  
section 2981.13 of the Revised Code as the result of a juvenile 40225  
forfeiture order shall file an annual report for that calendar 40226  
year with the attorney general and with the court of common pleas 40227  
and board of county commissioners of the county in which the 40228  
services provider is located and of any other county from which 40229  
the services provider received the money. The services provider 40230  
shall file the report on or before the first day of March in the 40231  
calendar year following the year in which the services provider 40232  
received the money. The report shall include statistics on the 40233  
number of persons served with the money, identify the types of 40234  
treatment services provided, and specifically account for how the 40235  
money was used. No information in the report shall identify or 40236  
enable a person to determine the identity of anyone served by the 40237  
services provider. 40238

As used in this division, "juvenile-related forfeiture order" 40239  
means any forfeiture order issued by a juvenile court under 40240  
section 2981.04 or 2981.05 of the Revised Code and any disposal of 40241  
property ordered by a court under section 2981.11 of the Revised 40242  
Code regarding property that was in the possession of a law 40243  
enforcement agency in relation to a delinquent child proceeding in 40244  
a juvenile court. 40245

(F) Each board of county commissioners that recognizes a 40246  
citizens' reward program under section 9.92 of the Revised Code 40247  
shall notify each law enforcement agency of that county and of a 40248  
township or municipal corporation wholly located in that county of 40249  
the recognition by filing a copy of its resolution conferring that 40250  
recognition with each of those agencies. When the board recognizes 40251

a citizens' reward program and the county includes a part, but not 40252  
all, of the territory of a municipal corporation, the board shall 40253  
so notify the law enforcement agency of that municipal corporation 40254  
of the recognition of the citizens' reward program only if the 40255  
county contains the highest percentage of the municipal 40256  
corporation's population. 40257

Upon being so notified, each law enforcement agency shall pay 40258  
twenty-five per cent of any forfeited proceeds or cash derived 40259  
from each sale of property disposed of pursuant to this section to 40260  
the citizens' reward program for use exclusively to pay rewards. 40261  
No part of the funds may be used to pay expenses associated with 40262  
the program. If a citizens' reward program that operates in more 40263  
than one county or in another state in addition to this state 40264  
receives funds under this section, the funds shall be used to pay 40265  
rewards only for tips and information to law enforcement agencies 40266  
concerning offenses committed in the county from which the funds 40267  
were received. 40268

Receiving funds under this section or section 2981.11 of the 40269  
Revised Code does not make the citizens' reward program a 40270  
governmental unit or public office for purposes of section 149.43 40271  
of the Revised Code. 40272

(G) Any property forfeited under this chapter shall not be 40273  
used to pay any fine imposed upon a person who is convicted of or 40274  
pleads guilty to an underlying criminal offense or a different 40275  
offense arising out of the same facts and circumstances. 40276

(H) Any moneys acquired from the sale of personal effects, 40277  
tools, or other property seized because the personal effects, 40278  
tools, or other property were used in the commission of a 40279  
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 40280  
Code or derived from the proceeds of the commission of a violation 40281  
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 40282  
disposed of pursuant to this section shall be placed in the 40283

victims of human trafficking fund created by section 5101.87 of 40284  
the Revised Code. 40285

**Sec. 2981.13.** (A) Except as otherwise provided in this 40286  
section, property ordered forfeited as contraband, proceeds, or an 40287  
instrumentality pursuant to this chapter shall be disposed of, 40288  
used, or sold pursuant to section 2981.12 of the Revised Code. If 40289  
the property is to be sold under that section, the prosecutor 40290  
shall cause notice of the proposed sale to be given in accordance 40291  
with law. 40292

(B) If the contraband or instrumentality forfeited under this 40293  
chapter is sold, any moneys acquired from a sale and any proceeds 40294  
forfeited under this chapter shall be applied in the following 40295  
order: 40296

(1) First, to pay costs incurred in the seizure, storage, 40297  
maintenance, security, and sale of the property and in the 40298  
forfeiture proceeding; 40299

(2) Second, in a criminal forfeiture case, to satisfy any 40300  
restitution ordered to the victim of the offense or, in a civil 40301  
forfeiture case, to satisfy any recovery ordered for the person 40302  
harmled, unless paid from other assets; 40303

(3) Third, to pay the balance due on any security interest 40304  
preserved under this chapter; 40305

(4) Fourth, apply the remaining amounts as follows: 40306

(a) If the forfeiture was ordered by a juvenile court, ten 40307  
per cent to one or more ~~certified alcohol and drug~~ community 40308  
addiction ~~treatment programs~~ services providers as ~~provided~~ 40309  
specified in division (D) of section 2981.12 of the Revised Code; 40310

(b) If the forfeiture was ordered in a juvenile court, ninety 40311  
per cent, and if the forfeiture was ordered in a court other than 40312  
a juvenile court, one hundred per cent to the law enforcement 40313

trust fund of the prosecutor and to the following fund supporting 40314  
the law enforcement agency that substantially conducted the 40315  
investigation: ~~the~~ 40316

(i) The law enforcement trust fund of the county sheriff, 40317  
municipal corporation, township, or park district created under 40318  
section 511.18 or 1545.01 of the Revised Code; ~~the~~ 40319

(ii) The state highway patrol contraband, forfeiture, and 40320  
other fund; ~~the~~ 40321

(iii) The department of public safety investigative unit 40322  
contraband, forfeiture, and other fund; ~~the~~ 40323

(iv) The department of taxation enforcement fund; ~~the~~ 40324

(v) The board of pharmacy drug law enforcement fund created 40325  
by division (B)(1) of section 4729.65 of the Revised Code; ~~the~~ 40326

(vi) The medicaid fraud investigation and prosecution fund; 40327  
~~the~~ 40328

(vii) The casino control commission enforcement fund created 40329  
by section 3772.36 of the Revised Code; ~~or the~~ 40330

(viii) The auditor of state investigation and forfeiture 40331  
trust fund established under section 117.54 of the Revised Code; 40332

(ix) The treasurer of state for deposit into the peace 40333  
officer training commission fund if any other state law 40334  
enforcement agency substantially conducted the investigation. ~~In~~ 40335

In the case of property forfeited for medicaid fraud, any 40336  
remaining amount shall be used by the attorney general to 40337  
investigate and prosecute medicaid fraud offenses. 40338

If the prosecutor declines to accept any of the remaining 40339  
amounts, the amounts shall be applied to the fund of the agency 40340  
that substantially conducted the investigation. 40341

(c) If more than one law enforcement agency is substantially 40342

involved in the seizure of property forfeited under this chapter, 40343  
the court ordering the forfeiture shall equitably divide the 40344  
amounts, after calculating any distribution to the law enforcement 40345  
trust fund of the prosecutor pursuant to division (B)(4) of this 40346  
section, among the entities that the court determines were 40347  
substantially involved in the seizure. 40348

(C)(1) A law enforcement trust fund shall be established by 40349  
the prosecutor of each county who intends to receive any remaining 40350  
amounts pursuant to this section, by the sheriff of each county, 40351  
by the legislative authority of each municipal corporation, by the 40352  
board of township trustees of each township that has a township 40353  
police department, township or joint police district police force, 40354  
or office of the constable, and by the board of park commissioners 40355  
of each park district created pursuant to section 511.18 or 40356  
1545.01 of the Revised Code that has a park district police force 40357  
or law enforcement department, for the purposes of this section. 40358

There is hereby created in the state treasury the state 40359  
highway patrol contraband, forfeiture, and other fund, the 40360  
department of public safety investigative unit contraband, 40361  
forfeiture, and other fund, the medicaid fraud investigation and 40362  
prosecution fund, the department of taxation enforcement fund, and 40363  
the peace officer training commission fund, for the purposes of 40364  
this section. 40365

Amounts distributed to any municipal corporation, township, 40366  
or park district law enforcement trust fund shall be allocated 40367  
from the fund by the legislative authority only to the police 40368  
department of the municipal corporation, by the board of township 40369  
trustees only to the township police department, township police 40370  
district police force, or office of the constable, by the joint 40371  
police district board only to the joint police district, and by 40372  
the board of park commissioners only to the park district police 40373  
force or law enforcement department. 40374



(2)(a) No amounts shall be allocated to a fund ~~created~~ under 40375  
this section or used by an agency unless the agency has adopted a 40376  
written internal control policy that addresses the use of moneys 40377  
received from the appropriate fund. The appropriate fund shall be 40378  
expended only in accordance with that policy and, subject to the 40379  
requirements specified in this section, only for the following 40380  
purposes: 40381

(i) To pay the costs of protracted or complex investigations 40382  
or prosecutions; 40383

(ii) To provide reasonable technical training or expertise; 40384

(iii) To provide matching funds to obtain federal grants to 40385  
aid law enforcement, in the support of DARE programs or other 40386  
programs designed to educate adults or children with respect to 40387  
the dangers associated with the use of drugs of abuse; 40388

(iv) To pay the costs of emergency action taken under section 40389  
3745.13 of the Revised Code relative to the operation of an 40390  
illegal methamphetamine laboratory if the forfeited property or 40391  
money involved was that of a person responsible for the operation 40392  
of the laboratory; 40393

(v) For other law enforcement purposes that the 40394  
superintendent of the state highway patrol, department of public 40395  
safety, auditor of state, prosecutor, county sheriff, legislative 40396  
authority, department of taxation, Ohio casino control commission, 40397  
board of township trustees, or board of park commissioners 40398  
determines to be appropriate. 40399

(b) The board of pharmacy drug law enforcement fund shall be 40400  
expended only in accordance with the written internal control 40401  
policy so adopted by the board and only in accordance with section 40402  
4729.65 of the Revised Code, except that it also may be expended 40403  
to pay the costs of emergency action taken under section 3745.13 40404  
of the Revised Code relative to the operation of an illegal 40405

methamphetamine laboratory if the forfeited property or money 40406  
involved was that of a person responsible for the operation of the 40407  
laboratory. 40408

(c) ~~The state highway patrol contraband, forfeiture, and 40409  
other fund, the department of public safety investigative unit 40410  
contraband, forfeiture, and other fund, the department of taxation 40411  
enforcement fund, the board of pharmacy drug law enforcement fund, 40412  
the casino control commission enforcement fund, and a law 40413  
enforcement trust~~ A fund listed in division (B)(4)(b) of this 40414  
section, other than the Medicaid fraud investigation and 40415  
prosecution fund, shall not be used to meet the operating costs of 40416  
the ~~state highway patrol, of the investigative unit of the 40417  
department of public safety, of the state board of pharmacy, of 40418  
any political subdivision, of the Ohio casino control commission, 40419  
or of any office of a prosecutor or county sheriff agency, office, 40420  
or political subdivision~~ that are unrelated to law enforcement. 40421

(d) Forfeited moneys that are paid into the state treasury to 40422  
be deposited into the peace officer training commission fund shall 40423  
be used by the commission only to pay the costs of peace officer 40424  
training. 40425

(3) Any of the following offices or agencies that receive 40426  
amounts under this section during any calendar year shall file a 40427  
report with the specified entity, not later than the thirty-first 40428  
day of January of the next calendar year, verifying that the 40429  
moneys were expended only for the purposes authorized by this 40430  
section or other relevant statute and specifying the amounts 40431  
expended for each authorized purpose: 40432

(a) Any sheriff or prosecutor shall file the report with the 40433  
county auditor. 40434

(b) Any municipal corporation police department shall file 40435  
the report with the legislative authority of the municipal 40436

corporation. 40437

(c) Any township police department, township or joint police 40438  
district police force, or office of the constable shall file the 40439  
report with the board of township trustees of the township. 40440

(d) Any park district police force or law enforcement 40441  
department shall file the report with the board of park 40442  
commissioners of the park district. 40443

(e) The superintendent of the state highway patrol, the 40444  
auditor of state, and the tax commissioner shall file the report 40445  
with the attorney general. 40446

(f) The executive director of the state board of pharmacy 40447  
shall file the report with the attorney general, verifying that 40448  
cash and forfeited proceeds paid into the board of pharmacy drug 40449  
law enforcement fund were used only in accordance with section 40450  
4729.65 of the Revised Code. 40451

(g) The peace officer training commission shall file a report 40452  
with the attorney general, verifying that cash and forfeited 40453  
proceeds paid into the peace officer training commission fund 40454  
pursuant to this section during the prior calendar year were used 40455  
by the commission during the prior calendar year only to pay the 40456  
costs of peace officer training. 40457

(h) The executive director of the Ohio casino control 40458  
commission shall file the report with the attorney general, 40459  
verifying that cash and forfeited proceeds paid into the casino 40460  
control commission enforcement fund were used only in accordance 40461  
with section 3772.36 of the Revised Code. 40462

(D) The written internal control policy of a county sheriff, 40463  
prosecutor, municipal corporation police department, township 40464  
police department, township or joint police district police force, 40465  
office of the constable, or park district police force or law 40466  
enforcement department shall provide that at least ten per cent of 40467

the first one hundred thousand dollars of amounts deposited during 40468  
each calendar year in the agency's law enforcement trust fund 40469  
under this section, and at least twenty per cent of the amounts 40470  
exceeding one hundred thousand dollars that are so deposited, 40471  
shall be used in connection with community preventive education 40472  
programs. The manner of use shall be determined by the sheriff, 40473  
prosecutor, department, police force, or office of the constable 40474  
after receiving and considering advice on appropriate community 40475  
preventive education programs from the county's board of alcohol, 40476  
drug addiction, and mental health services, from the county's 40477  
alcohol and drug addiction services board, or through appropriate 40478  
community dialogue. 40479

The financial records kept under the internal control policy 40480  
shall specify the amount deposited during each calendar year in 40481  
the portion of that amount that was used pursuant to this 40482  
division, and the programs in connection with which the portion of 40483  
that amount was so used. 40484

As used in this division, "community preventive education 40485  
programs" include, but are not limited to, DARE programs and other 40486  
programs designed to educate adults or children with respect to 40487  
the dangers associated with using drugs of abuse. 40488

(E) Upon the sale, under this section or section 2981.12 of 40489  
the Revised Code, of any property that is required by law to be 40490  
titled or registered, the state shall issue an appropriate 40491  
certificate of title or registration to the purchaser. If the 40492  
state is vested with title and elects to retain property that is 40493  
required to be titled or registered under law, the state shall 40494  
issue an appropriate certificate of title or registration. 40495

(F) Any failure of a law enforcement officer or agency, 40496  
prosecutor, court, or the attorney general to comply with this 40497  
section in relation to any property seized does not affect the 40498  
validity of the seizure and shall not be considered to be the 40499

basis for suppressing any evidence resulting from the seizure, 40500  
provided the seizure itself was lawful. 40501

**Sec. 3105.171.** (A) As used in this section: 40502

(1) "Distributive award" means any payment or payments, in 40503  
real or personal property, that are payable in a lump sum or over 40504  
time, in fixed amounts, that are made from separate property or 40505  
income, and that are not made from marital property and do not 40506  
constitute payments of spousal support, as defined in section 40507  
3105.18 of the Revised Code. 40508

(2) "During the marriage" means whichever of the following is 40509  
applicable: 40510

(a) Except as provided in division (A)(2)(b) of this section, 40511  
the period of time from the date of the marriage through the date 40512  
of the final hearing in an action for divorce or in an action for 40513  
legal separation; 40514

(b) If the court determines that the use of either or both of 40515  
the dates specified in division (A)(2)(a) of this section would be 40516  
inequitable, the court may select dates that it considers 40517  
equitable in determining marital property. If the court selects 40518  
dates that it considers equitable in determining marital property, 40519  
"during the marriage" means the period of time between those dates 40520  
selected and specified by the court. 40521

(3)(a) "Marital property" means, subject to division 40522  
(A)(3)(b) of this section, all of the following: 40523

(i) All real and personal property that currently is owned by 40524  
either or both of the spouses, including, but not limited to, the 40525  
retirement benefits of the spouses, and that was acquired by 40526  
either or both of the spouses during the marriage; 40527

(ii) All interest that either or both of the spouses 40528  
currently has in any real or personal property, including, but not 40529

limited to, the retirement benefits of the spouses, and that was 40530  
acquired by either or both of the spouses during the marriage; 40531

(iii) Except as otherwise provided in this section, all 40532  
income and appreciation on separate property, due to the labor, 40533  
monetary, or in-kind contribution of either or both of the spouses 40534  
that occurred during the marriage; 40535

(iv) A participant account, as defined in section 148.01 of 40536  
the Revised Code, of either of the spouses, to the extent of the 40537  
following: the moneys that have been deferred by a continuing 40538  
member or participating employee, as defined in that section, and 40539  
that have been transmitted to the Ohio public employees deferred 40540  
compensation board during the marriage and any income that is 40541  
derived from the investment of those moneys during the marriage; 40542  
the moneys that have been deferred by an officer or employee of a 40543  
municipal corporation and that have been transmitted to the 40544  
governing board, administrator, depository, or trustee of the 40545  
deferred compensation program of the municipal corporation during 40546  
the marriage and any income that is derived from the investment of 40547  
those moneys during the marriage; or the moneys that have been 40548  
deferred by an officer or employee of a government unit, as 40549  
defined in section 148.06 of the Revised Code, and that have been 40550  
transmitted to the governing board, as defined in that section, 40551  
during the marriage and any income that is derived from the 40552  
investment of those moneys during the marriage. 40553

(b) "Marital property" does not include any separate 40554  
property. 40555

(4) "Passive income" means income acquired other than as a 40556  
result of the labor, monetary, or in-kind contribution of either 40557  
spouse. 40558

(5) "Personal property" includes both tangible and intangible 40559  
personal property. 40560

(6)(a) "Separate property" means all real and personal property and any interest in real or personal property that is found by the court to be any of the following:	40561 40562 40563
(i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;	40564 40565
(ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;	40566 40567 40568
(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	40569 40570
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;	40571 40572 40573
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial agreement;	40574 40575 40576
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	40577 40578 40579
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	40580 40581 40582 40583
(b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable.	40584 40585 40586 40587
(B) In divorce proceedings, the court shall, and in legal separation proceedings upon the request of either spouse, the court may, determine what constitutes marital property and what	40588 40589 40590

constitutes separate property. In either case, upon making such a 40591  
determination, the court shall divide the marital and separate 40592  
property equitably between the spouses, in accordance with this 40593  
section. For purposes of this section, the court has jurisdiction 40594  
over all property, excluding the social security benefits of a 40595  
spouse other than as set forth in division (F)(9) of this section, 40596  
in which one or both spouses have an interest. 40597

(C)(1) Except as provided in this division or division (E) of 40598  
this section, the division of marital property shall be equal. If 40599  
an equal division of marital property would be inequitable, the 40600  
court shall not divide the marital property equally but instead 40601  
shall divide it between the spouses in the manner the court 40602  
determines equitable. In making a division of marital property, 40603  
the court shall consider all relevant factors, including those set 40604  
forth in division (F) of this section. 40605

(2) Each spouse shall be considered to have contributed 40606  
equally to the production and acquisition of marital property. 40607

(3) The court shall provide for an equitable division of 40608  
marital property under this section prior to making any award of 40609  
spousal support to either spouse under section 3105.18 of the 40610  
Revised Code and without regard to any spousal support so awarded. 40611

(4) If the marital property includes a participant account, 40612  
as defined in section 148.01 of the Revised Code, the court shall 40613  
not order the division or disbursement of the moneys and income 40614  
described in division (A)(3)(a)(iv) of this section to occur in a 40615  
manner that is inconsistent with the law, rules, or plan governing 40616  
the deferred compensation program involved or prior to the time 40617  
that the spouse in whose name the participant account is 40618  
maintained commences receipt of the moneys and income credited to 40619  
the account in accordance with that law, rules, and plan. 40620

(D) Except as otherwise provided in division (E) of this 40621



section or by another provision of this section, the court shall 40622  
disburse a spouse's separate property to that spouse. If a court 40623  
does not disburse a spouse's separate property to that spouse, the 40624  
court shall make written findings of fact that explain the factors 40625  
that it considered in making its determination that the spouse's 40626  
separate property should not be disbursed to that spouse. 40627

(E)(1) The court may make a distributive award to facilitate, 40628  
effectuate, or supplement a division of marital property. The 40629  
court may require any distributive award to be secured by a lien 40630  
on the payor's specific marital property or separate property. 40631

(2) The court may make a distributive award in lieu of a 40632  
division of marital property in order to achieve equity between 40633  
the spouses, if the court determines that a division of the 40634  
marital property in kind or in money would be impractical or 40635  
burdensome. 40636

(3) The court shall require each spouse to disclose in a full 40637  
and complete manner all marital property, separate property, and 40638  
other assets, debts, income, and expenses of the spouse. 40639

(4) If a spouse has engaged in financial misconduct, 40640  
including, but not limited to, the dissipation, destruction, 40641  
concealment, nondisclosure, or fraudulent disposition of assets, 40642  
the court may compensate the offended spouse with a distributive 40643  
award or with a greater award of marital property. 40644

(5) If a spouse has substantially and willfully failed to ~~12~~ 40645  
disclose marital property, separate property, or other assets, ~~13~~ 40646  
debts, income, or expenses as required under division (E)(3) of ~~14~~ 40647  
this section, the court may compensate the offended spouse with ~~15~~ 40648  
a distributive award or with a greater award of marital property 40649  
~~16~~ not to exceed three times the value of the marital property, ~~17~~ 40650  
separate property, or other assets, debts, income, or expenses ~~18~~ 40651  
that are not disclosed by the other spouse. 40652

(F) In making a division of marital property and in determining whether to make and the amount of any distributive award under this section, the court shall consider all of the following factors:

- (1) The duration of the marriage;
- (2) The assets and liabilities of the spouses;
- (3) The desirability of awarding the family home, or the right to reside in the family home for reasonable periods of time, to the spouse with custody of the children of the marriage;
- (4) The liquidity of the property to be distributed;
- (5) The economic desirability of retaining intact an asset or an interest in an asset;
- (6) The tax consequences of the property division upon the respective awards to be made to each spouse;
- (7) The costs of sale, if it is necessary that an asset be sold to effectuate an equitable distribution of property;
- (8) Any division or disbursement of property made in a separation agreement that was voluntarily entered into by the spouses;
- (9) Any retirement benefits of the spouses, excluding the social security benefits of a spouse except as may be relevant for purposes of dividing a public pension;
- (10) Any other factor that the court expressly finds to be relevant and equitable.

(G) In any order for the division or disbursement of property or a distributive award made pursuant to this section, the court shall make written findings of fact that support the determination that the marital property has been equitably divided and shall specify the dates it used in determining the meaning of "during the marriage."

(H) Except as otherwise provided in this section, the holding of title to property by one spouse individually or by both spouses in a form of co-ownership does not determine whether the property is marital property or separate property.

(I) A division or disbursement of property or a distributive award made under this section is not subject to future modification by the court except upon the express written consent or agreement to the modification by both spouses.

(J) The court may issue any orders under this section that it determines equitable, including, but not limited to, either of the following types of orders:

(1) An order granting a spouse the right to use the marital dwelling or any other marital property or separate property for any reasonable period of time;

(2) An order requiring the sale or encumbrancing of any real or personal property, with the proceeds from the sale and the funds from any loan secured by the encumbrance to be applied as determined by the court.

**Sec. 3109.13.** As used in sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code:

(A) "Child abuse and child neglect prevention programs" means programs that use primary and secondary prevention strategies that are conducted at the local level and activities and projects of statewide significance designed to strengthen families and prevent child abuse and child neglect.

(B) "Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.

(C) "Secondary prevention strategies" are activities and

services that are provided to a specific population identified as 40713  
having risk factors for child abuse and child neglect and are 40714  
designed to intervene at the earliest warning signs of child abuse 40715  
or child neglect, or whenever a child can be identified as being 40716  
at risk of abuse or neglect. 40717

**Sec. 3109.14.** (A) As used in this section, "birth record" and 40718  
"certification of birth" have the meanings given in section 40719  
3705.01 of the Revised Code. 40720

(B)(1) The director of health, a person authorized by the 40721  
director, a local commissioner of health, or a local registrar of 40722  
vital statistics shall charge and collect a fee for each certified 40723  
copy of a birth record, for each certification of birth, and for 40724  
each copy of a death record. The fee shall be three dollars. The 40725  
fee is in addition to the fee imposed by section 3705.24 or any 40726  
other section of the Revised Code. A local commissioner of health 40727  
or a local registrar of vital statistics may retain an amount of 40728  
each additional fee collected, not to exceed three per cent of the 40729  
amount of the additional fee, to be used for costs directly 40730  
related to the collection of the fee and the forwarding of the fee 40731  
to the department of health. 40732

The additional fees collected by the director of health or a 40733  
person authorized by the director and the additional fees 40734  
collected but not retained by a local commissioner of health or a 40735  
local registrar of vital statistics shall be forwarded to the 40736  
department of health not later than thirty days following the end 40737  
of each quarter. Not later than two days after the fees are 40738  
forwarded to the department each quarter, the department shall pay 40739  
the collected fees to the treasurer of state in accordance with 40740  
rules adopted by the treasurer of state under section 113.08 of 40741  
the Revised Code. 40742

(2) Upon the filing for a divorce decree under section 40743

3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, a court of common pleas shall charge and collect a fee. The fee shall be eleven dollars. The fee is in addition to any other court costs or fees. The county clerk of courts may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state. The additional fees collected, but not retained, under division (B)(2) of this section shall be forwarded to the treasurer of state not later than twenty days following the end of each month.

(C) The treasurer of state shall deposit the fees paid or forwarded under this section in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.

The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code.

Sec. 3109.16. (A) The children's trust fund board, upon the 40775  
recommendation of the director of job and family services, shall 40776  
approve the employment of an executive director who will 40777  
administer the programs of the board. 40778

(B) The department of job and family services shall provide 40779  
budgetary, procurement, accounting, and other related management 40780  
functions for the board and may adopt rules in accordance with 40781  
Chapter 119. of the Revised Code for these purposes. An amount not 40782  
to exceed three per cent of the total amount of fees deposited in 40783  
the children's trust fund in each fiscal year may be used for 40784  
costs directly related to these administrative functions of the 40785  
department. Each fiscal year, the board shall approve a budget for 40786  
administrative expenditures for the next fiscal year. 40787

(C) The board may request that the department adopt rules the 40788  
board considers necessary for the purpose of carrying out the 40789  
board's responsibilities under this section, and the department 40790  
may adopt those rules. The department may, after consultation with 40791  
the board and the executive director, adopt any other rules to 40792  
assist the board in carrying out its responsibilities under this 40793  
section. In either case, the rules shall be adopted under Chapter 40794  
119. of the Revised Code. 40795

(D) The board shall meet at least quarterly at the call of 40796  
the chairperson to conduct its official business. All business 40797  
transactions of the board shall be conducted in public meetings. 40798  
Eight members of the board constitute a quorum. ~~A majority of the~~ 40799  
~~board members is required to adopt the state plan for the~~ 40800  
~~allocation of funds from the children's trust fund.~~ A majority of 40801  
the quorum is required to make all ~~other~~ decisions of the board. 40802

(E) With respect to funding, all of the following apply: 40803

(1) The board may apply for and accept federal and other 40804  
funds for the purpose of funding child abuse and child neglect 40805

prevention programs. 40806

(2) The board may solicit and accept gifts, money, and other 40807  
donations from any public or private source, including 40808  
individuals, philanthropic foundations or organizations, 40809  
corporations, or corporation endowments. 40810

(3) The board may develop private-public partnerships to 40811  
support the mission of the children's trust fund. 40812

(4) The acceptance and use of federal and other funds shall 40813  
not entail any commitment or pledge of state funds, nor obligate 40814  
the general assembly to continue the programs or activities for 40815  
which the federal and other funds are made available. 40816

(5) All funds received in the manner described in this 40817  
section shall be transmitted to the treasurer of state, who shall 40818  
credit them to the children's trust fund created in section 40819  
3109.14 of the Revised Code. 40820

**Sec. 3109.17.** (A) ~~For each fiscal biennium, the~~ The 40821  
children's trust fund board shall establish a ~~biennial state~~ 40822  
strategic plan for ~~comprehensive~~ child abuse and child neglect 40823  
prevention. The plan shall be transmitted to the governor, the 40824  
president and minority leader of the senate, and the speaker and 40825  
minority leader of the house of representatives and shall be made 40826  
available to the general public. ~~The board may define in the state~~ 40827  
~~plan the term "effective public notice."~~ If the board does not 40828  
~~define that term in the state plan, the board shall include in the~~ 40829  
~~state plan the definition of "effective public notice" specified~~ 40830  
~~in rules adopted by the department of job and family services.~~ 40831

(B) In developing and carrying out the ~~state~~ strategic plan, 40832  
the children's trust fund board shall, in accordance with rules 40833  
adopted by the department pursuant to Chapter 119. of the Revised 40834  
Code, do all of the following: 40835

(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) ~~Before the thirtieth day of October of each year, notify each child abuse and child neglect prevention advisory board of the amount estimated to be allocated to that advisory board for the following fiscal year;~~

(3) ~~Develop criteria for county or district local allocation plans, including criteria for determining the plans' effectiveness;~~

(4) ~~Review, and approve or disapprove, county or district local allocation plans, as described in section 3109.171 of the Revised Code;~~

(5) ~~Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. In allocating funds to a county family and children first council that has been designated to serve as the child abuse and child neglect prevention advisory board under division (A)(1) of section 3109.18 of the Revised Code, the children's trust fund board may send those funds to the county or district children's trust fund in the county treasury or directly to the administrative agent of the county family and children first council designated pursuant to division (B)(5)(a) of section 121.37 of the Revised Code. Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds and except as provided in section 3109.171 of the Revised Code, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty~~



~~district, the advisory board shall receive, subject to available 40868  
funds and except as provided in section 3109.171 of the Revised 40869  
Code, a minimum of ten thousand dollars per fiscal year for each 40870  
county in the district. Funds shall be disbursed to the advisory 40871  
boards twice annually. At least fifty per cent of the funds 40872  
allocated to an advisory board for a fiscal year shall be 40873  
disbursed to the advisory board not later than the thirtieth day 40874  
of September. The remainder of the funds allocated to the advisory 40875  
board for that fiscal year shall be disbursed before the 40876  
thirty first day of March. 40877~~

~~The board shall specify the criteria child abuse and child 40878  
neglect prevention advisory boards are to use in reviewing 40879  
applications under division (G)(2) of section 3109.18 of the 40880  
Revised Code. 40881~~

~~(6) Allocate funds to entities other than child abuse and 40882  
child neglect prevention advisory boards for the purpose of 40883  
funding child abuse and child neglect prevention programs that 40884  
have statewide significance and that have been approved by the 40885  
children's trust fund board; 40886~~

~~(7)(3) Provide for the monitoring of expenditures from the 40887  
children's trust fund and of programs that receive money from the 40888  
children's trust fund; 40889~~

~~(8)(4) Establish reporting requirements for advisory boards 40890  
both of the following: 40891~~

~~(a) Regional child abuse and child neglect prevention 40892  
councils, including deadlines for the submission of the progress 40893  
and annual reports required under section 3107.172 of the Revised 40894  
Code; 40895~~

~~(b) Children's advocacy centers, including deadlines for the 40896  
submission of reports required under section 3107.178 of the 40897  
Revised Code. 40898~~

~~(9)(5)~~ Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention; 40899  
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~~(10)(6)~~ Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention; 40903  
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~~(11)~~ Create and provide to each advisory board a children's trust fund grant application form; 40906  
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~~(12)~~ Specify the information to be included in a semiannual and an annual report completed by a children's advocacy center for which a child abuse and child neglect prevention advisory board uses funds allocated to the advisory board under section 3109.172 of the Revised Code, and each other person or entity that is a recipient of a children's trust fund grant under division (L)(1) of section 3109.18 of the Revised Code. 40908  
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(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. 40915  
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(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location 40923  
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may be the offices of the department of job and family services. 40930  
The board shall provide the list upon request to any children's 40931  
advocacy center or to any person or entity identified in section 40932  
2151.426 of the Revised Code as a person or entity that may 40933  
participate in the establishment of a children's advocacy center. 40934

Sec. 3109.171. For the purpose of administering child abuse 40935  
and child neglect prevention programming and services approved by 40936  
the children's trust fund board, there are hereby created the 40937  
following eight child abuse and child neglect prevention regions 40938  
in the state: 40939

One region consisting of the following counties: Defiance, 40940  
Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, 40941  
Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot. 40942

One region consisting of the following counties: Ashtabula, 40943  
Cuyahoga, Geauga, and Lake. 40944

One region consisting of the following counties: Ashland, 40945  
Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark, 40946  
Summit, Trumbull, and Wayne. 40947

One region consisting of the following counties: Allen, 40948  
Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, 40949  
Miami, Montgomery, Preble, and Shelby. 40950

One region consisting of the following counties: Crawford, 40951  
Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, 40952  
Marion, Morrow, Pickaway, Richland, and Union. 40953

One region consisting of the following counties: Belmont, 40954  
Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe, 40955  
Muskingum, Noble, and Tuscarawas. 40956

One region consisting of the following counties: Adams, 40957  
Brown, Butler, Clermont, Clinton, Hamilton, Highland, and Warren. 40958

One region consisting of the following counties: Athens, 40959

Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, 40960  
Ross, Scioto, Vinton, and Washington. 40961

Sec. 3109.172. (A) As used in this section, "county 40962  
prevention specialist" includes the following: 40963

(1) Representatives of agencies responsible for the 40964  
administration of children's services in the counties within a 40965  
child abuse and child neglect prevention region established in 40966  
section 3109.171 of the Revised Code; 40967

(2) Providers of alcohol or drug addiction services or 40968  
representatives of boards of alcohol, drug addiction, and mental 40969  
health services that serve counties within a region; 40970

(3) Providers of mental health services or representatives of 40971  
boards of alcohol, drug addiction, and mental health services that 40972  
serve counties within a region; 40973

(4) Representatives of county boards of developmental 40974  
disabilities that serve counties within a region; 40975

(5) Representatives of the educational community appointed by 40976  
the superintendent of the school district with the largest 40977  
enrollment in the counties within a region; 40978

(6) Juvenile justice officials serving counties within a 40979  
region; 40980

(7) Pediatricians, health department nurses, and other 40981  
representatives of the medical community in the counties within a 40982  
region; 40983

(8) Counselors and social workers serving counties within a 40984  
region; 40985

(9) Head start agencies serving counties within a region; 40986

(10) Child care providers serving counties within a region; 40987

(11) Other persons with demonstrated knowledge in programs 40988

for children serving counties within a region. 40989

(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of job and family services pursuant to Chapter 119. of the Revised Code. 40990  
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(C)(1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of job and family services under Chapter 119. of the Revised Code. 40996  
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(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion. 41001  
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(3) A representative of the council's regional prevention coordinator shall serve as a nonvoting member of the council. 41004  
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(D) Each council member appointed under division (C)(1) of this section shall be appointed for a two-year term. Each council member appointed under division (C)(2) or (3) of this section shall be appointed for a three-year term. A member may be reappointed, but for two consecutive terms only. 41006  
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(E) A member may be removed from the council by the member's appointing authority for misconduct, incompetence, or neglect of duty. 41011  
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(F) Council members shall not receive compensation for their service to the council. 41014  
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(G) The representative of the regional prevention coordinator shall serve as chairperson of the council. 41016  
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(H) Each council shall meet at least quarterly. 41018

<u>(I) Council members shall do all of the following:</u>	41019
<u>(1) Attend meetings of the council on which they serve;</u>	41020
<u>(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;</u>	41021 41022 41023 41024
<u>(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;</u>	41025 41026 41027
<u>(4) Assist the council's regional prevention coordinator with all of the following:</u>	41028 41029
<u>(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;</u>	41030 41031 41032
<u>(b) Coordinating county data collection;</u>	41033
<u>(c) Ensuring timely and accurate reporting to the children's trust fund board.</u>	41034 41035
<u>(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.</u>	41036 41037 41038
<u>(J) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board.</u>	41039 41040 41041 41042 41043 41044 41045
<u>Sec. 3109.173. (A) Each child abuse and child neglect regional prevention council shall be under the direction of a</u>	41046 41047

regional prevention coordinator. The children's trust fund board shall select each region's coordinator through a competitive selection process conducted by the board. 41048  
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(B) Regional prevention coordinators shall do all of the following: 41051  
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(1) Select a representative to serve as chairperson of the regional prevention council; 41053  
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(2) Conduct a needs assessment to ascertain the child abuse and neglect prevention programming and services that are needed in the region; 41055  
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(3) Work with county prevention specialists in the region to assemble the regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 41058  
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(4) Implement the regional prevention plan, including the following: 41062  
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(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes; 41064  
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(b) Coordinating county data collection; 41066

(c) Ensuring timely and accurate reporting to the board. 41067

(5) Any additional duties specified by the department in rules adopted pursuant to Chapter 119. of the Revised Code. 41068  
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**Sec. 3109.174.** Each child abuse and child neglect regional prevention council shall submit to the children's trust fund board a regional prevention plan for funding child abuse and child neglect prevention programs and activities based on criteria set forth by the children's trust fund. 41070  
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The plan shall be submitted on the form and in the manner specified in rules adopted by the department of job and family 41075  
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<u>services pursuant to Chapter 119. of the Revised Code.</u>	41077
<u>Sec. 3109.175. On receipt of a regional prevention plan</u>	41078
<u>submitted pursuant to section 3109.174 of the Revised Code, the</u>	41079
<u>children's trust fund board may do either of the following:</u>	41080
<u>(A) Approve the plan;</u>	41081
<u>(B) Deny the plan;</u>	41082
<u>(C) Require the submitting council to make changes to the</u>	41083
<u>plan and submit an amended plan to the board.</u>	41084
<u>Sec. 3109.176. (A) The children's trust fund board may deny</u>	41085
<u>funding or allocate a reduced amount of funds on a pro-rated daily</u>	41086
<u>basis to a child abuse and child neglect regional prevention</u>	41087
<u>council for the fiscal year for which a regional prevention plan</u>	41088
<u>was required to be developed under any of the following</u>	41089
<u>circumstances:</u>	41090
<u>(1) If a council fails to submit to the board a regional</u>	41091
<u>prevention plan pursuant to section 3109.174 of the Revised Code</u>	41092
<u>by the date specified by the board;</u>	41093
<u>(2) If a council fails to submit to the board an amended plan</u>	41094
<u>pursuant to division (C) of section 3109.175 of the Revised Code;</u>	41095
<u>(3) If the board fails to approve a plan or an amended plan</u>	41096
<u>submitted by a council.</u>	41097
<u>(B) The board may allocate a reduced amount of funds to a</u>	41098
<u>council on a pro-rated daily basis for the following fiscal year</u>	41099
<u>if the council fails to submit to the board a progress report or</u>	41100
<u>annual report as required by section 3109.172 of the Revised Code</u>	41101
<u>not later than the due dates specified by the board for those</u>	41102
<u>reports.</u>	41103
<u>Sec. 3109.177. (A) As used in this section and section</u>	41104



3107.178 of the Revised Code, "primary prevention strategies" has 41105  
the same meaning as in section 3109.13 of the Revised Code. 41106

(B) Each children's advocacy center may annually request 41107  
funds from the children's trust fund board to conduct primary 41108  
prevention strategies. 41109

**Sec. 3109.178.** (A) Each child abuse and child neglect 41110  
regional prevention council may request from the children's trust 41111  
fund board up to five thousand dollars for each county within the 41112  
council's region to be used as one-time, start-up costs for the 41113  
establishment and operation of a children's advocacy center to 41114  
serve each county in the region or a center to serve two or more 41115  
contiguous counties within the region. 41116

(B) On receipt of a request made under this section, the 41117  
board shall review and approve or disapprove the request. 41118

(C) If the board disapproves the request, the board shall 41119  
send to the requesting council written notice of the disapproval 41120  
that states the reasons for the disapproval. 41121

(D) No funds allocated to a council under this section may be 41122  
used as start-up costs for any children's advocacy center unless 41123  
the center has as a component a primary prevention strategy. 41124

(E) A council that receives funds under this section in any 41125  
fiscal year shall not use the funds received in a different fiscal 41126  
year or for a different center in any fiscal year without the 41127  
approval of the board. 41128

(F) A children's advocacy center established using funds 41129  
awarded under this section shall comply with sections 2151.425 to 41130  
2151.428 of the Revised Code. 41131

(G) Each children's advocacy center that receives funds under 41132  
this section shall file with its respective council, by the date 41133  
specified by the board, an annual report that includes the 41134

information required by the board. The council shall forward a 41135  
copy of the annual report to the board. 41136

Sec. 3109.179. (A) The department of job and family services 41137  
shall adopt rules in accordance with Chapter 119. of the Revised 41138  
Code regarding all of the following: 41139

(1) Operation requirements for child abuse and child neglect 41140  
regional prevention councils; 41141

(2) The manner in which boards of county commissioners are to 41142  
appoint council members; 41143

(3) The form and manner by which councils are to submit 41144  
regional prevention plans. 41145

(B) The department may adopt rules in accordance with Chapter 41146  
119. of the Revised Code regarding the following: 41147

(1) Duties of council members; 41148

(2) Duties of regional prevention coordinators; 41149

(3) Any other rules necessary to implement sections 3109.13 41150  
to 3109.178 of the Revised Code. 41151

(C) The department shall consult with the children's trust 41152  
fund board and the board's executive director regarding all rules 41153  
adopted under this section. 41154

Sec. 3115.101. This chapter may be cited as the "Uniform 41155  
Interstate Family Support Act of 2008." This chapter uses the 41156  
numbering system of the national conference of commissioners on 41157  
uniform state laws. The digits to the right of the decimal point 41158  
are sequential and not supplemental to any preceding Revised Code 41159  
section. 41160

Sec. 3115.102. As used in this chapter: 41161

(A) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent. 41162  
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(B) "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country. 41166  
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(C) "Convention" means the convention on the international recovery of child support and other forms of family maintenance, concluded at The Hague on November 23, 2007. 41169  
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(D) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support. 41172  
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(E) "Foreign country" means a country, including a political subdivision of the country, other than the United States, that authorizes the issuance of support orders to which at least one of the following applies: 41175  
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(1) It has been declared under the law of the United States to be a foreign reciprocating country; 41179  
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(2) It has established a reciprocal arrangement for child support with this state as provided in section 3115.308 of the Revised Code; 41181  
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(3) It has enacted a law or established procedures for the issuance and enforcement of support orders that are substantially similar to the procedures under this chapter; 41184  
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(4) It is a country in which the convention is in force with respect to the United States. 41187  
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(F) "Foreign support order" means a support order of a foreign tribunal. 41189  
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(G) "Foreign tribunal" means a court, administrative agency, 41191

or quasi-judicial entity of a foreign country that is authorized 41192  
to establish, enforce, or modify support orders or to determine 41193  
parentage of a child. "Foreign tribunal" includes a competent 41194  
authority under the convention. 41195

(H) "Home state" means the state or foreign country in which 41196  
a child lived with a parent or a person acting as parent for at 41197  
least six consecutive months immediately preceding the time of 41198  
filing of a petition or comparable pleading for support and, if a 41199  
child is less than six months old, the state or foreign country in 41200  
which the child lived from birth with any of them. A period of 41201  
temporary absence of any of them is counted as part of the 41202  
six-month or other period. 41203

(I) "Income" includes earnings or other periodic entitlements 41204  
to money from any source and any other property subject to 41205  
withholding for support under the law of this state. 41206

(J) "Income-withholding order" means an order or other legal 41207  
process directed to an obligor's employer or other payor, in 41208  
accordance with Chapter 3121. of the Revised Code, to withhold 41209  
support from the income of the obligor. 41210

(K) "Initiating tribunal" means the tribunal of a state or 41211  
foreign country from which a petition or comparable pleading is 41212  
forwarded or in which a petition or comparable pleading is filed 41213  
for forwarding to another state or foreign country. 41214

(L) "Issuing foreign country" means the foreign country in 41215  
which a tribunal issues a support order or a judgment determining 41216  
parentage of a child. 41217

(M) "Issuing state" means the state in which a tribunal 41218  
issues a support order or a judgment determining parentage of a 41219  
child. 41220

(N) "Issuing tribunal" means the tribunal of a state or 41221  
foreign country that issues a support order or a judgment 41222

<u>determining parentage of a child.</u>	41223
<u>(O) "Law" includes decisional and statutory law and rules and regulations having the force of law.</u>	41224
<u>(P) "Obligee" means any of the following:</u>	41225
<u>(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;</u>	41226
<u>(2) A foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee in place of child support;</u>	41227
<u>(3) An individual seeking a judgment determining parentage of the individual's child;</u>	41228
<u>(4) A person that is a creditor in a proceeding under sections 3115.701 to 3115.713 of the Revised Code.</u>	41229
<u>(O) "Obligor" means an individual, or the estate of a decedent, to whom or to which any of the following applies:</u>	41230
<u>(1) The individual or estate owes or is alleged to owe a duty of support.</u>	41231
<u>(2) The individual or decedent is alleged but has not been adjudicated to be a parent of a child.</u>	41232
<u>(3) The individual or estate is liable under a support order.</u>	41233
<u>(4) The individual or estate is a debtor in a proceeding under sections 3115.701 to 3115.713 of the Revised Code.</u>	41234
<u>(R) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.</u>	41235
<u>(S) "Person" means an individual, corporation, business</u>	41236
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trust, estate, trust, partnership, limited liability company, 41252  
association, joint venture, public corporation, government or 41253  
governmental subdivision, agency, or instrumentality, or any other 41254  
legal or commercial entity. 41255

(T) "Record" means information that is inscribed on a 41256  
tangible medium or that is stored in an electronic or other medium 41257  
and is retrievable in perceivable form. 41258

(U) "Register" means to file in a tribunal of this state a 41259  
support order or judgment determining parentage of a child issued 41260  
in another state or a foreign country. 41261

(V) "Registering tribunal" means a tribunal in which a 41262  
support order or judgment determining parentage of a child is 41263  
registered. 41264

(W) "Responding state" means a state in which a petition or 41265  
comparable pleading for support or to determine parentage of a 41266  
child is filed or to which a petition or comparable pleading is 41267  
forwarded for filing from another state or a foreign country. 41268

(X) "Responding tribunal" means the authorized tribunal in a 41269  
responding state or foreign country. 41270

(Y) "Spousal-support order" means a support order for a 41271  
spouse or former spouse of the obligor. 41272

(Z) "State" means a state of the United States, the District 41273  
of Columbia, Puerto Rico, the United States Virgin Islands, or any 41274  
territory or insular possession under the jurisdiction of the 41275  
United States. The term includes an Indian nation or tribe. 41276

(AA) "Support enforcement agency" means a public official, 41277  
governmental entity, or private agency authorized to do any of the 41278  
following: 41279

(1) Seek enforcement of support orders or laws relating to 41280  
the duty of support; 41281

<u>(2) Seek establishment or modification of child support;</u>	41282
<u>(3) Request determination of parentage of a child;</u>	41283
<u>(4) Attempt to locate obligors or their assets; or</u>	41284
<u>(5) Request determination of the controlling child-support order.</u>	41285 41286
<u>(BB) "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. "Support order" may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.</u>	41287 41288 41289 41290 41291 41292 41293 41294 41295
<u>(CC) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.</u>	41296 41297 41298
<u>Sec. 3115.103. (A) For purposes of carrying out the duties and responsibilities under this chapter, the juvenile court or the division of the court of common pleas that has jurisdiction over disputes arising under this chapter is the tribunal of this state and for the purposes of initiating a petition an agency designated under section 3125.10 of the Revised Code is also a tribunal of this state.</u>	41299 41300 41301 41302 41303 41304 41305
<u>(B) The agencies designated under section 3125.10 of the Revised Code are the support enforcement agencies of this state.</u>	41306 41307
<u>Sec. 3115.104. (A) Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the</u>	41308 41309 41310

<u>basis of comity.</u>	41311
<u>(B) This chapter does not do either of the following:</u>	41312
<u>(1) Provide the exclusive method of establishing or enforcing</u>	41313
<u>a support order under the law of this state;</u>	41314
<u>(2) Grant a tribunal of this state jurisdiction to render</u>	41315
<u>judgment or issue an order relating to child custody or visitation</u>	41316
<u>in a proceeding under this chapter.</u>	41317
<u>Sec. 3115.105. (A) A tribunal of this state shall apply</u>	41318
<u>sections 3115.102 to 3115.616 of the Revised Code and, as</u>	41319
<u>applicable, sections 3115.701 to 3115.713 of the Revised Code, to</u>	41320
<u>a support proceeding involving any of the following:</u>	41321
<u>(1) A foreign support order;</u>	41322
<u>(2) A foreign tribunal;</u>	41323
<u>(3) An obligee, obligor, or child residing in a foreign</u>	41324
<u>country.</u>	41325
<u>(B) A tribunal of this state that is requested to recognize</u>	41326
<u>and enforce a support order on the basis of comity may apply the</u>	41327
<u>procedural and substantive provisions of sections 3115.102 to</u>	41328
<u>3115.616 of the Revised Code.</u>	41329
<u>(C) Sections 3115.701 to 3115.713 of the Revised Code apply</u>	41330
<u>only to a support proceeding under the convention. In such a</u>	41331
<u>proceeding, if a provision of sections 3115.701 to 3115.713 of the</u>	41332
<u>Revised Code is inconsistent with sections 3115.102 to 3115.616 of</u>	41333
<u>the Revised Code, sections 3115.701 to 3115.713 of the Revised</u>	41334
<u>Code control.</u>	41335
<u>Sec. 3115.201. (A) In a proceeding to establish or enforce a</u>	41336
<u>support order or to determine parentage of a child, a tribunal or</u>	41337
<u>support enforcement agency of this state may exercise personal</u>	41338



jurisdiction over a nonresident individual if any of the following 41339  
apply: 41340

(1) The individual is personally served with summons within 41341  
this state. 41342

(2) The individual submits to the jurisdiction of this state 41343  
by consent in a record, by entering a general appearance, or by 41344  
filing a responsive document having the effect of waiving any 41345  
contest to personal jurisdiction. 41346

(3) The individual resided with the child in this state. 41347

(4) The individual resided in this state and provided 41348  
prenatal expenses or support for the child. 41349

(5) The child resides in this state as a result of the acts 41350  
or directives of the individual. 41351

(6) The individual engaged in sexual intercourse in this 41352  
state and the child may have been conceived by that act of 41353  
intercourse. 41354

(7) The individual asserted parentage of a child in the 41355  
putative father registry maintained in this state by the 41356  
department of job and family services. 41357

(8) There is any other basis consistent with the 41358  
Constitutions of this state and the United States for the exercise 41359  
of personal jurisdiction. 41360

(B) The bases of personal jurisdiction set forth in division 41361  
(A) of this section or in any other law of this state may not be 41362  
used to acquire personal jurisdiction for a tribunal of this state 41363  
to modify a child-support order of another state unless the 41364  
requirements of section 3115.611 of the Revised Code are met or, 41365  
in the case of a foreign support order, unless the requirements of 41366  
section 3115.615 of the Revised Code are met. 41367

Sec. 3115.202. Personal jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 3115.205, 3115.206, and 3115.211 of the Revised Code.

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Sec. 3115.203. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or a foreign country.

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Sec. 3115.204. (A) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

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(1) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

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(2) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country.

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(3) If relevant, this state is the home state of the child.

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(B) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

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(1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed

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in this state for filing a responsive pleading challenging the 41397  
exercise of jurisdiction by this state. 41398

(2) The contesting party timely challenges the exercise of 41399  
jurisdiction in this state. 41400

(3) If relevant, the other state or foreign country is the 41401  
home state of the child. 41402

**Sec. 3115.205.** (A) A tribunal of this state that has issued a 41403  
child-support order consistent with the law of this state has and 41404  
shall exercise continuing, exclusive jurisdiction to modify its 41405  
child-support order if the order is the controlling order and 41406  
either of the following applies: 41407

(1) At the time of the filing of a request for modification, 41408  
this state is the residence of the obligor, the individual 41409  
obligee, or the child for whose benefit the support order is 41410  
issued. 41411

(2) Even if this state is not the residence of the obligor, 41412  
the individual obligee, or the child for whose benefit the support 41413  
order is issued, the parties consent in a record or in open court 41414  
that the tribunal of this state may continue to exercise 41415  
jurisdiction to modify its order. 41416

(B) A tribunal or support enforcement agency of this state 41417  
that has issued a child-support order consistent with the law of 41418  
this state may not exercise continuing, exclusive jurisdiction to 41419  
modify the order if either of the following applies: 41420

(1) All of the parties who are individuals file consent in a 41421  
record with the tribunal of this state that a tribunal of another 41422  
state that has jurisdiction over at least one of the parties who 41423  
is an individual or that is located in the state of residence of 41424  
the child may modify the order and assume continuing, exclusive 41425  
jurisdiction. 41426

<u>(2) Its order is not the controlling order.</u>	41427
<u>(C) If a tribunal of another state has issued a child-support order pursuant to the uniform interstate family support act or a law substantially similar to that act that modifies a child-support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.</u>	41428 41429 41430 41431 41432 41433
<u>(D) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.</u>	41434 41435 41436 41437
<u>(E) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.</u>	41438 41439 41440
<u>Sec. 3115.206. (A) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce either of the following:</u>	41441 41442 41443 41444
<u>(1) The order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to its uniform interstate family support act;</u>	41445 41446 41447 41448
<u>(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.</u>	41449 41450 41451
<u>(B) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.</u>	41452 41453 41454
<u>Sec. 3115.207. (A) If a proceeding is brought under this</u>	41455

chapter and only one tribunal has issued a child-support order, 41456  
the order of that tribunal controls and must be recognized. 41457

(B) If a proceeding is brought under this chapter and two or 41458  
more child-support orders have been issued by tribunals of this 41459  
state, another state, or a foreign country with regard to the same 41460  
obligor and same child, a court of this state having personal 41461  
jurisdiction over both the obligor and individual obligee shall 41462  
apply the following rules and by order shall determine which order 41463  
controls and must be recognized: 41464

(1) If only one of the tribunals would have continuing, 41465  
exclusive jurisdiction under this chapter, the order of that 41466  
tribunal controls. 41467

(2) If more than one of the tribunals would have continuing, 41468  
exclusive jurisdiction under this chapter, whichever of the 41469  
following is relevant applies: 41470

(a) An order issued by a tribunal in the current home state 41471  
of the child controls; 41472

(b) If an order has not been issued in the current home state 41473  
of the child, the order most recently issued controls. 41474

(3) If none of the tribunals would have continuing, exclusive 41475  
jurisdiction under this chapter, the court of this state shall 41476  
issue a child-support order, which order controls. 41477

(C) If two or more child-support orders have been issued for 41478  
the same obligor and same child, upon request of a party who is an 41479  
individual or that is a support enforcement agency, a court of 41480  
this state having personal jurisdiction over both the obligor and 41481  
the obligee who is an individual shall determine which order 41482  
controls under division (B) of this section. The request may be 41483  
filed with a registration for enforcement or registration for 41484  
modification pursuant to sections 3115.601 to 3115.616 of the 41485

Revised Code, or may be filed as a separate proceeding. 41486

(D) A request to determine which is the controlling order 41487  
must be accompanied by a copy of every child-support order in 41488  
effect and the applicable record of payments. The requesting party 41489  
shall give notice of the request to each party whose rights may be 41490  
affected by the determination. 41491

(E) The tribunal that issued the controlling order under 41492  
division (A), (B), or (C) of this section has continuing 41493  
jurisdiction to the extent provided in section 3115.205 or 41494  
3115.206 of the Revised Code. 41495

(F) A court of this state that determines by order which is 41496  
the controlling order under division (B)(1) or (2) of this 41497  
section, or that issues a new controlling order under division 41498  
(B)(3) of this section, shall state all of the following in that 41499  
order: 41500

(1) The basis upon which the court made its determination; 41501

(2) The amount of prospective support, if any; 41502

(3) The total amount of consolidated arrears and accrued 41503  
interest, if any, under all of the orders after all payments made 41504  
are credited as provided by section 3115.209 of the Revised Code. 41505

(G) Within thirty days after issuance of an order determining 41506  
which is the controlling order, the party obtaining the order 41507  
shall file a certified copy of it in each tribunal that issued or 41508  
registered an earlier order of child support. A party or support 41509  
enforcement agency obtaining the order that fails to file a 41510  
certified copy is subject to appropriate sanctions by a tribunal 41511  
in which the issue of failure to file arises. The failure to file 41512  
does not affect the validity or enforceability of the controlling 41513  
order. 41514

(H) An order that has been determined to be the controlling 41515

order, or a judgment for consolidated arrears of support and 41516  
interest, if any, made pursuant to this section must be recognized 41517  
in proceedings under this chapter. 41518

Sec. 3115.208. In responding to registrations or petitions 41519  
for enforcement of two or more child-support orders in effect at 41520  
the same time with regard to the same obligor and different 41521  
individual obligees, at least one of which was issued by a 41522  
tribunal of another state or a foreign country, a tribunal of this 41523  
state shall enforce those orders in the same manner as if the 41524  
orders had been issued by a tribunal of this state. 41525

Sec. 3115.209. A tribunal of this state shall credit amounts 41526  
collected for a particular period pursuant to any child-support 41527  
order against the amounts owed for the same period under any other 41528  
child-support order for support of the same child issued by a 41529  
tribunal of this state, another state, or a foreign country. 41530

Sec. 3115.210. A tribunal of this state exercising personal 41531  
jurisdiction over a nonresident in a proceeding under this 41532  
chapter, under other law of this state relating to a support 41533  
order, or recognizing a foreign support order may receive evidence 41534  
from outside this state pursuant to section 3115.316 of the 41535  
Revised Code, communicate with a tribunal outside this state 41536  
pursuant to section 3115.317 of the Revised Code, and obtain 41537  
discovery through a tribunal outside this state pursuant to 41538  
section 3115.318 of the Revised Code. In all other respects, 41539  
sections 3115.301 to 3115.616 of the Revised Code do not apply, 41540  
and the tribunal shall apply the procedural and substantive law of 41541  
this state. 41542

Sec. 3115.211. (A) A tribunal of this state issuing a 41543  
spousal-support order consistent with the law of this state has 41544

continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation. 41545  
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(B) A tribunal of this state may not modify a spousal-support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country. 41547  
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(C) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal-support order may serve as either of the following: 41551  
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(1) An initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in this state; 41554  
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(2) A responding tribunal to enforce or modify its own spousal-support order. 41556  
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**Sec. 3115.301.** (A) Except as otherwise provided in this chapter, sections 3115.301 to 3115.319 of the Revised Code apply to all proceedings under this chapter. 41558  
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(B) An individual petitioner or a support enforcement agency may initiate a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country that has or can obtain personal jurisdiction over the respondent. 41561  
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**Sec. 3115.302.** A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child. 41568  
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**Sec. 3115.303.** Except as otherwise provided in this chapter, a responding tribunal of this state shall do both of the 41571  
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<u>following:</u>	41573
<u>(A) Apply the procedural and substantive law generally</u>	41574
<u>applicable to similar proceedings originating in this state and</u>	41575
<u>may exercise all powers and provide all remedies available in</u>	41576
<u>those proceedings;</u>	41577
<u>(B) Determine the duty of support and the amount payable in</u>	41578
<u>accordance with the law and support guidelines of this state.</u>	41579
<b><u>Sec. 3115.304.</u></b> <u>(A) Upon the filing of a petition authorized</u>	41580
<u>by this chapter, an initiating tribunal of this state shall</u>	41581
<u>forward the petition and its accompanying documents to whichever</u>	41582
<u>of the following is relevant:</u>	41583
<u>(1) The responding tribunal or appropriate support</u>	41584
<u>enforcement agency in the responding state;</u>	41585
<u>(2) If the identity of the responding tribunal is unknown,</u>	41586
<u>the state information agency of the responding state with a</u>	41587
<u>request that they be forwarded to the appropriate tribunal and</u>	41588
<u>that receipt be acknowledged.</u>	41589
<u>(B) If requested by the responding tribunal, a tribunal of</u>	41590
<u>this state shall issue a certificate or other document and make</u>	41591
<u>findings required by the law of the responding state. If the</u>	41592
<u>responding tribunal is in a foreign country, upon request the</u>	41593
<u>tribunal of this state shall specify the amount of support sought,</u>	41594
<u>convert that amount into the equivalent amount in the foreign</u>	41595
<u>currency under applicable official or market exchange rate as</u>	41596
<u>publicly reported, and provide any other documents necessary to</u>	41597
<u>satisfy the requirements of the responding foreign tribunal.</u>	41598
<b><u>Sec. 3115.305.</u></b> <u>(A) When a responding support enforcement</u>	41599
<u>agency of this state receives a petition or comparable pleading</u>	41600
<u>from an initiating tribunal or directly pursuant to division (B)</u>	41601

of section 3115.301 of the Revised Code, it shall cause the 41602  
petition or pleading to be filed and notify the petitioner where 41603  
and when it was filed. 41604

(B) A responding tribunal of this state, to the extent not 41605  
prohibited by other law, may do one or more of the following: 41606

(1) Establish or enforce a support order, modify a 41607  
child-support order, determine the controlling child-support 41608  
order, or determine parentage of a child; 41609

(2) Order an obligor to comply with a support order, 41610  
specifying the amount and the manner of compliance; 41611

(3) Order income withholding; 41612

(4) Determine the amount of any arrearages and specify a 41613  
method of payment; 41614

(5) Enforce orders by civil or criminal contempt or both; 41615

(6) Set aside property for satisfaction of the support order; 41616

(7) Place liens and order execution on the obligor's 41617  
property; 41618

(8) Order an obligor to keep the tribunal informed of the 41619  
obligor's current residential address, electronic-mail address, 41620  
telephone number, employer, address of employment, and telephone 41621  
number at the place of employment; 41622

(9) Issue a capias for an obligor who has failed after proper 41623  
notice to appear at a hearing ordered by the tribunal and enter 41624  
the capias in any local and state computer systems for criminal 41625  
warrants; 41626

(10) Order the obligor to seek appropriate employment by 41627  
specified methods; 41628

(11) Award reasonable attorney's fees and other fees and 41629  
costs; 41630

(12) Grant any other available remedy. 41631

(C) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based. 41632  
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(D) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation. 41636  
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(E) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any. 41639  
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(F) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported. 41643  
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Sec. 3115.306. If a petition or comparable pleading is received by an inappropriate tribunal or support enforcement agency of this state, the tribunal or support enforcement agency shall forward the pleading and accompanying documents to an appropriate tribunal or support enforcement agency of this state or another state and notify the petitioner where and when the pleading was sent. 41649  
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Sec. 3115.307. (A) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter. 41656  
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(B) A support enforcement agency of this state that is providing services to the petitioner shall do all of the 41659  
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- following: 41661
- (1) Take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent; 41662  
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- (2) Request an appropriate tribunal to set a date, time, and place for a hearing; 41665  
41666
- (3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties; 41667  
41668  
41669
- (4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner; 41670  
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41673
- (5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; 41674  
41675  
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- (6) Notify the petitioner if jurisdiction over the respondent cannot be obtained. 41678  
41679
- (C) A support enforcement agency of this state that requests registration of a child-support order in this state for enforcement or for modification shall make reasonable efforts to do whichever of the following is relevant: 41680  
41681  
41682  
41683
- (1) Ensure that the order to be registered is the controlling order; 41684  
41685
- (2) If two or more child-support orders exist and the identity of the controlling order has not been determined, ensure that a request for such a determination is made in a tribunal having jurisdiction to do so. 41686  
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- (D) A support enforcement agency of this state that requests 41690

registration and enforcement of a support order, arrears, or 41691  
judgment stated in a foreign currency shall convert the amounts 41692  
stated in the foreign currency into the equivalent amounts in 41693  
dollars under the applicable official or market exchange rate as 41694  
publicly reported. 41695

(E) A support enforcement agency of this state shall issue or 41696  
request a tribunal of this state to issue a child-support order 41697  
and an income-withholding order that redirect payment of current 41698  
support, arrears, and interest if requested to do so by a support 41699  
enforcement agency of another state pursuant to section 3115.319 41700  
of the Revised Code. 41701

(F) This chapter does not create or negate a relationship of 41702  
attorney and client or other fiduciary relationship between a 41703  
support enforcement agency or the attorney for the agency and the 41704  
individual being assisted by the agency. 41705

**Sec. 3115.308.** (A) If the department of job and family 41706  
services determines that the support enforcement agency is 41707  
neglecting or refusing to provide services to an individual, the 41708  
department may order the agency to perform its duties under this 41709  
chapter or may provide those services directly to the individual. 41710

(B) The department of job and family services may determine 41711  
that a foreign country has established a reciprocal arrangement 41712  
for child support with this state and take appropriate action for 41713  
notification of the determination. 41714

**Sec. 3115.309.** An individual may employ private counsel to 41715  
represent the individual in proceedings authorized by this 41716  
chapter. 41717

**Sec. 3115.310.** (A) The department of job and family services 41718  
is the state information agency under this chapter. 41719

(B) The state information agency shall do all of the 41720  
following: 41721

(1) Compile and maintain a current list, including addresses, 41722  
of the tribunals in this state that have jurisdiction under this 41723  
chapter and any support enforcement agencies in this state and 41724  
transmit a copy to the state information agency of every other 41725  
state; 41726

(2) Maintain a register of names and addresses of tribunals 41727  
and support enforcement agencies received from other states; 41728

(3) Forward to the appropriate support enforcement agency in 41729  
the county in this state in which the obligee who is an individual 41730  
or the obligor resides, or in which the obligor's property is 41731  
believed to be located, all documents concerning a proceeding 41732  
under this chapter received from another state or a foreign 41733  
country; 41734

(4) Obtain information concerning the location of the obligor 41735  
and the obligor's property within this state not exempt from 41736  
execution, by such means as postal verification and federal or 41737  
state locator services, examination of telephone directories, 41738  
requests for the obligor's address from employers, and examination 41739  
of governmental records, including, to the extent not prohibited 41740  
by other law, those relating to real property, vital statistics, 41741  
law enforcement, taxation, motor vehicles, driver's licenses, and 41742  
social security. 41743

**Sec. 3115.311.** (A) In a proceeding under this chapter, a 41744  
petitioner seeking to establish a support order, to determine 41745  
parentage of a child, or to register and modify a support order of 41746  
a tribunal of another state or a foreign country must file a 41747  
petition. Unless otherwise ordered under section 3115.312 of the 41748  
Revised Code, the petition or accompanying documents must provide, 41749  
so far as known, the name, residential address, and social 41750

security numbers of the obligor and the obligee or the parent and 41751  
alleged parent, and the name, sex, residential address, social 41752  
security number, and date of birth of each child for whose benefit 41753  
support is sought or whose parentage is to be determined. Unless 41754  
filed at the time of registration, the petition must be 41755  
accompanied by a copy of any support order known to have been 41756  
issued by another tribunal. The petition may include any other 41757  
information that may assist in locating or identifying the 41758  
respondent. 41759

(B) The petition must specify the relief sought. The petition 41760  
and accompanying documents must conform substantially to the 41761  
requirements imposed by the forms mandated by federal law for use 41762  
in cases filed by a support enforcement agency. 41763

Sec. 3115.312. If a party alleges in an affidavit or a 41764  
pleading under oath that the health, safety, or liberty of a party 41765  
or child would be jeopardized by disclosure of specific 41766  
identifying information, that information must be sealed and may 41767  
not be disclosed to the other party or the public. After a hearing 41768  
in which a tribunal takes into consideration the health, safety, 41769  
or liberty of the party or child, the tribunal may order 41770  
disclosure of information that the tribunal determines to be in 41771  
the interest of justice. 41772

Sec. 3115.313. (A) The petitioner may not be required to pay 41773  
a filing fee or other costs. 41774

(B) If an obligee prevails, a responding tribunal of this 41775  
state may assess against an obligor filing fees, reasonable 41776  
attorney's fees, other costs, and necessary travel and other 41777  
reasonable expenses incurred by the obligee and the obligee's 41778  
witnesses. The tribunal may not assess fees, costs, or expenses 41779  
against the obligee or the support enforcement agency of either 41780

the initiating or responding state or foreign country, except as 41781  
provided by other law. Attorney's fees may be taxed as costs, and 41782  
may be ordered paid directly to the attorney, who may enforce the 41783  
order in the attorney's own name. Payment of support owed to the 41784  
obligee has priority over fees, costs, and expenses. 41785

(C) The tribunal shall order the payment of costs and 41786  
reasonable attorney's fees if it determines that a hearing was 41787  
requested primarily for delay. In a proceeding under sections 41788  
3115.601 to 3115.616 of the Revised Code, a hearing is presumed to 41789  
have been requested primarily for delay if a registered support 41790  
order is confirmed or enforced without change. 41791

**Sec. 3115.314.** (A) Participation by a petitioner in a 41792  
proceeding under this chapter before a responding tribunal, 41793  
whether in person, by private attorney, or through services 41794  
provided by the support enforcement agency, does not confer 41795  
personal jurisdiction over the petitioner in another proceeding. 41796

(B) A petitioner is not amenable to service of civil process 41797  
while physically present in this state to participate in a 41798  
proceeding under this chapter. 41799

(C) The immunity granted by this section does not extend to 41800  
civil litigation based on acts unrelated to a proceeding under 41801  
this chapter committed by a party while physically present in this 41802  
state to participate in the proceeding. 41803

**Sec. 3115.315.** A party whose parentage of a child has been 41804  
previously determined by or pursuant to law may not plead 41805  
nonparentage as a defense to a proceeding under this chapter. 41806

**Sec. 3115.316.** (A) The physical presence of a nonresident 41807  
party who is an individual in a tribunal of this state is not 41808  
required for the establishment, enforcement, or modification of a 41809



support order or the rendition of a judgment determining parentage of a child. 41810  
41811

(B) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state. 41812  
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(C) A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made. 41818  
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(D) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary. 41823  
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(E) Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission. 41828  
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(F) In a proceeding under this chapter, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal or support enforcement agency of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony. 41833  
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(G) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal. 41841  
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(H) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter. 41845  
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(I) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter. 41847  
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(J) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child. 41850  
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Sec. 3115.317. A tribunal of this state may communicate with a tribunal outside this state in a record or by telephone, electronic mail, or other means to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal and the status of a proceeding. A tribunal of this state may furnish similar information by similar means to a tribunal outside this state. 41852  
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Sec. 3115.318. A tribunal of this state may do both of the following: 41859  
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(A) Request a tribunal outside this state to assist in obtaining discovery; 41861  
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(B) Upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside this state. 41863  
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Sec. 3115.319. (A) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of 41866  
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another state or a foreign country a certified statement by the 41870  
custodian of the record of the amounts and dates of all payments 41871  
received. 41872

(B) If neither the obligor, nor the obligee who is an 41873  
individual, nor the child resides in this state, upon request from 41874  
the support enforcement agency of this state or another state, the 41875  
support enforcement agency of this state or a tribunal of this 41876  
state shall do both of the following: 41877

(1) Direct that the support payment be made to the support 41878  
enforcement agency in the state in which the obligee is receiving 41879  
services; and 41880

(2) Issue and send to the obligor's employer or other payor a 41881  
conforming income-withholding order or an administrative notice of 41882  
change of payee, reflecting the redirected payments. 41883

(C) The support enforcement agency of this state receiving 41884  
redirected payments from another state pursuant to a law similar 41885  
to division (B) of this section shall furnish to a requesting 41886  
party or tribunal of the other state a certified statement by the 41887  
custodian of the record of the amount and dates of all payments 41888  
received. 41889

**Sec. 3115.401.** (A) If a support order entitled to recognition 41890  
under this chapter has not been issued, a responding tribunal of 41891  
this state with personal jurisdiction over the parties may issue a 41892  
support order if either of the following applies: 41893

(1) The individual seeking the order resides outside this 41894  
state. 41895

(2) The support enforcement agency seeking the order is 41896  
located outside this state. 41897

(B) The tribunal may issue a temporary child-support order if 41898

<u>the tribunal determines that such an order is appropriate and the</u>	41899
<u>individual ordered to pay is any of the following:</u>	41900
<u>(1) A presumed father of the child;</u>	41901
<u>(2) Petitioning to have his paternity adjudicated;</u>	41902
<u>(3) Identified as the father of the child through genetic</u>	41903
<u>testing;</u>	41904
<u>(4) An alleged father who has declined to submit to genetic</u>	41905
<u>testing;</u>	41906
<u>(5) Shown by clear and convincing evidence to be the father</u>	41907
<u>of the child;</u>	41908
<u>(6) An acknowledged father as provided by section 3111.20 to</u>	41909
<u>3111.35 of the Revised Code;</u>	41910
<u>(7) The mother of the child;</u>	41911
<u>(8) An individual who has been ordered to pay child support</u>	41912
<u>in a previous proceeding and the order has not been reversed or</u>	41913
<u>vacated.</u>	41914
<u>(C) Upon finding, after notice and opportunity to be heard,</u>	41915
<u>that an obligor owes a duty of support, the tribunal shall issue a</u>	41916
<u>support order directed to the obligor and may issue other orders</u>	41917
<u>pursuant to section 3115.305 of the Revised Code.</u>	41918
<u>Sec. 3115.402. A tribunal of this state authorized to</u>	41919
<u>determine parentage of a child may serve as a responding tribunal</u>	41920
<u>in a proceeding to determine parentage of a child brought under</u>	41921
<u>this chapter or a law or procedure substantially similar to this</u>	41922
<u>chapter.</u>	41923
<u>Sec. 3115.501. An income-withholding order issued in another</u>	41924
<u>state may be sent by or on behalf of the obligee, or by the</u>	41925
<u>support enforcement agency, to the person defined as the obligor's</u>	41926

employer or other payor under Chapter 3121. of the Revised Code 41927  
without first filing a petition or comparable pleading or 41928  
registering the order with a tribunal of this state. 41929

Sec. 3115.502. (A) Upon receipt of an income-withholding 41930  
order, the obligor's employer or other payor shall immediately 41931  
provide a copy of the order to the obligor. 41932

(B) The employer or other payor shall treat an 41933  
income-withholding order issued in another state that appears 41934  
regular on its face as if it had been issued by a tribunal of this 41935  
state. 41936

(C) Except as otherwise provided in division (D) of this 41937  
section and section 3115.503 of the Revised Code, the employer or 41938  
other payor shall withhold and distribute the funds as directed in 41939  
the withholding order by complying with terms of the order that 41940  
specify any of the following: 41941

(1) The duration and amount of periodic payments of current 41942  
child support, stated as a sum certain; 41943

(2) The person designated to receive payments and the address 41944  
to which the payments are to be forwarded; 41945

(3) Medical support, whether in the form of periodic cash 41946  
payment, stated as a sum certain, or ordering the obligor to 41947  
provide health insurance coverage for the child under a policy 41948  
available through the obligor's employment; 41949

(4) The amount of periodic payments of fees and costs for a 41950  
support enforcement agency, the issuing tribunal, and the 41951  
obligee's attorney, stated as sums certain; 41952

(5) The amount of periodic payments of arrearages and 41953  
interest on arrearages, stated as sums certain. 41954

(D) An employer or other payor shall comply with the law of 41955

the state of the obligor's principal place of employment for 41956  
withholding from income with respect to all of the following: 41957

(1) The employer's or other payor's fee for processing an 41958  
income-withholding order; 41959

(2) The maximum amount permitted to be withheld from the 41960  
obligor's income; 41961

(3) The times within which the employer or other payor must 41962  
implement the withholding order and forward the child-support 41963  
payment. 41964

**Sec. 3115.503.** If an obligor's employer or other payor 41965  
receives two or more income-withholding orders with respect to the 41966  
earnings of the same obligor, the employer or other payor 41967  
satisfies the terms of the orders if the employer or other payor 41968  
complies with the law of the state of the obligor's principal 41969  
place of employment to establish the priorities for withholding 41970  
and allocating income withheld for two or more child-support 41971  
obligees. 41972

**Sec. 3115.504.** An employer or other payor that complies with 41973  
an income-withholding order issued in another state in accordance 41974  
with sections 3115.501 to 3115.507 of the Revised Code is not 41975  
subject to civil liability to an individual or agency with regard 41976  
to the employer's or other payor's withholding of child support 41977  
from the obligor's income. 41978

**Sec. 3115.505.** An employer or other payor that willfully 41979  
fails to comply with an income-withholding order issued in another 41980  
state and received for enforcement is subject to the same 41981  
penalties that may be imposed for noncompliance with an order 41982  
issued by a tribunal of this state. 41983

Sec. 3115.506. (A) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer or other payor in this state by registering the order in a court of this state and filing a contest to that order as provided in sections 3115.601 to 3115.616 of the Revised Code, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. 41984  
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(B) The obligor shall give notice of the contest to all of the following: 41992  
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(1) A support enforcement agency providing services to the obligee; 41994  
41995

(2) Each employer or other payor that has directly received an income-withholding order relating to the obligor; 41996  
41997

(3) The person designated to receive payments in the income-withholding order or, if no person is designated, the obligee. 41998  
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Sec. 3115.507. (A) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state. 42001  
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(B) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order 42006  
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42008  
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pursuant to this chapter. 42014

Sec. 3115.601. A support order or income-withholding order 42015  
issued in another state or a foreign support order may be 42016  
registered in this state for enforcement. 42017

Sec. 3115.602. (A) Except as otherwise provided in section 42018  
3115.706 of the Revised Code, a support order or 42019  
income-withholding order of another state or a foreign support 42020  
order may be registered in this state by sending the following 42021  
records to the appropriate tribunal in this state: 42022

(1) A letter of transmittal to the tribunal requesting 42023  
registration and enforcement; 42024

(2) Two copies, including one certified copy, of the order to 42025  
be registered, including any modification of the order; 42026

(3) A sworn statement by the person requesting registration 42027  
or a certified statement by the custodian of the records showing 42028  
the amount of any arrearage; 42029

(4) The name of the obligor and, if known, all of the 42030  
following: 42031

(a) The obligor's address and social security number; 42032

(b) The name and address of the obligor's employer or other 42033  
payor and any other source of income of the obligor; 42034

(c) A description and the location of property of the obligor 42035  
in this state not exempt from execution. 42036

(5) Except as otherwise provided in section 3115.312 of the 42037  
Revised Code, the name and address of the obligee and, if 42038  
applicable, the person to whom support payments are to be 42039  
remitted. 42040

(B) On receipt of a request for registration, the registering 42041



tribunal shall cause the order to be filed as an order of a 42042  
tribunal of another state or a foreign support order, together 42043  
with one copy of the documents and information, regardless of 42044  
their form. 42045

(C) A petition or comparable pleading seeking a remedy that 42046  
must be affirmatively sought under other law of this state may be 42047  
filed at the same time as the request for registration or later. 42048  
The pleading must specify the grounds for the remedy sought. 42049

(D) If two or more orders are in effect, the person 42050  
requesting registration shall do all of the following: 42051

(1) Furnish to the tribunal a copy of every support order 42052  
asserted to be in effect in addition to the documents specified in 42053  
this section; 42054

(2) Specify the order alleged to be the controlling order, if 42055  
any; and 42056

(3) Specify the amount of consolidated arrears, if any. 42057

(E) A request for a determination of which is the controlling 42058  
order may be filed separately or with a request for registration 42059  
and enforcement or for registration and modification. The person 42060  
requesting registration shall give notice of the request to each 42061  
party whose rights may be affected by the determination. 42062

**Sec. 3115.603.** (A) A support order or income-withholding 42063  
order issued in another state or a foreign support order is 42064  
registered when the order is filed in the registering tribunal of 42065  
this state. 42066

(B) A registered support order issued in another state or a 42067  
foreign country is enforceable in the same manner and is subject 42068  
to the same procedures as an order issued by a tribunal of this 42069  
state. 42070

(C) Except as otherwise provided in this chapter, a tribunal 42071

of this state shall recognize and enforce, but may not modify, a 42072  
registered support order if the issuing tribunal had jurisdiction. 42073

**Sec. 3115.604.** (A) Except as otherwise provided in division 42074  
(D) of this section, the law of the issuing state or foreign 42075  
country governs all of the following: 42076

(1) The nature, extent, amount, and duration of current 42077  
payments under a registered support order; 42078

(2) The computation and payment of arrearages and accrual of 42079  
interest on the arrearages under the support order; 42080

(3) The existence and satisfaction of other obligations under 42081  
the support order. 42082

(B) In a proceeding for arrears under a registered support 42083  
order, the statute of limitation of this state, or of the issuing 42084  
state or foreign country, whichever is longer, applies. 42085

(C) A responding tribunal of this state shall apply the 42086  
procedures and remedies of this state to enforce current support 42087  
and collect arrears and interest due on a support order of another 42088  
state or a foreign country registered in this state. 42089

(D) After a tribunal of this state or another state 42090  
determines which is the controlling order and issues an order 42091  
consolidating arrears, if any, a tribunal of this state shall 42092  
prospectively apply the law of the state or foreign country 42093  
issuing the controlling order, including its law on interest on 42094  
arrears, on current and future support, and on consolidated 42095  
arrears. 42096

**Sec. 3115.605.** (A) When a support order or income-withholding 42097  
order issued in another state or a foreign support order is 42098  
registered, the registering tribunal of this state shall notify 42099  
the nonregistering party. The notice must be accompanied by a copy 42100

<u>of the registered order and the documents and relevant information</u>	42101
<u>accompanying the order.</u>	42102
<u>(B) A notice must inform the nonregistering party of all of</u>	42103
<u>the following:</u>	42104
<u>(1) That a registered support order is enforceable as of the</u>	42105
<u>date of registration in the same manner as an order issued by a</u>	42106
<u>tribunal of this state;</u>	42107
<u>(2) That a hearing to contest the validity or enforcement of</u>	42108
<u>the registered order must be requested within twenty days after</u>	42109
<u>notice unless the registered order is under section 3115.707 of</u>	42110
<u>the Revised Code;</u>	42111
<u>(3) That failure to contest the validity or enforcement of</u>	42112
<u>the registered order in a timely manner will result in</u>	42113
<u>confirmation of the order and enforcement of the order and the</u>	42114
<u>alleged arrearages;</u>	42115
<u>(4) The amount of any alleged arrearages.</u>	42116
<u>(C) If the registering party asserts that two or more orders</u>	42117
<u>are in effect, a notice must also do all of the following:</u>	42118
<u>(1) Identify the two or more orders and the order alleged by</u>	42119
<u>the registering party to be the controlling order and the</u>	42120
<u>consolidated arrears, if any;</u>	42121
<u>(2) Notify the nonregistering party of the right to a</u>	42122
<u>determination of which is the controlling order;</u>	42123
<u>(3) State that the procedures provided in division (B) of</u>	42124
<u>this section apply to the determination of which is the</u>	42125
<u>controlling order;</u>	42126
<u>(4) State that failure to contest the validity or enforcement</u>	42127
<u>of the order alleged to be the controlling order in a timely</u>	42128
<u>manner may result in confirmation that the order is the</u>	42129

controlling order. 42130

(D) Upon registration of an income-withholding order for 42131  
enforcement, the support enforcement agency or the registering 42132  
tribunal shall notify the obligor's employer or other payor 42133  
pursuant to Chapter 3121. of the Revised Code. 42134

**Sec. 3115.606.** (A) A nonregistering party seeking to contest 42135  
the validity or enforcement of a registered support order in this 42136  
state shall request a hearing within the time required by section 42137  
3115.605 of the Revised Code. The nonregistering party may seek to 42138  
vacate the registration, to assert any defense to an allegation of 42139  
noncompliance with the registered order, or to contest the 42140  
remedies being sought or the amount of any alleged arrearages 42141  
pursuant to section 3115.607 of the Revised Code. 42142

(B) If the nonregistering party fails to contest the validity 42143  
or enforcement of the registered support order in a timely manner, 42144  
the order is confirmed by operation of law. 42145

(C) If a nonregistering party requests a hearing to contest 42146  
the validity or enforcement of the registered support order, the 42147  
registering tribunal shall schedule the matter for hearing and 42148  
give notice to the parties of the date, time, and place of the 42149  
hearing. 42150

**Sec. 3115.607.** (A) A party contesting the validity or 42151  
enforcement of a registered support order or seeking to vacate the 42152  
registration has the burden of proving one or more of the 42153  
following defenses: 42154

(1) The issuing tribunal lacked personal jurisdiction over 42155  
the contesting party. 42156

(2) The order was obtained by fraud. 42157

(3) The order has been vacated, suspended, or modified by a 42158

<u>later order.</u>	42159
<u>(4) The issuing tribunal has stayed the order pending appeal.</u>	42160
<u>(5) There is a defense under the law of this state to the remedy sought.</u>	42161 42162
<u>(6) Full or partial payment has been made.</u>	42163
<u>(7) The statute of limitation under section 3115.604 of the Revised Code precludes enforcement of some or all of the alleged arrearages.</u>	42164 42165 42166
<u>(8) The alleged controlling order is not the controlling order.</u>	42167 42168
<u>(B) If a party presents evidence establishing a full or partial defense under division (A) of this section, a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.</u>	42169 42170 42171 42172 42173 42174 42175
<u>(C) If the contesting party does not establish a defense under division (A) of this section to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.</u>	42176 42177 42178 42179
<u>Sec. 3115.608. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.</u>	42180 42181 42182 42183
<u>Sec. 3115.609. A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another state shall register that order in this state in the same manner provided in sections 3115.601 to 3115.608 of the</u>	42184 42185 42186 42187

Revised Code if the order has not been registered. A petition for 42188  
modification may be filed at the same time as a request for 42189  
registration, or later. The pleading must specify the grounds for 42190  
modification. 42191

Sec. 3115.610. A tribunal of this state may enforce a 42192  
child-support order of another state registered for purposes of 42193  
modification, in the same manner as if the order had been issued 42194  
by a tribunal of this state, but the registered support order may 42195  
be modified only if the requirements of section 3115.611 or 42196  
3115.613 of the Revised Code have been met. 42197

Sec. 3115.611. (A) If section 3115.613 of the Revised Code 42198  
does not apply, upon petition a tribunal of this state may modify 42199  
a child-support order issued in another state which is registered 42200  
in this state if, after notice and hearing, the tribunal finds 42201  
either of the following: 42202

(1) That all of the following requirements are met: 42203

(a) Neither the child, nor the obligee who is an individual, 42204  
nor the obligor resides in the issuing state; 42205

(b) A petitioner who is a nonresident of this state seeks 42206  
modification; and 42207

(c) The respondent is subject to the personal jurisdiction of 42208  
the tribunal of this state. 42209

(2) That this state is the residence of the child, or a party 42210  
who is an individual is subject to the personal jurisdiction of 42211  
the tribunal of this state, and all of the parties who are 42212  
individuals have filed consents in a record in the issuing 42213  
tribunal for a tribunal of this state to modify the support order 42214  
and assume continuing, exclusive jurisdiction. 42215

(B) Modification of a registered child-support order is 42216

subject to the same requirements, procedures, and defenses that 42217  
apply to the modification of an order issued by a tribunal of this 42218  
state and the order may be enforced and satisfied in the same 42219  
manner. 42220

(C) A tribunal of this state may not modify any aspect of a 42221  
child-support order that may not be modified under the law of the 42222  
issuing state, including the duration of the obligation of 42223  
support. If two or more tribunals have issued child-support orders 42224  
for the same obligor and same child, the order that controls and 42225  
must be so recognized under section 3115.207 of the Revised Code 42226  
establishes the aspects of the support order which are 42227  
nonmodifiable. 42228

(D) In a proceeding to modify a child-support order, the law 42229  
of the state that is determined to have issued the initial 42230  
controlling order governs the duration of the obligation of 42231  
support. The obligor's fulfillment of the duty of support 42232  
established by that order precludes imposition of a further 42233  
obligation of support by a tribunal of this state. 42234

(E) On the issuance of an order by a tribunal of this state 42235  
modifying a child-support order issued in another state, the 42236  
tribunal of this state becomes the tribunal having continuing, 42237  
exclusive jurisdiction. 42238

(F) Notwithstanding divisions (A) to (E) of this section and 42239  
division (B) of section 3115.201 of the Revised Code, a tribunal 42240  
of this state retains jurisdiction to modify an order issued by a 42241  
tribunal of this state if both of the following apply: 42242

(1) One party resides in another state. 42243

(2) The other party resides outside the United States. 42244

**Sec. 3115.612.** If a child-support order issued by a tribunal 42245  
of this state is modified by a tribunal of another state which 42246

assumed jurisdiction pursuant to its uniform interstate family support act, a tribunal of this state: 42247  
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(A) May enforce its order that was modified only as to arrears and interest accruing before the modification; 42249  
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(B) May provide appropriate relief for violations of its order that occurred before the effective date of the modification; 42251  
42252

(C) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement. 42253  
42254

**Sec. 3115.613.** (A) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a court of this state has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to register that order. 42255  
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(B) A court of this state exercising jurisdiction under this section shall apply the provisions of sections 3115.102 to 3115.211 and sections 3115.601 to 3115.616 of the Revised Code and the procedural and substantive law of this state to the proceeding for enforcement or modification. Sections 3115.301 to 3115.507 and sections 3115.701 to 3115.802 of the Revised Code do not apply. 42260  
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**Sec. 3115.614.** Within thirty days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive 42266  
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jurisdiction. 42276

**Sec. 3115.615.** (A) Except as otherwise provided in section 3115.711 of the Revised Code, if a foreign country lacks or refuses to exercise jurisdiction to modify its child-support order pursuant to its laws, a court of this state may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the court whether the consent to modification of a child-support order otherwise required of the individual pursuant to section 3115.611 of the Revised Code has been given or whether the individual seeking modification is a resident of this state or of the foreign country. 42277  
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(B) An order issued by a court of this state modifying a foreign child-support order pursuant to this section is the controlling order. 42288  
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**Sec. 3115.616.** A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child-support order not under the convention may register that order in this state under sections 3115.601 to 3115.608 of the Revised Code if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification. 42291  
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**Sec. 3115.701.** As used in sections 3115.701 to 3115.713 of the Revised Code: 42299  
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(A) "Application" means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority. 42301  
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(B) "Central authority" means the entity designated by the 42304

United States or a foreign country described in division (E)(4) of 42305  
section 3115.102 of the Revised Code to perform the functions 42306  
specified in the convention. 42307

(C) "Convention support order" means a support order of a 42308  
tribunal of a foreign country described in division (E)(4) of 42309  
section 3115.102 of the Revised Code. 42310

(D) "Direct request" means a petition filed by an individual 42311  
in a tribunal of this state in a proceeding involving an obligee, 42312  
obligor, or child residing outside the United States. 42313

(E) "Foreign central authority" means the entity designated 42314  
by a foreign country described in division (E)(4) of section 42315  
3115.102 of the Revised Code to perform the functions specified in 42316  
the convention. 42317

(F) "Foreign support agreement" means an agreement that meets 42318  
the following criteria: 42319

(1) It is an agreement for support in a record to which all 42320  
of the following apply: 42321

(a) It is enforceable as a support order in the country of 42322  
origin. 42323

(b) One of the following applies: 42324

(i) It has been formally drawn up or registered as an 42325  
authentic instrument by a foreign tribunal; or 42326

(ii) It has been authenticated by, or concluded, registered, 42327  
or filed with a foreign tribunal. 42328

(c) It may be reviewed and modified by a foreign tribunal. 42329

(2) It includes a maintenance arrangement or authentic 42330  
instrument under the convention. 42331

(G) "United States central authority" means the secretary of 42332  
the United States department of health and human services. 42333

Sec. 3115.702. Sections 3115.701 to 3115.713 of the Revised Code apply only to a support proceeding under the convention. In such a proceeding, if a provision of sections 3115.701 to 3115.713 of the Revised Code is inconsistent with sections 3115.102 to 3115.616 of the Revised Code, sections 3115.701 to 3115.713 control.

Sec. 3115.703. The department of job and family services is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Sec. 3115.704. (A) In a support proceeding under sections 3115.701 to 3115.713 of the Revised Code, the support enforcement agency shall do both of the following:

(1) Transmit and receive applications;

(2) Initiate or facilitate the institution of a proceeding regarding an application in a court of this state.

(B) The following support proceedings are available to an obligee under the convention:

(1) Recognition or recognition and enforcement of a foreign support order;

(2) Enforcement of a support order issued or recognized in this state;

(3) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(4) Establishment of a support order if recognition of a foreign support order is refused under division (B)(2), (4), or (9) of section 3115.708 of the Revised Code;

(5) Modification of a support order of a tribunal of this

<u>state;</u>	42362
<u>(6) Modification of a support order of a tribunal of another state or a foreign country.</u>	42363 42364
<u>(C) The following support proceedings are available under the convention to an obligor against which there is an existing support order:</u>	42365 42366 42367
<u>(1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;</u>	42368 42369 42370
<u>(2) Modification of a support order of a tribunal of this state;</u>	42371 42372
<u>(3) Modification of a support order of a tribunal of another state or a foreign country.</u>	42373 42374
<u>(D) A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.</u>	42375 42376 42377
<b><u>Sec. 3115.705.</u></b> <u>(A) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.</u>	42378 42379 42380 42381
<u>(B) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 3115.706 to 3115.713 of the Revised Code apply.</u>	42382 42383 42384 42385
<u>(C) In a direct request for recognition and enforcement of a convention support order or foreign support agreement, both of the following apply:</u>	42386 42387 42388
<u>(1) A security, bond, or deposit is not required to guarantee the payment of costs and expenses.</u>	42389 42390

(2) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances. 42391  
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(D) A petitioner filing a direct request is not entitled to assistance from the support enforcement agency. 42395  
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(E) Sections 3115.701 to 3115.713 of the Revised Code do not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement. 42397  
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**Sec. 3115.706.** (A) Except as otherwise provided in sections 3115.701 to 3115.713 of the Revised Code, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in sections 3115.601 to 3115.616 of the Revised Code. 42402  
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(B) Notwithstanding sections 3115.311 and division (A) of section 3115.602 of the Revised Code, a request for registration of a convention support order must be accompanied by all of the following: 42407  
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(1) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague conference on private international law; 42411  
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(2) A record stating that the support order is enforceable in the issuing country; 42415  
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(3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent 42417  
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had proper notice of the support order and an opportunity to be 42421  
heard in a challenge or appeal on fact or law before a tribunal; 42422

(4) A record showing the amount of arrears, if any, and the 42423  
date the amount was calculated; 42424

(5) A record showing a requirement for automatic adjustment 42425  
of the amount of support, if any, and the information necessary to 42426  
make the appropriate calculations; and 42427

(6) If necessary, a record showing the extent to which the 42428  
applicant received free legal assistance in the issuing country. 42429

(C) A request for registration of a convention support order 42430  
may seek recognition and partial enforcement of the order. 42431

(D) A court of this state may vacate the registration of a 42432  
convention support order without the filing of a contest under 42433  
section 3115.707 of the Revised Code only if, acting on its own 42434  
motion, the court finds that recognition and enforcement of the 42435  
order would be manifestly incompatible with public policy. 42436

(E) The court shall promptly notify the parties of the 42437  
registration or the order vacating the registration of a 42438  
convention support order. 42439

**Sec. 3115.707.** (A) Except as otherwise provided in sections 42440  
3115.701 to 3115.713 of the Revised Code, sections 3115.605 to 42441  
3115.608 of the Revised Code apply to a contest of a registered 42442  
convention support order. 42443

(B) A party contesting a registered convention support order 42444  
shall file a contest not later than thirty days after notice of 42445  
the registration, but if the contesting party does not reside in 42446  
the United States, the contest must be filed not later than sixty 42447  
days after notice of the registration. 42448

(C) If the nonregistering party fails to contest the 42449  
registered convention support order by the time specified in 42450

<u>division (B) of this section, the order is enforceable.</u>	42451
<u>(D) A contest of a registered convention support order may be based only on grounds set forth in section 3115.708 of the Revised Code. The contesting party bears the burden of proof.</u>	42452 42453 42454
<u>(E) In a contest of a registered convention support order, both of the following apply:</u>	42455 42456
<u>(1) A court of this state is bound by the findings of fact on which the foreign tribunal based its jurisdiction.</u>	42457 42458
<u>(2) A court of this state may not review the merits of the order.</u>	42459 42460
<u>(F) A court of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision.</u>	42461 42462 42463
<u>(G) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.</u>	42464 42465 42466
<b><u>Sec. 3115.708.</u></b> <u>(A) Except as otherwise provided in division (B) of this section, a court of this state shall recognize and enforce a registered convention support order.</u>	42467 42468 42469
<u>(B) The following grounds are the only grounds on which a court of this state may refuse recognition and enforcement of a registered convention support order:</u>	42470 42471 42472
<u>(1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.</u>	42473 42474 42475 42476
<u>(2) The issuing tribunal lacked personal jurisdiction consistent with section 3115.201 of the Revised Code.</u>	42477 42478
<u>(3) The order is not enforceable in the issuing country.</u>	42479

<u>(4) The order was obtained by fraud in connection with a matter of procedure.</u>	42480
	42481
<u>(5) A record transmitted in accordance with section 3115.706 of the Revised Code lacks authenticity or integrity.</u>	42482
	42483
<u>(6) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.</u>	42484
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<u>(7) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state.</u>	42487
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<u>(8) Payment, to the extent alleged arrears have been paid in whole or in part;</u>	42491
	42492
<u>(9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country either of the following applies:</u>	42493
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<u>(a) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.</u>	42496
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<u>(b) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.</u>	42499
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<u>(10) The order was made in violation of section 3115.711 of the Revised Code.</u>	42503
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<u>(C) If a court of this state does not recognize a convention support order under division (B)(2), (4), or (9) of this section, both of the following apply:</u>	42505
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<u>(1) The court may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a</u>	42508
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new convention support order. 42510

(2) The support enforcement agency shall take all appropriate 42511  
measures to request a child-support order for the obligee if the 42512  
application for recognition and enforcement was received under 42513  
section 3115.704 of the Revised Code. 42514

Sec. 3115.709. If a court of this state does not recognize 42515  
and enforce a convention support order in its entirety, it shall 42516  
enforce any severable part of the order. An application or direct 42517  
request may seek recognition and partial enforcement of a 42518  
convention support order. 42519

Sec. 3115.710. (A) Except as otherwise provided in divisions 42520  
(C) and (D) of this section, a court of this state shall recognize 42521  
and enforce a foreign support agreement registered in this state. 42522

(B) An application or direct request for recognition and 42523  
enforcement of a foreign support agreement must be accompanied by 42524  
both of the following: 42525

(1) A complete text of the foreign support agreement; 42526

(2) A record stating that the foreign support agreement is 42527  
enforceable as an order of support in the issuing country. 42528

(C) A court of this state may vacate the registration of a 42529  
foreign support agreement only if, acting on its own motion, the 42530  
court finds that recognition and enforcement would be manifestly 42531  
incompatible with public policy. 42532

(D) In a contest of a foreign support agreement, a court of 42533  
this state may refuse recognition and enforcement of the agreement 42534  
if it finds any of the following: 42535

(1) Recognition and enforcement of the agreement is 42536  
manifestly incompatible with public policy. 42537

(2) The agreement was obtained by fraud or falsification. 42538

(3) The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this state. 42539  
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(4) The record submitted under division (B) of this section lacks authenticity or integrity. 42544  
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(E) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country. 42546  
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**Sec. 3115.711.** (A) A court of this state may not modify a convention child-support order if the obligee remains a resident of the foreign country where the support order was issued unless one of the following applies: 42550  
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(1) The obligee submits to the jurisdiction of a court of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity. 42554  
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(2) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order. 42558  
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(B) If a court of this state does not modify a convention child-support order because the order is not recognized in this state, division (C) of section 3115.708 of the Revised Code applies. 42561  
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**Sec. 3115.712.** Personal information gathered or transmitted under sections 3115.701 to 3115.713 of the Revised Code may be used only for the purposes for which it was gathered or transmitted. 42565  
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Sec. 3115.713. A record filed with a court of this state 42569  
under sections 3115.701 to 3115.713 of the Revised Code must be in 42570  
the original language and, if not in English, must be accompanied 42571  
by an English translation. 42572

Sec. 3115.801. (A) For purposes of sections 3115.801 to 42573  
3115.802 of the Revised Code, "governor" includes an individual 42574  
performing the functions of governor or the executive authority of 42575  
a state covered by this chapter. 42576

(B) The governor of this state may do either of the 42577  
following: 42578

(1) Demand that the governor of another state surrender an 42579  
individual found in the other state who is charged criminally in 42580  
this state with having failed to provide for the support of an 42581  
obligee; 42582

(2) On the demand of the governor of another state, surrender 42583  
an individual found in this state who is charged criminally in the 42584  
other state with having failed to provide for the support of an 42585  
obligee. 42586

(C) A provision for extradition of individuals not 42587  
inconsistent with this chapter applies to the demand even if the 42588  
individual whose surrender is demanded was not in the demanding 42589  
state when the crime was allegedly committed and has not fled 42590  
therefrom. 42591

Sec. 3115.802. (A) Before making a demand that the governor 42592  
of another state surrender an individual charged criminally in 42593  
this state with having failed to provide for the support of an 42594  
obligee, the governor of this state may require a prosecutor of 42595  
this state to demonstrate that at least sixty days previously the 42596  
obligee had initiated proceedings for support pursuant to this 42597

chapter or that the proceeding would be of no avail. 42598

(B) If, under this chapter or a law substantially similar to 42599  
this chapter, the governor of another state makes a demand that 42600  
the governor of this state surrender an individual charged 42601  
criminally in that state with having failed to provide for the 42602  
support of a child or other individual to whom a duty of support 42603  
is owed, the governor may require a prosecutor to investigate the 42604  
demand and report whether a proceeding for support has been 42605  
initiated or would be effective. If it appears that a proceeding 42606  
would be effective but has not been initiated, the governor may 42607  
delay honoring the demand for a reasonable time to permit the 42608  
initiation of a proceeding. 42609

(C) If a proceeding for support has been initiated and the 42610  
individual whose rendition is demanded prevails, the governor may 42611  
decline to honor the demand. If the petitioner prevails and the 42612  
individual whose rendition is demanded is subject to a support 42613  
order, the governor may decline to honor the demand if the 42614  
individual is complying with the support order. 42615

Sec. 3115.901. In applying and construing this chapter, 42616  
consideration shall be given to the need to promote uniformity of 42617  
the law with respect to its subject matter among states that enact 42618  
it. 42619

Sec. 3115.902. This chapter applies to proceedings begun on 42620  
or after January 1, 2016, to establish a support order or 42621  
determine parentage of a child or to register, recognize, enforce, 42622  
or modify a prior support order, determination, or agreement, 42623  
whenever issued or entered. 42624

Sec. 3115.903. If any provision of this chapter or its 42625  
application to any person or circumstance is held invalid, the 42626

invalidity does not affect other provisions or applications of 42627  
this chapter that can be given effect without the invalid 42628  
provision or application, and to this end the provisions of this 42629  
chapter are severable. 42630

**Sec. 3119.27.** (A) A court that issues or modifies a court 42631  
support order, or an administrative agency that issues or modifies 42632  
an administrative child support order, shall impose on the obligor 42633  
under the support order a processing charge ~~that is the greater in~~ 42634  
the amount of two per cent of the support payment to be collected 42635  
under a support order ~~or one dollar per month~~. No court or agency 42636  
may call the charge a poundage fee. 42637

(B) In each child support case that is a Title IV-D case, the 42638  
department of job and family services shall annually claim 42639  
twenty-five dollars from the processing charge described in 42640  
division (A) of this section for federal reporting purposes if the 42641  
obligee has never received assistance under Title IV-A and the 42642  
department has collected at least five hundred dollars of child 42643  
support for the obligee. The director of job and family services 42644  
shall adopt rules under Chapter 119. of the Revised Code to 42645  
implement this division, and the department shall implement this 42646  
division not later than March 31, 2008. 42647

(C) As used in this section: 42648

(1) "Annual" means the period as defined in regulations 42649  
issued by the United States secretary of health and human services 42650  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 42651

(2) "Title IV-A" has the same meaning as in section 5107.02 42652  
of the Revised Code. 42653

(3) "Title IV-D case" has the same meaning as in section 42654  
3125.01 of the Revised Code. 42655

**Sec. 3121.03.** If a court or child support enforcement agency 42656  
that issued or modified a support order, or the agency 42657  
administering the support order, is required by the Revised Code 42658  
to issue one or more withholding or deduction notices described in 42659  
this section or other orders described in this section, the court 42660  
or agency shall issue one or more of the following types of 42661  
notices or orders, as appropriate, for payment of the support and 42662  
also, if required by the Revised Code or the court, to pay any 42663  
arrearages: 42664

(A)(1) If the court or the child support enforcement agency 42665  
determines that the obligor is receiving income from a payor, the 42666  
court or agency shall require the payor to do all of the 42667  
following: 42668

(a) Withhold from the obligor's income a specified amount for 42669  
support in satisfaction of the support order and begin the 42670  
withholding no later than fourteen business days following the 42671  
date the notice is mailed or transmitted to the payor under 42672  
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 42673  
division (A)(2) of this section or, if the payor is an employer, 42674  
no later than the first pay period that occurs after fourteen 42675  
business days following the date the notice is mailed or 42676  
transmitted; 42677

(b) Send the amount withheld to the office of child support 42678  
in the department of job and family services pursuant to section 42679  
3121.43 of the Revised Code immediately but not later than seven 42680  
business days after the date the obligor is paid; 42681

(c) Continue the withholding at intervals specified in the 42682  
notice until further notice from the court or child support 42683  
enforcement agency. 42684

To the extent possible, the amount specified to be withheld 42685  
shall satisfy the amount ordered for support in the support order 42686

plus any arrearages owed by the obligor under any prior support 42687  
order that pertained to the same child or spouse, notwithstanding 42688  
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 42689  
2716.041, and 2716.05 of the Revised Code. However, in no case 42690  
shall the sum of the amount to be withheld and any fee withheld by 42691  
the payor as a charge for its services exceed the maximum amount 42692  
permitted under section 303(b) of the "Consumer Credit Protection 42693  
Act," 15 U.S.C. 1673(b). 42694

(2) A court or agency that imposes an income withholding 42695  
requirement shall, within the applicable time specified in section 42696  
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 42697  
Code, send to the obligor's payor by regular mail or via secure 42698  
federally managed data transmission interface a notice that 42699  
contains all of the information applicable to withholding notices 42700  
set forth in section 3121.037 of the Revised Code. The notice is 42701  
final and is enforceable by the court. 42702

(B)(1) If the court or child support enforcement agency 42703  
determines that the obligor has funds that are not exempt under 42704  
the laws of this state or the United States from execution, 42705  
attachment, or other legal process and are on deposit in an 42706  
account in a financial institution under the jurisdiction of the 42707  
court that issued the court support order, or in the case of an 42708  
administrative child support order, under the jurisdiction of the 42709  
common pleas court of the county in which the agency that issued 42710  
or is administering the order is located, the court or agency may 42711  
require any financial institution in which the obligor's funds are 42712  
on deposit to do all of the following: 42713

(a) Deduct from the obligor's account a specified amount for 42714  
support in satisfaction of the support order and begin the 42715  
deduction no later than fourteen business days following the date 42716  
the notice was mailed or transmitted to the financial institution 42717  
under section 3121.035 or 3123.06 of the Revised Code and division 42718

(B)(2) of this section; 42719

(b) Send the amount deducted to the office of child support 42720  
in the department of job and family services pursuant to section 42721  
3121.43 of the Revised Code immediately but not later than seven 42722  
business days after the date the latest deduction was made; 42723

(c) Provide the date on which the amount was deducted; 42724

(d) Continue the deduction at intervals specified in the 42725  
notice until further notice from the court or child support 42726  
enforcement agency. 42727

To the extent possible, the amount to be deducted shall 42728  
satisfy the amount ordered for support in the support order plus 42729  
any arrearages that may be owed by the obligor under any prior 42730  
support order that pertained to the same child or spouse, 42731  
notwithstanding the limitations of sections 2329.66, 2329.70, and 42732  
2716.13 of the Revised Code. 42733

(2) A court or agency that imposes a deduction requirement 42734  
shall, within the applicable period of time specified in section 42735  
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 42736  
to the financial institution by regular mail or via secure 42737  
federally managed data transmission interface a notice that 42738  
contains all of the information applicable to deduction notices 42739  
set forth in section 3121.037 of the Revised Code. The notice is 42740  
final and is enforceable by the court. 42741

(C) With respect to any court support order it issues, a 42742  
court may issue an order requiring the obligor to enter into a 42743  
cash bond with the court. The court shall issue the order as part 42744  
of the court support order or, if the court support order has 42745  
previously been issued, as a separate order. The cash bond shall 42746  
be in a sum fixed by the court at not less than five hundred nor 42747  
more than ten thousand dollars, conditioned that the obligor will 42748  
make payment as previously ordered and will pay any arrearages 42749



under any prior court support order that pertained to the same 42750  
child or spouse. 42751

The order, along with an additional order requiring the 42752  
obligor to immediately notify the child support enforcement 42753  
agency, in writing, if the obligor begins to receive income from a 42754  
payor, shall be attached to and served on the obligor at the same 42755  
time as service of the court support order or, if the court 42756  
support order has previously been issued, as soon as possible 42757  
after the issuance of the order under this section. The additional 42758  
order requiring notice by the obligor shall state all of the 42759  
following: 42760

(1) That when the obligor begins to receive income from a 42761  
payor the obligor may request that the court cancel its bond order 42762  
and instead issue a notice requiring the withholding of an amount 42763  
from income for support in accordance with this section; 42764

(2) That when the obligor begins to receive income from a 42765  
payor the court will proceed to collect on the bond if the court 42766  
determines that payments due under the court support order have 42767  
not been made and that the amount that has not been paid is at 42768  
least equal to the support owed for one month under the court 42769  
support order and will issue a notice requiring the withholding of 42770  
an amount from income for support in accordance with this section. 42771  
The notice required of the obligor shall include a description of 42772  
the nature of any new employment, the name and business address of 42773  
any new employer, and any other information reasonably required by 42774  
the court. 42775

The court shall not order an obligor to post a cash bond 42776  
under this section unless the court determines that the obligor 42777  
has the ability to do so. 42778

A child support enforcement agency may not issue a cash bond 42779  
order. If a child support enforcement agency is required to issue 42780

a withholding or deduction notice under this section with respect 42781  
to a court support order but the agency determines that no 42782  
withholding or deduction notice would be appropriate, the agency 42783  
may request that the court issue a cash bond order under this 42784  
section, and upon the request, the court may issue the order. 42785

(D)(1) If the obligor under a court support order is 42786  
unemployed, has no income, and does not have an account at any 42787  
financial institution, or on request of a child support 42788  
enforcement agency under division (D)(1) or (2) of this section, 42789  
the court shall issue an order requiring the obligor, if able to 42790  
engage in employment, to seek employment or participate in a work 42791  
activity to which a recipient of assistance under Title IV-A of 42792  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 42793  
as amended, may be assigned as specified in section 407(d) of the 42794  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 42795  
shall include in the order ~~a requirement~~ requirements that the 42796  
obligor register with OhioMeansJobs and to notify the child 42797  
support enforcement agency on obtaining employment, obtaining any 42798  
income, or obtaining ownership of any asset with a value of five 42799  
hundred dollars or more. The court may issue the order regardless 42800  
of whether the obligee to whom the obligor owes support is a 42801  
recipient of assistance under Title IV-A of the "Social Security 42802  
Act." The court shall issue the order as part of a court support 42803  
order or, if a court support order has previously been issued, as 42804  
a separate order. If a child support enforcement agency is 42805  
required to issue a withholding or deduction notice under this 42806  
section with respect to a court support order but determines that 42807  
no withholding or deduction notice would be appropriate, the 42808  
agency may request that the court issue a court order under 42809  
division (D)(1) of this section, and, on the request, the court 42810  
may issue the order. 42811

(2) If the obligor under an administrative child support 42812

order is unemployed, has no income, and does not have an account 42813  
at any financial institution, the agency shall issue an 42814  
administrative order requiring the obligor, if able to engage in 42815  
employment, to seek employment or participate in a work activity 42816  
to which a recipient of assistance under Title IV-A of the "Social 42817  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 42818  
may be assigned as specified in section 407(d) of the "Social 42819  
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 42820  
include in the order ~~a requirement~~ requirements that the obligor 42821  
register with OhioMeansJobs and to notify the agency on obtaining 42822  
employment or income, or ownership of any asset with a value of 42823  
five hundred dollars or more. The agency may issue the order 42824  
regardless of whether the obligee to whom the obligor owes support 42825  
is a recipient of assistance under Title IV-A of the "Social 42826  
Security Act." If an obligor fails to comply with an 42827  
administrative order issued pursuant to division (D)(2) of this 42828  
section, the agency shall submit a request to a court for the 42829  
court to issue an order under division (D)(1) of this section. 42830

**Sec. 3301.078.** (A) No official or board of this state, 42831  
whether appointed or elected, shall enter into any agreement or 42832  
memorandum of understanding with any federal or private entity 42833  
that would require the state to cede any measure of control over 42834  
the development, adoption, or revision of academic content 42835  
standards. 42836

(B) No funds appropriated from the general revenue fund shall 42837  
be used to purchase an assessment developed by the partnership for 42838  
assessment of readiness for college and careers for use as the 42839  
assessments prescribed under sections 3301.0710 and 3301.0712 of 42840  
the Revised Code. 42841

**Sec. 3301.0711.** (A) The department of education shall: 42842

(1) Annually furnish to, grade, and score all assessments 42843  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 42844  
the Revised Code to be administered by city, local, exempted 42845  
village, and joint vocational school districts, except that each 42846  
district shall score any assessment administered pursuant to 42847  
division (B)(10) of this section. Each assessment so furnished 42848  
shall include the data verification code of the student to whom 42849  
the assessment will be administered, as assigned pursuant to 42850  
division (D)(2) of section 3301.0714 of the Revised Code. In 42851  
furnishing the practice versions of Ohio graduation tests 42852  
prescribed by division (D) of section 3301.0710 of the Revised 42853  
Code, the department shall make the tests available on its web 42854  
site for reproduction by districts. In awarding contracts for 42855  
grading assessments, the department shall give preference to 42856  
Ohio-based entities employing Ohio residents. 42857

(2) Adopt rules for the ethical use of assessments and 42858  
prescribing the manner in which the assessments prescribed by 42859  
section 3301.0710 of the Revised Code shall be administered to 42860  
students. 42861

(B) Except as provided in divisions (C) and (J) of this 42862  
section, the board of education of each city, local, and exempted 42863  
village school district shall, in accordance with rules adopted 42864  
under division (A) of this section: 42865

(1) Administer the English language arts assessments 42866  
prescribed under division (A)(1)(a) of section 3301.0710 of the 42867  
Revised Code twice annually to all students in the third grade who 42868  
have not attained the score designated for that assessment under 42869  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 42870

(2) Administer the mathematics assessment prescribed under 42871  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 42872  
least once annually to all students in the third grade. 42873

(3) Administer the assessments prescribed under division	42874
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	42875
annually to all students in the fourth grade.	42876
(4) Administer the assessments prescribed under division	42877
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	42878
annually to all students in the fifth grade.	42879
(5) Administer the assessments prescribed under division	42880
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	42881
annually to all students in the sixth grade.	42882
(6) Administer the assessments prescribed under division	42883
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	42884
annually to all students in the seventh grade.	42885
(7) Administer the assessments prescribed under division	42886
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	42887
annually to all students in the eighth grade.	42888
(8) Except as provided in division (B)(9) of this section,	42889
administer any assessment prescribed under division (B)(1) of	42890
section 3301.0710 of the Revised Code as follows:	42891
(a) At least once annually to all tenth grade students and at	42892
least twice annually to all students in eleventh or twelfth grade	42893
who have not yet attained the score on that assessment designated	42894
under that division;	42895
(b) To any person who has successfully completed the	42896
curriculum in any high school or the individualized education	42897
program developed for the person by any high school pursuant to	42898
section 3323.08 of the Revised Code but has not received a high	42899
school diploma and who requests to take such assessment, at any	42900
time such assessment is administered in the district.	42901
(9) In lieu of the board of education of any city, local, or	42902
exempted village school district in which the student is also	42903

enrolled, the board of a joint vocational school district shall 42904  
administer any assessment prescribed under division (B)(1) of 42905  
section 3301.0710 of the Revised Code at least twice annually to 42906  
any student enrolled in the joint vocational school district who 42907  
has not yet attained the score on that assessment designated under 42908  
that division. A board of a joint vocational school district may 42909  
also administer such an assessment to any student described in 42910  
division (B)(8)(b) of this section. 42911

(10) If the district has a three-year average graduation rate 42912  
of not more than seventy-five per cent, administer each assessment 42913  
prescribed by division (D) of section 3301.0710 of the Revised 42914  
Code in September to all ninth grade students who entered ninth 42915  
grade prior to July 1, 2014. 42916

Except as provided in section 3313.614 of the Revised Code 42917  
for administration of an assessment to a person who has fulfilled 42918  
the curriculum requirement for a high school diploma but has not 42919  
passed one or more of the required assessments, the assessments 42920  
prescribed under division (B)(1) of section 3301.0710 of the 42921  
Revised Code shall not be administered after the date specified in 42922  
the rules adopted by the state board of education under division 42923  
(D)(1) of section 3301.0712 of the Revised Code. 42924

(11) Administer the assessments prescribed by division (B)(2) 42925  
of section 3301.0710 and section 3301.0712 of the Revised Code in 42926  
accordance with the timeline and plan for implementation of those 42927  
assessments prescribed by rule of the state board adopted under 42928  
division (D)(1) of section 3301.0712 of the Revised Code. 42929

(C)(1)(a) In the case of a student receiving special 42930  
education services under Chapter 3323. of the Revised Code, the 42931  
individualized education program developed for the student under 42932  
that chapter shall specify the manner in which the student will 42933  
participate in the assessments administered under this section. 42934  
The individualized education program may excuse the student from 42935

taking any particular assessment required to be administered under 42936  
this section if it instead specifies an alternate assessment 42937  
method approved by the department of education as conforming to 42938  
requirements of federal law for receipt of federal funds for 42939  
disadvantaged pupils. To the extent possible, the individualized 42940  
education program shall not excuse the student from taking an 42941  
assessment unless no reasonable accommodation can be made to 42942  
enable the student to take the assessment. 42943

(b) Any alternate assessment approved by the department for a 42944  
student under this division shall produce measurable results 42945  
comparable to those produced by the assessment it replaces in 42946  
order to allow for the student's results to be included in the 42947  
data compiled for a school district or building under section 42948  
3302.03 of the Revised Code. 42949

(c) Any student enrolled in a chartered nonpublic school who 42950  
has been identified, based on an evaluation conducted in 42951  
accordance with section 3323.03 of the Revised Code or section 504 42952  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 42953  
794, as amended, as a child with a disability shall be excused 42954  
from taking any particular assessment required to be administered 42955  
under this section if a plan developed for the student pursuant to 42956  
rules adopted by the state board excuses the student from taking 42957  
that assessment. In the case of any student so excused from taking 42958  
an assessment, the chartered nonpublic school shall not prohibit 42959  
the student from taking the assessment. 42960

(2) A district board may, for medical reasons or other good 42961  
cause, excuse a student from taking an assessment administered 42962  
under this section on the date scheduled, but that assessment 42963  
shall be administered to the excused student not later than nine 42964  
days following the scheduled date. The district board shall 42965  
annually report the number of students who have not taken one or 42966  
more of the assessments required by this section to the state 42967

board not later than the thirtieth day of June. 42968

(3) As used in this division, "limited English proficient 42969  
student" has the same meaning as in 20 U.S.C. 7801. 42970

No school district board shall excuse any limited English 42971  
proficient student from taking any particular assessment required 42972  
to be administered under this section, except that any limited 42973  
English proficient student who has been enrolled in United States 42974  
schools for less than one full school year shall not be required 42975  
to take any reading, writing, or English language arts assessment. 42976  
However, no board shall prohibit a limited English proficient 42977  
student who is not required to take an assessment under this 42978  
division from taking the assessment. A board may permit any 42979  
limited English proficient student to take an assessment required 42980  
to be administered under this section with appropriate 42981  
accommodations, as determined by the department. For each limited 42982  
English proficient student, each school district shall annually 42983  
assess that student's progress in learning English, in accordance 42984  
with procedures approved by the department. 42985

The governing authority of a chartered nonpublic school may 42986  
excuse a limited English proficient student from taking any 42987  
assessment administered under this section. However, no governing 42988  
authority shall prohibit a limited English proficient student from 42989  
taking the assessment. 42990

(D)(1) In the school year next succeeding the school year in 42991  
which the assessments prescribed by division (A)(1) or (B)(1) of 42992  
section 3301.0710 of the Revised Code or former division (A)(1), 42993  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 42994  
existed prior to September 11, 2001, are administered to any 42995  
student, the board of education of any school district in which 42996  
the student is enrolled in that year shall provide to the student 42997  
intervention services commensurate with the student's performance, 42998  
including any intensive intervention required under section 42999



3313.608 of the Revised Code, in any skill in which the student 43000  
failed to demonstrate at least a score at the proficient level on 43001  
the assessment. 43002

(2) Following any administration of the assessments 43003  
prescribed by division (D) of section 3301.0710 of the Revised 43004  
Code to ninth grade students, each school district that has a 43005  
three-year average graduation rate of not more than seventy-five 43006  
per cent shall determine for each high school in the district 43007  
whether the school shall be required to provide intervention 43008  
services to any students who took the assessments. In determining 43009  
which high schools shall provide intervention services based on 43010  
the resources available, the district shall consider each school's 43011  
graduation rate and scores on the practice assessments. The 43012  
district also shall consider the scores received by ninth grade 43013  
students on the English language arts and mathematics assessments 43014  
prescribed under division (A)(1)(f) of section 3301.0710 of the 43015  
Revised Code in the eighth grade in determining which high schools 43016  
shall provide intervention services. 43017

Each high school selected to provide intervention services 43018  
under this division shall provide intervention services to any 43019  
student whose results indicate that the student is failing to make 43020  
satisfactory progress toward being able to attain scores at the 43021  
proficient level on the Ohio graduation tests. Intervention 43022  
services shall be provided in any skill in which a student 43023  
demonstrates unsatisfactory progress and shall be commensurate 43024  
with the student's performance. Schools shall provide the 43025  
intervention services prior to the end of the school year, during 43026  
the summer following the ninth grade, in the next succeeding 43027  
school year, or at any combination of those times. 43028

(E) Except as provided in section 3313.608 of the Revised 43029  
Code and division (M) of this section, no school district board of 43030  
education shall utilize any student's failure to attain a 43031

specified score on an assessment administered under this section 43032  
as a factor in any decision to deny the student promotion to a 43033  
higher grade level. However, a district board may choose not to 43034  
promote to the next grade level any student who does not take an 43035  
assessment administered under this section or make up an 43036  
assessment as provided by division (C)(2) of this section and who 43037  
is not exempt from the requirement to take the assessment under 43038  
division (C)(3) of this section. 43039

(F) No person shall be charged a fee for taking any 43040  
assessment administered under this section. 43041

(G)(1) Each school district board shall designate one 43042  
location for the collection of assessments administered in the 43043  
spring under division (B)(1) of this section and those 43044  
administered under divisions (B)(2) to (7) of this section. Each 43045  
district board shall submit the assessments to the entity with 43046  
which the department contracts for the scoring of the assessments 43047  
as follows: 43048

(a) If the district's total enrollment in grades kindergarten 43049  
through twelve during the first full school week of October was 43050  
less than two thousand five hundred, not later than the Friday 43051  
after all of the assessments have been administered; 43052

(b) If the district's total enrollment in grades kindergarten 43053  
through twelve during the first full school week of October was 43054  
two thousand five hundred or more, but less than seven thousand, 43055  
not later than the Monday after all of the assessments have been 43056  
administered; 43057

(c) If the district's total enrollment in grades kindergarten 43058  
through twelve during the first full school week of October was 43059  
seven thousand or more, not later than the Tuesday after all of 43060  
the assessments have been administered. 43061

However, any assessment that a student takes during the 43062

make-up period described in division (C)(2) of this section shall 43063  
be submitted not later than the Friday following the day the 43064  
student takes the assessment. 43065

(2) The department or an entity with which the department 43066  
contracts for the scoring of the assessment shall send to each 43067  
school district board a list of the individual scores of all 43068  
persons taking ~~an a state achievement~~ assessment ~~prescribed by~~ 43069  
~~division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code~~ 43070  
as follows: 43071

(a) Except as provided in division (G)(2)(b) or (c) of this 43072  
section, within ~~sixty~~ forty-five days after ~~its~~ the administration 43073  
of the assessments prescribed by sections 3301.0710 and 3301.0712 43074  
of the Revised Code, but in no case shall the scores be returned 43075  
later than the ~~fifteenth~~ thirtieth day of June following the 43076  
administration; 43077

(b) In the case of the third-grade English language arts 43078  
assessment, within forty-five days after the administration of 43079  
that assessment, but in no case shall the scores be returned later 43080  
than the fifteenth day of June following the administration; 43081

(c) In the case of the writing component of an assessment or 43082  
end-of-course examination in the area of English language arts, 43083  
except for the third-grade English language arts assessment, the 43084  
results may be sent after forty-five days of the administration of 43085  
the writing component, but in no case shall the scores be returned 43086  
later than the thirtieth day of June following the administration. 43087

~~For~~ 43088

(3) For assessments administered under this section by a 43089  
joint vocational school district, the department or entity shall 43090  
also send to each city, local, or exempted village school district 43091  
a list of the individual scores of any students of such city, 43092  
local, or exempted village school district who are attending 43093

school in the joint vocational school district. 43094

(H) Individual scores on any assessments administered under 43095  
this section shall be released by a district board only in 43096  
accordance with section 3319.321 of the Revised Code and the rules 43097  
adopted under division (A) of this section. No district board or 43098  
its employees shall utilize individual or aggregate results in any 43099  
manner that conflicts with rules for the ethical use of 43100  
assessments adopted pursuant to division (A) of this section. 43101

(I) Except as provided in division (G) of this section, the 43102  
department or an entity with which the department contracts for 43103  
the scoring of the assessment shall not release any individual 43104  
scores on any assessment administered under this section. The 43105  
state board shall adopt rules to ensure the protection of student 43106  
confidentiality at all times. The rules may require the use of the 43107  
data verification codes assigned to students pursuant to division 43108  
(D)(2) of section 3301.0714 of the Revised Code to protect the 43109  
confidentiality of student scores. 43110

(J) Notwithstanding division (D) of section 3311.52 of the 43111  
Revised Code, this section does not apply to the board of 43112  
education of any cooperative education school district except as 43113  
provided under rules adopted pursuant to this division. 43114

(1) In accordance with rules that the state board shall 43115  
adopt, the board of education of any city, exempted village, or 43116  
local school district with territory in a cooperative education 43117  
school district established pursuant to divisions (A) to (C) of 43118  
section 3311.52 of the Revised Code may enter into an agreement 43119  
with the board of education of the cooperative education school 43120  
district for administering any assessment prescribed under this 43121  
section to students of the city, exempted village, or local school 43122  
district who are attending school in the cooperative education 43123  
school district. 43124

(2) In accordance with rules that the state board shall 43125  
adopt, the board of education of any city, exempted village, or 43126  
local school district with territory in a cooperative education 43127  
school district established pursuant to section 3311.521 of the 43128  
Revised Code shall enter into an agreement with the cooperative 43129  
district that provides for the administration of any assessment 43130  
prescribed under this section to both of the following: 43131

(a) Students who are attending school in the cooperative 43132  
district and who, if the cooperative district were not 43133  
established, would be entitled to attend school in the city, 43134  
local, or exempted village school district pursuant to section 43135  
3313.64 or 3313.65 of the Revised Code; 43136

(b) Persons described in division (B)(8)(b) of this section. 43137

Any assessment of students pursuant to such an agreement 43138  
shall be in lieu of any assessment of such students or persons 43139  
pursuant to this section. 43140

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 43141  
or (K)(1)(c) of this section, each chartered nonpublic school for 43142  
which at least sixty-five per cent of its total enrollment is made 43143  
up of students who are participating in state scholarship programs 43144  
shall administer the elementary assessments prescribed by section 43145  
3301.0710 of the Revised Code. In accordance with procedures and 43146  
deadlines prescribed by the department, the parent or guardian of 43147  
a student enrolled in the school who is not participating in a 43148  
state scholarship program may submit notice to the chief 43149  
administrative officer of the school that the parent or guardian 43150  
does not wish to have the student take the elementary assessments 43151  
prescribed for the student's grade level under division (A) of 43152  
section 3301.0710 of the Revised Code. If a parent or guardian 43153  
submits an opt-out notice, the school shall not administer the 43154  
assessments to that student. This option does not apply to any 43155  
assessment required for a high school diploma under section 43156

3313.612 of the Revised Code. 43157

(b) If a chartered nonpublic school is educating students in 43158  
grades nine through twelve, it shall administer the assessments 43159  
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 43160  
Revised Code ~~as a condition of compliance with section 3313.612 of~~ 43161  
~~the Revised Code. Division (K)(1)(b) of this section shall not~~ 43162  
apply to the following: 43163

(i) A chartered nonpublic school accredited through the 43164  
independent school association of the central states, except for a 43165  
student attending a chartered nonpublic school under a state 43166  
scholarship program; 43167

(ii) A chartered nonpublic school that is not accredited 43168  
through the independent school association of the central states 43169  
but that is acting in accordance with division (D) of section 43170  
3313.612 of the Revised Code. 43171

(c) A chartered nonpublic school may submit to the 43172  
superintendent of public instruction a request for a waiver from 43173  
administering the elementary assessments prescribed by division 43174  
(A) of section 3301.0710 of the Revised Code. The state 43175  
superintendent shall approve or disapprove a request for a waiver 43176  
submitted under division (K)(1)(c) of this section. No waiver 43177  
shall be approved for any school year prior to the 2015-2016 43178  
school year. 43179

To be eligible to submit a request for a waiver, a chartered 43180  
nonpublic school shall meet the following conditions: 43181

(i) At least ninety-five per cent of the students enrolled in 43182  
the school are children with disabilities, as defined under 43183  
section 3323.01 of the Revised Code, or have received a diagnosis 43184  
by a school district or from a physician, including a 43185  
neuropsychiatrist or psychiatrist, or a psychologist who is 43186  
authorized to practice in this or another state as having a 43187

condition that impairs academic performance, such as dyslexia, 43188  
dyscalculia, attention deficit hyperactivity disorder, or 43189  
Asperger's syndrome. 43190

(ii) The school has solely served a student population 43191  
described in division (K)(1)(c)(i) of this section for at least 43192  
ten years. 43193

(iii) The school provides to the department at least five 43194  
years of records of internal testing conducted by the school that 43195  
affords the department data required for accountability purposes, 43196  
including diagnostic assessments and nationally standardized 43197  
norm-referenced achievement assessments that measure reading and 43198  
math skills. 43199

(d) Any chartered nonpublic school that is not subject to 43200  
division (K)(1)(a) of this section may participate in the 43201  
assessment program by administering any of the assessments 43202  
prescribed by division (A) of section 3301.0710 of the Revised 43203  
Code. The chief administrator of the school shall specify which 43204  
assessments the school will administer. Such specification shall 43205  
be made in writing to the superintendent of public instruction 43206  
prior to the first day of August of any school year in which 43207  
assessments are administered and shall include a pledge that the 43208  
nonpublic school will administer the specified assessments in the 43209  
same manner as public schools are required to do under this 43210  
section and rules adopted by the department. 43211

(2) The department of education shall furnish the assessments 43212  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 43213  
to each chartered nonpublic school that is subject to division 43214  
(K)(1)(a) of this section or participates under division (K)(1)(b) 43215  
of this section. 43216

(L)(1) The superintendent of the state school for the blind 43217  
and the superintendent of the state school for the deaf shall 43218

administer the assessments described by sections 3301.0710 and 43219  
3301.0712 of the Revised Code. Each superintendent shall 43220  
administer the assessments in the same manner as district boards 43221  
are required to do under this section and rules adopted by the 43222  
department of education and in conformity with division (C)(1)(a) 43223  
of this section. 43224

(2) The department of education shall furnish the assessments 43225  
described by sections 3301.0710 and 3301.0712 of the Revised Code 43226  
to each superintendent. 43227

(M) Notwithstanding division (E) of this section, a school 43228  
district may use a student's failure to attain a score in at least 43229  
the proficient range on the mathematics assessment described by 43230  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 43231  
an assessment described by division (A)(1)(b), (c), (d), (e), or 43232  
(f) of section 3301.0710 of the Revised Code as a factor in 43233  
retaining that student in the current grade level. 43234

(N)(1) In the manner specified in divisions (N)(3), (4), and 43235  
(6) of this section, the assessments required by division (A)(1) 43236  
of section 3301.0710 of the Revised Code shall become public 43237  
records pursuant to section 149.43 of the Revised Code on the 43238  
thirty-first day of July following the school year that the 43239  
assessments were administered. 43240

(2) The department may field test proposed questions with 43241  
samples of students to determine the validity, reliability, or 43242  
appropriateness of questions for possible inclusion in a future 43243  
year's assessment. The department also may use anchor questions on 43244  
assessments to ensure that different versions of the same 43245  
assessment are of comparable difficulty. 43246

Field test questions and anchor questions shall not be 43247  
considered in computing scores for individual students. Field test 43248  
questions and anchor questions may be included as part of the 43249



administration of any assessment required by division (A)(1) or 43250  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 43251  
the Revised Code. 43252

(3) Any field test question or anchor question administered 43253  
under division (N)(2) of this section shall not be a public 43254  
record. Such field test questions and anchor questions shall be 43255  
redacted from any assessments which are released as a public 43256  
record pursuant to division (N)(1) of this section. 43257

(4) This division applies to the assessments prescribed by 43258  
division (A) of section 3301.0710 of the Revised Code. 43259

(a) The first administration of each assessment, as specified 43260  
in former section 3301.0712 of the Revised Code, shall be a public 43261  
record. 43262

(b) For subsequent administrations of each assessment prior 43263  
to the 2011-2012 school year, not less than forty per cent of the 43264  
questions on the assessment that are used to compute a student's 43265  
score shall be a public record. The department shall determine 43266  
which questions will be needed for reuse on a future assessment 43267  
and those questions shall not be public records and shall be 43268  
redacted from the assessment prior to its release as a public 43269  
record. However, for each redacted question, the department shall 43270  
inform each city, local, and exempted village school district of 43271  
the statewide academic standard adopted by the state board under 43272  
section 3301.079 of the Revised Code and the corresponding 43273  
benchmark to which the question relates. The preceding sentence 43274  
does not apply to field test questions that are redacted under 43275  
division (N)(3) of this section. 43276

(c) The administrations of each assessment in the 2011-2012, 43277  
2012-2013, and 2013-2014 school years shall not be a public 43278  
record. 43279

(5) Each assessment prescribed by division (B)(1) of section 43280

3301.0710 of the Revised Code shall not be a public record. 43281

(6) Beginning with the spring administration for the 43282  
2014-2015 school year, questions on the assessments prescribed 43283  
under division (A) of section 3301.0710 and division (B)(2) of 43284  
section 3301.0712 of the Revised Code and the corresponding 43285  
preferred answers that are used to compute a student's score shall 43286  
become a public record as follows: 43287

(a) Forty per cent of the questions and preferred answers on 43288  
the assessments on the thirty-first day of July following the 43289  
administration of the assessment; 43290

(b) Twenty per cent of the questions and preferred answers on 43291  
the assessment on the thirty-first day of July one year after the 43292  
administration of the assessment; 43293

(c) The remaining forty per cent of the questions and 43294  
preferred answers on the assessment on the thirty-first day of 43295  
July two years after the administration of the assessment. 43296

The entire content of an assessment shall become a public 43297  
record within three years of its administration. 43298

The department shall make the questions that become a public 43299  
record under this division readily accessible to the public on the 43300  
department's web site. Questions on the spring administration of 43301  
each assessment shall be released on an annual basis, in 43302  
accordance with this division. 43303

(0) As used in this section: 43304

(1) "Three-year average" means the average of the most recent 43305  
consecutive three school years of data. 43306

(2) "Dropout" means a student who withdraws from school 43307  
before completing course requirements for graduation and who is 43308  
not enrolled in an education program approved by the state board 43309  
of education or an education program outside the state. "Dropout" 43310

does not include a student who has departed the country. 43311

(3) "Graduation rate" means the ratio of students receiving a 43312  
diploma to the number of students who entered ninth grade four 43313  
years earlier. Students who transfer into the district are added 43314  
to the calculation. Students who transfer out of the district for 43315  
reasons other than dropout are subtracted from the calculation. If 43316  
a student who was a dropout in any previous year returns to the 43317  
same school district, that student shall be entered into the 43318  
calculation as if the student had entered ninth grade four years 43319  
before the graduation year of the graduating class that the 43320  
student joins. 43321

(4) "State scholarship programs" means the educational choice 43322  
scholarship pilot program established under sections 3310.01 to 43323  
3310.17 of the Revised Code, the autism scholarship program 43324  
established under section 3310.41 of the Revised Code, the Jon 43325  
Peterson special needs scholarship program established under 43326  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 43327  
project scholarship program established under sections 3313.974 to 43328  
3313.979 of the Revised Code. 43329

**Sec. 3301.0712.** (A) The state board of education, the 43330  
superintendent of public instruction, and the chancellor of ~~the~~ 43331  
~~Ohio board of regents~~ higher education shall develop a system of 43332  
college and work ready assessments as described in division (B) of 43333  
this section to assess whether each student upon graduating from 43334  
high school is ready to enter college or the workforce. Beginning 43335  
with students who enter the ninth grade for the first time on or 43336  
after July 1, 2014, the system shall replace the Ohio graduation 43337  
tests prescribed in division (B)(1) of section 3301.0710 of the 43338  
Revised Code as a measure of student academic performance and one 43339  
determinant of eligibility for a high school diploma in the manner 43340  
prescribed by rule of the state board adopted under division (D) 43341

of this section. 43342

(B) The college and work ready assessment system shall 43343  
consist of the following: 43344

(1) Nationally standardized assessments that measure college 43345  
and career readiness and are used for college admission. The 43346  
assessments shall be selected jointly by the state superintendent 43347  
and the chancellor, and one of which shall be selected by each 43348  
school district or school to administer to its students. The 43349  
assessments prescribed under division (B)(1) of this section shall 43350  
be administered to all eleventh-grade students in the spring of 43351  
the school year. 43352

(2) Seven end-of-course examinations, one in each of the 43353  
areas of English language arts I, English language arts II, 43354  
science, Algebra I, geometry, American history, and American 43355  
government. The end-of-course examinations shall be selected 43356  
jointly by the state superintendent and the chancellor in 43357  
consultation with faculty in the appropriate subject areas at 43358  
institutions of higher education of the university system of Ohio. 43359  
Advanced placement examinations and international baccalaureate 43360  
examinations, as prescribed under section 3313.6013 of the Revised 43361  
Code, in the areas of science, American history, and American 43362  
government may be used as end-of-course examinations in accordance 43363  
with division (B)(4)(a)(i) of this section. Final course grades 43364  
for courses taken under any other advanced standing program, as 43365  
prescribed under section 3313.6013 of the Revised Code, in the 43366  
areas of science, American history, and American government may be 43367  
used in lieu of end-of-course examinations in accordance with 43368  
division (B)(4)(a)(ii) of this section. 43369

(3)(a) Not later than July 1, 2013, each school district 43370  
board of education shall adopt interim end-of-course examinations 43371  
that comply with the requirements of divisions (B)(3)(b)(i) and 43372

(ii) of this section to assess mastery of American history and 43373  
American government standards adopted under division (A)(1)(b) of 43374  
section 3301.079 of the Revised Code and the topics required under 43375  
division (M) of section 3313.603 of the Revised Code. Each high 43376  
school of the district shall use the interim examinations until 43377  
the state superintendent and chancellor select end-of-course 43378  
examinations in American history and American government under 43379  
division (B)(2) of this section. 43380

(b) Not later than July 1, 2014, the state superintendent and 43381  
the chancellor shall select the end-of-course examinations in 43382  
American history and American government. 43383

(i) The end-of-course examinations in American history and 43384  
American government shall require demonstration of mastery of the 43385  
American history and American government content for social 43386  
studies standards adopted under division (A)(1)(b) of section 43387  
3301.079 of the Revised Code and the topics required under 43388  
division (M) of section 3313.603 of the Revised Code. 43389

(ii) At least twenty per cent of the end-of-course 43390  
examination in American government shall address the topics on 43391  
American history and American government described in division (M) 43392  
of section 3313.603 of the Revised Code. 43393

(4)(a) Notwithstanding anything to the contrary in this 43394  
section, beginning with the 2014-2015 school year, both of the 43395  
following shall apply: 43396

(i) If a student is enrolled in an appropriate advanced 43397  
placement or international baccalaureate course, that student 43398  
shall take the advanced placement or international baccalaureate 43399  
examination in lieu of the science, American history, or American 43400  
government end-of-course examinations prescribed under division 43401  
(B)(2) of this section. The state board shall specify the score 43402  
levels for each advanced placement examination and international 43403

baccalaureate examination for purposes of calculating the minimum 43404  
cumulative performance score that demonstrates the level of 43405  
academic achievement necessary to earn a high school diploma. 43406

(ii) If a student is enrolled in an appropriate course under 43407  
any other advanced standing program, as described in section 43408  
3313.6013 of the Revised Code, that student shall not be required 43409  
to take the science, American history, or American government 43410  
end-of-course examination, whichever is applicable, prescribed 43411  
under division (B)(2) of this section. Instead, that student's 43412  
final course grade shall be used in lieu of the applicable 43413  
end-of-course examination prescribed under that section. The state 43414  
superintendent, in consultation with the chancellor, shall adopt 43415  
guidelines for purposes of calculating the corresponding final 43416  
course grades that demonstrate the level of academic achievement 43417  
necessary to earn a high school diploma. 43418

Division (B)(4)(a)(ii) of this section shall apply only to 43419  
courses for which students receive transcribed credit, as defined 43420  
in division (U) of section 3365.01 of the Revised Code. It shall 43421  
not apply to remedial or developmental courses. 43422

(b) No student shall take a substitute examination or 43423  
examination prescribed under division (B)(4)(a) of this section in 43424  
place of the end-of-course examinations in English language arts 43425  
I, English language arts II, Algebra I, or geometry prescribed 43426  
under division (B)(2) of this section. 43427

(c) The state board shall consider additional assessments 43428  
that may be used, beginning with the 2016-2017 school year, as 43429  
substitute examinations in lieu of the end-of-course examinations 43430  
prescribed under division (B)(2) of this section. 43431

(5) The state board shall do all of the following: 43432

(a) Determine and designate at least five ranges of scores on 43433  
each of the end-of-course examinations prescribed under division 43434

(B)(2) of this section, and substitute examinations prescribed 43435  
under division (B)(4) of this section. Each range of scores shall 43436  
be considered to demonstrate a level of achievement so that any 43437  
student attaining a score within such range has achieved one of 43438  
the following: 43439

- (i) An advanced level of skill; 43440
- (ii) An accelerated level of skill; 43441
- (iii) A proficient level of skill; 43442
- (iv) A basic level of skill; 43443
- (v) A limited level of skill. 43444

(b) Determine a method by which to calculate a cumulative 43445  
performance score based on the results of a student's 43446  
end-of-course examinations or substitute examinations; 43447

(c) Determine the minimum cumulative performance score that 43448  
demonstrates the level of academic achievement necessary to earn a 43449  
high school diploma; 43450

(d) Develop a table of corresponding score equivalents for 43451  
the end-of-course examinations and substitute examinations in 43452  
order to calculate student performance consistently across the 43453  
different examinations. 43454

(6)(a) A student who meets both of the following conditions 43455  
shall not be required to take an end-of-course examination: 43456

- (i) The student received high school credit prior to July 1, 43457  
2015, for a course for which the end-of-course examination is 43458  
prescribed. 43459
- (ii) The examination was not available for administration 43460  
prior to July 1, 2015. 43461

Receipt of credit for the course described in division 43462  
(B)(6)(a)(i) of this section shall satisfy the requirement to take 43463

the end-of-course examination. A student exempted under division 43464  
(B)(6)(a) of this section may take the applicable end-of-course 43465  
examination at a later date. 43466

(b) For purposes of determining whether a student who is 43467  
exempt from taking an end-of-course examination under division 43468  
(B)(6)(a) of this section has attained the cumulative score 43469  
prescribed by division (B)(5)(c) of this section, such student 43470  
shall select either of the following: 43471

(i) The student is considered to have attained a proficient 43472  
score on the end-of-course examination from which the student is 43473  
exempt; 43474

(ii) The student's final course grade shall be used in lieu 43475  
of a score on the end-of-course examination from which the student 43476  
is exempt. 43477

The state superintendent, in consultation with the 43478  
chancellor, shall adopt guidelines for purposes of calculating the 43479  
corresponding final course grades and the minimum cumulative 43480  
performance score that demonstrates the level of academic 43481  
achievement necessary to earn a high school diploma. 43482

(7)(a) Notwithstanding anything to the contrary in this 43483  
section, the state board may replace the algebra I end-of-course 43484  
examination prescribed under division (B)(2) of this section with 43485  
an algebra II end-of-course examination, beginning with the 43486  
2016-2017 school year for students who enter ninth grade on or 43487  
after July 1, 2016. 43488

(b) If the state board replaces the algebra I end-of-course 43489  
examination with an algebra II end-of-course examination as 43490  
authorized under division (B)(7)(a) of this section, both of the 43491  
following shall apply: 43492

(i) A student who is enrolled in an advanced placement or 43493  
international baccalaureate course in algebra II shall take the 43494



advanced placement or international baccalaureate examination in 43495  
lieu of the algebra II end-of-course examination. 43496

(ii) A student who is enrolled in an algebra II course under 43497  
any other advanced standing program, as described in section 43498  
3313.6013 of the Revised Code, shall not be required to take the 43499  
algebra II end-of-course examination. Instead, that student's 43500  
final course grade shall be used in lieu of the examination. 43501

(c) If a school district or school utilizes an integrated 43502  
approach to mathematics instruction, the district or school may do 43503  
either or both of the following: 43504

(i) Administer an integrated mathematics I end-of-course 43505  
examination in lieu of the prescribed algebra I end-of-course 43506  
examination; 43507

(ii) Administer an integrated mathematics II end-of-course 43508  
examination in lieu of the prescribed geometry end-of-course 43509  
examination. 43510

(8)(a) For students entering the ninth grade for the first 43511  
time on or after July 1, 2014, but prior to July 1, 2015, the 43512  
assessment in the area of science shall be physical science or 43513  
biology. For students entering the ninth grade for the first time 43514  
on or after July 1, 2015, the assessment in the area of science 43515  
shall be biology. 43516

(b) Until July 1, 2019, the department of education shall 43517  
make available the end-of-course examination in physical science 43518  
for students who entered the ninth grade for the first time on or 43519  
after July 1, 2014, but prior to July 1, 2015, and who wish to 43520  
retake the examination. 43521

(c) Not later than July 1, 2016, the state board shall adopt 43522  
rules prescribing the requirements for the end-of-course 43523  
examination in science for students who entered the ninth grade 43524  
for the first time on or after July 1, 2014, but prior to July 1, 43525

2015, and who have not met the requirement prescribed by section 43526  
3313.618 of the Revised Code by July 1, 2019, due to a student's 43527  
failure to satisfy division (A)(2) of section 3313.618 of the 43528  
Revised Code. 43529

(9) Neither the state board nor the department of education 43530  
shall develop or administer an end-of-course examination in the 43531  
area of world history. 43532

(C) The state board shall convene a group of national 43533  
experts, state experts, and local practitioners to provide advice, 43534  
guidance, and recommendations for the alignment of standards and 43535  
model curricula to the assessments and in the design of the 43536  
end-of-course examinations prescribed by this section. 43537

(D) Upon completion of the development of the assessment 43538  
system, the state board shall adopt rules prescribing all of the 43539  
following: 43540

(1) A timeline and plan for implementation of the assessment 43541  
system, including a phased implementation if the state board 43542  
determines such a phase-in is warranted; 43543

(2) The date after which a person shall meet the requirements 43544  
of the entire assessment system as a prerequisite for a diploma of 43545  
adult education under section 3313.611 of the Revised Code; 43546

(3) Whether and the extent to which a person may be excused 43547  
from an American history end-of-course examination and an American 43548  
government end-of-course examination under division (H) of section 43549  
3313.61 and division (B)~~(3)~~(4) of section 3313.612 of the Revised 43550  
Code; 43551

(4) The date after which a person who has fulfilled the 43552  
curriculum requirement for a diploma but has not passed one or 43553  
more of the required assessments at the time the person fulfilled 43554  
the curriculum requirement shall meet the requirements of the 43555  
entire assessment system as a prerequisite for a high school 43556

diploma under division (B) of section 3313.614 of the Revised Code; 43557  
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(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 43559  
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(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation. 43563  
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(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments. 43570  
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(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section. 43577  
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(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the 43580  
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job skills assessment to a student under this division shall not 43588  
exempt a school district from administering the assessments 43589  
prescribed in division (B) of this section to that student. 43590

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 43591  
Revised Code: 43592

(A) "Preschool program" means either of the following: 43593

(1) A child care program for preschool children that is 43594  
operated by a school district board of education or an eligible 43595  
nonpublic school. 43596

(2) A child care program for preschool children age three or 43597  
older that is operated by a county DD board or a community school. 43598

(B) "Preschool child" or "child" means a child who has not 43599  
entered kindergarten and is not of compulsory school age. 43600

(C) "Parent, guardian, or custodian" means the person or 43601  
government agency that is or will be responsible for a child's 43602  
school attendance under section 3321.01 of the Revised Code. 43603

(D) "Superintendent" means the superintendent of a school 43604  
district or the chief administrative officer of a community school 43605  
or an eligible nonpublic school. 43606

(E) "Director" means the director, head teacher, elementary 43607  
principal, or site administrator who is the individual on site and 43608  
responsible for supervision of a preschool program. 43609

(F) "Preschool staff member" means a preschool employee whose 43610  
primary responsibility is care, teaching, or supervision of 43611  
preschool children. 43612

(G) "Nonteaching employee" means a preschool program or 43613  
school child program employee whose primary responsibilities are 43614  
duties other than care, teaching, and supervision of preschool 43615  
children or school children. 43616

(H) "Eligible nonpublic school" means a nonpublic school 43617  
chartered as described in division (B)(8) of section 5104.02 of 43618  
the Revised Code or chartered by the state board of education for 43619  
any combination of grades one through twelve, regardless of 43620  
whether it also offers kindergarten. 43621

(I) "County DD board" means a county board of developmental 43622  
disabilities. 43623

(J) "School child program" means a child care program for 43624  
only school children that is operated by a school district board 43625  
of education, county DD board, community school, or eligible 43626  
nonpublic school. 43627

(K) "School child" means a child who is enrolled in or is 43628  
eligible to be enrolled in a grade of kindergarten or above but is 43629  
less than fifteen years old. 43630

(L) "School child program staff member" means an employee 43631  
whose primary responsibility is the care, teaching, or supervision 43632  
of children in a school child program. 43633

(M) "Child care" means administering to the needs of infants, 43634  
toddlers, preschool children, and school children outside of 43635  
school hours by persons other than their parents or guardians, 43636  
custodians, or relatives by blood, marriage, or adoption for any 43637  
part of the twenty-four-hour day in a place or residence other 43638  
than a child's own home. 43639

(N) "Child day-care center," "publicly funded child care," 43640  
and "school-age child care center" have the same meanings as in 43641  
section 5104.01 of the Revised Code. 43642

(O) "Community school" means either of the following: 43643

(1) A community school established under Chapter 3314. of the 43644  
Revised Code that is sponsored by an entity that is rated 43645  
"exemplary" under section 3314.016 of the Revised Code. 43646

(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following: 43647  
43648  
43649

(a) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 43650  
43651  
43652  
43653  
43654

(b) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 43655  
43656  
43657  
43658

**Sec. 3301.53.** (A) The state board of education, in 43659  
consultation with the director of job and family services, shall 43660  
formulate and prescribe by rule adopted under Chapter 119. of the 43661  
Revised Code minimum standards to be applied to preschool programs 43662  
operated by school district boards of education, county DD boards, 43663  
community schools, or eligible nonpublic schools. The rules shall 43664  
include the following: 43665

(1) Standards ensuring that the preschool program is located 43666  
in a safe and convenient facility that accommodates the enrollment 43667  
of the program, is of the quality to support the growth and 43668  
development of the children according to the program objectives, 43669  
and meets the requirements of section 3301.55 of the Revised Code; 43670

(2) Standards ensuring that supervision, discipline, and 43671  
programs will be administered according to established objectives 43672  
and procedures; 43673

(3) Standards ensuring that preschool staff members and 43674  
nonteaching employees are recruited, employed, assigned, 43675  
evaluated, and provided inservice education without discrimination 43676

on the basis of age, color, national origin, race, or sex; and 43677  
that preschool staff members and nonteaching employees are 43678  
assigned responsibilities in accordance with written position 43679  
descriptions commensurate with their training and experience; 43680

(4) A requirement that boards of education intending to 43681  
establish a preschool program demonstrate a need for a preschool 43682  
program prior to establishing the program; 43683

(5) Requirements that children participating in preschool 43684  
programs have been immunized to the extent considered appropriate 43685  
by the state board to prevent the spread of communicable disease; 43686

(6) Requirements that the parents of preschool children 43687  
complete the emergency medical authorization form specified in 43688  
section 3313.712 of the Revised Code. 43689

(B) The state board of education in consultation with the 43690  
director of job and family services shall ensure that the rules 43691  
adopted by the state board under sections 3301.52 to 3301.58 of 43692  
the Revised Code are consistent with and meet or exceed the 43693  
requirements of Chapter 5104. of the Revised Code with regard to 43694  
child day-care centers. The state board and the director of job 43695  
and family services shall review all such rules at least once 43696  
every five years. 43697

(C) The state board of education, in consultation with the 43698  
director of job and family services, shall adopt rules for school 43699  
child programs that are consistent with and meet or exceed the 43700  
requirements of the rules adopted for school-age child care 43701  
centers under Chapter 5104. of the Revised Code. 43702

**Sec. 3301.541.** (A)(1) The director, head teacher, elementary 43703  
principal, or site administrator of a preschool program shall 43704  
request the superintendent of the bureau of criminal 43705  
identification and investigation to conduct a criminal records 43706

check with respect to any applicant who has applied to the 43707  
preschool program for employment as a person responsible for the 43708  
care, custody, or control of a child. If the applicant does not 43709  
present proof that the applicant has been a resident of this state 43710  
for the five-year period immediately prior to the date upon which 43711  
the criminal records check is requested or does not provide 43712  
evidence that within that five-year period the superintendent has 43713  
requested information about the applicant from the federal bureau 43714  
of investigation in a criminal records check, the director, head 43715  
teacher, or elementary principal shall request that the 43716  
superintendent obtain information from the federal bureau of 43717  
investigation as a part of the criminal records check for the 43718  
applicant. If the applicant presents proof that the applicant has 43719  
been a resident of this state for that five-year period, the 43720  
director, head teacher, or elementary principal may request that 43721  
the superintendent include information from the federal bureau of 43722  
investigation in the criminal records check. 43723

(2) Any director, head teacher, elementary principal, or site 43724  
administrator required by division (A)(1) of this section to 43725  
request a criminal records check shall provide to each applicant a 43726  
copy of the form prescribed pursuant to division (C)(1) of section 43727  
109.572 of the Revised Code, provide to each applicant a standard 43728  
impression sheet to obtain fingerprint impressions prescribed 43729  
pursuant to division (C)(2) of section 109.572 of the Revised 43730  
Code, obtain the completed form and impression sheet from each 43731  
applicant, and forward the completed form and impression sheet to 43732  
the superintendent of the bureau of criminal identification and 43733  
investigation at the time the person requests a criminal records 43734  
check pursuant to division (A)(1) of this section. 43735

(3) Any applicant who receives pursuant to division (A)(2) of 43736  
this section a copy of the form prescribed pursuant to division 43737  
(C)(1) of section 109.572 of the Revised Code and a copy of an 43738



impression sheet prescribed pursuant to division (C)(2) of that 43739  
section and who is requested to complete the form and provide a 43740  
set of fingerprint impressions shall complete the form or provide 43741  
all the information necessary to complete the form and provide the 43742  
impression sheet with the impressions of the applicant's 43743  
fingerprints. If an applicant, upon request, fails to provide the 43744  
information necessary to complete the form or fails to provide 43745  
impressions of the applicant's fingerprints, the preschool program 43746  
shall not employ that applicant for any position for which a 43747  
criminal records check is required by division (A)(1) of this 43748  
section. 43749

(B)(1) Except as provided in rules adopted by the department 43750  
of education in accordance with division (E) of this section, no 43751  
preschool program shall employ a person as a person responsible 43752  
for the care, custody, or control of a child if the person 43753  
previously has been convicted of or pleaded guilty to any of the 43754  
following: 43755

(a) A violation of section 2903.01, 2903.02, 2903.03, 43756  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 43757  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 43758  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 43759  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 43760  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 43761  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 43762  
2925.06, or 3716.11 of the Revised Code, a violation of section 43763  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 43764  
violation of section 2919.23 of the Revised Code that would have 43765  
been a violation of section 2905.04 of the Revised Code as it 43766  
existed prior to July 1, 1996, had the violation occurred prior to 43767  
that date, a violation of section 2925.11 of the Revised Code that 43768  
is not a minor drug possession offense, or felonious sexual 43769  
penetration in violation of former section 2907.12 of the Revised 43770

Code; 43771

(b) A violation of an existing or former law of this state, 43772  
any other state, or the United States that is substantially 43773  
equivalent to any of the offenses or violations described in 43774  
division (B)(1)(a) of this section. 43775

(2) A preschool program may employ an applicant conditionally 43776  
until the criminal records check required by this section is 43777  
completed and the preschool program receives the results of the 43778  
criminal records check. If the results of the criminal records 43779  
check indicate that, pursuant to division (B)(1) of this section, 43780  
the applicant does not qualify for employment, the preschool 43781  
program shall release the applicant from employment. 43782

(C)(1) Each preschool program shall pay to the bureau of 43783  
criminal identification and investigation the fee prescribed 43784  
pursuant to division (C)(3) of section 109.572 of the Revised Code 43785  
for each criminal records check conducted in accordance with that 43786  
section upon the request pursuant to division (A)(1) of this 43787  
section of the director, head teacher, elementary principal, or 43788  
site administrator of the preschool program. 43789

(2) A preschool program may charge an applicant a fee for the 43790  
costs it incurs in obtaining a criminal records check under this 43791  
section. A fee charged under this division shall not exceed the 43792  
amount of fees the preschool program pays under division (C)(1) of 43793  
this section. If a fee is charged under this division, the 43794  
preschool program shall notify the applicant at the time of the 43795  
applicant's initial application for employment of the amount of 43796  
the fee and that, unless the fee is paid, the applicant will not 43797  
be considered for employment. 43798

(D) The report of any criminal records check conducted by the 43799  
bureau of criminal identification and investigation in accordance 43800  
with section 109.572 of the Revised Code and pursuant to a request 43801

under division (A)(1) of this section is not a public record for 43802  
the purposes of section 149.43 of the Revised Code and shall not 43803  
be made available to any person other than the applicant who is 43804  
the subject of the criminal records check or the applicant's 43805  
representative, the preschool program requesting the criminal 43806  
records check or its representative, and any court, hearing 43807  
officer, or other necessary individual in a case dealing with the 43808  
denial of employment to the applicant. 43809

(E) The department of education shall adopt rules pursuant to 43810  
Chapter 119. of the Revised Code to implement this section, 43811  
including rules specifying circumstances under which a preschool 43812  
program may hire a person who has been convicted of an offense 43813  
listed in division (B)(1) of this section but who meets standards 43814  
in regard to rehabilitation set by the department. 43815

(F) Any person required by division (A)(1) of this section to 43816  
request a criminal records check shall inform each person, at the 43817  
time of the person's initial application for employment, that the 43818  
person is required to provide a set of impressions of the person's 43819  
fingerprints and that a criminal records check is required to be 43820  
conducted and satisfactorily completed in accordance with section 43821  
109.572 of the Revised Code if the person comes under final 43822  
consideration for appointment or employment as a precondition to 43823  
employment for that position. 43824

(G) As used in this section: 43825

(1) "Applicant" means a person who is under final 43826  
consideration for appointment or employment in a position with a 43827  
preschool program as a person responsible for the care, custody, 43828  
or control of a child, except that "applicant" does not include a 43829  
person already employed by a board of education, community school, 43830  
or chartered nonpublic school in a position of care, custody, or 43831  
control of a child who is under consideration for a different 43832  
position with such board or school. 43833

(2) "Criminal records check" has the same meaning as in 43834  
section 109.572 of the Revised Code. 43835

(3) "Minor drug possession offense" has the same meaning as 43836  
in section 2925.01 of the Revised Code. 43837

(H) If the board of education of a local school district 43838  
adopts a resolution requesting the assistance of the educational 43839  
service center in which the local district has territory in 43840  
conducting criminal records checks of substitute teachers under 43841  
this section, the appointing or hiring officer of such educational 43842  
service center governing board shall serve for purposes of this 43843  
section as the appointing or hiring officer of the local board in 43844  
the case of hiring substitute teachers for employment in the local 43845  
district. 43846

**Sec. 3301.55.** (A) A school district, county DD board, 43847  
community school, or eligible nonpublic school operating a 43848  
preschool program shall house the program in buildings that meet 43849  
the following requirements: 43850

(1) The building is operated by the district, county DD 43851  
board, community school, or eligible nonpublic school and has been 43852  
approved by the division of industrial compliance in the 43853  
department of commerce or a certified municipal, township, or 43854  
county building department for the purpose of operating a program 43855  
for preschool children. Any such structure shall be constructed, 43856  
equipped, repaired, altered, and maintained in accordance with 43857  
applicable provisions of Chapters 3781. and 3791. and with rules 43858  
adopted by the board of building standards under Chapter 3781. of 43859  
the Revised Code for the safety and sanitation of structures 43860  
erected for this purpose. 43861

(2) The building is in compliance with fire and safety laws 43862  
and regulations as evidenced by reports of annual school fire and 43863  
safety inspections as conducted by appropriate local authorities. 43864

(3) The school is in compliance with rules established by the state board of education regarding school food services.

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county DD board, community school, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board not later than the first day of September of the school year in which the program is to be initiated. The board shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected by the department of education. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county DD board, or school to meet the requirements.

**Sec. 3301.56.** (A) The director, head teacher, elementary principal, or site administrator who is on site and responsible for supervision of each preschool program shall be responsible for the following:

(1) Ensuring that the health and safety of the children are	43896
safeguarded by an organized program of school health services	43897
designed to identify child health problems and to coordinate	43898
school and community health resources for children, as evidenced	43899
by but not limited to:	43900
(a) Requiring immunization and compliance with emergency	43901
medical authorization requirements in accordance with rules	43902
adopted by the state board of education under section 3301.53 of	43903
the Revised Code;	43904
(b) Providing procedures for emergency situations, including	43905
fire drills, rapid dismissals, tornado drills, and school safety	43906
drills in accordance with section 3737.73 of the Revised Code, and	43907
keeping records of such drills or dismissals;	43908
(c) Posting emergency procedures in preschool rooms and	43909
making them available to school personnel, children, and parents;	43910
(d) Posting emergency numbers by each telephone;	43911
(e) Supervising grounds, play areas, and other facilities	43912
when scheduled for use by children;	43913
(f) Providing first-aid facilities and materials.	43914
(2) Maintaining cumulative records for each child;	43915
(3) Supervising each child's admission, placement, and	43916
withdrawal according to established procedures;	43917
(4) Preparing at least once annually for each group of	43918
children in the program a roster of names and telephone numbers of	43919
parents, guardians, and custodians of children in the group and,	43920
on request, furnishing the roster for each group to the parents,	43921
guardians, and custodians of children in that group. The director	43922
may prepare a similar roster of all children in the program and,	43923
on request, make it available to the parents, guardians, and	43924
custodians, of children in the program. The director shall not	43925

include in either roster the name or telephone number of any 43926  
parent, guardian, or custodian who requests that the parent's, 43927  
guardian's, or custodian's name or number not be included, and 43928  
shall not furnish any roster to any person other than a parent, 43929  
guardian, or custodian of a child in the program. 43930

(5) Ensuring that clerical and custodial services are 43931  
provided for the program; 43932

(6) Supervising the instructional program and the daily 43933  
operation of the program; 43934

(7) Supervising and evaluating preschool staff members 43935  
according to a planned sequence of observations and evaluation 43936  
conferences, and supervising nonteaching employees. 43937

(B)(1) In each program the maximum number of children per 43938  
preschool staff member and the maximum group size by age category 43939  
of children shall be as follows: 43940

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if	43944
		two preschool	43945
		staff members	43946
		are in the room	43947
12 months to less than 18 months	12	1:6	43948
18 months to less than 30 months	14	1:7	43949
30 months to less than 3 years	16	1:8	43950
3-year-olds	24	1:12	43951
4- and 5-year-olds not in school	28	1:14	43952

(2) When age groups are combined, the maximum number of 43953  
children per preschool staff member shall be determined by the age 43954  
of the youngest child in the group, except that when no more than 43955  
one child thirty months of age or older receives child care in a 43956

group in which all the other children are in the next older age 43957  
group, the maximum number of children per child-care staff member 43958  
and maximum group size requirements of the older age group 43959  
established under division (B)(1) of this section shall apply. 43960

(3) In a room where children are napping, if all the children 43961  
are at least eighteen months of age, the maximum number of 43962  
children per preschool staff member shall, for a period not to 43963  
exceed one and one-half hours in any twenty-four hour day, be 43964  
twice the maximum number of children per preschool staff member 43965  
established under division (B)(1) of this section if all the 43966  
following criteria are met: 43967

(a) At least one preschool staff member is present in the 43968  
room; 43969

(b) Sufficient preschool staff members are present on the 43970  
preschool program premises to comply with division (B)(1) of this 43971  
section; 43972

(c) Naptime preparations have been completed and the children 43973  
are resting or napping. 43974

(4) Any accredited program that uses the Montessori method 43975  
endorsed by the American Montessori society or the association 43976  
Montessori internationale as its primary method of instruction and 43977  
is licensed as a preschool program under section 3301.58 of the 43978  
Revised Code may combine preschool children of ages three to five 43979  
years old with children enrolled in kindergarten. Notwithstanding 43980  
anything to the contrary in division (B)(2) of this section, when 43981  
such age groups are combined, the maximum number of children per 43982  
preschool staff member shall be twelve and the maximum group size 43983  
shall be twenty-four children. 43984

(C) In each building in which a preschool program is operated 43985  
there shall be on the premises, and readily available at all 43986  
times, at least one employee who has completed a course in first 43987



aid and in the prevention, recognition, and management of 43988  
communicable diseases which is approved by the state department of 43989  
health, and an employee who has completed a course in child abuse 43990  
recognition and prevention. 43991

(D) Any parent, guardian, or custodian of a child enrolled in 43992  
a preschool program shall be permitted unlimited access to the 43993  
school during its hours of operation to contact the parent's, 43994  
guardian's, or custodian's child, evaluate the care provided by 43995  
the program, or evaluate the premises, or for other purposes 43996  
approved by the director. Upon entering the premises, the parent, 43997  
guardian, or custodian shall report to the school office. 43998

**Sec. 3301.57.** (A) For the purpose of improving programs, 43999  
facilities, and implementation of the standards promulgated by the 44000  
state board of education under section 3301.53 of the Revised 44001  
Code, the state department of education shall provide consultation 44002  
and technical assistance to school districts, county DD boards, 44003  
community schools, and eligible nonpublic schools operating 44004  
preschool programs or school child programs, and inservice 44005  
training to preschool staff members, school child program staff 44006  
members, and nonteaching employees. 44007

(B) The department and the school district board of 44008  
education, county DD board, community school, or eligible 44009  
nonpublic school shall jointly monitor each preschool program and 44010  
each school child program. 44011

If the program receives any grant or other funding from the 44012  
state or federal government, the department annually shall monitor 44013  
all reports on attendance, financial support, and expenditures 44014  
according to provisions for use of the funds. 44015

(C) The department of education, at least once during every 44016  
twelve-month period of operation of a preschool program or a 44017  
licensed school child program, shall inspect the program and 44018

provide a written inspection report to the superintendent of the 44019  
school district, county DD board, community school, or eligible 44020  
nonpublic school. The department may inspect any program more than 44021  
once, as considered necessary by the department, during any 44022  
twelve-month period of operation. All inspections may be 44023  
unannounced. No person shall interfere with any inspection 44024  
conducted pursuant to this division or to the rules adopted 44025  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 44026

Upon receipt of any complaint that a preschool program or a 44027  
licensed school child program is out of compliance with the 44028  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 44029  
the rules adopted under those sections, the department shall 44030  
investigate and may inspect the program. 44031

(D) If a preschool program or a licensed school child program 44032  
is determined to be out of compliance with the requirements of 44033  
sections 3301.52 to 3301.59 of the Revised Code or the rules 44034  
adopted under those sections, the department of education shall 44035  
notify the appropriate superintendent, county DD board, community 44036  
school, or eligible nonpublic school in writing regarding the 44037  
nature of the violation, what must be done to correct the 44038  
violation, and by what date the correction must be made. If the 44039  
correction is not made by the date established by the department, 44040  
it may commence action under Chapter 119. of the Revised Code to 44041  
close the program or to revoke the license of the program. If a 44042  
program does not comply with an order to cease operation issued in 44043  
accordance with Chapter 119. of the Revised Code, the department 44044  
shall notify the attorney general, the prosecuting attorney of the 44045  
county in which the program is located, or the city attorney, 44046  
village solicitor, or other chief legal officer of the municipal 44047  
corporation in which the program is located that the program is 44048  
operating in violation of sections 3301.52 to 3301.59 of the 44049  
Revised Code or the rules adopted under those sections and in 44050

violation of an order to cease operation issued in accordance with 44051  
Chapter 119. of the Revised Code. Upon receipt of the 44052  
notification, the attorney general, prosecuting attorney, city 44053  
attorney, village solicitor, or other chief legal officer shall 44054  
file a complaint in the court of common pleas of the county in 44055  
which the program is located requesting the court to issue an 44056  
order enjoining the program from operating. The court shall grant 44057  
the requested injunctive relief upon a showing that the program 44058  
named in the complaint is operating in violation of sections 44059  
3301.52 to 3301.59 of the Revised Code or the rules adopted under 44060  
those sections and in violation of an order to cease operation 44061  
issued in accordance with Chapter 119. of the Revised Code. 44062

(E) The department of education shall prepare an annual 44063  
report on inspections conducted under this section. The report 44064  
shall include the number of inspections conducted, the number and 44065  
types of violations found, and the steps taken to address the 44066  
violations. The department shall file the report with the 44067  
governor, the president and minority leader of the senate, and the 44068  
speaker and minority leader of the house of representatives on or 44069  
before the first day of January of each year, beginning in 1999. 44070

**Sec. 3301.58.** (A) The department of education is responsible 44071  
for the licensing of preschool programs and school child programs 44072  
and for the enforcement of sections 3301.52 to 3301.59 of the 44073  
Revised Code and of any rules adopted under those sections. No 44074  
school district board of education, county DD board, community 44075  
school, or eligible nonpublic school shall operate, establish, 44076  
manage, conduct, or maintain a preschool program without a license 44077  
issued under this section. A school district board of education, 44078  
county DD board, community school, or eligible nonpublic school 44079  
may obtain a license under this section for a school child 44080  
program. The school district board of education, county DD board, 44081  
community school, or eligible nonpublic school shall post the 44082

license for each preschool program and licensed school child 44083  
program it operates, establishes, manages, conducts, or maintains 44084  
in a conspicuous place in the preschool program or licensed school 44085  
child program that is accessible to parents, custodians, or 44086  
guardians and employees and staff members of the program at all 44087  
times when the program is in operation. 44088

(B) Any school district board of education, county DD board, 44089  
community school, or eligible nonpublic school that desires to 44090  
operate, establish, manage, conduct, or maintain a preschool 44091  
program shall apply to the department of education for a license 44092  
on a form that the department shall prescribe by rule. Any school 44093  
district board of education, county DD board, community school, or 44094  
eligible nonpublic school that desires to obtain a license for a 44095  
school child program shall apply to the department for a license 44096  
on a form that the department shall prescribe by rule. The 44097  
department shall provide at no charge to each applicant for a 44098  
license under this section a copy of the requirements under 44099  
sections 3301.52 to 3301.59 of the Revised Code and any rules 44100  
adopted under those sections. The department may establish 44101  
application fees by rule adopted under Chapter 119. of the Revised 44102  
Code, and all applicants for a license shall pay any fee 44103  
established by the department at the time of making an application 44104  
for a license. All fees collected pursuant to this section shall 44105  
be paid into the state treasury to the credit of the general 44106  
revenue fund. 44107

(C) Upon the filing of an application for a license, the 44108  
department of education shall investigate and inspect the 44109  
preschool program or school child program to determine the license 44110  
capacity for each age category of children of the program and to 44111  
determine whether the program complies with sections 3301.52 to 44112  
3301.59 of the Revised Code and any rules adopted under those 44113  
sections. When, after investigation and inspection, the department 44114

of education is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are complied with by the applicant, the department of education shall issue the program a provisional license as soon as practicable in the form and manner prescribed by the rules of the department. The provisional license shall be valid for one year from the date of issuance unless revoked.

(D) The department of education shall investigate and inspect a preschool program or school child program that has been issued a provisional license at least once during operation under the provisional license. If, after the investigation and inspection, the department of education determines that the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the provisional licensee, the department of education shall issue the program a license. The license shall remain valid unless revoked or the program ceases operations.

(E) The department of education annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county DD board, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of education may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections.

(H) If the department of education revokes a license, the 44147  
department shall not issue a license to the program within two 44148  
years from the date of the revocation. All actions of the 44149  
department with respect to licensing preschool programs and school 44150  
child programs shall be in accordance with Chapter 119. of the 44151  
Revised Code. 44152

**Sec. 3301.922.** The department of education shall issue an 44153  
annual report on the participation by public and chartered 44154  
nonpublic schools in the option of sections 3313.674, 3314.15, and 44155  
3326.26 of the Revised Code to screen students for body mass index 44156  
and weight status category. The department shall include in the 44157  
report any data regarding student health and wellness collected in 44158  
conjunction with those sections. The department shall submit each 44159  
report to the governor, and the general assembly, ~~and the healthy~~ 44160  
~~choices for healthy children council.~~ 44161

**Sec. 3301.923.** ~~Upon receipt of the initial recommendations of~~ 44162  
~~the healthy choices for healthy children council required by~~ 44163  
~~division (C) of section 3301.921 of the Revised Code, the The~~ 44164  
department of education shall establish a clearinghouse of best 44165  
practices that schools may use to promote student health. The 44166  
department shall update the clearinghouse as necessary ~~to reflect~~ 44167  
~~subsequent recommendations of the council.~~ 44168

**Sec. 3302.02.** Not later than one year after the adoption of 44169  
rules under division (D) of section 3301.0712 of the Revised Code 44170  
and at least every sixth year thereafter, upon recommendations of 44171  
the superintendent of public instruction, the state board of 44172  
education shall establish a set of performance indicators that 44173  
considered as a unit will be used as one of the performance 44174  
categories for the report cards required by section 3302.03 of the 44175  
Revised Code. In establishing these indicators, the superintendent 44176

shall consider inclusion of student performance on assessments 44177  
prescribed under section 3301.0710 or 3301.0712 of the Revised 44178  
Code, rates of student improvement on such assessments, the 44179  
breadth of coursework available within the district, and other 44180  
indicators of student success. 44181

Beginning with the report card for the 2014-2015 school year, 44182  
the performance indicators shall include an indicator that 44183  
reflects the level of services provided to, and the performance 44184  
of, students identified as gifted under Chapter 3324. of the 44185  
Revised Code. The indicator shall include the performance of 44186  
students identified as gifted on state assessments and value-added 44187  
growth measure disaggregated for students identified as gifted. 44188

For the 2013-2014 school year, except as otherwise provided 44189  
in this section, for any indicator based on the percentage of 44190  
students attaining a proficient score on the assessments 44191  
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 44192  
Revised Code, a school district or building shall be considered to 44193  
have met the indicator if at least eighty per cent of the tested 44194  
students attain a score of proficient or higher on the assessment. 44195  
A school district or building shall be considered to have met the 44196  
indicator for the assessments prescribed by division (B)(1) of 44197  
section 3301.0710 of the Revised Code and only as administered to 44198  
eleventh grade students, if at least eighty-five per cent of the 44199  
tested students attain a score of proficient or higher on the 44200  
assessment. ~~Not later than July 1, 2014, the~~ 44201

The state board may shall adopt rules, under Chapter 119. of 44202  
the Revised Code, to establish ~~different~~ proficiency percentages 44203  
to meet each indicator that is based on a state assessment, 44204  
prescribed under section 3301.0710 or 3301.0712 of the Revised 44205  
Code, for the 2014-2015 school year and thereafter by the 44206  
following dates: 44207

(A) Not later than December 31, 2015, for the 2014-2015 44208

school year; 44209

(B) Not later than July 1, 2016, for the 2015-2016 school 44210  
year; 44211

(C) Not later than July 1, 2017, for the 2016-2017 school 44212  
year, and for each school year thereafter. 44213

~~The superintendent shall not establish any performance~~ 44214  
~~indicator for passage of the third or fourth grade English~~ 44215  
~~language arts assessment that is solely based on the assessment~~ 44216  
~~given in the fall for the purpose of determining whether students~~ 44217  
~~have met the reading guarantee provisions of section 3313.608 of~~ 44218  
~~the Revised Code.~~ 44219

**Sec. 3302.03.** Annually, not later than the fifteenth day of 44220  
September or the preceding Friday when that day falls on a 44221  
Saturday or Sunday, the department of education shall assign a 44222  
letter grade for overall academic performance and for each 44223  
separate performance measure for each school district, and each 44224  
school building in a district, in accordance with this section. 44225  
The state board shall adopt rules pursuant to Chapter 119. of the 44226  
Revised Code to establish performance criteria for each letter 44227  
grade and prescribe a method by which the department assigns each 44228  
letter grade. For a school building to which any of the 44229  
performance measures do not apply, due to grade levels served by 44230  
the building, the state board shall designate the performance 44231  
measures that are applicable to the building and that must be 44232  
calculated separately and used to calculate the building's overall 44233  
grade. The department shall issue annual report cards reflecting 44234  
the performance of each school district, each building within each 44235  
district, and for the state as a whole using the performance 44236  
measures and letter grade system described in this section. The 44237  
department shall include on the report card for each district and 44238  
each building within each district the most recent two-year trend 44239



data in student achievement for each subject and each grade. 44240

(A)(1) For the 2012-2013 school year, the department shall 44241  
issue grades as described in division (E) of this section for each 44242  
of the following performance measures: 44243

(a) Annual measurable objectives; 44244

(b) Performance index score for a school district or 44245  
building. Grades shall be awarded as a percentage of the total 44246  
possible points on the performance index system as adopted by the 44247  
state board. In adopting benchmarks for assigning letter grades 44248  
under division (A)(1)(b) of this section, the state board of 44249  
education shall designate ninety per cent or higher for an "A," at 44250  
least seventy per cent but not more than eighty per cent for a 44251  
"C," and less than fifty per cent for an "F." 44252

(c) The extent to which the school district or building meets 44253  
each of the applicable performance indicators established by the 44254  
state board under section 3302.02 of the Revised Code and the 44255  
percentage of applicable performance indicators that have been 44256  
achieved. In adopting benchmarks for assigning letter grades under 44257  
division (A)(1)(c) of this section, the state board shall 44258  
designate ninety per cent or higher for an "A." 44259

(d) The four- and five-year adjusted cohort graduation rates. 44260

In adopting benchmarks for assigning letter grades under 44261  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 44262  
department shall designate a four-year adjusted cohort graduation 44263  
rate of ninety-three per cent or higher for an "A" and a five-year 44264  
cohort graduation rate of ninety-five per cent or higher for an 44265  
"A." 44266

(e) The overall score under the value-added progress 44267  
dimension of a school district or building, for which the 44268  
department shall use up to three years of value-added data as 44269  
available. The letter grade assigned for this growth measure shall 44270

be as follows: 44271

(i) A score that is at least two standard errors of measure 44272  
above the mean score shall be designated as an "A." 44273

(ii) A score that is at least one standard error of measure 44274  
but less than two standard errors of measure above the mean score 44275  
shall be designated as a "B." 44276

(iii) A score that is less than one standard error of measure 44277  
above the mean score but greater than or equal to one standard 44278  
error of measure below the mean score shall be designated as a 44279  
"C." 44280

(iv) A score that is not greater than one standard error of 44281  
measure below the mean score but is greater than or equal to two 44282  
standard errors of measure below the mean score shall be 44283  
designated as a "D." 44284

(v) A score that is not greater than two standard errors of 44285  
measure below the mean score shall be designated as an "F." 44286

Whenever the value-added progress dimension is used as a 44287  
graded performance measure, whether as an overall measure or as a 44288  
measure of separate subgroups, the grades for the measure shall be 44289  
calculated in the same manner as prescribed in division (A)(1)(e) 44290  
of this section. 44291

(f) The value-added progress dimension score for a school 44292  
district or building disaggregated for each of the following 44293  
subgroups: students identified as gifted, students with 44294  
disabilities, and students whose performance places them in the 44295  
lowest quintile for achievement on a statewide basis. Each 44296  
subgroup shall be a separate graded measure. 44297

(2) Not later than April 30, 2013, the state board of 44298  
education shall adopt a resolution describing the performance 44299  
measures, benchmarks, and grading system for the 2012-2013 school 44300

year and, not later than June 30, 2013, shall adopt rules in 44301  
accordance with Chapter 119. of the Revised Code that prescribe 44302  
the methods by which the performance measures under division 44303  
(A)(1) of this section shall be assessed and assigned a letter 44304  
grade, including performance benchmarks for each letter grade. 44305

At least forty-five days prior to the state board's adoption 44306  
of rules to prescribe the methods by which the performance 44307  
measures under division (A)(1) of this section shall be assessed 44308  
and assigned a letter grade, the department shall conduct a public 44309  
presentation before the standing committees of the house of 44310  
representatives and the senate that consider education legislation 44311  
describing such methods, including performance benchmarks. 44312

(3) There shall not be an overall letter grade for a school 44313  
district or building for the 2012-2013 school year. 44314

(B)(1) For the 2013-2014 and 2014-2015 school ~~year~~ years, the 44315  
department shall issue grades as described in division (E) of this 44316  
section for each of the following performance measures: 44317

(a) Annual measurable objectives; 44318

(b) Performance index score for a school district or 44319  
building. Grades shall be awarded as a percentage of the total 44320  
possible points on the performance index system as created by the 44321  
department. In adopting benchmarks for assigning letter grades 44322  
under division (B)(1)(b) of this section, the state board shall 44323  
designate ninety per cent or higher for an "A," at least seventy 44324  
per cent but not more than eighty per cent for a "C," and less 44325  
than fifty per cent for an "F." 44326

(c) The extent to which the school district or building meets 44327  
each of the applicable performance indicators established by the 44328  
state board under section 3302.03 of the Revised Code and the 44329  
percentage of applicable performance indicators that have been 44330  
achieved. In adopting benchmarks for assigning letter grades under 44331

division (B)(1)(c) of this section, the state board shall 44332  
designate ninety per cent or higher for an "A." 44333

(d) The four- and five-year adjusted cohort graduation rates; 44334

(e) The overall score under the value-added progress 44335  
dimension of a school district or building, for which the 44336  
department shall use up to three years of value-added data as 44337  
available. 44338

(f) The value-added progress dimension score for a school 44339  
district or building disaggregated for each of the following 44340  
subgroups: students identified as gifted in superior cognitive 44341  
ability and specific academic ability fields under Chapter 3324. 44342  
of the Revised Code, students with disabilities, and students 44343  
whose performance places them in the lowest quintile for 44344  
achievement on a statewide basis. Each subgroup shall be a 44345  
separate graded measure. 44346

(g) Whether a school district or building is making progress 44347  
in improving literacy in grades kindergarten through three, as 44348  
determined using a method prescribed by the state board. The state 44349  
board shall adopt rules to prescribe benchmarks and standards for 44350  
assigning grades to districts and buildings for purposes of 44351  
division (B)(1)(g) of this section. In adopting benchmarks for 44352  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 44353  
this section, the state board shall determine progress made based 44354  
on the reduction in the total percentage of students scoring below 44355  
grade level, or below proficient, compared from year to year on 44356  
the reading and writing diagnostic assessments administered under 44357  
section 3301.0715 of the Revised Code and the third grade English 44358  
language arts assessment under section 3301.0710 of the Revised 44359  
Code, as applicable. The state board shall designate for a "C" 44360  
grade a value that is not lower than the statewide average value 44361  
for this measure. No grade shall be issued under divisions 44362  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 44363

in which less than five per cent of students have scored below 44364  
grade level on the diagnostic assessment administered to students 44365  
in kindergarten under division (B)(1) of section 3313.608 of the 44366  
Revised Code. 44367

(h) For a high mobility school district or building, an 44368  
additional value-added progress dimension score. For this measure, 44369  
the department shall use value-added data from the most recent 44370  
school year available and shall use assessment scores for only 44371  
those students to whom the district or building has administered 44372  
the assessments prescribed by section 3301.0710 of the Revised 44373  
Code for each of the two most recent consecutive school years. 44374

As used in this division, "high mobility school district or 44375  
building" means a school district or building where at least 44376  
twenty-five per cent of its total enrollment is made up of 44377  
students who have attended that school district or building for 44378  
less than one year. 44379

(2) In addition to the graded measures in division (B)(1) of 44380  
this section, the department shall include on a school district's 44381  
or building's report card all of the following without an assigned 44382  
letter grade: 44383

(a) The percentage of students enrolled in a district or 44384  
building participating in advanced placement classes and the 44385  
percentage of those students who received a score of three or 44386  
better on advanced placement examinations; 44387

(b) The number of a district's or building's students who 44388  
have earned at least three college credits through dual enrollment 44389  
or advanced standing programs, such as the post-secondary 44390  
enrollment options program under Chapter 3365. of the Revised Code 44391  
and state-approved career-technical courses offered through dual 44392  
enrollment or statewide articulation, that appear on a student's 44393  
transcript or other official document, either of which is issued 44394

by the institution of higher education from which the student 44395  
earned the college credit. The credits earned that are reported 44396  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 44397  
include any that are remedial or developmental and shall include 44398  
those that count toward the curriculum requirements established 44399  
for completion of a degree. 44400

(c) The percentage of students enrolled in a district or 44401  
building who have taken a national standardized test used for 44402  
college admission determinations and the percentage of those 44403  
students who are determined to be remediation-free in accordance 44404  
with standards adopted under division (F) of section 3345.061 of 44405  
the Revised Code; 44406

(d) The percentage of the district's or the building's 44407  
students who receive industry-recognized credentials. The state 44408  
board shall adopt criteria for acceptable industry-recognized 44409  
credentials. 44410

(e) The percentage of students enrolled in a district or 44411  
building who are participating in an international baccalaureate 44412  
program and the percentage of those students who receive a score 44413  
of four or better on the international baccalaureate examinations. 44414

(f) The percentage of the district's or building's students 44415  
who receive an honors diploma under division (B) of section 44416  
3313.61 of the Revised Code. 44417

(3) Not later than December 31, 2013, the state board shall 44418  
adopt rules in accordance with Chapter 119. of the Revised Code 44419  
that prescribe the methods by which the performance measures under 44420  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 44421  
and assigned a letter grade, including performance benchmarks for 44422  
each grade. 44423

At least forty-five days prior to the state board's adoption 44424  
of rules to prescribe the methods by which the performance 44425

measures under division (B)(1) of this section shall be assessed 44426  
and assigned a letter grade, the department shall conduct a public 44427  
presentation before the standing committees of the house of 44428  
representatives and the senate that consider education legislation 44429  
describing such methods, including performance benchmarks. 44430

(4) There shall not be an overall letter grade for a school 44431  
district or building for the 2013-2014, 2014-2015, 2015-2016, and 44432  
2016-2017 school ~~year~~ years. 44433

(C)(1) For the 2014-2015 school year and each school year 44434  
thereafter, the department shall issue grades as described in 44435  
division (E) of this section for each of the performance measures 44436  
prescribed in division (C)(1) of this section ~~and an overall~~ 44437  
~~letter grade based on an aggregate of those measures, except for~~ 44438  
~~the performance measure set forth in division (C)(1)(h) of this~~ 44439  
~~section~~. The graded measures are as follows: 44440

(a) Annual measurable objectives; 44441

(b) Performance index score for a school district or 44442  
building. Grades shall be awarded as a percentage of the total 44443  
possible points on the performance index system as created by the 44444  
department. In adopting benchmarks for assigning letter grades 44445  
under division (C)(1)(b) of this section, the state board shall 44446  
designate ninety per cent or higher for an "A," at least seventy 44447  
per cent but not more than eighty per cent for a "C," and less 44448  
than fifty per cent for an "F." 44449

(c) The extent to which the school district or building meets 44450  
each of the applicable performance indicators established by the 44451  
state board under section 3302.03 of the Revised Code and the 44452  
percentage of applicable performance indicators that have been 44453  
achieved. In adopting benchmarks for assigning letter grades under 44454  
division (C)(1)(c) of this section, the state board shall 44455  
designate ninety per cent or higher for an "A." 44456

(d) The four- and five-year adjusted cohort graduation rates; 44457

(e) The overall score under the value-added progress 44458  
dimension, or another measure of student academic progress if 44459  
adopted by the state board, of a school district or building, for 44460  
which the department shall use up to three years of value-added 44461  
data as available. 44462

In adopting benchmarks for assigning letter grades for 44463  
overall score on value-added progress dimension under division 44464  
(C)(1)(e) of this section, the state board shall prohibit the 44465  
assigning of a grade of "A" for that measure unless the district's 44466  
or building's grade assigned for value-added progress dimension 44467  
for all subgroups under division (C)(1)(f) of this section is a 44468  
"B" or higher. 44469

For the metric prescribed by division (C)(1)(e) of this 44470  
section, the state board may adopt a student academic progress 44471  
measure to be used instead of the value-added progress dimension. 44472  
If the state board adopts such a measure, it also shall prescribe 44473  
a method for assigning letter grades for the new measure that is 44474  
comparable to the method prescribed in division (A)(1)(e) of this 44475  
section. 44476

(f) The value-added progress dimension score of a school 44477  
district or building disaggregated for each of the following 44478  
subgroups: students identified as gifted in superior cognitive 44479  
ability and specific academic ability fields under Chapter 3324. 44480  
of the Revised Code, students with disabilities, and students 44481  
whose performance places them in the lowest quintile for 44482  
achievement on a statewide basis, as determined by a method 44483  
prescribed by the state board. Each subgroup shall be a separate 44484  
graded measure. 44485

The state board may adopt student academic progress measures 44486  
to be used instead of the value-added progress dimension. If the 44487



state board adopts such measures, it also shall prescribe a method 44488  
for assigning letter grades for the new measures that is 44489  
comparable to the method prescribed in division (A)(1)(e) of this 44490  
section. 44491

(g) Whether a school district or building is making progress 44492  
in improving literacy in grades kindergarten through three, as 44493  
determined using a method prescribed by the state board. The state 44494  
board shall adopt rules to prescribe benchmarks and standards for 44495  
assigning grades to a district or building for purposes of 44496  
division (C)(1)(g) of this section. The state board shall 44497  
designate for a "C" grade a value that is not lower than the 44498  
statewide average value for this measure. No grade shall be issued 44499  
under division (C)(1)(g) of this section for a district or 44500  
building in which less than five per cent of students have scored 44501  
below grade level on the kindergarten diagnostic assessment under 44502  
division (B)(1) of section 3313.608 of the Revised Code. 44503

(h) For a high mobility school district or building, an 44504  
additional value-added progress dimension score. For this measure, 44505  
the department shall use value-added data from the most recent 44506  
school year available and shall use assessment scores for only 44507  
those students to whom the district or building has administered 44508  
the assessments prescribed by section 3301.0710 of the Revised 44509  
Code for each of the two most recent consecutive school years. 44510

As used in this division, "high mobility school district or 44511  
building" means a school district or building where at least 44512  
twenty-five per cent of its total enrollment is made up of 44513  
students who have attended that school district or building for 44514  
less than one year. 44515

(2) In addition to the graded measures in division (C)(1) of 44516  
this section, the department shall include on a school district's 44517  
or building's report card all of the following without an assigned 44518  
letter grade: 44519

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.

(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the ~~2014-2015~~ 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;

(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one

performance measure. However, if a student qualifies for more than 44582  
one performance measure in the component, the state board may, in 44583  
its method to determine a grade for the component, specify an 44584  
additional weight for such a student that is not greater than or 44585  
equal to 1.0. In determining the overall score under division 44586  
(C)(3)(f) of this section, the state board shall ensure that the 44587  
pool of students included in the performance measures aggregated 44588  
under that division are all of the students included in the four- 44589  
and five-year adjusted graduation cohort. 44590

In the rules adopted under division (C)(3) of this section, 44591  
the state board shall adopt a method for determining a grade for 44592  
each component in divisions (C)(3)(a) to (f) of this section. The 44593  
state board also shall establish a method to assign an overall 44594  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 44595  
each component. The method the state board adopts for assigning an 44596  
overall grade shall give equal weight to the components in 44597  
divisions (C)(3)(b) and (c) of this section. 44598

At least forty-five days prior to the state board's adoption 44599  
of rules to prescribe the methods for calculating the overall 44600  
grade for the report card, as required by this division, the 44601  
department shall conduct a public presentation before the standing 44602  
committees of the house of representatives and the senate that 44603  
consider education legislation describing the format for the 44604  
report card, weights that will be assigned to the components of 44605  
the overall grade, and the method for calculating the overall 44606  
grade. 44607

(D) ~~Not later~~ On or after than July 1, 2015, the state board 44608  
~~shall~~ may develop a measure of student academic progress for high 44609  
school students using only data from assessments in English 44610  
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 44611  
~~department shall include this measure on a school district or~~ 44612  
~~building's report card, as applicable, without an assigned letter~~ 44613

~~grade. Beginning with the report card for the 2015-2016 school year. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for this measure and the if not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade. This measure shall be included within the measure prescribed in division (C)(3)(c) of this section in the calculation for the overall letter grade.~~

(E) The letter grades assigned to a school district or building under this section shall be as follows:

(1) "A" for a district or school making excellent progress;

(2) "B" for a district or school making above average progress;

(3) "C" for a district or school making average progress;

(4) "D" for a district or school making below average progress;

(5) "F" for a district or school failing to meet minimum progress.

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less

than three years;	44643
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	44644 44645
(7) Performance of students grouped by those who are economically disadvantaged;	44646 44647
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	44648 44649 44650
(9) Performance of students grouped by those who are classified as limited English proficient;	44651 44652
(10) Performance of students grouped by those who have disabilities;	44653 44654
(11) Performance of students grouped by those who are classified as migrants;	44655 44656
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	44657 44658 44659 44660 44661 44662 44663 44664 44665
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	44666 44667 44668
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any	44669 44670 44671 44672

combinations of two or more of the categories listed in divisions 44673  
(F)(1) to (13) of this section that it deems relevant. 44674

In reporting data pursuant to division (F) of this section, 44675  
the department shall not include in the report cards any data 44676  
statistical in nature that is statistically unreliable or that 44677  
could result in the identification of individual students. For 44678  
this purpose, the department shall not report student performance 44679  
data for any group identified in division (F) of this section that 44680  
contains less than ten students. If the department does not report 44681  
student performance data for a group because it contains less than 44682  
ten students, the department shall indicate on the report card 44683  
that is why data was not reported. 44684

(G) The department may include with the report cards any 44685  
additional education and fiscal performance data it deems 44686  
valuable. 44687

(H) The department shall include on each report card a list 44688  
of additional information collected by the department that is 44689  
available regarding the district or building for which the report 44690  
card is issued. When available, such additional information shall 44691  
include student mobility data disaggregated by race and 44692  
socioeconomic status, college enrollment data, and the reports 44693  
prepared under section 3302.031 of the Revised Code. 44694

The department shall maintain a site on the world wide web. 44695  
The report card shall include the address of the site and shall 44696  
specify that such additional information is available to the 44697  
public at that site. The department shall also provide a copy of 44698  
each item on the list to the superintendent of each school 44699  
district. The district superintendent shall provide a copy of any 44700  
item on the list to anyone who requests it. 44701

(I) Division (I) of this section does not apply to conversion 44702  
community schools that primarily enroll students between sixteen 44703

and twenty-two years of age who dropped out of high school or are 44704  
at risk of dropping out of high school due to poor attendance, 44705  
disciplinary problems, or suspensions. 44706

(1) For any district that sponsors a conversion community 44707  
school under Chapter 3314. of the Revised Code, the department 44708  
shall combine data regarding the academic performance of students 44709  
enrolled in the community school with comparable data from the 44710  
schools of the district for the purpose of determining the 44711  
performance of the district as a whole on the report card issued 44712  
for the district under this section or section 3302.033 of the 44713  
Revised Code. 44714

(2) Any district that leases a building to a community school 44715  
located in the district or that enters into an agreement with a 44716  
community school located in the district whereby the district and 44717  
the school endorse each other's programs may elect to have data 44718  
regarding the academic performance of students enrolled in the 44719  
community school combined with comparable data from the schools of 44720  
the district for the purpose of determining the performance of the 44721  
district as a whole on the district report card. Any district that 44722  
so elects shall annually file a copy of the lease or agreement 44723  
with the department. 44724

(3) Any municipal school district, as defined in section 44725  
3311.71 of the Revised Code, that sponsors a community school 44726  
located within the district's territory, or that enters into an 44727  
agreement with a community school located within the district's 44728  
territory whereby the district and the community school endorse 44729  
each other's programs, may exercise either or both of the 44730  
following elections: 44731

(a) To have data regarding the academic performance of 44732  
students enrolled in that community school combined with 44733  
comparable data from the schools of the district for the purpose 44734  
of determining the performance of the district as a whole on the 44735



district's report card; 44736

(b) To have the number of students attending that community 44737  
school noted separately on the district's report card. 44738

The election authorized under division (I)(3)(a) of this 44739  
section is subject to approval by the governing authority of the 44740  
community school. 44741

Any municipal school district that exercises an election to 44742  
combine or include data under division (I)(3) of this section, by 44743  
the first day of October of each year, shall file with the 44744  
department documentation indicating eligibility for that election, 44745  
as required by the department. 44746

(J) The department shall include on each report card the 44747  
percentage of teachers in the district or building who are highly 44748  
qualified, as defined by the No Child Left Behind Act of 2001, and 44749  
a comparison of that percentage with the percentages of such 44750  
teachers in similar districts and buildings. 44751

(K)(1) In calculating English language arts, mathematics, 44752  
social studies, or science assessment passage rates used to 44753  
determine school district or building performance under this 44754  
section, the department shall include all students taking an 44755  
assessment with accommodation or to whom an alternate assessment 44756  
is administered pursuant to division (C)(1) or (3) of section 44757  
3301.0711 of the Revised Code. 44758

(2) In calculating performance index scores, rates of 44759  
achievement on the performance indicators established by the state 44760  
board under section 3302.02 of the Revised Code, and annual 44761  
measurable objectives for determining adequate yearly progress for 44762  
school districts and buildings under this section, the department 44763  
shall do all of the following: 44764

(a) Include for each district or building only those students 44765  
who are included in the ADM certified for the first full school 44766

week of October and are continuously enrolled in the district or 44767  
building through the time of the spring administration of any 44768  
assessment prescribed by division (A)(1) or (B)(1) of section 44769  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 44770  
that is administered to the student's grade level; 44771

(b) Include cumulative totals from both the fall and spring 44772  
administrations of the third grade English language arts 44773  
achievement assessment; 44774

(c) Except as required by the No Child Left Behind Act of 44775  
2001, exclude for each district or building any limited English 44776  
proficient student who has been enrolled in United States schools 44777  
for less than one full school year. 44778

(L) Beginning with the 2015-2016 school year and at least 44779  
once every three years thereafter, the state board of education 44780  
shall review and may adjust the benchmarks for assigning letter 44781  
grades to the performance measures and components prescribed under 44782  
divisions (C)(3) and (D) of this section. 44783

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 44784  
Code to the contrary, the department of education shall not assign 44785  
an overall letter grade under division (C)(3) of section 3302.03 44786  
of the Revised Code for any school district or building for the 44787  
2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years, may, at the 44788  
discretion of the state board of education, not assign an 44789  
individual grade to any component prescribed under division (C)(3) 44790  
of section 3302.03 of the Revised Code, and shall not rank school 44791  
districts, community schools established under Chapter 3314. of 44792  
the Revised Code, or STEM schools established under Chapter 3326. 44793  
of the Revised Code under section 3302.21 of the Revised Code for 44794  
~~that~~ those school ~~year~~ years. The report card ratings issued for 44795  
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall not 44796  
be considered in determining whether a school district or a school 44797

is subject to sanctions or penalties. However, the report card 44798  
ratings of any previous or subsequent years shall be considered in 44799  
determining whether a school district or building is subject to 44800  
sanctions or penalties. Accordingly, the report card ratings for 44801  
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall 44802  
have no effect in determining sanctions or penalties, but shall 44803  
not create a new starting point for determinations that are based 44804  
on ratings over multiple years. 44805

(B) The provisions from which a district or school is exempt 44806  
under division (A) of this section shall be the following: 44807

(1) Any restructuring provisions established under this 44808  
chapter, except as required under the "No Child Left Behind Act of 44809  
2001"; 44810

(2) Provisions for the Columbus city school pilot project 44811  
under section 3302.042 of the Revised Code; 44812

(3) Provisions for academic distress commissions under 44813  
section 3302.10 of the Revised Code; 44814

(4) Provisions prescribing new buildings where students are 44815  
eligible for the educational choice scholarships under section 44816  
3310.03 of the Revised Code; 44817

(5) Provisions defining "challenged school districts" in 44818  
which new start-up community schools may be located, as prescribed 44819  
in section 3314.02 of the Revised Code; 44820

(6) Provisions prescribing community school closure 44821  
requirements under section 3314.35 or 3314.351 of the Revised 44822  
Code. 44823

(C) Notwithstanding anything in the Revised Code to the 44824  
contrary and except as provided in Section 3 of H.B. 7 of the 44825  
131st general assembly, no school district, community school, or 44826  
STEM school shall utilize at any time during a student's academic 44827

career a student's score on any assessment administered under 44828  
division (A) of section 3301.0710 or division (B)(2) of section 44829  
3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 44830  
2016-2017 school year as a factor in any decision to promote or to 44831  
deny the student promotion to a higher grade level or in any 44832  
decision to grant course credit. No individual student score 44833  
reports on such assessments administered in the 2014-2015, 44834  
2015-2016, or 2016-2017 school ~~year~~ years shall be released, 44835  
except to a student's school district or school or to the student 44836  
or the student's parent or guardian. 44837

**Sec. 3302.05.** The state board of education shall adopt rules 44838  
freeing school districts from specified state mandates if one of 44839  
the following applies: 44840

(A) For the 2011-2012 school year, the school district was 44841  
declared to be excellent under section 3302.03 of the Revised 44842  
Code, as that section existed prior to ~~the effective date of this~~ 44843  
~~section~~ March 22, 2013, and had above expected growth in the 44844  
overall value-added measure. 44845

(B) For the 2012-2013 school year, the school district 44846  
received a grade of "A" for the number of performance indicators 44847  
met under division (A)(1)(c) of section 3302.03 of the Revised 44848  
Code and for the value-added dimension under division (A)(1)(e) of 44849  
section 3302.03 of the Revised Code. 44850

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 44851  
the school district received a grade of "A" for the number of 44852  
performance indicators met under division (B)(1)(c) of section 44853  
3302.03 of the Revised Code and for the value-added dimension 44854  
under division (B)(1)(e) of section 3302.03 of the Revised Code. 44855

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 44856  
school year thereafter, the school district received an overall 44857  
grade of "A" under division (C)(3) of section 3302.03 of the 44858

Revised Code. 44859

Any mandates included in the rules shall be only those 44860  
statutes or rules pertaining to state education requirements. The 44861  
rules shall not exempt districts from any operating standard 44862  
adopted under division (D)(3) of section 3301.07 of the Revised 44863  
Code. 44864

**Sec. 3302.15.** (A) Notwithstanding anything to the contrary in 44865  
Chapter 3301. or 3302. of the Revised Code, the board of education 44866  
of a school district, governing authority of a community school 44867  
established under Chapter 3314. of the Revised Code, or governing 44868  
body of a STEM school established under Chapter 3326. of the 44869  
Revised Code may submit to the superintendent of public 44870  
instruction, during the 2015-2016 school year, a request for a 44871  
waiver for up to five school years from administering the state 44872  
achievement assessments required under sections 3301.0710 and 44873  
3301.0712 of the Revised Code and related requirements specified 44874  
under division ~~(C)~~(B)(2) of this section. A district or school 44875  
that obtains a waiver under this section shall use the alternative 44876  
assessment system, as proposed by the district or school and as 44877  
approved by the state superintendent, in place of the assessments 44878  
required under sections 3301.0710 and 3301.0712 of the Revised 44879  
Code. 44880

~~(B) To be eligible to submit a request for a waiver under 44881  
this section, a school district shall be a member of the Ohio 44882  
innovation lab network. 44883~~

~~(C)~~(1) A request for a waiver under this section shall 44884  
contain the following: 44885

(a) A timeline to develop and implement an alternative 44886  
assessment system for the ~~school~~ district or school; 44887

(b) An overview of the proposed innovative educational 44888

programs or strategies to be offered by the ~~school~~ district or 44889  
school; 44890

(c) An overview of the proposed alternative assessment 44891  
system, ~~including links to state-accepted and nationally-accepted~~ 44892  
~~metrics, assessments, and evaluations;~~ 44893

(d) An overview of planning details that have been 44894  
implemented or proposed and any documented support from 44895  
educational networks, established educational consultants, state 44896  
institutions of higher education as defined under section 3345.011 44897  
of the Revised Code, and employers or workforce development 44898  
partners; 44899

(e) An overview of the capacity to implement the alternative 44900  
assessments, conduct the evaluation of teachers with alternative 44901  
assessments, and the reporting of student achievement data with 44902  
alternative assessments for the purpose of the report card ratings 44903  
prescribed under section 3302.03 of the Revised Code, all of which 44904  
shall include any prior success in implementing innovative 44905  
educational programs or strategies, teaching practices, or 44906  
assessment practices; 44907

(f) An acknowledgement by the ~~school~~ district or school of 44908  
federal funding that may be impacted by obtaining a waiver. 44909

(2) The request for a waiver shall indicate the extent to 44910  
which exemptions from state or federal requirements regarding the 44911  
administration of the assessments required under sections 44912  
3301.0710 and 3301.0712 of the Revised Code are sought. Such items 44913  
from which a ~~school~~ district or school may be exempt are as 44914  
follows: 44915

(a) The required administration of state assessments under 44916  
sections 3301.0710 and 3301.0712 of the Revised Code; 44917

(b) The evaluation of teachers and administrators under 44918  
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 44919

of the Revised Code; 44920

(c) The reporting of student achievement data for the purpose 44921  
of the report card ratings prescribed under section 3302.03 of the 44922  
Revised Code. 44923

~~(D)~~(C) Each request for a waiver shall include the signature 44924  
of all of the following: 44925

(1) The superintendent of the school district or the 44926  
equivalent for a community school or STEM school; 44927

(2) The president of the district board or the equivalent for 44928  
a community school or STEM school; 44929

(3) The presiding officer of the labor organization 44930  
representing the district's or school's teachers, if any; 44931

(4) If the district's or school's teachers are not 44932  
represented by a labor organization, the principal and a majority 44933  
of the administrators and teachers of the district or school. 44934

~~(E)~~ ~~Not later than thirty days after receiving~~ (D) Upon 44935  
receipt of a request for a waiver, the state superintendent shall 44936  
approve or deny the waiver or may request additional information 44937  
from the district or school. The state superintendent shall not 44938  
grant waivers to more than a total of ten school districts, 44939  
community schools, or STEM schools, based on requests for a waiver 44940  
received during the 2015-2016 school year. A waiver granted to a 44941  
~~school~~ district or school shall be contingent on an ongoing review 44942  
and evaluation by the state superintendent of the program for 44943  
which the waiver was granted. 44944

~~(F)~~(E)(1) For the purpose of this section, the department of 44945  
education shall seek a waiver from the testing requirements 44946  
prescribed under the "No Child Left Behind Act of 2001," if 44947  
necessary to implement this section. 44948

(2) The department shall create a mechanism for the 44949

comparison of the alternative assessments prescribed under 44950  
division ~~(C)~~(B) of this section and the assessments required under 44951  
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 44952  
to the evaluation of teachers and student achievement data for the 44953  
purpose of state report card ratings. 44954

(F) For purposes of this section, "innovative educational 44955  
program or strategy" means a program or strategy using a new idea 44956  
or method aimed at increasing student engagement and preparing 44957  
students to be college or career ready. 44958

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs" 44959  
has the same meaning as in section 6301.01 of the Revised Code. 44960

(B) Beginning January 1, 2016, each recipient of vocational 44961  
rehabilitation services provided under section 3304.17 of the 44962  
Revised Code shall create an account with OhioMeansJobs upon 44963  
initiation of a job search as a part of receiving those services. 44964

(C) Division (B) of this section does not apply to any 44965  
individual who is legally prohibited from using a computer, has a 44966  
physical or visual impairment that makes the individual unable to 44967  
use a computer, or has a limited ability to read, write, speak, or 44968  
understand a language in which OhioMeansJobs is available. 44969

Sec. 3305.052. (A) The state retirement system that covers 44970  
the position held by an employee of a public institution of higher 44971  
education who makes an election under division (B)(2) or (3) of 44972  
section 3305.05 or division (B) of section 3305.051 of the Revised 44973  
Code to participate in the public institution's alternative 44974  
retirement plan shall, not later than thirty days after the date 44975  
on which the certified copy of the employee's election is filed 44976  
with the state retirement system under that section, do one of the 44977  
following: 44978

(1) If the employee was participating in a defined benefit 44979



plan as provided in sections 145.201 to 145.79, sections 3307.50 44980  
to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, 44981  
pay to the provider of the investment option selected by the 44982  
employee any employee and employer contributions made to the 44983  
retirement system by or on behalf of that employee for the period 44984  
beginning on the employee's starting day of employment and ending 44985  
on the day before the day on which contributions commence under an 44986  
alternative retirement plan, less the amount due the retirement 44987  
system pursuant to division (D) of section 3305.06 or 3305.062 of 44988  
the Revised Code for that period. 44989

(2) If the employee was participating in a defined 44990  
contribution plan as provided in section 145.81, 3307.81, or 44991  
3309.81 of the Revised Code, pay to the provider of the investment 44992  
option selected by the employee the amount on deposit in the 44993  
employee's individual account for the period beginning on the 44994  
employee's starting day of employment and ending on the day before 44995  
the day on which contributions commence under an alternative 44996  
retirement plan. 44997

(B) The state retirement system that covers the position held 44998  
by an employee of a public institution of higher education who 44999  
makes an election under division (B)(1) of section 3305.05 or 45000  
division (C) of section 3305.051 of the Revised Code to 45001  
participate in the public institution's alternative retirement 45002  
plan shall, not later than thirty days after the date on which a 45003  
certified copy of the employee's election is filed with the state 45004  
retirement system under that section, do one of the following: 45005

(1) If the employee was participating in a defined benefit 45006  
plan as provided in sections 145.201 to 145.79, sections 3307.50 45007  
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 45008  
pay to the provider of the investment option selected by the 45009  
employee any employee and employer contributions made to the 45010  
retirement system by or on behalf of that employee for any period 45011

commencing after the date on which the election becomes 45012  
irrevocable under division (C)(1) of section 3305.05 of the 45013  
Revised Code or the applicable date described in division 45014  
(C)(2)(a) or (b) of section 3305.051 of the Revised Code and 45015  
ending on the day before the day on which contributions commence 45016  
under an alternative retirement plan, less the amount due the 45017  
retirement system pursuant to division (D) of section 3305.06 or 45018  
3305.062 of the Revised Code for that period. 45019

(2) If the employee was participating in a defined 45020  
contribution plan as provided in section 145.81, 3307.81, or 45021  
3309.81 of the Revised Code, pay to the provider of the investment 45022  
option selected by the employee the amount on deposit in the 45023  
employee's individual account for the period commencing after the 45024  
date on which the election becomes irrevocable under division 45025  
(C)(1) of section 3305.05 of the Revised Code and ending on the 45026  
day before the day on which contributions commence under an 45027  
alternative retirement plan. 45028

Sec. 3305.062. Notwithstanding section 171.07, division (D) 45029  
of section 3305.06, and section 3305.061 of the Revised Code, the 45030  
percentage of an electing employee's compensation contributed to 45031  
the state retirement system that would otherwise cover the 45032  
employee by a public institution of higher education under 45033  
division (D) of section 3305.06 of the Revised Code is as follows: 45034

(A) In the case of the public employees retirement system, 45035  
seventy-seven one-hundredths per cent; 45036

(B) In the case of the state teachers retirement system, four 45037  
and one-half per cent; 45038

(C) In the case of the school employees retirement system, 45039  
six per cent. 45040

**Sec. 3305.08.** Any payment, benefit, or other right accruing 45041

to any electing employee under a contract entered into for 45042  
purposes of an alternative retirement plan and all moneys, 45043  
investments, and income of those contracts are exempt from any 45044  
state tax, except the tax imposed by section 5747.02 of the 45045  
Revised Code, are exempt from any county, municipal, or other 45046  
local tax, except income taxes imposed pursuant to section 45047  
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 45048  
provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 45049  
3119.81, 3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the 45050  
Revised Code, shall not be subject to execution, garnishment, 45051  
attachment, the operation of bankruptcy or the insolvency law, or 45052  
other process of law, and shall be unassignable except as 45053  
specifically provided in this section and sections 3105.171, 45054  
3105.65, 3119.80, 3119.81, 3121.02, 3121.03, ~~3115.32~~ 3115.501, and 45055  
3123.06 of the Revised Code or in any contract the electing 45056  
employee has entered into for purposes of an alternative 45057  
retirement plan. 45058

**Sec. 3305.21.** (A) As used in this section, "alternate payee," 45059  
"benefit," "lump sum payment," and "participant" have the same 45060  
meanings as in section 3105.80 of the Revised Code. 45061

(B) On receipt of an order issued under section 3105.171 or 45062  
3105.65 of the Revised Code, an entity providing a participant's 45063  
alternative retirement plan shall determine whether the order 45064  
meets the requirements of sections 3105.80 to 3105.90 of the 45065  
Revised Code, ~~the.~~ The entity shall retain in the ~~particant's~~ 45066  
participant's record an order the entity determines meets the 45067  
requirements. Not later than ten days after receipt, the entity 45068  
shall return to the court that issued the order any order the 45069  
entity determines does not meet the requirements. 45070

(C) The entity shall comply with an order retained under 45071  
division (B) of this section at the following times as 45072

appropriate:	45073
(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;	45074 45075 45076
(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.	45077 45078 45079
(D) If an entity providing an alternative retirement plan is required to transfer a participant's account balance to an entity providing an alternative retirement plan that is not named in the order, the transferring entity shall do both of the following:	45080 45081 45082 45083
(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the entity to which the transfer was made.	45084 45085 45086
(2) Send a copy of the order to the entity to which the transfer was made.	45087 45088
(E) An entity that receives a participant's account balance and a copy of an order as provided in division (D) of this section, shall administer the order as if it were the entity named in the order.	45089 45090 45091 45092
(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the entity providing the alternative retirement plan shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:	45093 45094 45095 45096 45097 45098 45099 45100 45101
(1) Establish, in accordance with division (G) of this	45102

section and subject to the limits described in section 3105.85 of 45103  
the Revised Code, the priority in which the orders are or will be 45104  
paid; 45105

(2) Reduce the amount paid to an alternate payee based on the 45106  
priority established under division (F)(1) of this section; 45107

(3) Notify, by regular mail, a participant and alternate 45108  
payee of any action taken under this division. 45109

(G) A withholding or deduction notice issued under section 45110  
3111.23 or 3113.21 of the Revised Code or an order described in 45111  
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 45112  
other orders and shall be complied with in accordance with child 45113  
support enforcement laws. All other orders are entitled to 45114  
priority in order of earliest retention by the entity providing a 45115  
participant's alternative retirement plan. The entity is not to 45116  
retain an order that provides for the division of property unless 45117  
the order is filed in a court with jurisdiction in this state. 45118

(H) An entity providing an alternative retirement plan is not 45119  
liable in civil damages for loss resulting from any action or 45120  
failure to act in compliance with this section. 45121

**Sec. 3307.152.** (A) As used in this section and in section 45122  
3307.154 of the Revised Code: 45123

(1) "Agent" means a dealer, as defined in section 1707.01 of 45124  
the Revised Code, who is licensed under sections 1707.01 to 45125  
1707.45 of the Revised Code or under comparable laws of another 45126  
state or of the United States. 45127

(2) "Minority business enterprise" has the same meaning as in 45128  
section 122.71 of the Revised Code. 45129

(3) "Ohio-qualified agent" means an agent designated as such 45130  
by the state teachers retirement board. 45131

(4) "Ohio-qualified investment manager" means an investment 45132

manager designated as such by the state teachers retirement board. 45133

(5) "Principal place of business" means an office in which 45134  
the agent regularly provides securities or investment advisory 45135  
services and solicits, meets with, or otherwise communicates with 45136  
clients. 45137

(B) The state teachers retirement board shall, for the 45138  
purposes of this section, designate an agent as an Ohio-qualified 45139  
agent if the agent meets all of the following requirements: 45140

(1) The agent is subject to taxation under Chapter 5725., 45141  
5726., 5733., 5747., or 5751. of the Revised Code. 45142

(2) The agent is authorized to conduct business in this 45143  
state. 45144

(3) The agent maintains a principal place of business in this 45145  
state and employs at least five residents of this state. 45146

(C) The state teachers retirement board shall adopt and 45147  
implement a written policy to establish criteria and procedures 45148  
used to select agents to execute securities transactions on behalf 45149  
of the retirement system. The policy shall address each of the 45150  
following: 45151

(1) Commissions charged by the agent, both in the aggregate 45152  
and on a per share basis; 45153

(2) The execution speed and trade settlement capabilities of 45154  
the agent; 45155

(3) The responsiveness, reliability, and integrity of the 45156  
agent; 45157

(4) The nature and value of research provided by the agent; 45158

(5) Any special capabilities of the agent. 45159

(D)(1) The board shall, at least annually, establish a policy 45160  
with the goal to increase utilization by the board of 45161

Ohio-qualified agents for the execution of domestic equity and 45162  
fixed income trades on behalf of the retirement system, when an 45163  
Ohio-qualified agent offers quality, services, and safety 45164  
comparable to other agents otherwise available to the board and 45165  
meets the criteria established under division (C) of this section. 45166

(2) The board shall review, at least annually, the 45167  
performance of the agents that execute securities transactions on 45168  
behalf of the board. 45169

(3) The board shall determine whether an agent is an 45170  
Ohio-qualified agent, meets the criteria established by the board 45171  
pursuant to division (C) of this section, and offers quality, 45172  
services, and safety comparable to other agents otherwise 45173  
available to the board. The board's determination shall be final. 45174

~~(E) The board shall, at least annually, submit to the Ohio 45175  
retirement study council a report containing the following 45176  
information:~~ 45177

~~(1) The name of each agent designated as an Ohio-qualified 45178  
agent under this section:~~ 45179

~~(2) The name of each agent that executes securities 45180  
transactions on behalf of the board:~~ 45181

~~(3) The amount of equity and fixed income trades that are 45182  
executed by Ohio-qualified agents, expressed as a percentage of 45183  
all equity and fixed income trades that are executed by agents on 45184  
behalf of the board:~~ 45185

~~(4) The compensation paid to Ohio-qualified agents, expressed 45186  
as a percentage of total compensation paid to all agents that 45187  
execute securities transactions on behalf of the board:~~ 45188

~~(5) The amount of equity and fixed income trades that are 45189  
executed by agents that are minority business enterprises, 45190  
expressed as a percentage of all equity and fixed income trades 45191~~

<del>that are executed by agents on behalf of the board;</del>	45192
<del>(6) Any other information requested by the Ohio retirement</del>	45193
<del>study council regarding the board's use of agents.</del>	45194
<b>Sec. 3307.154.</b> (A) The state teachers retirement board shall,	45195
for the purposes of this section, designate an investment manager	45196
as an Ohio-qualified investment manager if the investment manager	45197
meets all of the following requirements:	45198
(1) The investment manager is subject to taxation under	45199
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code.	45200
(2) The investment manager meets one of the following	45201
requirements:	45202
(a) Has its corporate headquarters or principal place of	45203
business in this state;	45204
(b) Employs at least five hundred individuals in this state;	45205
(c) Has a principal place of business in this state and	45206
employs at least twenty residents of this state.	45207
(B)(1) The board shall, at least annually, establish a policy	45208
with the goal to increase utilization by the board of	45209
Ohio-qualified investment managers, when an Ohio-qualified	45210
investment manager offers quality, services, and safety comparable	45211
to other investment managers otherwise available to the board. The	45212
policy shall also provide for the following:	45213
(a) A process whereby the board can develop a list of	45214
Ohio-qualified investment managers and their investment products;	45215
(b) A process whereby the board can give public notice to	45216
Ohio-qualified investment managers of the board's search for an	45217
investment manager that includes the board's search criteria.	45218
(2) The board shall determine whether an investment manager	45219
is an Ohio-qualified investment manager and whether the investment	45220



manager offers quality, services, and safety comparable to other 45221  
investment managers otherwise available to the board. The board's 45222  
determination shall be final. 45223

~~(C) The board shall, at least annually, submit to the Ohio 45224  
retirement study council a report containing the following 45225  
information: 45226~~

~~(1) The name of each investment manager designated as an 45227  
Ohio qualified investment manager under this section: 45228~~

~~(2) The name of each investment manager with which the board 45229  
contracts: 45230~~

~~(3) The amount of assets managed by Ohio qualified investment 45231  
managers, expressed as a percentage of the total assets held by 45232  
the retirement system and as a percentage of assets managed by 45233  
investment managers with which the board has contracted: 45234~~

~~(4) The compensation paid to Ohio qualified investment 45235  
managers, expressed as a percentage of total compensation paid to 45236  
all investment managers with which the board has contracted: 45237~~

~~(5) Any other information requested by the Ohio retirement 45238  
study council regarding the board's use of investment managers. 45239~~

**Sec. 3307.371.** (A) As used in this section, "alternate 45240  
payee," "benefit," "lump sum payment," "participant," and "public 45241  
retirement program" have the same meanings as in section 3105.80 45242  
of the Revised Code. 45243

(B) On receipt of an order issued under section 3105.171 or 45244  
3105.65 of the Revised Code, the state teachers retirement system 45245  
shall determine whether the order meets the requirements of 45246  
sections 3105.80 to 3105.90 of the Revised Code. The system shall 45247  
retain in the participant's record an order the board determines 45248  
meets the requirements. Not later than sixty days after receipt, 45249  
the system shall return to the court that issued the order any 45250

order the system determines does not meet the requirements. 45251

(C) The system shall comply with an order retained under 45252  
division (B) of this section at the following times as 45253  
appropriate: 45254

(1) If the participant has applied for or is receiving a 45255  
benefit or has applied for but not yet received a lump sum 45256  
payment, as soon as practicable; 45257

(2) If the participant has not applied for a benefit or lump 45258  
sum payment, on application by the participant for a benefit or 45259  
lump sum payment. 45260

(D) If the system transfers a participant's service credit or 45261  
contributions made by or on behalf of a participant to a public 45262  
retirement program that is not named in the order, the system 45263  
shall do both of the following: 45264

(1) Notify the court that issued the order by sending to the 45265  
court a copy of the order and the name and address of the public 45266  
retirement program to which the transfer was made. 45267

(2) Send a copy of the order to the public retirement program 45268  
to which the transfer was made. 45269

(E) If it receives a participant's service credit or 45270  
contributions and a copy of an order as provided in division (D) 45271  
of this section, the system shall administer the order as if it 45272  
were the public retirement program named in the order. 45273

(F) If a participant's benefit or lump sum payment is or will 45274  
be subject to more than one order described in section 3105.81 of 45275  
the Revised Code or to an order described in that section and an 45276  
order issued in accordance with Chapter 3119., 3121., 3123., or 45277  
3125. of the Revised Code, the system shall, after determining 45278  
that the amounts that are or will be withheld will cause the 45279  
benefit or lump sum payment to fall below the limits described in 45280

section 3105.85 of the Revised Code, do all of the following: 45281

(1) Establish, in accordance with division (G) of this 45282  
section and subject to the limits described in section 3105.85 of 45283  
the Revised Code, the priority in which the orders are or will be 45284  
paid by the system in accordance with division (G) of this 45285  
section; 45286

(2) Reduce the amount paid to an alternate payee based on the 45287  
priority established under division (F)(1) of this section; 45288

(3) Notify, by regular mail, a participant and alternate 45289  
payee of any action taken under this division. 45290

(G) A withholding or deduction notice issued in accordance 45291  
with Chapter 3119., 3121., 3123., or 3125. of the Revised Code or 45292  
an order described in section ~~3115.32~~ 3115.501 of the Revised Code 45293  
has priority over all other orders and shall be complied with in 45294  
accordance with child support enforcement laws. All other orders 45295  
are entitled to priority in order of earliest retention by the 45296  
system. The system is not to retain an order that provides for the 45297  
division of property unless the order is filed in a court with 45298  
jurisdiction in this state. 45299

(H) The system is not liable in civil damages for loss 45300  
resulting from any action or failure to act in compliance with 45301  
this section. 45302

**Sec. 3307.41.** The right of an individual to a pension, an 45303  
annuity, or a retirement allowance itself, the right of an 45304  
individual to any optional benefit, or any other right or benefit 45305  
accrued or accruing to any individual under this chapter, the 45306  
various funds created by section 3307.14 of the Revised Code, and 45307  
all moneys, investments, and income from moneys or investments are 45308  
exempt from any state tax, except the tax imposed by section 45309  
5747.02 of the Revised Code, and are exempt from any county, 45310

municipal, or other local tax, except income taxes imposed 45311  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 45312  
Code, and, except as provided in sections 3105.171, 3105.65, 45313  
~~3115.32~~ 3115.501, 3307.37, 3307.372, and 3307.373 and Chapters 45314  
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 45315  
subject to execution, garnishment, attachment, the operation of 45316  
bankruptcy or insolvency laws, or any other process of law 45317  
whatsoever, and shall be unassignable except as specifically 45318  
provided in this chapter and sections 3105.171, 3105.65, and 45319  
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 45320  
the Revised Code. 45321

**Sec. 3309.157.** (A) As used in this section and in section 45322  
3309.159 of the Revised Code: 45323

(1) "Agent" means a dealer, as defined in section 1707.01 of 45324  
the Revised Code, who is licensed under sections 1707.01 to 45325  
1707.45 of the Revised Code or under comparable laws of another 45326  
state or of the United States. 45327

(2) "Minority business enterprise" has the same meaning as in 45328  
section 122.71 of the Revised Code. 45329

(3) "Ohio-qualified agent" means an agent designated as such 45330  
by the school employees retirement board. 45331

(4) "Ohio-qualified investment manager" means an investment 45332  
manager designated as such by the school employees retirement 45333  
board. 45334

(5) "Principal place of business" means an office in which 45335  
the agent regularly provides securities or investment advisory 45336  
services and solicits, meets with, or otherwise communicates with 45337  
clients. 45338

(B) The school employees retirement board shall, for the 45339  
purposes of this section, designate an agent as an Ohio-qualified 45340

agent if the agent meets all of the following requirements: 45341

(1) The agent is subject to taxation under Chapter 5725., 45342  
5726., 5733., 5747., or 5751. of the Revised Code. 45343

(2) The agent is authorized to conduct business in this 45344  
state. 45345

(3) The agent maintains a principal place of business in this 45346  
state and employs at least five residents of this state. 45347

(C) The school employees retirement board shall adopt and 45348  
implement a written policy to establish criteria and procedures 45349  
used to select agents to execute securities transactions on behalf 45350  
of the retirement system. The policy shall address each of the 45351  
following: 45352

(1) Commissions charged by the agent, both in the aggregate 45353  
and on a per share basis; 45354

(2) The execution speed and trade settlement capabilities of 45355  
the agent; 45356

(3) The responsiveness, reliability, and integrity of the 45357  
agent; 45358

(4) The nature and value of research provided by the agent; 45359

(5) Any special capabilities of the agent. 45360

(D)(1) The board shall, at least annually, establish a policy 45361  
with the goal to increase utilization by the board of 45362  
Ohio-qualified agents for the execution of domestic equity and 45363  
fixed income trades on behalf of the retirement system, when an 45364  
Ohio-qualified agent offers quality, services, and safety 45365  
comparable to other agents otherwise available to the board and 45366  
meets the criteria established under division (C) of this section. 45367

(2) The board shall review, at least annually, the 45368  
performance of the agents that execute securities transactions on 45369  
behalf of the board. 45370

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each agent designated as an Ohio-qualified agent under this section;~~

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~

~~(3) The amount of equity and fixed income trades that are executed by Ohio-qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(4) The compensation paid to Ohio-qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~

~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~

**Sec. 3309.159.** (A) The school employees retirement board shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:

(1) The investment manager is subject to taxation under

Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 45401

(2) The investment manager meets one of the following 45402  
requirements: 45403

(a) Has its corporate headquarters or principal place of 45404  
business in this state; 45405

(b) Employs at least five hundred individuals in this state; 45406

(c) Has a principal place of business in this state and 45407  
employs at least twenty residents of this state. 45408

(B)(1) The board shall, at least annually, establish a policy 45409  
with the goal to increase utilization by the board of 45410  
Ohio-qualified investment managers, when an Ohio-qualified 45411  
investment manager offers quality, services, and safety comparable 45412  
to other investment managers otherwise available to the board. The 45413  
policy shall also provide for the following: 45414

(a) A process whereby the board can develop a list of 45415  
Ohio-qualified investment managers and their investment products; 45416

(b) A process whereby the board can give public notice to 45417  
Ohio-qualified investment managers of the board's search for an 45418  
investment manager that includes the board's search criteria. 45419

(2) The board shall determine whether an investment manager 45420  
is an Ohio-qualified investment manager and whether the investment 45421  
manager offers quality, services, and safety comparable to other 45422  
investment managers otherwise available to the board. The board's 45423  
determination shall be final. 45424

~~(C) The board shall, at least annually, submit to the Ohio 45425  
retirement study council a report containing the following 45426  
information: 45427~~

~~(1) The name of each investment manager designated as an 45428  
Ohio-qualified investment manager under this section; 45429~~

~~(2) The name of each investment manager with which the board 45430~~

contracts;	45431
<del>(3) The amount of assets managed by Ohio qualified investment</del>	45432
<del>managers, expressed as a percentage of the total assets held by</del>	45433
<del>the retirement system and as a percentage of assets managed by</del>	45434
<del>investment managers with which the board has contracted;</del>	45435
<del>(4) The compensation paid to Ohio qualified investment</del>	45436
<del>managers, expressed as a percentage of total compensation paid to</del>	45437
<del>all investment managers with which the board has contracted;</del>	45438
<del>(5) Any other information requested by the Ohio retirement</del>	45439
<del>study council regarding the board's use of investment managers.</del>	45440
<b>Sec. 3309.66.</b> The right of an individual to a pension, an	45441
annuity, or a retirement allowance itself, the right of an	45442
individual to any optional benefit, any other right accrued or	45443
accruing to any individual under this chapter, the various funds	45444
created by section 3309.60 of the Revised Code, and all moneys,	45445
investments, and income from moneys and investments are exempt	45446
from any state tax, except the tax imposed by section 5747.02 of	45447
the Revised Code, and are exempt from any county, municipal, or	45448
other local tax, except income taxes imposed pursuant to section	45449
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as	45450
provided in sections 3105.171, 3105.65, <del>3115.32</del> <u>3115.501</u> , 3119.80,	45451
3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and	45452
3309.673 of the Revised Code, shall not be subject to execution,	45453
garnishment, attachment, the operation of bankruptcy or insolvency	45454
laws, or any other process of law whatsoever, and shall be	45455
unassignable except as specifically provided in this chapter and	45456
in sections 3105.171, 3105.65, <del>3115.32</del> <u>3115.501</u> , 3119.80, 3119.81,	45457
3121.02, 3121.03, and 3123.06 of the Revised Code.	45458
<b>Sec. 3309.671.</b> (A) As used in this section, "alternate	45459
payee," "benefit," "lump sum payment," "participant," and "public	45460



retirement program" have the same meanings as in section 3105.80 45461  
of the Revised Code. 45462

(B) On receipt of an order issued under section 3105.171 or 45463  
3105.65 of the Revised Code, the school employees retirement 45464  
system shall determine whether the order meets the requirements of 45465  
sections 3105.80 to 3105.90 of the Revised Code. The system shall 45466  
retain in the participant's record an order the system determines 45467  
meets the requirements. Not later than sixty days after receipt, 45468  
the system shall return to the court that issued the order any 45469  
order the system determines does not meet the requirements. 45470

(C) The system shall comply with an order retained under 45471  
division (B) of this section at the following times as 45472  
appropriate: 45473

(1) If the participant has applied for or is receiving a 45474  
benefit or has applied for but not yet received a lump sum 45475  
payment, as soon as practicable; 45476

(2) If the participant has not applied for a benefit or lump 45477  
sum payment, on application by the participant for a benefit or 45478  
lump sum payment. 45479

(D) If the system transfers a participant's service credit or 45480  
contributions made by or on behalf of a participant to a public 45481  
retirement program that is not named in the order, the system 45482  
shall do both of the following: 45483

(1) Notify the court that issued the order by sending the 45484  
court a copy of the order and the name and address of the public 45485  
retirement program to which the transfer was made. 45486

(2) Send a copy of the order to the public retirement program 45487  
to which the transfer was made. 45488

(E) If it receives a participant's service credit or 45489  
contributions and a copy of an order as provided in division (D) 45490

of this section, the system shall administer the order as if it 45491  
were the public retirement program named in the order. 45492

(F) If a participant's benefit or lump sum payment is or will 45493  
be subject to more than one order described in section 3105.81 of 45494  
the Revised Code or to an order described in section 3105.81 of 45495  
the Revised Code and a withholding order under section 3111.23 or 45496  
3113.21 of the Revised Code, the system shall, after determining 45497  
that the amounts that are or will be withheld will cause the 45498  
benefit or lump sum payment to fall below the limits described in 45499  
section 3105.85 of the Revised Code, do all of the following: 45500

(1) Establish, in accordance with division (G) of this 45501  
section and subject to the limits described in section 3105.85 of 45502  
the Revised Code, the priority in which the orders are or will be 45503  
paid by the system; 45504

(2) Reduce the amount paid to an alternate payee based on the 45505  
priority established under division (F)(1) of this section; 45506

(3) Notify, by regular mail, a participant and alternate 45507  
payee of any action taken under this division. 45508

(G) A withholding or deduction notice issued under section 45509  
3111.23 or 3113.21 of the Revised Code or an order described in 45510  
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 45511  
other orders and shall be complied with in accordance with child 45512  
support enforcement laws. All other orders are entitled to 45513  
priority in order of earliest retention by the system. The system 45514  
is not to retain an order that provides for the division of 45515  
property unless the order is filed in a court with jurisdiction in 45516  
this state. 45517

(H) The system is not liable in civil damages for loss 45518  
resulting from any action or failure to act in compliance with 45519  
this section. 45520

Sec. 3310.03. A student is an "eligible student" for purposes 45521  
of the educational choice scholarship pilot program if the 45522  
student's resident district is not a school district in which the 45523  
pilot project scholarship program is operating under sections 45524  
3313.974 to 3313.979 of the Revised Code and the student satisfies 45525  
one of the conditions in division (A), (B), (C), or (D) of this 45526  
section: 45527

(A)(1) The student is enrolled in a school building operated 45528  
by the student's resident district that, on the report card issued 45529  
under section 3302.03 of the Revised Code published prior to the 45530  
first day of July of the school year for which a scholarship is 45531  
sought, did not receive a rating as described in division (H) of 45532  
this section, and to which any or a combination of any of the 45533  
following apply for two of the three most recent report cards 45534  
published prior to the first day of July of the school year for 45535  
which a scholarship is sought: 45536

(a) The building was declared to be in a state of academic 45537  
emergency or academic watch under section 3302.03 of the Revised 45538  
Code as that section existed prior to March 22, 2013. 45539

(b) The building received a grade of "D" or "F" for the 45540  
performance index score under division (A)(1)(b) or (B)(1)(b) of 45541  
section 3302.03 of the Revised Code and for the value-added 45542  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45543  
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 45544  
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the 45545  
building serves only grades ten through twelve, the building 45546  
received a grade of "D" or "F" for the performance index score 45547  
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 45548  
Revised Code and had a four-year adjusted cohort graduation rate 45549  
of less than seventy-five per cent. 45550

(c) The building received an overall grade of "D" or "F" 45551

under division (C)(3) of section 3302.03 of the Revised Code or a 45552  
grade of "F" for the value-added progress dimension under division 45553  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 45554  
2016-2017 school year or any school year thereafter. 45555

(2) The student will be enrolling in any of grades 45556  
kindergarten through twelve in this state for the first time in 45557  
the school year for which a scholarship is sought, will be at 45558  
least five years of age by the first day of January of the school 45559  
year for which a scholarship is sought, and otherwise would be 45560  
assigned under section 3319.01 of the Revised Code in the school 45561  
year for which a scholarship is sought, to a school building 45562  
described in division (A)(1) of this section. 45563

(3) The student is enrolled in a community school established 45564  
under Chapter 3314. of the Revised Code but otherwise would be 45565  
assigned under section 3319.01 of the Revised Code to a building 45566  
described in division (A)(1) of this section. 45567

(4) The student is enrolled in a school building operated by 45568  
the student's resident district or in a community school 45569  
established under Chapter 3314. of the Revised Code and otherwise 45570  
would be assigned under section 3319.01 of the Revised Code to a 45571  
school building described in division (A)(1) of this section in 45572  
the school year for which the scholarship is sought. 45573

(5) The student will be both enrolling in any of grades 45574  
kindergarten through twelve in this state for the first time and 45575  
at least five years of age by the first day of January of the 45576  
school year for which a scholarship is sought, or is enrolled in a 45577  
community school established under Chapter 3314. of the Revised 45578  
Code, and all of the following apply to the student's resident 45579  
district: 45580

(a) The district has in force an intradistrict open 45581  
enrollment policy under which no student in the student's grade 45582

level is automatically assigned to a particular school building; 45583

(b) In the most recent rating published prior to the first 45584  
day of July of the school year for which scholarship is sought, 45585  
the district did not receive a rating described in division (H) of 45586  
this section, and in at least two of the three most recent report 45587  
cards published prior to the first day of July of that school 45588  
year, any or a combination of the following apply to the district: 45589

(i) The district was declared to be in a state of academic 45590  
emergency under section 3302.03 of the Revised Code as it existed 45591  
prior to March 22, 2013. 45592

(ii) The district received a grade of "D" or "F" for the 45593  
performance index score under division (A)(1)(b) or (B)(1)(b) of 45594  
section 3302.03 of the Revised Code and for the value-added 45595  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45596  
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~, 45597  
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~. 45598

(c) The district received an overall grade of "D" or "F" 45599  
under division (C)(3) of section 3302.03 of the Revised Code or a 45600  
grade of "F" for the value-added progress dimension under division 45601  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 45602  
2016-2017 school year or any school year thereafter. 45603

(6) Beginning in the 2016-2017 school year, the student is 45604  
enrolled in or will be enrolling in a building in the school year 45605  
for which the scholarship is sought that serves any of grades nine 45606  
through twelve and that received a grade of "D" or "F" for the 45607  
four-year adjusted cohort graduation rate under division 45608  
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 45609  
Revised Code in two of the three most recent report cards 45610  
published prior to the first day of July of the school year for 45611  
which a scholarship is sought. 45612

(B)(1) The student is enrolled in a school building operated 45613

by the student's resident district and to which both of the 45614  
following apply: 45615

(a) The building was ranked, for at least two of the three 45616  
most recent rankings ~~published under section 3302.21 of the~~ 45617  
~~Revised Code~~ prior to the first day of July of the school year for 45618  
which a scholarship is sought, in the lowest ten per cent of all 45619  
~~public school~~ buildings operated by city, local, and exempted 45620  
village school districts according to performance index score 45621  
~~under section 3302.21 of the Revised Code~~ as determined by the 45622  
department of education. 45623

(b) The building was not declared to be excellent or 45624  
effective, or the equivalent of such ratings as determined by the 45625  
department ~~of education~~, under section 3302.03 of the Revised Code 45626  
in the most recent rating published prior to the first day of July 45627  
of the school year for which a scholarship is sought. 45628

(2) The student will be enrolling in any of grades 45629  
kindergarten through twelve in this state for the first time in 45630  
the school year for which a scholarship is sought, will be at 45631  
least five years of age, as defined in section 3321.01 of the 45632  
Revised Code, by the first day of January of the school year for 45633  
which a scholarship is sought, and otherwise would be assigned 45634  
under section 3319.01 of the Revised Code in the school year for 45635  
which a scholarship is sought, to a school building described in 45636  
division (B)(1) of this section. 45637

(3) The student is enrolled in a community school established 45638  
under Chapter 3314. of the Revised Code but otherwise would be 45639  
assigned under section 3319.01 of the Revised Code to a building 45640  
described in division (B)(1) of this section. 45641

(4) The student is enrolled in a school building operated by 45642  
the student's resident district or in a community school 45643  
established under Chapter 3314. of the Revised Code and otherwise 45644

would be assigned under section 3319.01 of the Revised Code to a 45645  
school building described in division (B)(1) of this section in 45646  
the school year for which the scholarship is sought. 45647

(C) The student is enrolled in a nonpublic school at the time 45648  
the school is granted a charter by the state board of education 45649  
under section 3301.16 of the Revised Code and the student meets 45650  
the standards of division (B) of section 3310.031 of the Revised 45651  
Code. 45652

(D) For the 2016-2017 school year and each school year 45653  
thereafter, the student is in any of grades kindergarten through 45654  
three, is enrolled in a school building that is operated by the 45655  
student's resident district or will be enrolling in any of grades 45656  
kindergarten through twelve in this state for the first time in 45657  
the school year for which a scholarship is sought, and to which 45658  
both of the following apply: 45659

(1) The building, in at least two of the three most recent 45660  
ratings of school buildings published prior to the first day of 45661  
July of the school year for which a scholarship is sought, 45662  
received a grade of "D" or "F" for making progress in improving 45663  
literacy in grades kindergarten through three under division 45664  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 45665

(2) The building did not receive a grade of "A" for making 45666  
progress in improving literacy in grades kindergarten through 45667  
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 45668  
the Revised Code in the most recent rating published prior to the 45669  
first day of July of the school year for which a scholarship is 45670  
sought. 45671

(E) A student who receives a scholarship under the 45672  
educational choice scholarship pilot program remains an eligible 45673  
student and may continue to receive scholarships in subsequent 45674  
school years until the student completes grade twelve, so long as 45675

all of the following apply: 45676

(1) The student's resident district remains the same, or the 45677  
student transfers to a new resident district and otherwise would 45678  
be assigned in the new resident district to a school building 45679  
described in division (A)(1), (B)(1), or (D) of this section; 45680

(2) The Except as provided in division (K)(1)(b)(ii) of 45681  
section 3301.0711 of the Revised Code, the student takes each 45682  
assessment prescribed for the student's grade level under section 45683  
3301.0710 or 3301.0712 of the Revised Code while enrolled in a 45684  
chartered nonpublic school; 45685

(3) In each school year that the student is enrolled in a 45686  
chartered nonpublic school, the student is absent from school for 45687  
not more than twenty days that the school is open for instruction, 45688  
not including excused absences. 45689

(F)(1) The department shall cease awarding first-time 45690  
scholarships pursuant to divisions (A)(1) to (4) of this section 45691  
with respect to a school building that, in the most recent ratings 45692  
of school buildings published under section 3302.03 of the Revised 45693  
Code prior to the first day of July of the school year, ceases to 45694  
meet the criteria in division (A)(1) of this section. The 45695  
department shall cease awarding first-time scholarships pursuant 45696  
to division (A)(5) of this section with respect to a school 45697  
district that, in the most recent ratings of school districts 45698  
published under section 3302.03 of the Revised Code prior to the 45699  
first day of July of the school year, ceases to meet the criteria 45700  
in division (A)(5) of this section. 45701

(2) The department shall cease awarding first-time 45702  
scholarships pursuant to divisions (B)(1) to (4) of this section 45703  
with respect to a school building that, in the most recent ratings 45704  
of school buildings under section 3302.03 of the Revised Code 45705  
prior to the first day of July of the school year, ceases to meet 45706



the criteria in division (B)(1) of this section. 45707

(3) The department shall cease awarding first-time 45708  
scholarships pursuant to division (D) of this section with respect 45709  
to a school building that, in the most recent ratings of school 45710  
buildings under section 3302.03 of the Revised Code prior to the 45711  
first day of July of the school year, ceases to meet the criteria 45712  
in division (D) of this section. 45713

(4) However, students who have received scholarships in the 45714  
prior school year remain eligible students pursuant to division 45715  
(E) of this section. 45716

(G) The state board of education shall adopt rules defining 45717  
excused absences for purposes of division (E)(3) of this section. 45718

(H)(1) A student who satisfies only the conditions prescribed 45719  
in divisions (A)(1) to (4) of this section shall not be eligible 45720  
for a scholarship if the student's resident building meets any of 45721  
the following in the most recent rating under section 3302.03 of 45722  
the Revised Code published prior to the first day of July of the 45723  
school year for which a scholarship is sought: 45724

(a) The building has an overall designation of excellent or 45725  
effective under section 3302.03 of the Revised Code as it existed 45726  
prior to March 22, 2013. 45727

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 45728  
school year ~~or both~~, the building has a grade of "A" or "B" for 45729  
the performance index score under division (A)(1)(b) or (B)(1)(b) 45730  
of section 3302.03 of the Revised Code and for the value-added 45731  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45732  
section 3302.03 of the Revised Code; or if the building serves 45733  
only grades ten through twelve, the building received a grade of 45734  
"A" or "B" for the performance index score under division 45735  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 45736  
had a four-year adjusted cohort graduation rate of greater than or 45737

equal to seventy-five per cent. 45738

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 45739  
year thereafter, the building has a grade of "A" or "B" under 45740  
division (C)(3) of section 3302.03 of the Revised Code and a grade 45741  
of "A" for the value-added progress dimension under division 45742  
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 45743  
building serves only grades ten through twelve, the building 45744  
received a grade of "A" or "B" for the performance index score 45745  
under division (C)(1)(b) of section 3302.03 of the Revised Code 45746  
and had a four-year adjusted cohort graduation rate of greater 45747  
than or equal to seventy-five per cent. 45748

(2) A student who satisfies only the conditions prescribed in 45749  
division (A)(5) of this section shall not be eligible for a 45750  
scholarship if the student's resident district meets any of the 45751  
following in the most recent rating under section 3302.03 of the 45752  
Revised Code published prior to the first day of July of the 45753  
school year for which a scholarship is sought: 45754

(a) The district has an overall designation of excellent or 45755  
effective under section 3302.03 of the Revised Code as it existed 45756  
prior to March 22, 2013. 45757

(b) The district has a grade of "A" or "B" for the 45758  
performance index score under division (A)(1)(b) or (B)(1)(b) of 45759  
section 3302.03 of the Revised Code and for the value-added 45760  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45761  
section 3302.03 of the Revised Code for the 2012-2013 ~~and,~~ 45762  
2013-2014, 2014-2015, and 2015-2016 school years. 45763

(c) The district has an overall grade of "A" or "B" under 45764  
division (C)(3) of section 3302.03 of the Revised Code and a grade 45765  
of "A" for the value-added progress dimension under division 45766  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 45767  
2016-2017 school year or any school year thereafter. 45768

**Sec. 3310.09.** The maximum amount awarded to an eligible 45769  
student under the educational choice scholarship pilot program 45770  
shall be as follows: 45771

(A) For grades kindergarten through eight, four thousand ~~two~~ 45772  
six hundred fifty dollars; 45773

(B) For grades nine through twelve, five as follows: 45774

(1) For the 2015-2016 school year, five thousand nine hundred 45775  
dollars; 45776

(2) For the 2016-2017 school year and each school year 45777  
thereafter, six thousand dollars. 45778

**Sec. 3310.14.** (A) Except as provided in division (B) of this 45779  
section, each chartered nonpublic school that is not subject to 45780  
division (K)(1)(a) of section 3301.0711 of the Revised Code and 45781  
enrolls students awarded scholarships under sections 3310.01 to 45782  
3310.17 of the Revised Code annually shall administer the 45783  
assessments prescribed by section 3301.0710 or 3301.0712 of the 45784  
Revised Code to each scholarship student enrolled in the school in 45785  
accordance with section 3301.0711 of the Revised Code. Each 45786  
chartered nonpublic school that is subject to this section shall 45787  
report to the department of education the results of each 45788  
assessment administered to each scholarship student under this 45789  
section. 45790

Nothing in this section requires a chartered nonpublic school 45791  
to administer any achievement assessment, except for an Ohio 45792  
graduation test prescribed by division (B)(1) of section 3301.0710 45793  
or the college and work ready assessment system prescribed by 45794  
division (B) of section 3301.0712 of the Revised Code to any 45795  
student enrolled in the school who is not a scholarship student. 45796

(B)(1) A chartered nonpublic school that meets the conditions 45797  
specified in division (K)(1)(c) of section 3301.0711 of the 45798

Revised Code shall not be required to administer the elementary 45799  
assessments prescribed by division (A) of section 3301.0710 of the 45800  
Revised Code. 45801

(2) A chartered nonpublic school that meets the conditions 45802  
specified in division (D)(2) of section 3313.612 of the Revised 45803  
Code shall not be required to administer the end-of-course 45804  
examinations prescribed by section 3301.0712 of the Revised Code. 45805

**Sec. 3310.41.** (A) As used in this section: 45806

(1) "Alternative public provider" means either of the 45807  
following providers that agrees to enroll a child in the 45808  
provider's special education program to implement the child's 45809  
individualized education program and to which the child's parent 45810  
owes fees for the services provided to the child: 45811

(a) A school district that is not the school district in 45812  
which the child is entitled to attend school; 45813

(b) A public entity other than a school district. 45814

(2) "Entitled to attend school" means entitled to attend 45815  
school in a school district under section 3313.64 or 3313.65 of 45816  
the Revised Code. 45817

(3) "Formula ADM" and "category six special education ADM" 45818  
have the same meanings as in section 3317.02 of the Revised Code. 45819

(4) "Preschool child with a disability" and "individualized 45820  
education program" have the same meanings as in section 3323.01 of 45821  
the Revised Code. 45822

(5) "Parent" has the same meaning as in section 3313.64 of 45823  
the Revised Code, except that "parent" does not mean a parent 45824  
whose custodial rights have been terminated. 45825

(6) "Preschool scholarship ADM" means the number of preschool 45826  
children with disabilities certified under division (B)(3)(h) of 45827

section 3317.03 of the Revised Code. 45828

(7) "Qualified special education child" is a child for whom 45829  
all of the following conditions apply: 45830

(a) The school district in which the child is entitled to 45831  
attend school has identified the child as autistic. A child who 45832  
has been identified as having a "pervasive developmental disorder 45833  
- not otherwise specified (PPD-NOS)" shall be considered to be an 45834  
autistic child for purposes of this section. 45835

(b) The school district in which the child is entitled to 45836  
attend school has developed an individualized education program 45837  
under Chapter 3323. of the Revised Code for the child. 45838

(c) The child either: 45839

(i) Was enrolled in the school district in which the child is 45840  
entitled to attend school in any grade from preschool through 45841  
twelve in the school year prior to the year in which a scholarship 45842  
under this section is first sought for the child; or 45843

(ii) Is eligible to enter school in any grade preschool 45844  
through twelve in the school district in which the child is 45845  
entitled to attend school in the school year in which a 45846  
scholarship under this section is first sought for the child. 45847

(8) "Registered private provider" means a nonpublic school or 45848  
other nonpublic entity that has been approved by the department of 45849  
education to participate in the program established under this 45850  
section. 45851

(9) "Special education program" means a school or facility 45852  
that provides special education and related services to children 45853  
with disabilities. 45854

(B) There is hereby established the autism scholarship 45855  
program. Under the program, the department of education shall pay 45856  
a scholarship to the parent of each qualified special education 45857

child upon application of that parent pursuant to procedures and 45858  
deadlines established by rule of the state board of education. 45859  
Each scholarship shall be used only to pay tuition for the child 45860  
on whose behalf the scholarship is awarded to attend a special 45861  
education program that implements the child's individualized 45862  
education program and that is operated by an alternative public 45863  
provider or by a registered private provider, and to pay for other 45864  
services agreed to by the provider and the parent of a qualified 45865  
special education child that are not included in the 45866  
individualized education program but are associated with educating 45867  
the child. Upon agreement with the parent of a qualified special 45868  
education child, the alternative public provider or the registered 45869  
private provider may modify the services provided to the child. 45870  
Each scholarship shall be in an amount not to exceed the lesser of 45871  
the tuition charged for the child by the special education program 45872  
or ~~twenty~~ twenty-seven thousand dollars. The purpose of the 45873  
scholarship is to permit the parent of a qualified special 45874  
education child the choice to send the child to a special 45875  
education program, instead of the one operated by or for the 45876  
school district in which the child is entitled to attend school, 45877  
to receive the services prescribed in the child's individualized 45878  
education program once the individualized education program is 45879  
finalized and any other services agreed to by the provider and the 45880  
parent of a qualified special education child. The services 45881  
provided under the scholarship shall include an educational 45882  
component or services designed to assist the child to benefit from 45883  
the child's education. 45884

A scholarship under this section shall not be awarded to the 45885  
parent of a child while the child's individualized education 45886  
program is being developed by the school district in which the 45887  
child is entitled to attend school, or while any administrative or 45888  
judicial mediation or proceedings with respect to the content of 45889  
the child's individualized education program are pending. A 45890

scholarship under this section shall not be used for a child to 45891  
attend a public special education program that operates under a 45892  
contract, compact, or other bilateral agreement between the school 45893  
district in which the child is entitled to attend school and 45894  
another school district or other public provider, or for a child 45895  
to attend a community school established under Chapter 3314. of 45896  
the Revised Code. However, nothing in this section or in any rule 45897  
adopted by the state board shall prohibit a parent whose child 45898  
attends a public special education program under a contract, 45899  
compact, or other bilateral agreement, or a parent whose child 45900  
attends a community school, from applying for and accepting a 45901  
scholarship under this section so that the parent may withdraw the 45902  
child from that program or community school and use the 45903  
scholarship for the child to attend a special education program 45904  
for which the parent is required to pay for services for the 45905  
child. 45906

Except for development of the child's individualized 45907  
education program, the school district in which a qualified 45908  
special education child is entitled to attend school and the 45909  
child's school district of residence, as defined in section 45910  
3323.01 of the Revised Code, if different, are not obligated to 45911  
provide the child with a free appropriate public education under 45912  
Chapter 3323. of the Revised Code for as long as the child 45913  
continues to attend the special education program operated by 45914  
either an alternative public provider or a registered private 45915  
provider for which a scholarship is awarded under the autism 45916  
scholarship program. If at any time, the eligible applicant for 45917  
the child decides no longer to accept scholarship payments and 45918  
enrolls the child in the special education program of the school 45919  
district in which the child is entitled to attend school, that 45920  
district shall provide the child with a free appropriate public 45921  
education under Chapter 3323. of the Revised Code. 45922

A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(10) of section 3317.03 of the Revised Code, a child who is not a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the formula ADM and the category six special education ADM of the district in which the child is entitled to attend school and not in the formula ADM and the category six special education ADM of any other school district. As prescribed in divisions (B)(3)(h) and (B)(10) of section 3317.03 of the Revised Code, a child who is a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the preschool scholarship ADM and category six special education ADM of the school district in which the child is entitled to attend school and not in the preschool scholarship ADM or category six special education ADM of any other school district.

(2) In each fiscal year, the department shall deduct from the amounts paid to each school district under Chapter 3317. of the Revised Code, and, if necessary, sections 321.24 and 323.156 of the Revised Code, the aggregate amount of scholarships awarded under this section for qualified special education children included in the formula ADM, or preschool scholarship ADM, and in the category six special education ADM of that school district as provided in division (C)(1) of this section.

The scholarships deducted shall be considered as an approved special education and related services expense of the school district.

(3) From time to time, the department shall make a payment to the parent of each qualified special education child for whom a



scholarship has been awarded under this section. The scholarship amount shall be proportionately reduced in the case of any such child who is not enrolled in the special education program for which a scholarship was awarded under this section for the entire school year. The department shall make no payments to the parent of a child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

(D) A scholarship shall not be paid to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks,

under the licensee's supervision, as an extension of the 45986  
licensee's legal and ethical authority as specified under Chapter 45987  
4732. of the Revised Code who is ascribed as "psychology trainee," 45988  
"psychology assistant," "psychology intern," or other appropriate 45989  
term that clearly implies their supervised or training status; 45990

(5) Unlicensed persons holding a doctoral degree in 45991  
psychology or special education from a program approved by the 45992  
state board; 45993

(6) Any other qualified individual as determined by the state 45994  
board. 45995

(F) The department shall provide reasonable notice to all 45996  
parents of children receiving a scholarship under the autism 45997  
scholarship program, alternative public providers, and registered 45998  
private providers of any amendment to a rule governing, or change 45999  
in the administration of, the autism scholarship program. 46000

**Sec. 3310.522.** In order to maintain eligibility for a 46001  
scholarship under the program, a student shall take each 46002  
assessment prescribed by sections 3301.0710 and 3301.0712 of the 46003  
Revised Code, unless the student is excused from taking that 46004  
assessment under federal law or the student's individualized 46005  
education program or the student is enrolled in a chartered 46006  
nonpublic school that meets the conditions specified in ~~division~~ 46007  
divisions (K)(1)(b)(ii) and (K)(1)(c) of section 3301.0711 of the 46008  
Revised Code. 46009

Each registered private provider that is not subject to 46010  
division (K)(1)(a) of section 3301.0711 of the Revised Code and 46011  
enrolls a student who is awarded a scholarship under this section 46012  
shall administer each assessment prescribed by sections 3301.0710 46013  
and 3301.0712 of the Revised Code to that student, unless the 46014  
student is excused from taking that assessment or the student is 46015  
enrolled in a chartered nonpublic school that meets the conditions 46016

specified in ~~division~~ divisions (K)(1)(b)(ii) and (K)(1)(c) of 46017  
section 3301.0711 of the Revised Code, and shall report to the 46018  
department the results of each assessment so administered. 46019

Nothing in this section requires any chartered nonpublic 46020  
school that is a registered private provider to administer any 46021  
achievement assessment, except for an Ohio graduation test 46022  
prescribed by division (B)(1) of section 3301.0710 or the college 46023  
and work ready assessment system prescribed by division (B) of 46024  
section 3301.0712 of the Revised Code to any student enrolled in 46025  
the school who is not a scholarship student. 46026

**Sec. 3310.56.** (A) The amount of the scholarship awarded and 46027  
paid to an eligible applicant for services for a qualified special 46028  
education child under the Jon Peterson special needs scholarship 46029  
program in each school year shall be the least of the amounts 46030  
prescribed in divisions (A)(1), (2), and (3) of this section, as 46031  
follows: 46032

(1) The amount of fees charged for that school year by the 46033  
alternative public provider or registered private provider; 46034

(2) The sum of the amounts calculated under divisions 46035  
(A)(2)(a) and (b) of this section: 46036

(a) The formula amount; 46037

(b) An amount prescribed for the child's disability as 46038  
follows: 46039

(i) For a student in category one, the amount specified in 46040  
division (A) of section 3317.013 of the Revised Code; 46041

(ii) For a student in category two, the amount specified in 46042  
division (B) of section 3317.013 of the Revised Code; 46043

(iii) For a student in category three, the amount specified 46044  
in division (C) of section 3317.013 of the Revised Code; 46045

(iv) For a student in category four, the amount specified in division (D) of section 3317.013 of the Revised Code;	46046 46047
(v) For a student in category five, the amount specified in division (E) of section 3317.013 of the Revised Code;	46048 46049
(vi) For a student in category six, the amount specified in division (F) of section 3317.013 of the Revised Code.	46050 46051
(3) <del>Twenty</del> <u>Twenty-seven</u> thousand dollars.	46052
(B) As used in division (A)(2)(b) of this section, a child with a disability is in:	46053 46054
(1) "Category one" if the child is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code;	46055 46056 46057
(2) "Category two" if the child is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code;	46058 46059 46060
(3) "Category three" if the child is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code;	46061 46062 46063
(4) "Category four" if the child is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code;	46064 46065 46066
(5) "Category five" if the child is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code;	46067 46068 46069
(6) "Category six" if the child is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.	46070 46071 46072
<b>Sec. 3311.19.</b> (A) The management and control of a joint vocational school district shall be vested in the joint vocational	46073 46074

school district board of education which, beginning on ~~the~~ 46075  
~~effective date of this amendment~~ September 29, 2013, shall be 46076  
appointed under division (C) of this section. 46077

All members of a joint vocational school district board 46078  
serving unexpired terms on ~~the effective date of this amendment~~ 46079  
September 29, 2013, may continue in office until the expiration of 46080  
their terms. If a member leaves office for any reason prior to the 46081  
expiration of that member's term, the vacancy shall be filled only 46082  
in the manner provided in division (C) of this section. 46083

(B) ~~Members~~ Except as provided in section 3311.191 of the 46084  
Revised Code, members of the joint vocational school district 46085  
board appointed on or after ~~the effective date of this amendment~~ 46086  
September 29, 2013, shall serve for three-year terms of office. No 46087  
member shall hold office for a period of longer than two 46088  
consecutive terms. Terms shall be considered consecutive unless 46089  
separated by three or more years. 46090

Members of the board shall be selected based on the diversity 46091  
of the employers from the geographical region of the state in 46092  
which the territory of the joint vocational school district is 46093  
located represented by the members. Not less than three-fifths of 46094  
the members of the board shall reside in or be employed within the 46095  
territory of the joint vocational school district board upon which 46096  
the member serves. 46097

(C) The manner of appointment and the total number of members 46098  
appointed to the joint vocational school district board shall be 46099  
in accordance with the most recent plan for the joint vocational 46100  
school district on file with the department of education. An 46101  
individual shall not be a member of an appointing board, unless 46102  
the individual meets the criteria in division (C)(2) of this 46103  
section. 46104

(1) Appointments under this section shall be made as the 46105

terms of members of each joint vocational school district board 46106  
who are serving unexpired terms on ~~the effective date of this~~ 46107  
~~amendment~~ September 29, 2013, expire or as those offices are 46108  
otherwise vacated prior to the expiration date. 46109

(2) Members of the joint vocational board shall have 46110  
experience as chief financial officers, chief executive officers, 46111  
human resources managers, or other business, industry, or career 46112  
counseling professionals who are qualified to discuss the labor 46113  
needs of the region with respect to the regional economy. The 46114  
appointing board shall appoint individuals who represent employers 46115  
in the region served by the joint vocational school district who 46116  
are qualified to consider the state's workforce needs with an 46117  
understanding of the skills, training, and education needed for 46118  
current and future employment opportunities in the state. The 46119  
appointing board may give preference to individuals who have 46120  
served as members on a joint vocational school business advisory 46121  
committee who meet the qualifications in division (C)(2) of this 46122  
section. 46123

(D) The vocational schools in the joint vocational school 46124  
district shall be available to all youth of school age within the 46125  
joint vocational school district subject to the rules adopted by 46126  
the joint vocational school district board of education in regard 46127  
to the standards requisite to admission. A joint vocational school 46128  
district board of education shall have the same powers, duties, 46129  
and authority for the management and operation of such joint 46130  
vocational school district as is granted by law, except by this 46131  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 46132  
Code, to a board of education of a city school district, and shall 46133  
be subject to all the provisions of law that apply to a city 46134  
school district, except such provisions in this chapter and 46135  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 46136

(E) The superintendent of schools of a joint vocational 46137

school district shall exercise the duties and authority vested by 46138  
law in a superintendent of schools pertaining to the operation of 46139  
a school district and the employment and supervision of its 46140  
personnel. The joint vocational school district board of education 46141  
shall appoint a treasurer of the joint vocational school district 46142  
who shall be the fiscal officer for such district and who shall 46143  
have all the powers, duties, and authority vested by law in a 46144  
treasurer of a board of education. 46145

(F) Each member of a joint vocational school district board 46146  
of education may be paid such compensation as the board provides 46147  
by resolution, but it shall not exceed one hundred twenty-five 46148  
dollars per member for each meeting attended plus mileage, at the 46149  
rate per mile provided by resolution of the board, to and from 46150  
meetings of the board. 46151

The board may provide by resolution for the deduction of 46152  
amounts payable for benefits under section 3313.202 of the Revised 46153  
Code. 46154

Each member of a joint vocational school district board may 46155  
be paid such compensation as the board provides by resolution for 46156  
attendance at an approved training program, provided that such 46157  
compensation shall not exceed sixty dollars per day for attendance 46158  
at a training program three hours or fewer in length and one 46159  
hundred twenty-five dollars a day for attendance at a training 46160  
program longer than three hours in length. However, no board 46161  
member shall be compensated for the same training program under 46162  
this section and section 3313.12 of the Revised Code. 46163

Sec. 3311.191. (A) Subject to division (B) of this section, 46164  
if a joint vocational school district has an even number of member 46165  
districts each appointing a member to the joint vocational school 46166  
district board of education and the joint vocational school 46167  
district's plan on file with the department of education provides 46168

for one additional board member to be appointed on a rotating basis by one of the appointing boards, the term of that additional member shall be for one year. The additional member shall otherwise meet the requirements for joint vocational school board members prescribed by section 3311.19 of the Revised Code. 46169  
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(B) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A) of this section, was appointed on or after September 29, 2013, but prior to the effective date of this section, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A) of this section. 46174  
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**Sec. 3311.221.** (A) As used in this section, an "eligible school district transfer" means the transfer, not later than June 30, 2015, of the entire territory of a local school district that has fewer than five hundred students to a contiguous local school district under section 3311.22 of the Revised Code that results in the cancellation of the amount owed to the solvency assistance fund by either or both districts under Section 7 of Am. Sub. H.B. 487 of the 130th general assembly. 46186  
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(B) Notwithstanding anything to the contrary in the Revised Code, if a joint vocational school district gains territory on or after January 1, 2015, due to an eligible school district transfer, the joint vocational school district shall enter into a two-year transition agreement with the joint vocational school district that lost the territory gained by the other joint 46194  
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vocational school district due to the transfer. This agreement 46200  
shall require all of the following: 46201

(1) Each student of the local school district that is 46202  
transferred who is enrolled, at the time of the transfer, in the 46203  
joint vocational school district that lost territory due to the 46204  
transfer shall remain enrolled in that joint vocational school 46205  
district for the remainder of the student's secondary education, 46206  
so long as the student is enrolled in the local school district 46207  
that received territory in the transfer and continues to enroll in 46208  
a career-technical program. 46209

(2) In the first year following the transfer, the joint 46210  
vocational school district that gains territory due to the 46211  
transfer shall pay the joint vocational school district that lost 46212  
territory due to the transfer an amount equal to one hundred per 46213  
cent of the revenue collected from taxes levied under sections 46214  
3311.21 and 5705.21 of the Revised Code by the joint vocational 46215  
school district that gains territory for the transferred portion 46216  
of the district. 46217

(3) In the second year following the transfer, the joint 46218  
vocational school district that gains territory due to the 46219  
transfer shall pay the joint vocational school district that lost 46220  
territory due to the transfer an amount equal to fifty per cent of 46221  
the revenue collected from taxes levied under sections 3311.21 and 46222  
5705.21 of the Revised Code by the joint vocational school 46223  
district that gains territory for the transferred portion of the 46224  
district. 46225

Any other terms mutually agreed upon by both joint vocational 46226  
school districts to ensure an orderly transition of territory that 46227  
maximizes opportunities for students shall also be included in the 46228  
agreement. 46229

**Sec. 3313.375.** The board of education of a city, local, 46230

exempted village, or joint vocational school district, the 46231  
governing board of an educational service center, or the governing 46232  
authority of a community school may enter into a lease-purchase 46233  
agreement providing for construction; enlarging or other 46234  
improvement, furnishing, and equipping; lease; and eventual 46235  
acquisition of ~~a building~~ facilities or improvements to ~~a building~~ 46236  
facilities, including but not limited to buildings, playgrounds, 46237  
parking lots, athletic facilities, and safety enhancements for any 46238  
school district, educational service center, or community school 46239  
purpose. The agreement shall provide for a lease for a series of 46240  
one-year renewable lease terms totaling not more than the number 46241  
of years equivalent to the useful life of the asset and in no 46242  
event more than thirty years. The agreement shall provide that at 46243  
the end of the series of lease terms provided for in the agreement 46244  
the title to the leased property shall be vested in the school 46245  
district or educational service center, if all obligations of the 46246  
school district, educational service center, or community school 46247  
provided for in the agreement have been satisfied. The agreement 46248  
may, in addition to the rental payments, require the school 46249  
district, educational service center, or community school to pay 46250  
the lessor a lump-sum amount as a condition of obtaining title to 46251  
the leased property. In conjunction with the agreement, a school 46252  
district board of education, an educational service center 46253  
governing board, or a governing authority of a community school 46254  
may grant leases, easements, or licenses for underlying land or 46255  
facilities under the board's control for terms not exceeding five 46256  
years beyond the final renewal term of the lease-purchase 46257  
agreement entered into pursuant to this section. Payments under 46258  
the agreement may be deemed to be, and paid as, current operating 46259  
expenses. 46260

The obligations under a lease-purchase agreement entered into 46261  
pursuant to this section shall not be considered to be net 46262  
indebtedness of a school district under section 133.06 of the 46263

Revised Code. 46264

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 46265  
(F), and (G) of this section and in section 3313.412 of the 46266  
Revised Code, when a board of education decides to dispose of real 46267  
or personal property that it owns in its corporate capacity and 46268  
that exceeds in value ten thousand dollars, it shall sell the 46269  
property at public auction, after giving at least thirty days' 46270  
notice of the auction by publication in a newspaper of general 46271  
circulation in the school district, by publication as provided in 46272  
section 7.16 of the Revised Code, or by posting notices in five of 46273  
the most public places in the school district in which the 46274  
property, if it is real property, is situated, or, if it is 46275  
personal property, in the school district of the board of 46276  
education that owns the property. The board may offer real 46277  
property for sale as an entire tract or in parcels. 46278

(B) When the board of education has offered real or personal 46279  
property for sale at public auction at least once pursuant to 46280  
division (A) of this section, and the property has not been sold, 46281  
the board may sell it at a private sale. Regardless of how it was 46282  
offered at public auction, at a private sale, the board shall, as 46283  
it considers best, sell real property as an entire tract or in 46284  
parcels, and personal property in a single lot or in several lots. 46285

(C) If a board of education decides to dispose of real or 46286  
personal property that it owns in its corporate capacity and that 46287  
exceeds in value ten thousand dollars, it may sell the property to 46288  
the adjutant general; to any subdivision or taxing authority as 46289  
respectively defined in section 5705.01 of the Revised Code, 46290  
township park district, board of park commissioners established 46291  
under Chapter 755. of the Revised Code, or park district 46292  
established under Chapter 1545. of the Revised Code; to a wholly 46293  
or partially tax-supported university, university branch, or 46294

college; to a nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; to the governing authority of a chartered nonpublic school; or to the board of trustees of a school district library, upon such terms as are agreed upon. The sale of real or personal property to the board of trustees of a school district library is limited, in the case of real property, to a school district library within whose boundaries the real property is situated, or, in the case of personal property, to a school district library whose boundaries lie in whole or in part within the school district of the selling board of education.

(D) When a board of education decides to trade as a part or an entire consideration, an item of personal property on the purchase price of an item of similar personal property, it may trade the same upon such terms as are agreed upon by the parties to the trade.

(E) The president and the treasurer of the board of education shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this section.

(F) When a board of education has identified a parcel of real property that it determines is needed for school purposes, the board may, upon a majority vote of the members of the board, acquire that property by exchanging real property that the board owns in its corporate capacity for the identified real property or by using real property that the board owns in its corporate capacity as part or an entire consideration for the purchase price of the identified real property. Any exchange or acquisition made pursuant to this division shall be made by a conveyance executed by the president and the treasurer of the board.

(G) Except as provided in ~~section~~ sections 3313.412 and 3313.413 of the Revised Code, when a school district board of education decides to dispose of real property, prior to disposing

of that property under divisions (A) to (F) of this section, it 46327  
shall first offer that property for sale to the governing 46328  
authorities of the start-up community schools established under 46329  
Chapter 3314. of the Revised Code, and the board of trustees of 46330  
any college-preparatory boarding school established under Chapter 46331  
3328. of the Revised Code, that are located within the territory 46332  
of the school district. The district board shall offer the 46333  
property at a price that is not higher than the appraised fair 46334  
market value of that property as determined in an appraisal of the 46335  
property that is not more than one year old. If more than one 46336  
community school governing authority or college-preparatory 46337  
boarding school board of trustees accepts the offer made by the 46338  
school district board, the board shall sell the property to the 46339  
governing authority or board that accepted the offer first in 46340  
time. If no community school governing authority or 46341  
college-preparatory boarding school board of trustees accepts the 46342  
offer within sixty days after the offer is made by the school 46343  
district board, the board may dispose of the property in the 46344  
applicable manner prescribed under divisions (A) to (F) of this 46345  
section. 46346

(H) When a school district board of education has property 46347  
that the board, by resolution, finds is not needed for school 46348  
district use, is obsolete, or is unfit for the use for which it 46349  
was acquired, the board may donate that property in accordance 46350  
with this division if the fair market value of the property is, in 46351  
the opinion of the board, two thousand five hundred dollars or 46352  
less. 46353

The property may be donated to an eligible nonprofit 46354  
organization that is located in this state and is exempt from 46355  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 46356  
Before donating any property under this division, the board shall 46357  
adopt a resolution expressing its intent to make unneeded, 46358

obsolete, or unfit-for-use school district property available to 46359  
these organizations. The resolution shall include guidelines and 46360  
procedures the board considers to be necessary to implement the 46361  
donation program and shall indicate whether the school district 46362  
will conduct the donation program or the board will contract with 46363  
a representative to conduct it. If a representative is known when 46364  
the resolution is adopted, the resolution shall provide contact 46365  
information such as the representative's name, address, and 46366  
telephone number. 46367

The resolution shall include within its procedures a 46368  
requirement that any nonprofit organization desiring to obtain 46369  
donated property under this division shall submit a written notice 46370  
to the board or its representative. The written notice shall 46371  
include evidence that the organization is a nonprofit organization 46372  
that is located in this state and is exempt from federal income 46373  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 46374  
the organization's primary purpose; a description of the type or 46375  
types of property the organization needs; and the name, address, 46376  
and telephone number of a person designated by the organization's 46377  
governing board to receive donated property and to serve as its 46378  
agent. 46379

After adoption of the resolution, the board shall publish, in 46380  
a newspaper of general circulation in the school district or as 46381  
provided in section 7.16 of the Revised Code, notice of its intent 46382  
to donate unneeded, obsolete, or unfit-for-use school district 46383  
property to eligible nonprofit organizations. The notice shall 46384  
include a summary of the information provided in the resolution 46385  
and shall be published twice. The second notice shall be published 46386  
not less than ten nor more than twenty days after the previous 46387  
notice. A similar notice also shall be posted continually in the 46388  
board's office. If the school district maintains a web site on the 46389  
internet, the notice shall be posted continually at that web site. 46390

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee.

Sec. 3313.411. (A) As used in this section: 46423

(1) "College-preparatory boarding school" means a 46424  
college-preparatory boarding school established under Chapter 46425  
3328. of the Revised Code. 46426

(2) "Community school" means a community school established 46427  
under Chapter 3314. of the Revised Code. 46428

(3) "Unused school facilities" means any real property that 46429  
has been used by a school district for school operations, 46430  
including, but not limited to, academic instruction or 46431  
administration, since July 1, 1998, but has not been used in that 46432  
capacity for two years. 46433

(B)(1) Except as provided in ~~section~~ sections 3313.412 and 46434  
3313.413 of the Revised Code, on and after June 30, 2011, any 46435  
school district board of education shall offer any unused school 46436  
facilities it owns in its corporate capacity for lease or sale to 46437  
the governing authorities of community schools, and the board of 46438  
trustees of any college-preparatory boarding school, that are 46439  
located within the territory of the district. 46440

(2) At the same time that a district board makes the offer 46441  
required under division (B)(1) of this section, the board also 46442  
may, but shall not be required to, offer that property for sale or 46443  
lease to the governing authorities of community schools with 46444  
plans, stipulated in their contracts entered into under section 46445  
3314.03 of the Revised Code, either to relocate their operations 46446  
to the territory of the district or to add facilities, as 46447  
authorized by division (B)(3) or (4) of section 3314.05 of the 46448  
Revised Code, to be located within the territory of the district. 46449

(C)(1) If, not later than sixty days after the district board 46450  
makes the offer, only one qualified party offered the property 46451  
under division (B) of this section notifies the district treasurer 46452



in writing of the intention to purchase the property, the district board shall sell the property to that party for the appraised fair market value of the property as determined in an appraisal of the property that is not more than one year old.

(2) If, not later than sixty days after the district board makes the offer, more than one qualified party offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the parties offered the property under division (B) of this section that notify the district treasurer of the intention to purchase the property are eligible to bid at the auction. The district board is not obligated to accept any bid for the property that is lower than the appraised fair market value of the property as determined in an appraisal that is not more than one year old.

(3) If more than one qualified party offered the property under division (B) of this section notifies the district treasurer in writing of the intention to lease the property, the district board shall conduct a lottery to select from among those parties the one qualified party to which the district board shall lease the property.

(4) The lease price offered by a district board to a community school or college-preparatory boarding school under this section shall not be higher than the fair market value for such a leasehold as determined in an appraisal that is not more than one year old.

(5) If no qualified party offered the property under division (B) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with

divisions (A) to (F) of section 3313.41 of the Revised Code. 46485

(D) Notwithstanding division (B) of this section, a school 46486  
district board may renew any agreement it originally entered into 46487  
prior to June 30, 2011, to lease real property to an entity other 46488  
than a community school or college-preparatory boarding school. 46489  
Nothing in this section shall affect the leasehold arrangements 46490  
between the district board and that other entity. 46491

(E)(1) Except as provided in division (E)(2) of this section, 46492  
the governing authority of a community school or the board of 46493  
trustees of a college-preparatory boarding school shall not sell 46494  
any property purchased under division (B) of this section within 46495  
five years of purchasing that property. 46496

(2) The governing authority or board of trustees may sell a 46497  
property purchased under division (B) of this section within five 46498  
years of the purchase, only if the governing authority or board of 46499  
trustees sells or transfers that property to another entity 46500  
described in that division. 46501

**Sec. 3313.413.** (A) As used in this section, "high-performing 46502  
community school" means a community school established under 46503  
Chapter 3314. of the Revised Code that meets the following 46504  
conditions: 46505

(1) Except as provided in division (A)(2) or (3) of this 46506  
section, the school both: 46507

(a) Has received a grade of "A," "B," or "C" for the 46508  
performance index score under division (C)(1)(b) of section 46509  
3302.03 of the Revised Code or has increased its performance index 46510  
score under division (C)(1)(b) of section 3302.03 of the Revised 46511  
Code in each of the previous three years of operation; and 46512

(b) Has received a grade of "A" or "B" for the value-added 46513  
progress dimension under division (C)(1)(e) of section 3302.03 of 46514

the Revised Code on its most recent report card rating issued 46515  
under that section. 46516

(2) If the school serves only grades kindergarten through 46517  
three, the school received a grade of "A" or "B" for making 46518  
progress in improving literacy in grades kindergarten through 46519  
three under division (C)(1)(g) of section 3302.03 of the Revised 46520  
Code on its most recent report card issued under that section. 46521

(3) If the school primarily serves students enrolled in a 46522  
dropout prevention and recovery program as described in division 46523  
(A)(4)(a) of section 3314.35 of the Revised Code, the school 46524  
received a rating of "exceeds standards" on its most recent report 46525  
card issued under section 3314.017 of the Revised Code. 46526

(B) When a school district board of education decides to 46527  
dispose of real property it owns in its corporate capacity under 46528  
section 3313.41 of the Revised Code, prior to offering that 46529  
property to all start-up community schools and any 46530  
college-preparatory boarding school located in the district as 46531  
prescribed by division (G) of that section, the board shall first 46532  
offer that property for sale to the governing authorities of 46533  
high-performing community schools and any newly established 46534  
community schools that are implementing a community school model 46535  
that has a track record of high quality academic performance, as 46536  
determined by the department of education. If no such governing 46537  
authority notifies the district treasurer of its intention to 46538  
purchase the property within sixty days after the offer is made, 46539  
the board shall offer that property to all start-up community 46540  
schools and college-preparatory boarding schools located in the 46541  
district pursuant to division (G) of section 3313.41 of the 46542  
Revised Code and then subsequently may offer the property for sale 46543  
in the manner prescribed under divisions (A) to (F) of that 46544  
section. 46545

(C) When a school district board of education is required to 46546

offer unused school facilities for lease or sale pursuant to 46547  
section 3313.411 of the Revised Code, prior to offering those 46548  
facilities to all start-up community schools and any 46549  
college-preparatory boarding school located in the district as 46550  
prescribed by that section, the board shall first offer those 46551  
facilities for lease or sale to the governing authorities of 46552  
high-performing community schools. If no such governing authority 46553  
notifies the district treasurer of its intention to lease or 46554  
purchase those facilities within sixty days after the offer is 46555  
made, the board shall offer those facilities to all start-up 46556  
community schools and college-preparatory boarding schools located 46557  
in the district pursuant to section 3313.411 of the Revised Code. 46558

(D) Notwithstanding anything to the contrary in sections 46559  
3313.41 and 3313.411 of the Revised Code, the purchase price of 46560  
any real property sold to the governing authority of a 46561  
high-performing community school in accordance with division (B) 46562  
of this section and of any unused school facilities sold to any of 46563  
those entities in accordance with division (C) of this section 46564  
shall not be more than the appraised fair market value of that 46565  
property as determined in an appraisal of the property that is not 46566  
more than one year old. 46567

**Sec. 3313.603.** (A) As used in this section: 46568

(1) "One unit" means a minimum of one hundred twenty hours of 46569  
course instruction, except that for a laboratory course, "one 46570  
unit" means a minimum of one hundred fifty hours of course 46571  
instruction. 46572

(2) "One-half unit" means a minimum of sixty hours of course 46573  
instruction, except that for physical education courses, "one-half 46574  
unit" means a minimum of one hundred twenty hours of course 46575  
instruction. 46576

(B) Beginning September 15, 2001, except as required in 46577

division (C) of this section and division (C) of section 3313.614 46578  
of the Revised Code, the requirements for graduation from every 46579  
high school shall include twenty units earned in grades nine 46580  
through twelve and shall be distributed as follows: 46581

(1) English language arts, four units; 46582

(2) Health, one-half unit; 46583

(3) Mathematics, three units; 46584

(4) Physical education, one-half unit; 46585

(5) Science, two units until September 15, 2003, and three 46586  
units thereafter, which at all times shall include both of the 46587  
following: 46588

(a) Biological sciences, one unit; 46589

(b) Physical sciences, one unit. 46590

(6) History and government, one unit, which shall comply with 46591  
division (M) of this section and shall include both of the 46592  
following: 46593

(a) American history, one-half unit; 46594

(b) American government, one-half unit. 46595

(7) Social studies, two units. 46596

Beginning with students who enter ninth grade for the first 46597  
time on or after July 1, 2017, the two units of instruction 46598  
prescribed by division (B)(7) of this section shall include at 46599  
least one-half unit of instruction in the study of world history 46600  
and civilizations. 46601

(8) Elective units, seven units until September 15, 2003, and 46602  
six units thereafter. 46603

Each student's electives shall include at least one unit, or 46604  
two half units, chosen from among the areas of 46605  
business/technology, fine arts, and/or foreign language. 46606

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II~~+~~. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course as an alternative.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:

(a) Physical sciences, one unit;

(b) Life sciences, one unit;

(c) Advanced study in one or more of the following sciences, one unit:

(i) Chemistry, physics, or other physical science;

(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science.

(6) History and government, one unit, which shall comply with 46637  
division (M) of this section and shall include both of the 46638  
following: 46639

(a) American history, one-half unit; 46640

(b) American government, one-half unit. 46641

(7) Social studies, two units. 46642

Each school shall integrate the study of economics and 46643  
financial literacy, as expressed in the social studies academic 46644  
content standards adopted by the state board of education under 46645  
division (A)(1) of section 3301.079 of the Revised Code and the 46646  
academic content standards for financial literacy and 46647  
entrepreneurship adopted under division (A)(2) of that section, 46648  
into one or more existing social studies credits required under 46649  
division (C)(7) of this section, or into the content of another 46650  
class, so that every high school student receives instruction in 46651  
those concepts. In developing the curriculum required by this 46652  
paragraph, schools shall use available public-private partnerships 46653  
and resources and materials that exist in business, industry, and 46654  
through the centers for economics education at institutions of 46655  
higher education in the state. 46656

Beginning with students who enter ninth grade for the first 46657  
time on or after July 1, 2017, the two units of instruction 46658  
prescribed by division (C)(7) of this section shall include at 46659  
least one-half unit of instruction in the study of world history 46660  
and civilizations. 46661

(8) Five units consisting of one or any combination of 46662  
foreign language, fine arts, business, career-technical education, 46663  
family and consumer sciences, technology, agricultural education, 46664  
a junior reserve officer training corps (JROTC) program approved 46665  
by the congress of the United States under title 10 of the United 46666  
States Code, or English language arts, mathematics, science, or 46667

social studies courses not otherwise required under division (C) 46668  
of this section. 46669

Ohioans must be prepared to apply increased knowledge and 46670  
skills in the workplace and to adapt their knowledge and skills 46671  
quickly to meet the rapidly changing conditions of the 46672  
twenty-first century. National studies indicate that all high 46673  
school graduates need the same academic foundation, regardless of 46674  
the opportunities they pursue after graduation. The goal of Ohio's 46675  
system of elementary and secondary education is to prepare all 46676  
students for and seamlessly connect all students to success in 46677  
life beyond high school graduation, regardless of whether the next 46678  
step is entering the workforce, beginning an apprenticeship, 46679  
engaging in post-secondary training, serving in the military, or 46680  
pursuing a college degree. 46681

The requirements for graduation prescribed in division (C) of 46682  
this section are the standard expectation for all students 46683  
entering ninth grade for the first time at a public or chartered 46684  
nonpublic high school on or after July 1, 2010. A student may 46685  
satisfy this expectation through a variety of methods, including, 46686  
but not limited to, integrated, applied, career-technical, and 46687  
traditional coursework. 46688

Whereas teacher quality is essential for student success when 46689  
completing the requirements for graduation, the general assembly 46690  
shall appropriate funds for strategic initiatives designed to 46691  
strengthen schools' capacities to hire and retain highly qualified 46692  
teachers in the subject areas required by the curriculum. Such 46693  
initiatives are expected to require an investment of \$120,000,000 46694  
over five years. 46695

Stronger coordination between high schools and institutions 46696  
of higher education is necessary to prepare students for more 46697  
challenging academic endeavors and to lessen the need for academic 46698  
remediation in college, thereby reducing the costs of higher 46699



education for Ohio's students, families, and the state. The state board and the chancellor of ~~the Ohio board of regents~~ higher education shall develop policies to ensure that only in rare instances will students who complete the requirements for graduation prescribed in division (C) of this section require academic remediation after high school.

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this

section and acknowledging that one consequence of not completing 46732  
those requirements is ineligibility to enroll in most state 46733  
universities in Ohio without further coursework. 46734

(2) The student and parent, guardian, or custodian fulfill 46735  
any procedural requirements the school stipulates to ensure the 46736  
student's and parent's, guardian's, or custodian's informed 46737  
consent and to facilitate orderly filing of statements under 46738  
division (D)(1) of this section. Annually, each district or school 46739  
shall notify the department of education of the number of students 46740  
who choose to qualify for graduation under division (D) of this 46741  
section and the number of students who complete the student's 46742  
success plan and graduate from high school. 46743

(3) The student and the student's parent, guardian, or 46744  
custodian and a representative of the student's high school 46745  
jointly develop a student success plan for the student in the 46746  
manner described in division (C)(1) of section 3313.6020 of the 46747  
Revised Code that specifies the student matriculating to a 46748  
two-year degree program, acquiring a business and 46749  
industry-recognized credential, or entering an apprenticeship. 46750

(4) The student's high school provides counseling and support 46751  
for the student related to the plan developed under division 46752  
(D)(3) of this section during the remainder of the student's high 46753  
school experience. 46754

(5)(a) Except as provided in division (D)(5)(b) of this 46755  
section, the student successfully completes, at a minimum, the 46756  
curriculum prescribed in division (B) of this section. 46757

(b) Beginning with students who enter ninth grade for the 46758  
first time on or after July 1, 2014, a student shall be required 46759  
to complete successfully, at the minimum, the curriculum 46760  
prescribed in division (B) of this section, except as follows: 46761

(i) Mathematics, four units, one unit which shall be one of 46762

the following: 46763

(I) Probability and statistics; 46764

(II) Computer programming; 46765

(III) Applied mathematics or quantitative reasoning; 46766

(IV) Any other course approved by the department using 46767  
standards established by the superintendent not later than October 46768  
1, 2014. 46769

(ii) Elective units, five units; 46770

(iii) Science, three units as prescribed by division (B) of 46771  
this section which shall include inquiry-based laboratory 46772  
experience that engages students in asking valid scientific 46773  
questions and gathering and analyzing information. 46774

The department, in collaboration with the chancellor, shall 46775  
analyze student performance data to determine if there are 46776  
mitigating factors that warrant extending the exception permitted 46777  
by division (D) of this section to high school classes beyond 46778  
those entering ninth grade before July 1, 2016. The department 46779  
shall submit its findings and any recommendations not later than 46780  
December 1, 2015, to the speaker and minority leader of the house 46781  
of representatives, the president and minority leader of the 46782  
senate, the chairpersons and ranking minority members of the 46783  
standing committees of the house of representatives and the senate 46784  
that consider education legislation, the state board of education, 46785  
and the superintendent of public instruction. 46786

(E) Each school district and chartered nonpublic school 46787  
retains the authority to require an even more challenging minimum 46788  
curriculum for high school graduation than specified in division 46789  
(B) or (C) of this section. A school district board of education, 46790  
through the adoption of a resolution, or the governing authority 46791  
of a chartered nonpublic school may stipulate any of the 46792

following: 46793

(1) A minimum high school curriculum that requires more than 46794  
twenty units of academic credit to graduate; 46795

(2) An exception to the district's or school's minimum high 46796  
school curriculum that is comparable to the exception provided in 46797  
division (D) of this section but with additional requirements, 46798  
which may include a requirement that the student successfully 46799  
complete more than the minimum curriculum prescribed in division 46800  
(B) of this section; 46801

(3) That no exception comparable to that provided in division 46802  
(D) of this section is available. 46803

(F) A student enrolled in a dropout prevention and recovery 46804  
program, which program has received a waiver from the department, 46805  
may qualify for graduation from high school by successfully 46806  
completing a competency-based instructional program administered 46807  
by the dropout prevention and recovery program in lieu of 46808  
completing the requirements for graduation prescribed in division 46809  
(C) of this section. The department shall grant a waiver to a 46810  
dropout prevention and recovery program, within sixty days after 46811  
the program applies for the waiver, if the program meets all of 46812  
the following conditions: 46813

(1) The program serves only students not younger than sixteen 46814  
years of age and not older than twenty-one years of age. 46815

(2) The program enrolls students who, at the time of their 46816  
initial enrollment, either, or both, are at least one grade level 46817  
behind their cohort age groups or experience crises that 46818  
significantly interfere with their academic progress such that 46819  
they are prevented from continuing their traditional programs. 46820

(3) The program requires students to attain at least the 46821  
applicable score designated for each of the assessments prescribed 46822  
under division (B)(1) of section 3301.0710 of the Revised Code or, 46823

to the extent prescribed by rule of the state board under division 46824  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 46825  
of that section. 46826

(4) The program develops a student success plan for the 46827  
student in the manner described in division (C)(1) of section 46828  
3313.6020 of the Revised Code that specifies the student's 46829  
matriculating to a two-year degree program, acquiring a business 46830  
and industry-recognized credential, or entering an apprenticeship. 46831

(5) The program provides counseling and support for the 46832  
student related to the plan developed under division (F)(4) of 46833  
this section during the remainder of the student's high school 46834  
experience. 46835

(6) The program requires the student and the student's 46836  
parent, guardian, or custodian to sign and file, in accordance 46837  
with procedural requirements stipulated by the program, a written 46838  
statement asserting the parent's, guardian's, or custodian's 46839  
consent to the student's graduating without completing the 46840  
requirements for graduation prescribed in division (C) of this 46841  
section and acknowledging that one consequence of not completing 46842  
those requirements is ineligibility to enroll in most state 46843  
universities in Ohio without further coursework. 46844

(7) Prior to receiving the waiver, the program has submitted 46845  
to the department an instructional plan that demonstrates how the 46846  
academic content standards adopted by the state board under 46847  
section 3301.079 of the Revised Code will be taught and assessed. 46848

(8) Prior to receiving the waiver, the program has submitted 46849  
to the department a policy on career advising that satisfies the 46850  
requirements of section 3313.6020 of the Revised Code, with an 46851  
emphasis on how every student will receive career advising. 46852

(9) Prior to receiving the waiver, the program has submitted 46853  
to the department a written agreement outlining the future 46854

cooperation between the program and any combination of local job 46855  
training, postsecondary education, nonprofit, and health and 46856  
social service organizations to provide services for students in 46857  
the program and their families. 46858

Divisions (F)(8) and (9) of this section apply only to 46859  
waivers granted on or after July 1, 2015. 46860

If the department does not act either to grant the waiver or 46861  
to reject the program application for the waiver within sixty days 46862  
as required under this section, the waiver shall be considered to 46863  
be granted. 46864

(G) Every high school may permit students below the ninth 46865  
grade to take advanced work. If a high school so permits, it shall 46866  
award high school credit for successful completion of the advanced 46867  
work and shall count such advanced work toward the graduation 46868  
requirements of division (B) or (C) of this section if the 46869  
advanced work was both: 46870

(1) Taught by a person who possesses a license or certificate 46871  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 46872  
Code that is valid for teaching high school; 46873

(2) Designated by the board of education of the city, local, 46874  
or exempted village school district, the board of the cooperative 46875  
education school district, or the governing authority of the 46876  
chartered nonpublic school as meeting the high school curriculum 46877  
requirements. 46878

Each high school shall record on the student's high school 46879  
transcript all high school credit awarded under division (G) of 46880  
this section. In addition, if the student completed a seventh- or 46881  
eighth-grade fine arts course described in division (K) of this 46882  
section and the course qualified for high school credit under that 46883  
division, the high school shall record that course on the 46884  
student's high school transcript. 46885

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J)(1) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district and community school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(2) Not later than December 31, 2015, the state board shall update the statewide plan adopted pursuant to division (J)(1) of this section to also include methods for students enrolled in seventh and eighth grade to meet curriculum requirements based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. Beginning with the 2017-2018 school year, each school district and community school also shall comply with the updated plan adopted pursuant to this division and permit students enrolled in seventh

and eighth grade to meet curriculum requirements based on subject 46918  
area competency in accordance with the plan. 46919

(K) This division does not apply to students who qualify for 46920  
graduation from high school under division (D) or (F) of this 46921  
section, or to students pursuing a career-technical instructional 46922  
track as determined by the school district board of education or 46923  
the chartered nonpublic school's governing authority. 46924  
Nevertheless, the general assembly encourages such students to 46925  
consider enrolling in a fine arts course as an elective. 46926

Beginning with students who enter ninth grade for the first 46927  
time on or after July 1, 2010, each student enrolled in a public 46928  
or chartered nonpublic high school shall complete two semesters or 46929  
the equivalent of fine arts to graduate from high school. The 46930  
coursework may be completed in any of grades seven to twelve. Each 46931  
student who completes a fine arts course in grade seven or eight 46932  
may elect to count that course toward the five units of electives 46933  
required for graduation under division (C)(8) of this section, if 46934  
the course satisfied the requirements of division (G) of this 46935  
section. In that case, the high school shall award the student 46936  
high school credit for the course and count the course toward the 46937  
five units required under division (C)(8) of this section. If the 46938  
course in grade seven or eight did not satisfy the requirements of 46939  
division (G) of this section, the high school shall not award the 46940  
student high school credit for the course but shall count the 46941  
course toward the two semesters or the equivalent of fine arts 46942  
required by this division. 46943

(L) Notwithstanding anything to the contrary in this section, 46944  
the board of education of each school district and the governing 46945  
authority of each chartered nonpublic school may adopt a policy to 46946  
excuse from the high school physical education requirement each 46947  
student who, during high school, has participated in 46948  
interscholastic athletics, marching band, or cheerleading for at 46949



least two full seasons or in the junior reserve officer training 46950  
corps for at least two full school years. If the board or 46951  
authority adopts such a policy, the board or authority shall not 46952  
require the student to complete any physical education course as a 46953  
condition to graduate. However, the student shall be required to 46954  
complete one-half unit, consisting of at least sixty hours of 46955  
instruction, in another course of study. In the case of a student 46956  
who has participated in the junior reserve officer training corps 46957  
for at least two full school years, credit received for that 46958  
participation may be used to satisfy the requirement to complete 46959  
one-half unit in another course of study. 46960

(M) It is important that high school students learn and 46961  
understand United States history and the governments of both the 46962  
United States and the state of Ohio. Therefore, beginning with 46963  
students who enter ninth grade for the first time on or after July 46964  
1, 2012, the study of American history and American government 46965  
required by divisions (B)(6) and (C)(6) of this section shall 46966  
include the study of all of the following documents: 46967

(1) The Declaration of Independence; 46968

(2) The Northwest Ordinance; 46969

(3) The Constitution of the United States with emphasis on 46970  
the Bill of Rights; 46971

(4) The Ohio Constitution. 46972

The study of each of the documents prescribed in divisions 46973  
(M)(1) to (4) of this section shall include study of that document 46974  
in its original context. 46975

The study of American history and government required by 46976  
divisions (B)(6) and (C)(6) of this section shall include the 46977  
historical evidence of the role of documents such as the 46978  
Federalist Papers and the Anti-Federalist Papers to firmly 46979  
establish the historical background leading to the establishment 46980

of the provisions of the Constitution and Bill of Rights. 46981

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 46982  
grade in the school year that starts July 1, 2009, and until June 46983  
30, 2013, unless the student is excused under division (C) of 46984  
section 3301.0711 of the Revised Code from taking the assessment 46985  
described in this section, for any student who does not attain at 46986  
least the equivalent level of achievement designated under 46987  
division (A)(3) of section 3301.0710 of the Revised Code on the 46988  
assessment prescribed under that section to measure skill in 46989  
English language arts expected at the end of third grade, each 46990  
school district, in accordance with the policy adopted under 46991  
section 3313.609 of the Revised Code, shall do one of the 46992  
following: 46993

(a) Promote the student to fourth grade if the student's 46994  
principal and reading teacher agree that other evaluations of the 46995  
student's skill in reading demonstrate that the student is 46996  
academically prepared to be promoted to fourth grade; 46997

(b) Promote the student to fourth grade but provide the 46998  
student with intensive intervention services in fourth grade; 46999

(c) Retain the student in third grade. 47000

(2) Beginning with students who enter third grade in the 47001  
2013-2014 school year, unless the student is excused under 47002  
division (C) of section 3301.0711 of the Revised Code from taking 47003  
the assessment described in this section, no school district shall 47004  
promote to fourth grade any student who does not attain at least 47005  
the equivalent level of achievement designated under division 47006  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 47007  
prescribed under that section to measure skill in English language 47008  
arts expected at the end of third grade, unless one of the 47009  
following applies: 47010

(a) The student is a limited English proficient student who 47011  
has been enrolled in United States schools for less than three 47012  
full school years and has had less than three years of instruction 47013  
in an English as a second language program. 47014

(b) The student is a child with a disability entitled to 47015  
special education and related services under Chapter 3323. of the 47016  
Revised Code and the student's individualized education program 47017  
exempts the student from retention under this division. 47018

(c) The student demonstrates an acceptable level of 47019  
performance on an alternative standardized reading assessment as 47020  
determined by the department of education. 47021

(d) All of the following apply: 47022

(i) The student is a child with a disability entitled to 47023  
special education and related services under Chapter 3323. of the 47024  
Revised Code. 47025

(ii) The student has taken the third grade English language 47026  
arts achievement assessment prescribed under section 3301.0710 of 47027  
the Revised Code. 47028

(iii) The student's individualized education program or plan 47029  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 47030  
355, 29 U.S.C. 794, as amended, shows that the student has 47031  
received intensive remediation in reading for two school years but 47032  
still demonstrates a deficiency in reading. 47033

(iv) The student previously was retained in any of grades 47034  
kindergarten to three. 47035

(e)(i) The student received intensive remediation for reading 47036  
for two school years but still demonstrates a deficiency in 47037  
reading and was previously retained in any of grades kindergarten 47038  
to three. 47039

(ii) A student who is promoted under division (A)(2)(e)(i) of 47040

this section shall continue to receive intensive reading 47041  
instruction in grade four. The instruction shall include an 47042  
altered instructional day that includes specialized diagnostic 47043  
information and specific research-based reading strategies for the 47044  
student that have been successful in improving reading among 47045  
low-performing readers. 47046

(B)(1) Beginning in the 2012-2013 school year, to assist 47047  
students in meeting the third grade guarantee established by this 47048  
section, each school district board of education shall adopt 47049  
policies and procedures with which it annually shall assess the 47050  
reading skills of each student, except those students with 47051  
significant cognitive disabilities or other disabilities as 47052  
authorized by the department on a case-by-case basis, enrolled in 47053  
kindergarten to third grade and shall identify students who are 47054  
reading below their grade level. The reading skills assessment 47055  
shall be completed by the thirtieth day of September for students 47056  
in grades one to three, and by the first day of November for 47057  
students in kindergarten. Each district shall use the diagnostic 47058  
assessment to measure reading ability for the appropriate grade 47059  
level adopted under section 3301.079 of the Revised Code, or a 47060  
comparable tool approved by the department of education, to 47061  
identify such students. The policies and procedures shall require 47062  
the students' classroom teachers to be involved in the assessment 47063  
and the identification of students reading below grade level. The 47064  
assessment may be administered electronically using live, two-way 47065  
video and audio connections whereby the teacher administering the 47066  
assessment may be in a separate location from the student. 47067

(2) For each student identified by the diagnostic assessment 47068  
prescribed under this section as having reading skills below grade 47069  
level, the district shall do both of the following: 47070

(a) Provide to the student's parent or guardian, in writing, 47071  
all of the following: 47072

- (i) Notification that the student has been identified as having a substantial deficiency in reading; 47073  
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- (ii) A description of the current services that are provided to the student; 47075  
47076
- (iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency; 47077  
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- (iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion. 47081  
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- (b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies. 47092  
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- (3) For each student retained under division (A) of this section, the district shall do all of the following: 47101  
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- (a) Provide intense remediation services until the student is 47103

able to read at grade level. The remediation services shall 47104  
include intensive interventions in reading that address the areas 47105  
of deficiencies identified under this section including, but not 47106  
limited to, not less than ninety minutes of reading instruction 47107  
per day, and may include any of the following: 47108

(i) Small group instruction; 47109

(ii) Reduced teacher-student ratios; 47110

(iii) More frequent progress monitoring; 47111

(iv) Tutoring or mentoring; 47112

(v) Transition classes containing third and fourth grade 47113  
students; 47114

(vi) Extended school day, week, or year; 47115

(vii) Summer reading camps. 47116

(b) Establish a policy for the mid-year promotion of a 47117  
student retained under division (A) of this section who 47118  
demonstrates that the student is reading at or above grade level; 47119

(c) Provide each student with a teacher who satisfies one or 47120  
more of the criteria set forth in division (H) of this section. 47121

The district shall offer the option for students to receive 47122  
applicable services from one or more providers other than the 47123  
district. Providers shall be screened and approved by the district 47124  
or the department of education. If the student participates in the 47125  
remediation services and demonstrates reading proficiency in 47126  
accordance with standards adopted by the department prior to the 47127  
start of fourth grade, the district shall promote the student to 47128  
that grade. 47129

(4) For each student retained under division (A) of this 47130  
section who has demonstrated proficiency in a specific academic 47131  
ability field, each district shall provide instruction 47132  
commensurate with student achievement levels in that specific 47133

academic ability field. 47134

As used in this division, "specific academic ability field" 47135  
has the same meaning as in section 3324.01 of the Revised Code. 47136

(C) For each student required to be provided intervention 47137  
services under this section, the district shall develop a reading 47138  
improvement and monitoring plan within sixty days after receiving 47139  
the student's results on the diagnostic assessment or comparable 47140  
tool administered under division (B)(1) of this section. The 47141  
district shall involve the student's parent or guardian and 47142  
classroom teacher in developing the plan. The plan shall include 47143  
all of the following: 47144

(1) Identification of the student's specific reading 47145  
deficiencies; 47146

(2) A description of the additional instructional services 47147  
and support that will be provided to the student to remediate the 47148  
identified reading deficiencies; 47149

(3) Opportunities for the student's parent or guardian to be 47150  
involved in the instructional services and support described in 47151  
division (C)(2) of this section; 47152

(4) A process for monitoring the extent to which the student 47153  
receives the instructional services and support described in 47154  
division (C)(2) of this section; 47155

(5) A reading curriculum during regular school hours that 47156  
does all of the following: 47157

(a) Assists students to read at grade level; 47158

(b) Provides scientifically based and reliable assessment; 47159

(c) Provides initial and ongoing analysis of each student's 47160  
reading progress. 47161

(6) A statement that if the student does not attain at least 47162  
the equivalent level of achievement designated under division 47163

(A)(3) of section 3301.0710 of the Revised Code on the assessment 47164  
prescribed under that section to measure skill in English language 47165  
arts expected by the end of third grade, the student may be 47166  
retained in third grade. 47167

Each student with a reading improvement and monitoring plan 47168  
under this division who enters third grade after July 1, 2013, 47169  
shall be assigned to a teacher who satisfies one or more of the 47170  
criteria set forth in division (H) of this section. 47171

The district shall report any information requested by the 47172  
department about the reading improvement monitoring plans 47173  
developed under this division in the manner required by the 47174  
department. 47175

(D) Each school district shall report annually to the 47176  
department on its implementation and compliance with this section 47177  
using guidelines prescribed by the superintendent of public 47178  
instruction. The superintendent of public instruction annually 47179  
shall report to the governor and general assembly the number and 47180  
percentage of students in grades kindergarten through four reading 47181  
below grade level based on the diagnostic assessments administered 47182  
under division (B) of this section and the achievement assessments 47183  
administered under divisions (A)(1)(a) and (b) of section 47184  
3301.0710 of the Revised Code in English language arts, aggregated 47185  
by school district and building; the types of intervention 47186  
services provided to students; and, if available, an evaluation of 47187  
the efficacy of the intervention services provided. 47188

(E) Any summer remediation services funded in whole or in 47189  
part by the state and offered by school districts to students 47190  
under this section shall meet the following conditions: 47191

(1) The remediation methods are based on reliable educational 47192  
research. 47193

(2) The school districts conduct assessment before and after 47194



students participate in the program to facilitate monitoring 47195  
results of the remediation services. 47196

(3) The parents of participating students are involved in 47197  
programming decisions. 47198

(F) Any intervention or remediation services required by this 47199  
section shall include intensive, explicit, and systematic 47200  
instruction. 47201

(G) This section does not create a new cause of action or a 47202  
substantive legal right for any person. 47203

(H)(1) Except as provided under divisions (H)(2), (3), and 47204  
(4) of this section, each student described in division (B)(3) or 47205  
(C) of this section who enters third grade for the first time on 47206  
or after July 1, 2013, shall be assigned a teacher who has at 47207  
least one year of teaching experience and who satisfies one or 47208  
more of the following criteria: 47209

(a) The teacher holds a reading endorsement on the teacher's 47210  
license and has attained a passing score on the corresponding 47211  
assessment for that endorsement, as applicable. 47212

(b) The teacher has completed a master's degree program with 47213  
a major in reading. 47214

(c) The teacher was rated "most effective" for reading 47215  
instruction consecutively for the most recent two years based on 47216  
assessments of student growth measures developed by a vendor and 47217  
that is on the list of student assessments approved by the state 47218  
board under division (B)(2) of section 3319.112 of the Revised 47219  
Code. 47220

(d) The teacher was rated "above expected value added," in 47221  
reading instruction, as determined by criteria established by the 47222  
department, for the most recent, consecutive two years. 47223

(e) The teacher has earned a passing score on a rigorous test 47224

of principles of scientifically research-based reading instruction 47225  
as approved by the state board. 47226

(f) The teacher holds an educator license for teaching grades 47227  
pre-kindergarten through three or four through nine issued on or 47228  
after July 1, 2017. 47229

(2) Notwithstanding division (H)(1) of this section, a 47230  
student described in division (B)(3) or (C) of this section who 47231  
enters third grade for the first time on or after July 1, 2013, 47232  
may be assigned to a teacher with less than one year of teaching 47233  
experience provided that the teacher meets one or more of the 47234  
criteria described in divisions (H)(1)(a) to (f) of this section 47235  
and that teacher is assigned a teacher mentor who meets the 47236  
qualifications of division (H)(1) of this section. 47237

(3) Notwithstanding division (H)(1) of this section, a 47238  
student described in division (B)(3) or (C) of this section who 47239  
enters third grade for the first time on or after July 1, 2013, 47240  
but prior to July 1, 2016, may be assigned to a teacher who holds 47241  
an alternative credential approved by the department or who has 47242  
successfully completed training that is based on principles of 47243  
scientifically research-based reading instruction that has been 47244  
approved by the department. Beginning on July 1, 2014, the 47245  
alternative credentials and training described in division (H)(3) 47246  
of this section shall be aligned with the reading competencies 47247  
adopted by the state board of education under section 3301.077 of 47248  
the Revised Code. 47249

(4) Notwithstanding division (H)(1) of this section, a 47250  
student described in division (B)(3) or (C) of this section who 47251  
enters third grade for the first time on or after July 1, 2013, 47252  
may receive reading intervention or remediation services under 47253  
this section from an individual employed as a speech-language 47254  
pathologist who holds a license issued by the board of 47255  
speech-language pathology and audiology under Chapter 4753. of the 47256

Revised Code and a professional pupil services license as a school 47257  
speech-language pathologist issued by the state board of 47258  
education. 47259

(5) A teacher, other than a student's teacher of record, may 47260  
provide any services required under this section, so long as that 47261  
other teacher meets the requirements of division (H) of this 47262  
section and the teacher of record and the school principal agree 47263  
to the assignment. Any such assignment shall be documented in the 47264  
student's reading improvement and monitoring plan. 47265

As used in this division, "teacher of record" means the 47266  
classroom teacher to whom a student is assigned. 47267

(I) Notwithstanding division (H) of this section, a teacher 47268  
may teach reading to any student who is an English language 47269  
learner, and has been in the United States for three years or 47270  
less, or to a student who has an individualized education program 47271  
developed under Chapter 3323. of the Revised Code if that teacher 47272  
holds an alternative credential approved by the department or has 47273  
successfully completed training that is based on principles of 47274  
scientifically research-based reading instruction that has been 47275  
approved by the department. Beginning on July 1, 2014, the 47276  
alternative credentials and training described in this division 47277  
shall be aligned with the reading competencies adopted by the 47278  
state board of education under section 3301.077 of the Revised 47279  
Code. 47280

(J) If, on or after June 4, 2013, a school district or 47281  
community school cannot furnish the number of teachers needed who 47282  
satisfy one or more of the criteria set forth in division (H) of 47283  
this section for the 2013-2014 school year, the school district or 47284  
community school shall develop and submit a staffing plan by June 47285  
30, 2013. The staffing plan shall include criteria that will be 47286  
used to assign a student described in division (B)(3) or (C) of 47287  
this section to a teacher, credentials or training held by 47288

teachers currently teaching at the school, and how the school 47289  
district or community school will meet the requirements of this 47290  
section. The school district or community school shall post the 47291  
staffing plan on its web site for the applicable school year. 47292

Not later than March 1, 2014, and on the first day of March 47293  
in each year thereafter, a school district or community school 47294  
that has submitted a plan under this division shall submit to the 47295  
department a detailed report of the progress the district or 47296  
school has made in meeting the requirements under this section. 47297

A school district or community school may request an 47298  
extension of a staffing plan beyond the 2013-2014 school year. 47299  
Extension requests must be submitted to the department not later 47300  
than the thirtieth day of April prior to the start of the 47301  
applicable school year. The department may grant extensions valid 47302  
through the 2015-2016 school year. 47303

Until June 30, 2015, the department annually shall review all 47304  
staffing plans and report to the state board not later than the 47305  
thirtieth day of June of each year the progress of school 47306  
districts and community schools in meeting the requirements of 47307  
this section. 47308

(K) The department of education shall designate one or more 47309  
staff members to provide guidance and assistance to school 47310  
districts and community schools in implementing the third grade 47311  
guarantee established by this section, including any standards or 47312  
requirements adopted to implement the guarantee and to provide 47313  
information and support for reading instruction and achievement. 47314

**Sec. 3313.6010.** The ~~state board of education shall adopt~~ 47315  
~~rules permitting of a school districts to~~ district may contract 47316  
with public and private providers of academic remediation and 47317  
intervention in mathematics, science, reading, writing, and social 47318  
studies for the purpose of assisting pupils in ~~grades one through~~ 47319

~~six~~ any grade outside of regular school hours. 47320

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 47321  
board of education shall grant a high school diploma to any person 47322  
unless, subject to section 3313.614 of the Revised Code, the 47323  
person has met the assessment requirements of division (A)(1) or 47324  
(2) of this section, as applicable. 47325

(1) If the person entered the ninth grade prior to July 1, 47326  
2014, the person has attained at least the applicable scores 47327  
designated under division (B)(1) of section 3301.0710 of the 47328  
Revised Code on all the assessments required by that division, or 47329  
has satisfied the alternative conditions prescribed in section 47330  
3313.615 of the Revised Code. 47331

(2) If the person entered the ninth grade on or after July 1, 47332  
2014, the person has met the requirement prescribed by section 47333  
3313.618 or 3313.619 of the Revised Code. 47334

(B) This section does not apply to any of the following: 47335

(1) Any person with regard to any assessment from which the 47336  
person was excused pursuant to division (C)(1)(c) of section 47337  
3301.0711 of the Revised Code; 47338

(2) Any person ~~that~~ who attends a nonpublic school acting in 47339  
accordance with division (D) of this section with regard to any 47340  
end-of-course examination ~~required~~ prescribed under 47341  
~~divisions~~division (B)(~~2~~) ~~and~~ (~~3~~) of section 3301.0712 of the 47342  
Revised Code, including a student attending the school under a 47343  
state scholarship program as defined in section 3301.0711 of the 47344  
Revised Code; 47345

(3) Any person who attends a nonpublic school accredited 47346  
through the independent school association of the central states, 47347  
except for a student attending the school under a state 47348  
scholarship program as defined in section 3301.0711 of the Revised 47349

Code. 47350

(4) Any person with regard to the social studies assessment 47351  
under division (B)(1) of section 3301.0710 of the Revised Code, 47352  
any American history end-of-course examination and any American 47353  
government end-of-course examination required under division (B) 47354  
of section 3301.0712 of the Revised Code if such an exemption is 47355  
prescribed by rule of the state board of education under division 47356  
(D)(3) of section 3301.0712 of the Revised Code, or the 47357  
citizenship test under former division (B) of section 3301.0710 of 47358  
the Revised Code as it existed prior to September 11, 2001, if all 47359  
of the following apply: 47360

(a) The person is not a citizen of the United States; 47361

(b) The person is not a permanent resident of the United 47362  
States; 47363

(c) The person indicates no intention to reside in the United 47364  
States after completion of high school. 47365

(C) As used in this division, "limited English proficient 47366  
student" has the same meaning as in division (C)(3) of section 47367  
3301.0711 of the Revised Code. 47368

Notwithstanding division (C)(3) of section 3301.0711 of the 47369  
Revised Code, no limited English proficient student who has not 47370  
either attained the applicable scores designated under division 47371  
(B)(1) of section 3301.0710 of the Revised Code on all the 47372  
assessments required by that division, or met the requirement 47373  
prescribed by section 3313.618 or 3313.619 of the Revised Code, 47374  
shall be awarded a diploma under this section. 47375

(D) A nonpublic school chartered by the state board that is 47376  
not accredited through the independent school association of the 47377  
central states may forgo the end-of-course examinations ~~required~~ 47378  
~~by divisions~~ under division (B)(2) ~~and (3)~~ of section 3301.0712 of 47379  
the Revised Code, if ~~that~~ either of the following apply: 47380

(1) The school publishes the results of the standardized 47381  
assessment prescribed under division (B)(1) of section 3301.0712 47382  
of the Revised Code for each graduating class. The published 47383  
results shall include the overall composite scores, mean scores, 47384  
twenty-fifth percentile scores, and seventy-fifth percentile 47385  
scores for each subject area of the assessment. 47386

(2) The school administers to its students an alternative 47387  
assessment specified under section 3313.619 of the Revised Code. 47388

(3) Notwithstanding anything in the Revised Code to the 47389  
contrary, division (D)(2) of this section applies to all students 47390  
enrolled in a chartered nonpublic school, including students 47391  
attending the school under a state scholarship program. 47392

(E) The state board shall not impose additional requirements 47393  
or assessments for the granting of a high school diploma under 47394  
this section that are not prescribed by this section. 47395

(F) The department of education shall furnish the assessment 47396  
administered by a nonpublic school pursuant to division (B)(1) of 47397  
section 3301.0712 of the Revised Code. 47398

~~(G) The exemption provided for in divisions (B)(2) and (D) of~~ 47399  
~~this section shall be effective on and after October 1, 2015, but~~ 47400  
~~only if the general assembly does not enact different requirements~~ 47401  
~~regarding end of course examinations for chartered nonpublic~~ 47402  
~~schools that are effective by that date.~~ 47403

**Sec. 3313.614.** (A) As used in this section, a person 47404  
"fulfills the curriculum requirement for a diploma" at the time 47405  
one of the following conditions is satisfied: 47406

(1) The person successfully completes the high school 47407  
curriculum of a school district, a community school, a chartered 47408  
nonpublic school, or a correctional institution. 47409

(2) The person successfully completes the individualized 47410

education program developed for the person under section 3323.08 47411  
of the Revised Code. 47412

(3) A board of education issues its determination under 47413  
section 3313.611 of the Revised Code that the person qualifies as 47414  
having successfully completed the curriculum required by the 47415  
district. 47416

(B) This division specifies the assessment requirements that 47417  
must be fulfilled as a condition toward granting high school 47418  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 47419  
of the Revised Code. 47420

(1) A person who fulfills the curriculum requirement for a 47421  
diploma before September 15, 2000, is not required to pass any 47422  
proficiency test or achievement test in science as a condition to 47423  
receiving a diploma. 47424

(2) A person who began ninth grade for the first time prior 47425  
to July 1, 2003, is not required to pass the Ohio graduation test 47426  
prescribed under division (B)(1) of section 3301.0710 or any 47427  
assessment prescribed under division (B)(2) of that section in any 47428  
subject as a condition to receiving a diploma once the person has 47429  
passed the ninth grade proficiency test in the same subject, so 47430  
long as the person passed the ninth grade proficiency test prior 47431  
to September 15, 2008. However, any such person who passes the 47432  
Ohio graduation test in any subject prior to passing the ninth 47433  
grade proficiency test in the same subject shall be deemed to have 47434  
passed the ninth grade proficiency test in that subject as a 47435  
condition to receiving a diploma. For this purpose, the ninth 47436  
grade proficiency test in citizenship substitutes for the Ohio 47437  
graduation test in social studies. If a person began ninth grade 47438  
prior to July 1, 2003, but does not pass a ninth grade proficiency 47439  
test or the Ohio graduation test in a particular subject before 47440  
September 15, 2008, and passage of a test in that subject is a 47441  
condition for the person to receive a diploma, the person must 47442



pass the Ohio graduation test instead of the ninth grade 47443  
proficiency test in that subject to receive a diploma. 47444

(3) A (a) Except as provided in division (B)(3)(b) of this 47445  
section, a person who begins ninth grade for the first time on or 47446  
after July 1, 2003, in a school district, community school, or 47447  
chartered nonpublic school is not eligible to receive a diploma 47448  
based on passage of ninth grade proficiency tests. Each such 47449  
person who begins ninth grade prior to July 1, 2014, must pass 47450  
Ohio graduation tests to meet the assessment requirements 47451  
applicable to that person as a condition to receiving a diploma or 47452  
satisfy one of the conditions prescribed in division (B)(3)(b) of 47453  
this section. 47454

(b) A person who began ninth grade for the first time prior 47455  
to July 1, 2014, shall be eligible to receive a diploma if the 47456  
person meets the requirement prescribed by section 3313.618 or 47457  
3313.619 of the Revised Code. 47458

(c) A person who began ninth grade for the first time prior 47459  
to July 1, 2014, and who has not attained at least the applicable 47460  
scores designated under division (B)(1) of section 3301.0710 of 47461  
the Revised Code on all the assessments required by that division 47462  
shall be eligible to receive a diploma if the person meets the 47463  
requirement prescribed by rule of the state board of education as 47464  
prescribed under division (B)(3)(d) of this section. 47465

(d) Not later than December 31, 2015, the state board of 47466  
education shall adopt rules prescribing the manner in which a 47467  
person who began ninth grade for the first time prior to July 1, 47468  
2014, may be eligible for a high school diploma by combining the 47469  
requirement prescribed by section 3313.618 or 3313.619 of the 47470  
Revised Code and the requirement to attain at least the applicable 47471  
scores designated under division (B)(1) of section 3301.0710 of 47472  
the Revised Code on the assessments required by that division. The 47473  
rules shall ensure that the combined requirements require a 47474

demonstration of mastery that is equivalent or greater to the 47475  
expectations of the assessments prescribed by division (B)(1) of 47476  
section 3301.0710 of the Revised Code. The rules shall include the 47477  
following: 47478

(i) The date by which a person who began ninth grade for the 47479  
first time prior to July 1, 2014, may be eligible for a high 47480  
school diploma under division (B)(3)(c) of this section; 47481

(ii) Methods of replacing individual assessments prescribed 47482  
by division (B)(1) of section 3301.0710 of the Revised Code; 47483

(iii) Methods of integrating the pathways prescribed by 47484  
division (A) of section 3313.618 or section 3313.619 of the 47485  
Revised Code. 47486

(4) A Except as provided in division (B)(3)(b) of this 47487  
section, a person who begins ninth grade on or after July 1, 2014, 47488  
is not eligible to receive a diploma based on passage of the Ohio 47489  
graduation tests. Each such person must meet the requirement 47490  
prescribed by section 3313.618 or 3313.619 of the Revised Code. 47491

(C) This division specifies the curriculum requirement that 47492  
shall be completed as a condition toward granting high school 47493  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 47494  
of the Revised Code. 47495

(1) A person who is under twenty-two years of age when the 47496  
person fulfills the curriculum requirement for a diploma shall 47497  
complete the curriculum required by the school district or school 47498  
issuing the diploma for the first year that the person originally 47499  
enrolled in high school, except for a person who qualifies for 47500  
graduation from high school under either division (D) or (F) of 47501  
section 3313.603 of the Revised Code. 47502

(2) Once a person fulfills the curriculum requirement for a 47503  
diploma, the person is never required, as a condition of receiving 47504  
a diploma, to meet any different curriculum requirements that take 47505

effect pending the person's passage of proficiency tests or 47506  
achievement tests or assessments, including changes mandated by 47507  
section 3313.603 of the Revised Code, the state board, a school 47508  
district board of education, or a governing authority of a 47509  
community school or chartered nonpublic school. 47510

**Sec. 3313.615.** This section shall apply to diplomas awarded 47511  
after September 15, 2006, to students who are required to take the 47512  
five Ohio graduation tests prescribed by division (B)(1) of 47513  
section 3301.0710 of the Revised Code. This section does not apply 47514  
to any student who enters ninth grade for the first time on or 47515  
after July 1, 2014. 47516

(A) As an alternative to the requirement that a person attain 47517  
the scores designated under division (B)(1) of section 3301.0710 47518  
of the Revised Code on all the assessments required under that 47519  
division in order to be eligible for a high school diploma or an 47520  
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 47521  
Revised Code or for a diploma of adult education under section 47522  
3313.611 of the Revised Code, a person who has attained at least 47523  
the applicable scores designated under division (B)(1) of section 47524  
3301.0710 of the Revised Code on all but one of the assessments 47525  
required by that division and from which the person was not 47526  
excused or exempted, pursuant to division (L) of section 3313.61, 47527  
division (B)(1) of section 3313.612, or section 3313.532 of the 47528  
Revised Code, may be awarded a diploma or honors diploma if the 47529  
person has satisfied all of the following conditions: 47530

(1) On the one assessment required under division (B)(1) of 47531  
section 3301.0710 of the Revised Code for which the person failed 47532  
to attain the designated score, the person missed that score by 47533  
ten points or less; 47534

(2) Has a ninety-seven per cent school attendance rate in 47535  
each of the last four school years, excluding any excused 47536

absences; 47537

(3) Has not been expelled from school under section 3313.66 47538  
of the Revised Code in any of the last four school years; 47539

(4) Has a grade point average of at least 2.5 out of 4.0, or 47540  
its equivalent as designated in rules adopted by the state board 47541  
of education, in the subject area of the assessment required under 47542  
division (B)(1) of section 3301.0710 of the Revised Code for which 47543  
the person failed to attain the designated score; 47544

(5) Has completed the high school curriculum requirements 47545  
prescribed in section 3313.603 of the Revised Code or has 47546  
qualified under division (D) or (F) of that section; 47547

(6) Has taken advantage of any intervention programs provided 47548  
by the school district or school in the subject area described in 47549  
division (A)(4) of this section and has a ninety-seven per cent 47550  
attendance rate, excluding any excused absences, in any of those 47551  
programs that are provided at times beyond the normal school day, 47552  
school week, or school year or has received comparable 47553  
intervention services from a source other than the school district 47554  
or school; 47555

(7) Holds a letter recommending graduation from each of the 47556  
person's high school teachers in the subject area described in 47557  
division (A)(4) of this section and from the person's high school 47558  
principal. 47559

(B) The state board of education shall establish rules 47560  
designating grade point averages equivalent to the average 47561  
specified in division (A)(4) of this section for use by school 47562  
districts and schools with different grading systems. 47563

(C) Any student who is exempt from attaining the applicable 47564  
score designated under division (B)(1) of section 3301.0710 of the 47565  
Revised Code on the Ohio graduation test in social studies 47566  
pursuant to division (H) of section 3313.61 or division (B)~~(3)~~(4) 47567

of section 3313.612 of the Revised Code shall not qualify for a 47568  
high school diploma under this section, unless, notwithstanding 47569  
the exemption, the student attains the applicable score on that 47570  
assessment. If the student attains the applicable score on that 47571  
assessment, the student may qualify for a diploma under this 47572  
section in the same manner as any other student who is required to 47573  
take the five Ohio graduation tests prescribed by division (B)(1) 47574  
of section 3301.0710 of the Revised Code. 47575

**Sec. 3313.617.** (A) A person who meets all of the following 47576  
criteria shall be permitted to take the tests of general 47577  
educational development: 47578

(1) The person is at least eighteen years of age. 47579

(2) The person is officially withdrawn from school. 47580

(3) The person has not received a high school diploma or 47581  
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 47582  
or 3325.08 of the Revised Code. 47583

(B) ~~When a~~ (1) A person who is at least sixteen years of age 47584  
but less than eighteen years of age ~~applies~~ may apply to the 47585  
department of education to take the tests of general educational 47586  
development, so long as the person has not received a high school 47587  
diploma or honors diploma awarded under section 3313.61, 3313.611, 47588  
3313.612, or 3325.08 of the Revised Code. 47589

In order to apply, the person shall submit, along with the 47590  
application ~~written,~~ both of the following: 47591

(a) Written approval from the person's parent or guardian or 47592  
a court official; 47593

(b) The person's official high school transcript. The 47594  
transcript shall include, at a minimum, the previous twelve months 47595  
of the person's enrollment in a program approved to grant a high 47596  
school diploma. 47597

(2) The department shall determine whether to approve or deny applications submitted under division (B)(1) of this section. The department shall approve a person's application only if the person meets both of the following criteria: 47598  
47599  
47600  
47601

(a) The person has been continuously enrolled in a program approved to grant a high school diploma for at least one semester and attained an attendance rate of at least seventy-five per cent during that semester. 47602  
47603  
47604  
47605

(b) The person shows good cause, as determined by rules adopted by the department pursuant to division (B)(3) of this section. 47606  
47607  
47608

(3) The state board of education shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the administration of division (B) of this section. The rules shall include what qualifies as good cause for purposes of that division. 47609  
47610  
47611  
47612  
47613

(C) If a person's application is approved under division (B) of this section, that person shall remain enrolled in school and maintain an attendance rate of at least seventy-five per cent until either: 47614  
47615  
47616  
47617

(1) The person passes all required sections of the tests of general educational development; or 47618  
47619

(2) The person is eighteen years of age. 47620

~~(C)~~(D) Notwithstanding divisions (A) and (B) of this section, a person who meets any of the following criteria shall be permitted to take the tests of general educational development: 47621  
47622  
47623

(1) The person has a bodily or mental condition as described in division (A)(1) of section 3321.04 of the Revised Code that does not permit attendance at school. 47624  
47625  
47626

(2) The person is receiving or has completed the final year 47627

of instruction at home as authorized under division (A)(2) of 47628  
section 3321.04 of the Revised Code. 47629

(3) The person is moving or has moved out of state after 47630  
previously attending school in the state. 47631

(4) The person has an extreme, extenuating circumstance, as 47632  
determined by the department, that requires the person to withdraw 47633  
from school. 47634

(E) For the purpose of calculating graduation rates for the 47635  
school district and building report cards under section 3302.03 of 47636  
the Revised Code, the department shall count any person ~~for whom~~ 47637  
~~approval is obtained from the person's parent or guardian or a~~ 47638  
~~court official who officially withdraws from school to take the~~ 47639  
~~tests of general educational development under division (B) of~~ 47640  
this section as a dropout from the district or school in which the 47641  
person was last enrolled ~~prior to obtaining the approval.~~ 47642

(F) If a person takes the tests of general educational 47643  
development and fails to attain the scores required to earn a high 47644  
school equivalence diploma, as defined in section 5107.40 of the 47645  
Revised Code, on the entire battery of tests, that person shall be 47646  
required to retake only the specific test on which the person did 47647  
not attain a passing score in order to earn a high school 47648  
equivalence diploma. If a person retakes a specific test, that 47649  
person shall be responsible only for the cost of that test and not 47650  
for the cost of the entire battery of tests, unless that person is 47651  
retaking the entire battery. 47652

Sec. 3313.619. This section shall apply only to a chartered 47653  
nonpublic school that is not accredited through the independent 47654  
school association of the central states. 47655

(A) In lieu of the requirement prescribed by section 3313.618 47656  
of the Revised Code, a chartered nonpublic school to which this 47657

section applies may grant a high school diploma to a student who 47658  
attains at least the designated score on an assessment approved by 47659  
the department of education under division (B) of this section and 47660  
selected by the school's governing authority. 47661

(B) For purposes of division (A) of this section, the 47662  
department shall approve assessments that meet the conditions 47663  
specified under division (C) of this section and shall designate 47664  
passing scores for each of those assessments. 47665

(C) Each assessment approved under division (B) of this 47666  
section shall be nationally norm-referenced, have internal 47667  
consistency reliability coefficients of at least "0.8," be 47668  
standardized, have specific evidence of content, concurrent, or 47669  
criterion validity, have evidence of norming studies in the 47670  
previous ten years, have a measure of student achievement in core 47671  
academic areas, and have high validity evidenced by the alignment 47672  
of the assessment with nationally recognized content. 47673

(D) Nothing in this section shall prohibit a chartered 47674  
nonpublic school to which this section applies from granting a 47675  
high school diploma to a student if the student satisfies the 47676  
requirement prescribed by section 3313.618 of the Revised Code. 47677

**Sec. 3313.6110.** (A) A person who has completed the final year 47678  
of instruction at home, as authorized under section 3321.04 of the 47679  
Revised Code, and has successfully fulfilled the high school 47680  
curriculum applicable to that person may be granted a high school 47681  
diploma by the person's parent, guardian, or other person having 47682  
charge or care of a child, as defined in division (A)(1) of 47683  
section 3321.01 of the Revised Code. 47684

(B) Beginning with diplomas issued on or after July 1, 2015, 47685  
each diploma granted under division (A) of this section shall 47686  
contain either of the following: 47687



(1) Certification signed by the superintendent of the school district in which the student is entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code that the student and the student's parent have complied with state law regarding home instruction. The statement of certification shall read as follows:

"I certify that the student named in this diploma and the student's parent have complied with division (A)(2) of section 3321.04 of the Ohio Revised Code regarding instruction at home and the related rules of the Ohio State Board of Education."

A superintendent presented with such diploma for signature shall sign the diploma if the student and the parent have complied with division (A)(2) of section 3321.04 of the Revised Code.

(2) The official letter of excuse issued by the district superintendent for the student's final year of home education.

(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

Sec. 3313.674. (A) Except as provided in division (D) of this 47718  
section, the board of education of each city, exempted village, or 47719  
local school district and the governing authority of each 47720  
chartered nonpublic school may require each student enrolled in 47721  
kindergarten, third grade, fifth grade, and ninth grade to undergo 47722  
a screening for body mass index and weight status category. 47723

(B) The board or governing authority may provide any 47725  
screenings authorized by this section itself, contract with 47726  
another entity for provision of the screenings, or request the 47727  
parent or guardian of each student subject to the screening to 47728  
obtain the screening from a provider selected by the parent or 47729  
guardian and to submit the results to the board or governing 47730  
authority. If the board or governing authority provides the 47731  
screenings itself or contracts with another entity for provision 47732  
of the screenings, the board or governing authority shall protect 47733  
student privacy by ensuring that each student is screened alone 47734  
and not in the presence of other students or staff. 47735

(C) Each school year, each board or governing authority 47736  
electing to require the screening shall provide the parent or 47737  
guardian of each student subject to the screening with information 47738  
about the screening program. If the board or governing authority 47739  
requests parents and guardians to obtain a screening from a 47740  
provider of their choosing, the board or governing authority shall 47741  
provide them with a list of providers and information about 47742  
screening services available in the community to parents and 47743  
guardians who cannot afford a private provider. 47744

(D) If the parent or guardian of a student subject to the 47745  
screening signs and submits to the board or governing authority a 47746  
written statement indicating that the parent or guardian does not 47747  
wish to have the student undergo the screening, the board or 47748

governing authority shall not require the student to be screened. 47749

(E) The board or governing authority shall notify the parent 47750  
or guardian of each student screened under this section of any 47751  
health risks associated with the student's results and shall 47752  
provide the parent or guardian with information about 47753  
appropriately addressing the risks. For this purpose, the 47754  
department of health, in consultation with the department of 47755  
education ~~and the healthy choices for healthy children council~~ 47756  
~~established under section 3301.92 of the Revised Code~~, shall 47757  
develop a list of documents, pamphlets, or other resources that 47758  
may be distributed to parents and guardians under this division. 47759

(F) The board or governing authority shall maintain the 47760  
confidentiality of each student's individual screening results at 47761  
all times. No board or governing authority shall report a 47762  
student's individual screening results to any person other than 47763  
the student's parent or guardian. 47764

(G) In a manner prescribed by rule of the director of health, 47765  
each board or governing authority electing to require the 47766  
screening shall report aggregated body mass index and weight 47767  
status category data collected under this section, and any other 47768  
demographic data required by the director, to the department of 47769  
health. In the case of a school district, data shall be aggregated 47770  
for the district as a whole and not for individual schools within 47771  
the district, unless the district operates only one school. In the 47772  
case of a chartered nonpublic school, data shall be aggregated for 47773  
the school as a whole. The department annually may publish the 47774  
data reported under this division, aggregated by county. For each 47775  
county in which a district, community school, STEM school, or 47776  
chartered nonpublic school has elected not to require the 47777  
screening for a school year for which data is published, the 47778  
department shall note that the data for the county in which the 47779  
district or school is located is incomplete. The department may 47780

share data reported under this division with other governmental 47781  
entities for the purpose of monitoring population health, making 47782  
reports, or public health promotional activities. 47783

**Sec. 3313.68.** (A) The board of education of each city, 47784  
exempted village, or local school district may appoint one or more 47785  
school physicians and one or more school dentists. Two or more 47786  
school districts may unite and employ one such physician and at 47787  
least one such dentist whose duties shall be such as are 47788  
prescribed by law. Said school physician shall hold a license to 47789  
practice medicine in Ohio, and each school dentist shall be 47790  
licensed to practice in this state. School physicians and dentists 47791  
may be discharged at any time by the board of education. School 47792  
physicians and dentists shall serve one year and until their 47793  
successors are appointed and shall receive such compensation as 47794  
the board of education determines. The board of education may also 47795  
employ registered nurses, as defined by section 4723.01 and 47796  
licensed as school nurses under section 3319.221 of the Revised 47797  
Code, to aid in such inspection in such ways as are prescribed by 47798  
it, and to aid in the conduct and coordination of the school 47799  
health service program. The school dentists shall make such 47800  
examinations and diagnoses and render such remedial or corrective 47801  
treatment for the school children as is prescribed by the board of 47802  
education; provided that all such remedial or corrective treatment 47803  
shall be limited to the children whose parents cannot otherwise 47804  
provide for same, and then only with the written consent of the 47805  
parents or guardians of such children. School dentists may also 47806  
conduct such oral hygiene educational work as is authorized by the 47807  
board of education. 47808

The board of education may delegate the duties and powers 47809  
provided for in this section to the board of health or officer 47810  
performing the functions of a board of health within the school 47811  
district, if such board or officer is willing to assume the same. 47812

Boards of education shall co-operate with boards of health in the prevention and control of epidemics.

(B) Notwithstanding any provision of the Revised Code to the contrary, the board of education of each city, exempted village, or local school district may contract with an educational service center for the services of a school nurse, licensed under section 3319.221 of the Revised Code, or of a registered nurse or licensed practical nurse, licensed under Chapter 4723. of the Revised Code, to provide services to students in the district pursuant to section 3313.7112 of the Revised Code.

(C) In lieu of appointing or employing a school physician or dentist pursuant to division (A) of this section or entering into a contract for the services of a school nurse pursuant to division (B) of this section, the board of education of each city, exempted village, or local school district may enter into a contract under section 3313.721 of the Revised Code for the purpose of providing health care services to students.

**Sec. 3313.72.** The board of education of a city, exempted village, or local school district may enter into a contract with a health district for the purpose of providing the services of a school physician, dentist, or nurse. The board may also enter into a contract under section 3313.721 of the Revised Code for the purpose of providing health care services to students.

**Sec. 3313.721.** (A) Notwithstanding anything to the contrary in the Revised Code, the board of education of a school district may enter into a contract with a hospital registered under section 3701.07 of the Revised Code or an appropriately licensed health care provider for the purpose of providing health care services specifically authorized by the Revised Code to students.

(B) Notwithstanding anything to the contrary in the Revised

Code, the board of education of a school district may enter into a contract with a federally qualified health center or federally qualified health center look-alike for the purpose of providing health care services specifically authorized by the Revised Code to students.

(C) If the board enters into a contract with a hospital or health care provider under division (A) of this section or with a federally qualified health center or federally qualified health center look-alike under division (B) of this section, the requirement to obtain a school nurse license or school nurse wellness coordinator license under section 3319.221 of the Revised Code, or any rules related to this requirement, shall not apply to an employee of the hospital, health care provider, federally qualified health center, or federally qualified health center look-alike who is providing the services of a nurse under that contract. However, at a minimum, the employee shall hold a credential that is equivalent to being licensed as a registered nurse or licensed practical nurse under Chapter 4723. of the Revised Code.

(D) As used in this section, "federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code.

**Sec. 3313.902.** (A) As used in this section:

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of ~~the Ohio board of regents~~ higher education.

(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.

(3) "Approved program of study" means a program of study

<u>offered by an approved institution that satisfies the requirements</u>	47873
<u>of division (B) of this section.</u>	47874
<u>(4) An eligible student's "career pathway training program</u>	47875
<u>amount" means the following:</u>	47876
<u>(a) If the student is enrolled in a tier one career pathway</u>	47877
<u>training program, \$4,800;</u>	47878
<u>(b) If the student is enrolled in a tier two career pathway</u>	47879
<u>training program, \$3,200;</u>	47880
<u>(c) If the student is enrolled in a tier three career pathway</u>	47881
<u>training program, \$1,600.</u>	47882
<u>(5) "Eligible institution" means any of the following:</u>	47883
<u>(a) A community college established under Chapter 3354. of</u>	47884
<u>the Revised Code;</u>	47885
<u>(b) A technical college established under Chapter 3357. of</u>	47886
<u>the Revised Code;</u>	47887
<u>(c) A state community college established under Chapter 3358.</u>	47888
<u>of the Revised Code;</u>	47889
<u>(d) An Ohio technical center recognized by the chancellor</u>	47890
<u>that provides post-secondary workforce education.</u>	47891
<del>+3</del> <u>(6) "Eligible student" means an individual who is at least</u>	47892
<u>twenty-two years of age and has not received a high school diploma</u>	47893
<u>or a certificate of high school equivalence, as defined in section</u>	47894
<u>4109.06 of the Revised Code.</u>	47895
<u>(7) A "tier one career pathway training program" is a career</u>	47896
<u>pathway training program that requires more than six hundred hours</u>	47897
<u>of technical training, as determined by the department of</u>	47898
<u>education.</u>	47899
<u>(8) A "tier two career pathway training program" is a career</u>	47900
<u>pathway training program that requires more than three hundred</u>	47901

hours of technical training but less than six hundred hours of 47902  
technical training, as determined by the department. 47903

(9) A "tier three career pathway training program" is a 47904  
career pathway training program that requires three hundred hours 47905  
or less of technical training, as determined by the department. 47906

(10) An eligible student's "work readiness training amount" 47907  
means the following: 47908

(a) If the student's grade level upon initial enrollment in 47909  
an approved program of study at an approved institution is below 47910  
the ninth grade, as determined in accordance with rules adopted 47911  
under division (E) of this section, \$1,500. 47912

(b) If the student's grade level upon initial enrollment in 47913  
an approved program of study at an approved institution is at or 47914  
above the ninth grade, as determined in accordance with rules 47915  
adopted under division (E) of this section, \$750. 47916

(B) The adult ~~career opportunity diploma~~ pilot program is 47917  
hereby established to permit an eligible institution to obtain 47918  
approval from the ~~state board of education~~ superintendent of 47919  
public instruction and the chancellor to develop and offer a 47920  
program of study that allows an eligible student to obtain a high 47921  
school diploma. A program shall be eligible for this approval if 47922  
it satisfies all of the following requirements: 47923

(1) The program allows an eligible student to complete the 47924  
requirements for obtaining a high school diploma that are 47925  
specified in rules adopted by the superintendent under division 47926  
(E) of this section while also completing requirements for an 47927  
approved industry credential or certificate. 47928

(2) The program includes career advising and outreach. 47929

(3) The program includes opportunities for students to 47930  
receive a competency-based education. 47931



(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.319 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) The department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the approved program of study, as determined by the department.

(3) Of the amount paid to an approved institution under

division (D)(2) of this section, the institution may use the 47963  
amount that is in addition to the student's career pathway 47964  
training amount and the student's work readiness training amount 47965  
for the associated services of the approved program of study. 47966  
These services include counseling, advising, assessment, and other 47967  
services as determined or required by the department. 47968

(E) The superintendent of ~~public instruction~~, in consultation 47969  
with the chancellor, shall adopt rules for the implementation of 47970  
the adult ~~career opportunity diploma~~ pilot program, including the 47971  
all of the following: 47972

(1) The requirements for applying for program approval; 47973

(2) The requirements for obtaining a high school diploma 47974  
through the program, including the requirement to obtain a passing 47975  
score on an assessment that is appropriate for the career pathway 47976  
training program that is being completed by the eligible student, 47977  
and the date on which these requirements take effect; 47978

(3) The assessment or assessments that may be used to 47979  
complete the assessment requirement for each career pathway 47980  
training program under division (E)(2) of this section and the 47981  
score that must be obtained on each assessment in order to pass 47982  
the assessment; 47983

(4) Guidelines regarding the funding of the program under 47984  
division (D) of this section, including a method of funding for 47985  
students who transfer from one approved institution to another 47986  
approved institution prior to completing an approved program of 47987  
study; 47988

(5) Circumstances under which an eligible student may be 47989  
charged for tuition, supplies, or associated fees while enrolled 47990  
in an approved institution's approved program of study; 47991

(6) A requirement that an eligible student may not be charged 47992  
for tuition, supplies, or associated fees while enrolled in an 47993

approved institution's approved program of study except in the 47994  
circumstances described under division (E)(5) of this section; 47995

(7) The payment of federal funds that are to be used by 47996  
approved programs of study at approved institutions. 47997

**Sec. 3313.975.** As used in this section and in sections 47998  
3313.976 to 3313.979 of the Revised Code, "the pilot project 47999  
school district" or "the district" means any school district 48000  
included in the pilot project scholarship program pursuant to this 48001  
section. 48002

(A) The superintendent of public instruction shall establish 48003  
a pilot project scholarship program and shall include in such 48004  
program any school districts that are or have ever been under 48005  
federal court order requiring supervision and operational 48006  
management of the district by the state superintendent. The 48007  
program shall provide for a number of students residing in any 48008  
such district to receive scholarships to attend alternative 48009  
schools, and for an equal number of students to receive tutorial 48010  
assistance grants while attending public school in any such 48011  
district. 48012

(B) The state superintendent shall establish an application 48013  
process and deadline for accepting applications from students 48014  
residing in the district to participate in the scholarship 48015  
program. In the initial year of the program students may only use 48016  
a scholarship to attend school in grades kindergarten through 48017  
third. 48018

The state superintendent shall award as many scholarships and 48019  
tutorial assistance grants as can be funded given the amount 48020  
appropriated for the program. ~~In no case, however, shall more than~~ 48021  
~~fifty per cent of all scholarships awarded be used by students who~~ 48022  
~~were enrolled in a nonpublic school during the school year of~~ 48023  
~~application for a scholarship.~~ 48024

(C)(1) The pilot project program shall continue in effect 48025  
each year that the general assembly has appropriated sufficient 48026  
money to fund scholarships and tutorial assistance grants. In each 48027  
year the program continues, new students may receive scholarships 48028  
in grades kindergarten to twelve. A student who has received a 48029  
scholarship may continue to receive one until the student has 48030  
completed grade twelve. 48031

(2) If the general assembly discontinues the scholarship 48032  
program, all students who are attending an alternative school 48033  
under the pilot project shall be entitled to continued admittance 48034  
to that specific school through all grades that are provided in 48035  
such school, under the same conditions as when they were 48036  
participating in the pilot project. The state superintendent shall 48037  
continue to make scholarship payments in accordance with division 48038  
(A) or (B) of section 3313.979 of the Revised Code for students 48039  
who remain enrolled in an alternative school under this provision 48040  
in any year that funds have been appropriated for this purpose. 48041

If funds are not appropriated, the tuition charged to the 48042  
parents of a student who remains enrolled in an alternative school 48043  
under this provision shall not be increased beyond the amount 48044  
equal to the amount of the scholarship plus any additional amount 48045  
charged that student's parent in the most recent year of 48046  
attendance as a participant in the pilot project, except that 48047  
tuition for all the students enrolled in such school may be 48048  
increased by the same percentage. 48049

(D) Notwithstanding sections 124.39 and 3311.83 of the 48050  
Revised Code, if the pilot project school district experiences a 48051  
decrease in enrollment due to participation in a state-sponsored 48052  
scholarship program pursuant to sections 3313.974 to 3313.979 of 48053  
the Revised Code, the district board of education may enter into 48054  
an agreement with any teacher it employs to provide to that 48055  
teacher severance pay or early retirement incentives, or both, if 48056

the teacher agrees to terminate the employment contract with the 48057  
district board, provided any collective bargaining agreement in 48058  
force pursuant to Chapter 4117. of the Revised Code does not 48059  
prohibit such an agreement for termination of a teacher's 48060  
employment contract. 48061

**Sec. 3313.976.** (A) No private school may receive scholarship 48062  
payments from parents pursuant to section 3313.979 of the Revised 48063  
Code until the chief administrator of the private school registers 48064  
the school with the superintendent of public instruction. The 48065  
state superintendent shall register any school that meets the 48066  
following requirements: 48067

(1) The school either: 48068

(a) Offers any of grades kindergarten through twelve and is 48069  
located within the boundaries of the pilot project school 48070  
district; 48071

(b) Offers any of grades nine through twelve and is located 48072  
within the boundaries of a city, local, or exempted village school 48073  
district that is both: 48074

(i) Located in a municipal corporation with a population of 48075  
fifty thousand or more; 48076

(ii) ~~Adjacent to~~ Located within five miles of the border of 48077  
the pilot project school district. 48078

(2) The school indicates in writing its commitment to follow 48079  
all requirements for a state-sponsored scholarship program 48080  
specified under sections 3313.974 to 3313.979 of the Revised Code, 48081  
including, but not limited to, the requirements for admitting 48082  
students pursuant to section 3313.977 of the Revised Code; 48083

(3) The school meets all state minimum standards for 48084  
chartered nonpublic schools in effect on July 1, 1992, except that 48085  
the state superintendent at the superintendent's discretion may 48086

register nonchartered nonpublic schools meeting the other	48087
requirements of this division;	48088
(4) The school does not discriminate on the basis of race,	48089
religion, or ethnic background;	48090
(5) The school enrolls a minimum of ten students per class or	48091
a sum of at least twenty-five students in all the classes offered;	48092
(6) The school does not advocate or foster unlawful behavior	48093
or teach hatred of any person or group on the basis of race,	48094
ethnicity, national origin, or religion;	48095
(7) The school does not provide false or misleading	48096
information about the school to parents, students, or the general	48097
public;	48098
(8) For students in grades kindergarten through eight with	48099
family incomes at or below two hundred per cent of the federal	48100
poverty guidelines, as defined in section 5104.46 of the Revised	48101
Code, the school agrees not to charge any tuition in excess of the	48102
scholarship amount established pursuant to division (C)(1) of	48103
section 3313.978 of the Revised Code, excluding any increase	48104
described in division (C)(2) of that section.	48105
(9) For students in grades kindergarten through eight with	48106
family incomes above two hundred per cent of the federal poverty	48107
guidelines, whose scholarship amounts are less than the actual	48108
tuition charge of the school, the school agrees not to charge any	48109
tuition in excess of the difference between the actual tuition	48110
charge of the school and the scholarship amount established	48111
pursuant to division (C)(1) of section 3313.978 of the Revised	48112
Code, excluding any increase described in division (C)(2) of that	48113
section. The school shall permit such tuition, at the discretion	48114
of the parent, to be satisfied by the family's provision of	48115
in-kind contributions or services.	48116
(10) The school agrees not to charge any tuition to families	48117

of students in grades nine through twelve receiving a scholarship 48118  
in excess of the actual tuition charge of the school less the 48119  
scholarship amount established pursuant to division (C)(1) of 48120  
section 3313.978 of the Revised Code, excluding any increase 48121  
described in division (C)(2) of that section. 48122

(11) ~~If~~ Except as provided in division (K)(1)(b)(ii) of 48123  
section 3301.0711 of the Revised Code, if the school is not 48124  
subject to division (K)(1)(a) of section 3301.0711 of the Revised 48125  
Code, it annually administers the applicable assessments 48126  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 48127  
to each scholarship student enrolled in the school in accordance 48128  
with section 3301.0711 or 3301.0712 of the Revised Code and 48129  
reports to the department of education the results of each such 48130  
assessment administered to each scholarship student. 48131

(B) The state superintendent shall revoke the registration of 48132  
any school if, after a hearing, the superintendent determines that 48133  
the school is in violation of any of the provisions of division 48134  
(A) of this section. 48135

(C) Any public school located in a school district adjacent 48136  
to the pilot project district may receive scholarship payments on 48137  
behalf of parents pursuant to section 3313.979 of the Revised Code 48138  
if the superintendent of the district in which such public school 48139  
is located notifies the state superintendent prior to the first 48140  
day of March that the district intends to admit students from the 48141  
pilot project district for the ensuing school year pursuant to 48142  
section 3327.06 of the Revised Code. 48143

(D) Any parent wishing to purchase tutorial assistance from 48144  
any person or governmental entity pursuant to the pilot project 48145  
program under sections 3313.974 to 3313.979 of the Revised Code 48146  
shall apply to the state superintendent. The state superintendent 48147  
shall approve providers who appear to possess the capability of 48148  
furnishing the instructional services they are offering to 48149

provide. 48150

**Sec. 3313.981.** (A) The state board of education shall adopt 48151  
rules requiring all of the following: 48152

(1) The board of education of each city, exempted village, 48153  
and local school district to annually report to the department of 48154  
education all of the following: 48155

(a) The number of adjacent district or other district 48156  
students in grades kindergarten through twelve, as applicable, the 48157  
number of adjacent district or other district students who are 48158  
preschool children with disabilities, as applicable, and the 48159  
number of adjacent district or other district joint vocational 48160  
students, as applicable, enrolled in the district and the, in 48161  
accordance with a policy adopted under division (B) of section 48162  
3313.98 of the Revised Code; 48163

(b) The number of native students in grades kindergarten 48164  
through twelve enrolled in adjacent or other districts and the 48165  
number of native students who are preschool children with 48166  
disabilities enrolled in adjacent or other districts, in 48167  
accordance with a policy adopted under division (B) of section 48168  
3313.98 of the Revised Code; 48169

~~(b)~~(c) Each adjacent district or other district student's or 48170  
adjacent district or other district joint vocational student's 48171  
date of enrollment in the district; 48172

~~(e)~~(d) The full-time equivalent number of adjacent district 48173  
or other district students enrolled in each of the categories of 48174  
career-technical education programs or classes described in 48175  
section 3317.014 of the Revised Code; 48176

~~(d)~~(e) Each native student's date of enrollment in an 48177  
adjacent or other district. 48178

(2) The board of education of each joint vocational school 48179



district to annually report to the department all of the 48180  
following: 48181

(a) The number of adjacent district or other district joint 48182  
vocational students, as applicable, enrolled in the district; 48183

(b) The full-time equivalent number of adjacent district or 48184  
other district joint vocational students enrolled in each category 48185  
of career-technical education programs or classes described in 48186  
section 3317.014 of the Revised Code; 48187

(c) For each adjacent district or other district joint 48188  
vocational student, the city, exempted village, or local school 48189  
district in which the student is also enrolled. 48190

(3) Prior to the end of each reporting period specified in 48191  
section 3317.03 of the Revised Code, the superintendent of each 48192  
city, local, or exempted village school district that admits 48193  
adjacent district or other district students who are in grades 48194  
kindergarten through twelve, adjacent district or other district 48195  
students who are preschool children with disabilities, or adjacent 48196  
district or other district joint vocational students in accordance 48197  
with a policy adopted under division (B) of section 3313.98 of the 48198  
Revised Code to report to the department of education each 48199  
adjacent or other district's students and where those students who 48200  
are enrolled in the superintendent's district under the policy are 48201  
entitled to attend school under section 3313.64 or 3313.65 of the 48202  
Revised Code. 48203

The rules shall provide for the method of counting students 48204  
who are enrolled for part of a school year in an adjacent or other 48205  
district or as an adjacent district or other district joint 48206  
vocational student. 48207

(B) From the payments made to a city, exempted village, or 48208  
local school district under Chapter 3317. of the Revised Code and, 48209  
if necessary, from the payments made to the district under 48210

sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract ~~both~~ all of the following:

(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;

(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For ~~the~~ each of the district's native students reported under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis;

(4) For each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades

kindergarten through twelve enrolled in the district, as reported 48242  
under division (A)(1) of this section; 48243

(2) The excess costs computed in accordance with division (E) 48244  
of this section for any adjacent district or other district 48245  
students in grades kindergarten through twelve, except for any 48246  
adjacent or other district joint vocational students, receiving 48247  
special education and related services in the district; 48248

(3) For ~~the~~ each of the adjacent or other district students 48249  
who are not adjacent district or other district joint vocational 48250  
students and are reported under division (A)(1)~~(e)~~(d) of this 48251  
section as enrolled in career-technical education programs or 48252  
classes described in section 3317.014 of the Revised Code, the per 48253  
pupil amount prescribed by that section for the student's 48254  
respective career-technical category, on a full-time equivalency 48255  
basis; 48256

(4) An amount equal to the number of adjacent district or 48257  
other district joint vocational students reported under division 48258  
(A)(1) of this section multiplied by an amount equal to twenty per 48259  
cent of the formula amount; 48260

(5) For each adjacent district or other district student who 48261  
is a preschool child with a disability reported under division 48262  
(A)(1) of this section who is enrolled in the district, \$4,000. 48263

(D) To the payments made to a joint vocational school 48264  
district under Chapter 3317. of the Revised Code, the department 48265  
of education shall add, for each adjacent district or other 48266  
district joint vocational student reported under division (A)(2) 48267  
of this section, both of the following: 48268

(1) The formula amount; 48269

(2) The per pupil amount for each of the students reported 48270  
pursuant to division (A)(2)(b) of this section prescribed by 48271  
section 3317.014 of the Revised Code for the student's respective 48272

career-technical category, on a full-time equivalency basis. 48273

(E)(1) A city, exempted village, or local school board 48274  
providing special education and related services to an adjacent or 48275  
other district student in grades kindergarten through twelve in 48276  
accordance with an IEP shall, pursuant to rules of the state 48277  
board, compute the excess costs to educate such student as 48278  
follows: 48279

(a) Subtract the formula amount from the actual costs to 48280  
educate the student; 48281

(b) From the amount computed under division (E)(1)(a) of this 48282  
section subtract the amount of any funds received by the district 48283  
under Chapter 3317. of the Revised Code to provide special 48284  
education and related services to the student. 48285

(2) The board shall report the excess costs computed under 48286  
this division to the department of education. 48287

(3) If any student for whom excess costs are computed under 48288  
division (E)(1) of this section is an adjacent or other district 48289  
joint vocational student, the department of education shall add 48290  
the amount of such excess costs to the payments made under Chapter 48291  
3317. of the Revised Code to the joint vocational school district 48292  
enrolling the student. 48293

(F) As provided in division (D)(1)(b) of section 3317.03 of 48294  
the Revised Code, no joint vocational school district shall count 48295  
any adjacent or other district joint vocational student enrolled 48296  
in the district in its enrollment certified under section 3317.03 48297  
of the Revised Code. 48298

(G) No city, exempted village, or local school district shall 48299  
receive a payment under division (C) of this section for a 48300  
student, and no joint vocational school district shall receive a 48301  
payment under division (D) of this section for a student, if for 48302  
the same school year that student is counted in the district's 48303

enrollment certified under section 3317.03 of the Revised Code. 48304

(H) Upon request of a parent, and provided the board offers 48305  
transportation to native students of the same grade level and 48306  
distance from school under section 3327.01 of the Revised Code, a 48307  
city, exempted village, or local school board enrolling an 48308  
adjacent or other district student shall provide transportation 48309  
for the student within the boundaries of the board's district, 48310  
except that the board shall be required to pick up and drop off a 48311  
nonhandicapped student only at a regular school bus stop 48312  
designated in accordance with the board's transportation policy. 48313  
Pursuant to rules of the state board of education, such board may 48314  
reimburse the parent from funds received for pupil transportation 48315  
under section 3317.0212 of the Revised Code, or other provisions 48316  
of law, for the reasonable cost of transportation from the 48317  
student's home to the designated school bus stop if the student's 48318  
family has an income below the federal poverty line. 48319

**Sec. 3314.02.** (A) As used in this chapter: 48320

(1) "Sponsor" means the board of education of a school 48321  
district or the governing board of an educational service center 48322  
that agrees to the conversion of all or part of a school or 48323  
building under division (B) of this section, or an entity listed 48324  
in division (C)(1) of this section, which ~~either~~ has been approved 48325  
by the department of education to sponsor community schools or is 48326  
exempted by section 3314.021 or 3314.027 of the Revised Code from 48327  
obtaining approval, and with which the governing authority of a 48328  
community school enters into a contract under section 3314.03 of 48329  
the Revised Code. 48330

(2) "Pilot project area" means the school districts included 48331  
in the territory of the former community school pilot project 48332  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 48333  
the 122nd general assembly. 48334

- (3) "Challenged school district" means any of the following: 48335
- (a) A school district that is part of the pilot project area; 48336
- (b) A school district that meets one of the following 48337  
conditions: 48338
- (i) On March 22, 2013, the district was in a state of 48339  
academic emergency or in a state of academic watch under section 48340  
3302.03 of the Revised Code, as that section existed prior to 48341  
March 22, 2013; 48342
- (ii) For two of the 2012-2013, 2013-2014, ~~and~~ 2014-2015, and 48343  
2015-2016 school years, the district received a grade of "D" or 48344  
"F" for the performance index score and a grade of "F" for the 48345  
value-added progress dimension under section 3302.03 of the 48346  
Revised Code; 48347
- (iii) For the ~~2015-2016~~ 2016-2017 school year and for any 48348  
school year thereafter, the district has received an overall grade 48349  
of "D" or "F" under division (C)(3) of section 3302.03 of the 48350  
Revised Code, or, for at least two of the three most recent school 48351  
years, the district received a grade of "F" for the value-added 48352  
progress dimension under division (C)(1)(e) of that section. 48353
- (c) A big eight school district; 48354
- (d) A school district ranked in the lowest five per cent of 48355  
school districts according to performance index score under 48356  
section 3302.21 of the Revised Code. 48357
- (4) "Big eight school district" means a school district that 48358  
for fiscal year 1997 had both of the following: 48359
- (a) A percentage of children residing in the district and 48360  
participating in the predecessor of Ohio works first greater than 48361  
thirty per cent, as reported pursuant to section 3317.10 of the 48362  
Revised Code; 48363
- (b) An average daily membership greater than twelve thousand, 48364

as reported pursuant to former division (A) of section 3317.03 of 48365  
the Revised Code. 48366

(5) "New start-up school" means a community school other than 48367  
one created by converting all or part of an existing public school 48368  
or educational service center building, as designated in the 48369  
school's contract pursuant to division (A)(17) of section 3314.03 48370  
of the Revised Code. 48371

(6) "Urban school district" means one of the state's 48372  
twenty-one urban school districts as defined in division (O) of 48373  
section 3317.02 of the Revised Code as that section existed prior 48374  
to July 1, 1998. 48375

(7) "Internet- or computer-based community school" means a 48376  
community school established under this chapter in which the 48377  
enrolled students work primarily from their residences on 48378  
assignments in nonclassroom-based learning opportunities provided 48379  
via an internet- or other computer-based instructional method that 48380  
does not rely on regular classroom instruction or via 48381  
comprehensive instructional methods that include internet-based, 48382  
other computer-based, and noncomputer-based learning opportunities 48383  
unless a student receives career-technical education under section 48384  
3314.086 of the Revised Code. 48385

A community school that operates mainly as an internet- or 48386  
computer-based community school and provides career-technical 48387  
education under section 3314.086 of the Revised Code shall be 48388  
considered an internet- or computer-based community school, even 48389  
if it provides some classroom-based instruction, so long as it 48390  
provides instruction via the methods described in this division. 48391

(8) "Operator" means either of the following: 48392

(a) An individual or organization that manages the daily 48393  
operations of a community school pursuant to a contract between 48394  
the operator and the school's governing authority; 48395

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

~~A service center that proposes the establishment of a conversion community school located in a county within the territory of the service center or in a county contiguous to such county is exempt from approval from the department of education, except as provided under division (B)(4) of this section, and from the agreement required under division (B)(1) of section 3314.015 of the Revised Code.~~

~~However, a service center that proposes the establishment of a conversion community school located in a county outside of the territory of the service center or a county contiguous to such county shall be subject to approval from the department of education and from the agreement required under that section.~~

~~Division (B)(2) of this section does not apply to an~~



~~educational service center that sponsors community schools and 48427  
that is exempted under section 3314.021 or 3314.027 of the Revised 48428  
Code from the requirement to be approved for sponsorship under 48429  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 48430  
Code. 48431~~

An educational service center that sponsors a community 48432  
school in accordance with this division shall be approved by and 48433  
enter into a written agreement with the department as described in 48434  
section 3314.015 of the Revised Code. 48435

(3) Upon receipt of a proposal, a board may enter into a 48436  
preliminary agreement with the person or group proposing the 48437  
conversion of the public school or service center building, 48438  
indicating the intention of the board to support the conversion to 48439  
a community school. A proposing person or group that has a 48440  
preliminary agreement under this division may proceed to finalize 48441  
plans for the school, establish a governing authority for the 48442  
school, and negotiate a contract with the board. Provided the 48443  
proposing person or group adheres to the preliminary agreement and 48444  
all provisions of this chapter, the board shall negotiate in good 48445  
faith to enter into a contract in accordance with section 3314.03 48446  
of the Revised Code and division (C) of this section. 48447

(4) The sponsor of a conversion community school proposed to 48448  
open in an alliance municipal school district shall be subject to 48449  
approval by the department of education for sponsorship of that 48450  
school using the criteria established under division (A) of 48451  
section 3311.87 of the Revised Code. 48452

Division (B)(4) of this section does not apply to a sponsor 48453  
that ~~is, on or before the effective date of this amendment, was 48454  
exempted under section 3314.021 or 3314.027 of the Revised Code 48455  
from the requirement to be approved for sponsorship under 48456  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 48457  
Code. 48458~~

(C)(1) Any person or group of individuals may propose under 48459  
this division the establishment of a new start-up school to be 48460  
located in a challenged school district. The proposal may be made 48461  
to any of the following entities: 48462

(a) The board of education of the district in which the 48463  
school is proposed to be located; 48464

(b) The board of education of any joint vocational school 48465  
district with territory in the county in which is located the 48466  
majority of the territory of the district in which the school is 48467  
proposed to be located; 48468

(c) The board of education of any other city, local, or 48469  
exempted village school district having territory in the same 48470  
county where the district in which the school is proposed to be 48471  
located has the major portion of its territory; 48472

(d) The governing board of any educational service center, 48473  
regardless of the location of the proposed school, may sponsor a 48474  
new start-up school in any challenged school district in the state 48475  
if all of the following are satisfied: 48476

(i) If applicable, it satisfies the requirements of division 48477  
(E) of section 3311.86 of the Revised Code; 48478

(ii) It is approved to do so by the department; 48479

(iii) It enters into an agreement with the department under 48480  
section 3314.015 of the Revised Code. 48481

(e) A sponsoring authority designated by the board of 48482  
trustees of any of the thirteen state universities listed in 48483  
section 3345.011 of the Revised Code or the board of trustees 48484  
itself as long as a mission of the proposed school to be specified 48485  
in the contract under division (A)(2) of section 3314.03 of the 48486  
Revised Code and as approved by the department under division 48487  
(B)(2) of section 3314.015 of the Revised Code will be the 48488

practical demonstration of teaching methods, educational 48489  
technology, or other teaching practices that are included in the 48490  
curriculum of the university's teacher preparation program 48491  
approved by the state board of education; 48492

(f) Any qualified tax-exempt entity under section 501(c)(3) 48493  
of the Internal Revenue Code as long as all of the following 48494  
conditions are satisfied: 48495

(i) The entity has been in operation for at least five years 48496  
prior to applying to be a community school sponsor. 48497

(ii) The entity has assets of at least five hundred thousand 48498  
dollars and a demonstrated record of financial responsibility. 48499

(iii) The department has determined that the entity is an 48500  
education-oriented entity under division (B)(3) of section 48501  
3314.015 of the Revised Code and the entity has a demonstrated 48502  
record of successful implementation of educational programs. 48503

(iv) The entity is not a community school. 48504

(g) The mayor of a city in which the majority of the 48505  
territory of a school district to which section 3311.60 of the 48506  
Revised Code applies is located, regardless of whether that 48507  
district has created the position of independent auditor as 48508  
prescribed by that section. The mayor's sponsorship authority 48509  
under this division is limited to community schools that are 48510  
located in that school district. Such mayor may sponsor community 48511  
schools only with the approval of the city council of that city, 48512  
after establishing standards with which community schools 48513  
sponsored by the mayor must comply, and after entering into a 48514  
sponsor agreement with the department as prescribed under section 48515  
3314.015 of the Revised Code. The mayor shall establish the 48516  
standards for community schools sponsored by the mayor not later 48517  
than one hundred eighty days after July 15, 2013, and shall submit 48518  
them to the department upon their establishment. The department 48519

shall approve the mayor to sponsor community schools in the 48520  
district, upon receipt of an application by the mayor to do so. 48521  
Not later than ninety days after the department's approval of the 48522  
mayor as a community school sponsor, the department shall enter 48523  
into the sponsor agreement with the mayor. 48524

Any entity described in division (C)(1) of this section may 48525  
enter into a preliminary agreement pursuant to division (C)(2) of 48526  
this section with the proposing person or group. 48527

(2) A preliminary agreement indicates the intention of an 48528  
entity described in division (C)(1) of this section to sponsor the 48529  
community school. A proposing person or group that has such a 48530  
preliminary agreement may proceed to finalize plans for the 48531  
school, establish a governing authority as described in division 48532  
(E) of this section for the school, and negotiate a contract with 48533  
the entity. Provided the proposing person or group adheres to the 48534  
preliminary agreement and all provisions of this chapter, the 48535  
entity shall negotiate in good faith to enter into a contract in 48536  
accordance with section 3314.03 of the Revised Code. 48537

(3) A new start-up school that is established in a school 48538  
district described in either division (A)(3)(b) or (d) of this 48539  
section may continue in existence once the school district no 48540  
longer meets the conditions described in either division, provided 48541  
there is a valid contract between the school and a sponsor. 48542

(4) A copy of every preliminary agreement entered into under 48543  
this division shall be filed with the superintendent of public 48544  
instruction. 48545

(D) A majority vote of the board of a sponsoring entity and a 48546  
majority vote of the members of the governing authority of a 48547  
community school shall be required to adopt a contract and convert 48548  
the public school or educational service center building to a 48549  
community school or establish the new start-up school. Beginning 48550

September 29, 2005, adoption of the contract shall occur not later 48551  
than the fifteenth day of March, and signing of the contract shall 48552  
occur not later than the fifteenth day of May, prior to the school 48553  
year in which the school will open. The governing authority shall 48554  
notify the department of education when the contract has been 48555  
signed. Subject to sections 3314.013 and 3314.016 of the Revised 48556  
Code, an unlimited number of community schools may be established 48557  
in any school district provided that a contract is entered into 48558  
for each community school pursuant to this chapter. 48559

(E)(1) As used in this division, "immediate relatives" are 48560  
limited to spouses, children, parents, grandparents, siblings, and 48561  
in-laws. 48562

Each new start-up community school established under this 48563  
chapter shall be under the direction of a governing authority 48564  
which shall consist of a board of not less than five individuals. 48565

No person shall serve on the governing authority or operate 48566  
the community school under contract with the governing authority 48567  
so long as the person owes the state any money or is in a dispute 48568  
over whether the person owes the state any money concerning the 48569  
operation of a community school that has closed. 48570

(2) No person shall serve on the governing authorities of 48571  
more than five start-up community schools at the same time. 48572

(3) No present or former member, or immediate relative of a 48573  
present or former member, of the governing authority of any 48574  
community school established under this chapter shall be an owner, 48575  
employee, or consultant of any sponsor or operator of a community 48576  
school, unless at least one year has elapsed since the conclusion 48577  
of the person's membership. 48578

(4) The governing authority of a start-up community school 48579  
may provide by resolution for the compensation of its members. 48580  
However, no individual who serves on the governing authority of a 48581

start-up community school shall be compensated more than four 48582  
hundred twenty-five dollars per meeting of that governing 48583  
authority and no such individual shall be compensated more than a 48584  
total amount of five thousand dollars per year for all governing 48585  
authorities upon which the individual serves. 48586

(F)(1) A new start-up school that is established prior to 48587  
August 15, 2003, in an urban school district that is not also a 48588  
big-eight school district may continue to operate after that date 48589  
and the contract between the school's governing authority and the 48590  
school's sponsor may be renewed, as provided under this chapter, 48591  
after that date, but no additional new start-up schools may be 48592  
established in such a district unless the district is a challenged 48593  
school district as defined in this section as it exists on and 48594  
after that date. 48595

(2) A community school that was established prior to June 29, 48596  
1999, and is located in a county contiguous to the pilot project 48597  
area and in a school district that is not a challenged school 48598  
district may continue to operate after that date, provided the 48599  
school complies with all provisions of this chapter. The contract 48600  
between the school's governing authority and the school's sponsor 48601  
may be renewed, but no additional start-up community school may be 48602  
established in that district unless the district is a challenged 48603  
school district. 48604

(3) Any educational service center that, on June 30, 2007, 48605  
sponsors a community school that is not located in a county within 48606  
the territory of the service center or in a county contiguous to 48607  
such county may continue to sponsor that community school on and 48608  
after June 30, 2007, and may renew its contract with the school. 48609  
However, the educational service center shall not enter into a 48610  
contract with any additional community school, ~~unless the school~~ 48611  
~~is located in a county within the territory of the service center~~ 48612  
~~or in a county contiguous to such county, or unless the governing~~ 48613

board of the service center has entered into an agreement with the 48614  
department authorizing the service center to sponsor a community 48615  
school in any challenged school district in the state. 48616

**Sec. 3314.03.** A copy of every contract entered into under 48617  
this section shall be filed with the superintendent of public 48618  
instruction. The department of education shall make available on 48619  
its web site a copy of every approved, executed contract filed 48620  
with the superintendent under this section. 48621

(A) Each contract entered into between a sponsor and the 48622  
governing authority of a community school shall specify the 48623  
following: 48624

(1) That the school shall be established as either of the 48625  
following: 48626

(a) A nonprofit corporation established under Chapter 1702. 48627  
of the Revised Code, if established prior to April 8, 2003; 48628

(b) A public benefit corporation established under Chapter 48629  
1702. of the Revised Code, if established after April 8, 2003. 48630

(2) The education program of the school, including the 48631  
school's mission, the characteristics of the students the school 48632  
is expected to attract, the ages and grades of students, and the 48633  
focus of the curriculum; 48634

(3) The academic goals to be achieved and the method of 48635  
measurement that will be used to determine progress toward those 48636  
goals, which shall include the statewide achievement assessments; 48637

(4) Performance standards by which the success of the school 48638  
will be evaluated by the sponsor; 48639

(5) The admission standards of section 3314.06 of the Revised 48640  
Code and, if applicable, section 3314.061 of the Revised Code; 48641

(6)(a) Dismissal procedures; 48642

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs,



admission policies, employment practices, and all other 48673  
operations, and will not be operated by a sectarian school or 48674  
religious institution. 48675

(d) The school will comply with sections 9.90, 9.91, 109.65, 48676  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 48677  
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 48678  
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 48679  
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 48680  
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 48681  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 48682  
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 48683  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 48684  
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 48685  
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 48686  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 48687  
4123., 4141., and 4167. of the Revised Code as if it were a school 48688  
district and will comply with section 3301.0714 of the Revised 48689  
Code in the manner specified in section 3314.17 of the Revised 48690  
Code. 48691

(e) The school shall comply with Chapter 102. and section 48692  
2921.42 of the Revised Code. 48693

(f) The school will comply with sections 3313.61, 3313.611, 48694  
and 3313.614 of the Revised Code, except that for students who 48695  
enter ninth grade for the first time before July 1, 2010, the 48696  
requirement in sections 3313.61 and 3313.611 of the Revised Code 48697  
that a person must successfully complete the curriculum in any 48698  
high school prior to receiving a high school diploma may be met by 48699  
completing the curriculum adopted by the governing authority of 48700  
the community school rather than the curriculum specified in Title 48701  
XXXIII of the Revised Code or any rules of the state board of 48702  
education. Beginning with students who enter ninth grade for the 48703  
first time on or after July 1, 2010, the requirement in sections 48704

3313.61 and 3313.611 of the Revised Code that a person must 48705  
successfully complete the curriculum of a high school prior to 48706  
receiving a high school diploma shall be met by completing the 48707  
requirements prescribed in division (C) of section 3313.603 of the 48708  
Revised Code, unless the person qualifies under division (D) or 48709  
(F) of that section. Each school shall comply with the plan for 48710  
awarding high school credit based on demonstration of subject area 48711  
competency, and beginning with the 2016-2017 school year, with the 48712  
updated plan that permits students enrolled in seventh and eighth 48713  
grade to meet curriculum requirements based on subject area 48714  
competency adopted by the state board of education under ~~division~~ 48715  
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 48716

(g) The school governing authority will submit within four 48717  
months after the end of each school year a report of its 48718  
activities and progress in meeting the goals and standards of 48719  
divisions (A)(3) and (4) of this section and its financial status 48720  
to the sponsor and the parents of all students enrolled in the 48721  
school. 48722

(h) The school, unless it is an internet- or computer-based 48723  
community school, will comply with section 3313.801 of the Revised 48724  
Code as if it were a school district. 48725

(i) If the school is the recipient of moneys from a grant 48726  
awarded under the federal race to the top program, Division (A), 48727  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 48728  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 48729  
school will pay teachers based upon performance in accordance with 48730  
section 3317.141 and will comply with section 3319.111 of the 48731  
Revised Code as if it were a school district. 48732

(j) If the school operates a preschool program that is 48733  
licensed by the department of education under sections 3301.52 to 48734  
3301.59 of the Revised Code, the school shall comply with sections 48735  
3301.50 to 3301.59 of the Revised Code and the minimum standards 48736

for preschool programs prescribed in rules adopted by the state 48737  
board under section 3301.53 of the Revised Code. 48738

(12) Arrangements for providing health and other benefits to 48739  
employees; 48740

(13) The length of the contract, which shall begin at the 48741  
beginning of an academic year. No contract shall exceed five years 48742  
unless such contract has been renewed pursuant to division (E) of 48743  
this section. 48744

(14) The governing authority of the school, which shall be 48745  
responsible for carrying out the provisions of the contract; 48746

(15) A financial plan detailing an estimated school budget 48747  
for each year of the period of the contract and specifying the 48748  
total estimated per pupil expenditure amount for each such year. 48749

(16) Requirements and procedures regarding the disposition of 48750  
employees of the school in the event the contract is terminated or 48751  
not renewed pursuant to section 3314.07 of the Revised Code; 48752

(17) Whether the school is to be created by converting all or 48753  
part of an existing public school or educational service center 48754  
building or is to be a new start-up school, and if it is a 48755  
converted public school or service center building, specification 48756  
of any duties or responsibilities of an employer that the board of 48757  
education or service center governing board that operated the 48758  
school or building before conversion is delegating to the 48759  
governing authority of the community school with respect to all or 48760  
any specified group of employees provided the delegation is not 48761  
prohibited by a collective bargaining agreement applicable to such 48762  
employees; 48763

(18) Provisions establishing procedures for resolving 48764  
disputes or differences of opinion between the sponsor and the 48765  
governing authority of the community school; 48766

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action. 48797

(23) A description of the learning opportunities that will be 48798  
offered to students including both classroom-based and 48799  
non-classroom-based learning opportunities that is in compliance 48800  
with criteria for student participation established by the 48801  
department under division (H)(2) of section 3314.08 of the Revised 48802  
Code; 48803

(24) The school will comply with sections 3302.04 and 48804  
3302.041 of the Revised Code, except that any action required to 48805  
be taken by a school district pursuant to those sections shall be 48806  
taken by the sponsor of the school. However, the sponsor shall not 48807  
be required to take any action described in division (F) of 48808  
section 3302.04 of the Revised Code. 48809

(25) Beginning in the 2006-2007 school year, the school will 48810  
open for operation not later than the thirtieth day of September 48811  
each school year, unless the mission of the school as specified 48812  
under division (A)(2) of this section is solely to serve dropouts. 48813  
In its initial year of operation, if the school fails to open by 48814  
the thirtieth day of September, or within one year after the 48815  
adoption of the contract pursuant to division (D) of section 48816  
3314.02 of the Revised Code if the mission of the school is solely 48817  
to serve dropouts, the contract shall be void. 48818

(26) Whether the school's governing authority is planning to 48819  
seek designation for the school as a STEM school equivalent under 48820  
section 3326.032 of the Revised Code. 48821

(B) The community school shall also submit to the sponsor a 48822  
comprehensive plan for the school. The plan shall specify the 48823  
following: 48824

(1) The process by which the governing authority of the 48825  
school will be selected in the future; 48826

(2) The management and administration of the school; 48827

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in 48859  
complying with laws applicable to the school and terms of the 48860  
contract; 48861

(5) Take steps to intervene in the school's operation to 48862  
correct problems in the school's overall performance, declare the 48863  
school to be on probationary status pursuant to section 3314.073 48864  
of the Revised Code, suspend the operation of the school pursuant 48865  
to section 3314.072 of the Revised Code, or terminate the contract 48866  
of the school pursuant to section 3314.07 of the Revised Code as 48867  
determined necessary by the sponsor; 48868

(6) Have in place a plan of action to be undertaken in the 48869  
event the community school experiences financial difficulties or 48870  
closes prior to the end of a school year. 48871

(E) Upon the expiration of a contract entered into under this 48872  
section, the sponsor of a community school may, with the approval 48873  
of the governing authority of the school, renew that contract for 48874  
a period of time determined by the sponsor, but not ending earlier 48875  
than the end of any school year, if the sponsor finds that the 48876  
school's compliance with applicable laws and terms of the contract 48877  
and the school's progress in meeting the academic goals prescribed 48878  
in the contract have been satisfactory. Any contract that is 48879  
renewed under this division remains subject to the provisions of 48880  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 48881

(F) If a community school fails to open for operation within 48882  
one year after the contract entered into under this section is 48883  
adopted pursuant to division (D) of section 3314.02 of the Revised 48884  
Code or permanently closes prior to the expiration of the 48885  
contract, the contract shall be void and the school shall not 48886  
enter into a contract with any other sponsor. A school shall not 48887  
be considered permanently closed because the operations of the 48888  
school have been suspended pursuant to section 3314.072 of the 48889  
Revised Code. 48890

**Sec. 3314.05.** (A) The contract between the community school 48891  
and the sponsor shall specify the facilities to be used for the 48892  
community school and the method of acquisition. Except as provided 48893  
in divisions (B)(3) and (4) of this section, no community school 48894  
shall be established in more than one school district under the 48895  
same contract. 48896

(B) Division (B) of this section shall not apply to internet- 48897  
or computer-based community schools. 48898

(1) A community school may be located in multiple facilities 48899  
under the same contract only if the limitations on availability of 48900  
space prohibit serving all the grade levels specified in the 48901  
contract in a single facility or division (B)(2), (3), or (4) of 48902  
this section applies to the school. The school shall not offer the 48903  
same grade level classrooms in more than one facility. 48904

(2) A community school may be located in multiple facilities 48905  
under the same contract and, notwithstanding division (B)(1) of 48906  
this section, may assign students in the same grade level to 48907  
multiple facilities, as long as all of the following apply: 48908

(a) The governing authority has entered into and maintains a 48909  
contract with an operator of the type described in division 48910  
(A)(8)(b) of section 3314.02 of the Revised Code. 48911

(b) The contract with that operator qualified the school to 48912  
be established pursuant to division (A) of former section 3314.016 48913  
of the Revised Code. 48914

(c) The school's rating under section 3302.03 of the Revised 48915  
Code does not fall below a combination of any of the following for 48916  
two or more consecutive years: 48917

(i) A rating of "in need of continuous improvement" under 48918  
section 3302.03 of the Revised Code, as that section existed prior 48919  
to March 22, 2013; 48920



(ii) For the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and  
2015-2016 school years, a rating of "C" for both the performance  
index score under division (A)(1)(b) or (B)(1)(b) and the  
value-added dimension under division (A)(1)(e) or (B)(1)(e) of  
section 3302.03 of the Revised Code; or if the building serves  
only grades ten through twelve, the building received a grade of  
"C" for the performance index score under division (A)(1)(b) or  
(B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any  
school year thereafter, an overall grade of "C" under division  
(C)(3) of section 3302.03 of the Revised Code or an overall  
performance designation of "meets standards" under division  
(E)(3)(e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two  
school districts under the same contract if all of the following  
apply:

(a) At least one of the school districts in which the school  
is established is a challenged school district;

(b) The school operates not more than one facility in each  
school district and, in accordance with division (B)(1) of this  
section, the school does not offer the same grade level classrooms  
in both facilities; and

(c) Transportation between the two facilities does not  
require more than thirty minutes of direct travel time as measured  
by school bus.

In the case of a community school to which division (B)(3) of  
this section applies, if only one of the school districts in which  
the school is established is a challenged school district, that  
district shall be considered the school's primary location and the  
district in which the school is located for the purposes of  
division (A)(19) of section 3314.03 and divisions (C) and (H) of

section 3314.06 of the Revised Code and for all other purposes of 48952  
this chapter. If both of the school districts in which the school 48953  
is established are challenged school districts, the school's 48954  
governing authority shall designate one of those districts to be 48955  
considered the school's primary location and the district in which 48956  
the school is located for the purposes of those divisions and all 48957  
other purposes of this chapter and shall notify the department of 48958  
education of that designation. 48959

(4) A community school may be located in multiple facilities 48960  
under the same contract and, notwithstanding division (B)(1) of 48961  
this section, may assign students in the same grade level to 48962  
multiple facilities, as long as both of the following apply: 48963

(a) The facilities are all located in the same county. 48964

(b) Either of the following conditions are satisfied: 48965

(i) The community school is sponsored by a board of education 48966  
of a city, local, or exempted village school district having 48967  
territory in the same county where the facilities of the community 48968  
school are located; 48969

(ii) The community school is managed by an operator. 48970

In the case of a community school to which division (B)(4) of 48971  
this section applies and that maintains facilities in more than 48972  
one school district, the school's governing authority shall 48973  
designate one of those districts to be considered the school's 48974  
primary location and the district in which the school is located 48975  
for the purposes of division (A)(19) of section 3314.03 and 48976  
divisions (C) and (H) of section 3314.06 of the Revised Code and 48977  
for all other purposes of this chapter and shall notify the 48978  
department of that designation. 48979

(5) Any facility used for a community school shall meet all 48980  
health and safety standards established by law for school 48981  
buildings. 48982

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

**Sec. 3314.06.** The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this

state. The school shall not receive state funds under section 49014  
3314.08 of the Revised Code for any student who is not a resident 49015  
of this state. 49016

An individual younger than five years of age may be admitted 49017  
to the school in accordance with division (A)(2) of section 49018  
3321.01 of the Revised Code. The school shall receive funds for an 49019  
individual admitted under that division in the manner provided 49020  
under section 3314.08 of the Revised Code. 49021

If the school operates a program that uses the Montessori 49022  
method endorsed by the American Montessori society, the Montessori 49023  
accreditation council for teacher education, or the association 49024  
Montessori internationale as its primary method of instruction, 49025  
admission to the school may be open to individuals younger than 49026  
five years of age, but the school shall not receive funds under 49027  
this chapter for those individuals. Notwithstanding anything to 49028  
the contrary in this chapter, individuals younger than five years 49029  
of age who are enrolled in a Montessori program shall be offered 49030  
at least four hundred fifty-five hours of learning opportunities 49031  
per school year. 49032

If the school operates a preschool program that is licensed 49033  
by the department of education under sections 3301.52 to 3301.59 49034  
of the Revised Code, admission to the school may be open to 49035  
individuals who are younger than five years of age, but the school 49036  
shall not receive funds under this chapter for those individuals. 49037

(B)(1) That admission to the school may be limited to 49038  
students who have attained a specific grade level or are within a 49039  
specific age group; to students that meet a definition of 49040  
"at-risk," as defined in the contract; to residents of a specific 49041  
geographic area within the district, as defined in the contract; 49042  
or to separate groups of autistic students and nondisabled 49043  
students, as authorized in section 3314.061 of the Revised Code 49044  
and as defined in the contract. 49045

(2) For purposes of division (B)(1) of this section, 49046  
"at-risk" students may include those students identified as gifted 49047  
students under section 3324.03 of the Revised Code. 49048

(C) Whether enrollment is limited to students who reside in 49049  
the district in which the school is located or is open to 49050  
residents of other districts, as provided in the policy adopted 49051  
pursuant to the contract. 49052

(D)(1) That there will be no discrimination in the admission 49053  
of students to the school on the basis of race, creed, color, 49054  
disability, or sex except that: 49055

(a) The governing authority may do either of the following 49056  
for the purpose described in division (G) of this section: 49057

(i) Establish a single-gender school for either sex; 49058

(ii) Establish single-gender schools for each sex under the 49059  
same contract, provided substantially equal facilities and 49060  
learning opportunities are offered for both boys and girls. Such 49061  
facilities and opportunities may be offered for each sex at 49062  
separate locations. 49063

(b) The governing authority may establish a school that 49064  
simultaneously serves a group of students identified as autistic 49065  
and a group of students who are not disabled, as authorized in 49066  
section 3314.061 of the Revised Code. However, unless the total 49067  
capacity established for the school has been filled, no student 49068  
with any disability shall be denied admission on the basis of that 49069  
disability. 49070

(2) That upon admission of any student with a disability, the 49071  
community school will comply with all federal and state laws 49072  
regarding the education of students with disabilities. 49073

(E) That the school may not limit admission to students on 49074  
the basis of intellectual ability, measures of achievement or 49075

aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section. 49076  
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(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities. 49079  
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(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education. 49082  
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(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. 49087  
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Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order. 49096  
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**Sec. 3314.08.** (A) As used in this section: 49101

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code. 49102  
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(b) "Category two career-technical student" means a student	49106
who is receiving the career-technical education services described	49107
in division (B) of section 3317.014 of the Revised Code.	49108
(c) "Category three career-technical student" means a student	49109
who is receiving the career-technical education services described	49110
in division (C) of section 3317.014 of the Revised Code.	49111
(d) "Category four career-technical student" means a student	49112
who is receiving the career-technical education services described	49113
in division (D) of section 3317.014 of the Revised Code.	49114
(e) "Category five career-technical education student" means	49115
a student who is receiving the career-technical education services	49116
described in division (E) of section 3317.014 of the Revised Code.	49117
(2)(a) "Category one limited English proficient student"	49118
means a limited English proficient student described in division	49119
(A) of section 3317.016 of the Revised Code.	49120
(b) "Category two limited English proficient student" means a	49121
limited English proficient student described in division (B) of	49122
section 3317.016 of the Revised Code.	49123
(c) "Category three limited English proficient student" means	49124
a limited English proficient student described in division (C) of	49125
section 3317.016 of the Revised Code.	49126
(3)(a) "Category one special education student" means a	49127
student who is receiving special education services for a	49128
disability specified in division (A) of section 3317.013 of the	49129
Revised Code.	49130
(b) "Category two special education student" means a student	49131
who is receiving special education services for a disability	49132
specified in division (B) of section 3317.013 of the Revised Code.	49133
(c) "Category three special education student" means a	49134
student who is receiving special education services for a	49135

disability specified in division (C) of section 3317.013 of the Revised Code. 49136  
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(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 49138  
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(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 49141  
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(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 49144  
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(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 49147  
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(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 49149  
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(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 49151  
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(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 49154  
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(B) The state board of education shall adopt rules requiring both of the following: 49156  
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(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 49158  
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(2) The governing authority of each community school established under this chapter to annually report all of the 49164  
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following:	49166
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	49167 49168 49169 49170
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	49171 49172 49173 49174
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	49175 49176 49177 49178
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	49179 49180 49181 49182 49183
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	49184 49185 49186 49187 49188 49189 49190 49191
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	49192 49193 49194 49195
(g) The number of students reported under divisions (B)(2)(a)	49196

and (b) who are economically disadvantaged, as defined by the 49197  
department. A student shall not be categorically excluded from the 49198  
number reported under division (B)(2)(g) of this section based on 49199  
anything other than family income. 49200

(h) For each student, the city, exempted village, or local 49201  
school district in which the student is entitled to attend school 49202  
under section 3313.64 or 3313.65 of the Revised Code. 49203

(i) The number of students enrolled in a preschool program 49204  
operated by the school that is licensed by the department of 49205  
education under sections 3301.52 to 3301.59 of the Revised Code 49206  
who are not receiving special education and related services 49207  
pursuant to an IEP. 49208

A school district board and a community school governing 49209  
authority shall include in their respective reports under division 49210  
(B) of this section any child admitted in accordance with division 49211  
(A)(2) of section 3321.01 of the Revised Code. 49212

A governing authority of a community school shall not include 49213  
in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 49214  
this section any student for whom tuition is charged under 49215  
division (F) of this section. 49216

(C)(1) Except as provided in division (C)(2) of this section, 49217  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 49218  
section, on a full-time equivalency basis, for each student 49219  
enrolled in a community school established under this chapter, the 49220  
department of education annually shall deduct from the state 49221  
education aid of a student's resident district and, if necessary, 49222  
from the payment made to the district under sections 321.24 and 49223  
323.156 of the Revised Code and pay to the community school the 49224  
sum of the following: 49225

(a) An opportunity grant in an amount equal to the formula 49226  
amount; 49227

(b) The per pupil amount of targeted assistance funds	49228
calculated under division (A) of section 3317.0217 of the Revised	49229
Code for the student's resident district, as determined by the	49230
department, X 0.25;	49231
(c) Additional state aid for special education and related	49232
services provided under Chapter 3323. of the Revised Code as	49233
follows:	49234
(i) If the student is a category one special education	49235
student, the amount specified in division (A) of section 3317.013	49236
of the Revised Code;	49237
(ii) If the student is a category two special education	49238
student, the amount specified in division (B) of section 3317.013	49239
of the Revised Code;	49240
(iii) If the student is a category three special education	49241
student, the amount specified in division (C) of section 3317.013	49242
of the Revised Code;	49243
(iv) If the student is a category four special education	49244
student, the amount specified in division (D) of section 3317.013	49245
of the Revised Code;	49246
(v) If the student is a category five special education	49247
student, the amount specified in division (E) of section 3317.013	49248
of the Revised Code;	49249
(vi) If the student is a category six special education	49250
student, the amount specified in division (F) of section 3317.013	49251
of the Revised Code.	49252
(d) If the student is in kindergarten through third grade, an	49253
additional amount of <del>\$211</del> <u>\$305</u> , in fiscal year <del>2014</del> <u>2016</u> , and <del>\$290</del>	49254
<u>\$320</u> , in fiscal year <del>2015</del> <u>2017</u> ;	49255
(e) If the student is economically disadvantaged, an	49256
additional amount equal to the following:	49257

<del>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X</del>	49258
<del>(the resident district's economically disadvantaged index)</del>	49259
(f) Limited English proficiency funds as follows:	49260
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	49261 49262 49263
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	49264 49265 49266
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	49267 49268 49269
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	49270 49271
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	49272 49273 49274
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	49275 49276 49277
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	49278 49279 49280
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	49281 49282 49283
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	49284 49285 49286
Deduction and payment of funds under division (C)(1)(g) of	49287

this section is subject to approval by the lead district of a 49288  
career-technical planning district or the department of education 49289  
under section 3317.161 of the Revised Code. 49290

(2) When deducting from the state education aid of a 49291  
student's resident district for students enrolled in an internet- 49292  
or computer-based community school and making payments to such 49293  
school under this section, the department shall make the 49294  
deductions and payments described in only divisions (C)(1)(a), 49295  
(c), and (g) of this section. 49296

No deductions or payments shall be made for a student 49297  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 49298  
of this section. 49299

(3)(a) If a community school's costs for a fiscal year for a 49300  
student receiving special education and related services pursuant 49301  
to an IEP for a disability described in divisions (B) to (F) of 49302  
section 3317.013 of the Revised Code exceed the threshold 49303  
catastrophic cost for serving the student as specified in division 49304  
(B) of section 3317.0214 of the Revised Code, the school may 49305  
submit to the superintendent of public instruction documentation, 49306  
as prescribed by the superintendent, of all its costs for that 49307  
student. Upon submission of documentation for a student of the 49308  
type and in the manner prescribed, the department shall pay to the 49309  
community school an amount equal to the school's costs for the 49310  
student in excess of the threshold catastrophic costs. 49311

(b) The community school shall report under division 49312  
(C)(3)(a) of this section, and the department shall pay for, only 49313  
the costs of educational expenses and the related services 49314  
provided to the student in accordance with the student's 49315  
individualized education program. Any legal fees, court costs, or 49316  
other costs associated with any cause of action relating to the 49317  
student may not be included in the amount. 49318

(4) In any fiscal year, a community school receiving funds 49319  
under division (C)(1)(g) of this section shall spend those funds 49320  
only for the purposes that the department designates as approved 49321  
for career-technical education expenses. Career-technical 49322  
education expenses approved by the department shall include only 49323  
expenses connected to the delivery of career-technical programming 49324  
to career-technical students. The department shall require the 49325  
school to report data annually so that the department may monitor 49326  
the school's compliance with the requirements regarding the manner 49327  
in which funding received under division (C)(1)(g) of this section 49328  
may be spent. 49329

(5) All funds received under division (C)(1)(g) of this 49330  
section shall be spent in the following manner: 49331

(a) At least seventy-five per cent of the funds shall be 49332  
spent on curriculum development, purchase, and implementation; 49333  
instructional resources and supplies; industry-based program 49334  
certification; student assessment, credentialing, and placement; 49335  
curriculum specific equipment purchases and leases; 49336  
career-technical student organization fees and expenses; home and 49337  
agency linkages; work-based learning experiences; professional 49338  
development; and other costs directly associated with 49339  
career-technical education programs including development of new 49340  
programs. 49341

(b) Not more than twenty-five per cent of the funds shall be 49342  
used for personnel expenditures. 49343

(6) A community school shall spend the funds it receives 49344  
under division (C)(1)(e) of this section in accordance with 49345  
section 3317.25 of the Revised Code. 49346

(7) If the sum of the payments computed under divisions 49347  
(C)(1) and (8)(a) of this section for the students entitled to 49348  
attend school in a particular school district under sections 49349

3313.64 and 3313.65 of the Revised Code exceeds the sum of that 49350  
district's state education aid and its payment under sections 49351  
321.24 and 323.156 of the Revised Code, the department shall 49352  
calculate and apply a proration factor to the payments to all 49353  
community schools under that division for the students entitled to 49354  
attend school in that district. 49355

(8)(a) Subject to division (C)(7) of this section, the 49356  
department annually shall pay to each community school, including 49357  
each internet- or computer-based community school, an amount equal 49358  
to the following: 49359

(The number of students reported by the community school 49360  
under division (B)(2)(e) of this section X the formula amount X 49361  
.20) 49362

(b) For each payment made to a community school under 49363  
division (C)(8)(a) of this section, the department shall deduct 49364  
from the state education aid of each city, local, and exempted 49365  
village school district and, if necessary, from the payment made 49366  
to the district under sections 321.24 and 323.156 of the Revised 49367  
Code an amount equal to the following: 49368

(The number of the district's students reported by the 49369  
community school under division (B)(2)(e) of this section X the 49370  
formula amount X .20) 49371

(D) A board of education sponsoring a community school may 49372  
utilize local funds to make enhancement grants to the school or 49373  
may agree, either as part of the contract or separately, to 49374  
provide any specific services to the community school at no cost 49375  
to the school. 49376

(E) A community school may not levy taxes or issue bonds 49377  
secured by tax revenues. 49378

(F) No community school shall charge tuition for the 49379  
enrollment of any student who is a resident of this state. A 49380

community school may charge tuition for the enrollment of any 49381  
student who is not a resident of this state. 49382

(G)(1)(a) A community school may borrow money to pay any 49383  
necessary and actual expenses of the school in anticipation of the 49384  
receipt of any portion of the payments to be received by the 49385  
school pursuant to division (C) of this section. The school may 49386  
issue notes to evidence such borrowing. The proceeds of the notes 49387  
shall be used only for the purposes for which the anticipated 49388  
receipts may be lawfully expended by the school. 49389

(b) A school may also borrow money for a term not to exceed 49390  
fifteen years for the purpose of acquiring facilities. 49391

(2) Except for any amount guaranteed under section 3318.50 of 49392  
the Revised Code, the state is not liable for debt incurred by the 49393  
governing authority of a community school. 49394

(H) The department of education shall adjust the amounts 49395  
subtracted and paid under division (C) of this section to reflect 49396  
any enrollment of students in community schools for less than the 49397  
equivalent of a full school year. The state board of education 49398  
within ninety days after April 8, 2003, shall adopt in accordance 49399  
with Chapter 119. of the Revised Code rules governing the payments 49400  
to community schools under this section including initial payments 49401  
in a school year and adjustments and reductions made in subsequent 49402  
periodic payments to community schools and corresponding 49403  
deductions from school district accounts as provided under 49404  
division (C) of this section. For purposes of this section: 49405

(1) A student shall be considered enrolled in the community 49406  
school for any portion of the school year the student is 49407  
participating at a college under Chapter 3365. of the Revised 49408  
Code. 49409

(2) A student shall be considered to be enrolled in a 49410  
community school for the period of time beginning on the later of 49411



the date on which the school both has received documentation of 49412  
the student's enrollment from a parent and the student has 49413  
commenced participation in learning opportunities as defined in 49414  
the contract with the sponsor, or thirty days prior to the date on 49415  
which the student is entered into the education management 49416  
information system established under section 3301.0714 of the 49417  
Revised Code. For purposes of applying this division and divisions 49418  
(H)(3) and (4) of this section to a community school student, 49419  
"learning opportunities" shall be defined in the contract, which 49420  
shall describe both classroom-based and non-classroom-based 49421  
learning opportunities and shall be in compliance with criteria 49422  
and documentation requirements for student participation which 49423  
shall be established by the department. Any student's instruction 49424  
time in non-classroom-based learning opportunities shall be 49425  
certified by an employee of the community school. A student's 49426  
enrollment shall be considered to cease on the date on which any 49427  
of the following occur: 49428

(a) The community school receives documentation from a parent 49429  
terminating enrollment of the student. 49430

(b) The community school is provided documentation of a 49431  
student's enrollment in another public or private school. 49432

(c) The community school ceases to offer learning 49433  
opportunities to the student pursuant to the terms of the contract 49434  
with the sponsor or the operation of any provision of this 49435  
chapter. 49436

Except as otherwise specified in this paragraph, beginning in 49437  
the 2011-2012 school year, any student who completed the prior 49438  
school year in an internet- or computer-based community school 49439  
shall be considered to be enrolled in the same school in the 49440  
subsequent school year until the student's enrollment has ceased 49441  
as specified in division (H)(2) of this section. The department 49442  
shall continue subtracting and paying amounts for the student 49443

under division (C) of this section without interruption at the 49444  
start of the subsequent school year. However, if the student 49445  
without a legitimate excuse fails to participate in the first one 49446  
hundred five consecutive hours of learning opportunities offered 49447  
to the student in that subsequent school year, the student shall 49448  
be considered not to have re-enrolled in the school for that 49449  
school year and the department shall recalculate the payments to 49450  
the school for that school year to account for the fact that the 49451  
student is not enrolled. 49452

(3) The department shall determine each community school 49453  
student's percentage of full-time equivalency based on the 49454  
percentage of learning opportunities offered by the community 49455  
school to that student, reported either as number of hours or 49456  
number of days, is of the total learning opportunities offered by 49457  
the community school to a student who attends for the school's 49458  
entire school year. However, no internet- or computer-based 49459  
community school shall be credited for any time a student spends 49460  
participating in learning opportunities beyond ten hours within 49461  
any period of twenty-four consecutive hours. Whether it reports 49462  
hours or days of learning opportunities, each community school 49463  
shall offer not less than nine hundred twenty hours of learning 49464  
opportunities during the school year. 49465

(4) With respect to the calculation of full-time equivalency 49466  
under division (H)(3) of this section, the department shall waive 49467  
the number of hours or days of learning opportunities not offered 49468  
to a student because the community school was closed during the 49469  
school year due to disease epidemic, hazardous weather conditions, 49470  
law enforcement emergencies, inoperability of school buses or 49471  
other equipment necessary to the school's operation, damage to a 49472  
school building, or other temporary circumstances due to utility 49473  
failure rendering the school building unfit for school use, so 49474  
long as the school was actually open for instruction with students 49475

in attendance during that school year for not less than the 49476  
minimum number of hours required by this chapter. The department 49477  
shall treat the school as if it were open for instruction with 49478  
students in attendance during the hours or days waived under this 49479  
division. 49480

(I) The department of education shall reduce the amounts paid 49481  
under this section to reflect payments made to colleges under 49482  
section 3365.07 of the Revised Code. 49483

(J)(1) No student shall be considered enrolled in any 49484  
internet- or computer-based community school or, if applicable to 49485  
the student, in any community school that is required to provide 49486  
the student with a computer pursuant to division (C) of section 49487  
3314.22 of the Revised Code, unless both of the following 49488  
conditions are satisfied: 49489

(a) The student possesses or has been provided with all 49490  
required hardware and software materials and all such materials 49491  
are operational so that the student is capable of fully 49492  
participating in the learning opportunities specified in the 49493  
contract between the school and the school's sponsor as required 49494  
by division (A)(23) of section 3314.03 of the Revised Code; 49495

(b) The school is in compliance with division (A) of section 49496  
3314.22 of the Revised Code, relative to such student. 49497

(2) In accordance with policies adopted jointly by the 49498  
superintendent of public instruction and the auditor of state, the 49499  
department shall reduce the amounts otherwise payable under 49500  
division (C) of this section to any community school that includes 49501  
in its program the provision of computer hardware and software 49502  
materials to any student, if such hardware and software materials 49503  
have not been delivered, installed, and activated for each such 49504  
student in a timely manner or other educational materials or 49505  
services have not been provided according to the contract between 49506

the individual community school and its sponsor. 49507

The superintendent of public instruction and the auditor of 49508  
state shall jointly establish a method for auditing any community 49509  
school to which this division pertains to ensure compliance with 49510  
this section. 49511

The superintendent, auditor of state, and the governor shall 49512  
jointly make recommendations to the general assembly for 49513  
legislative changes that may be required to assure fiscal and 49514  
academic accountability for such schools. 49515

(K)(1) If the department determines that a review of a 49516  
community school's enrollment is necessary, such review shall be 49517  
completed and written notice of the findings shall be provided to 49518  
the governing authority of the community school and its sponsor 49519  
within ninety days of the end of the community school's fiscal 49520  
year, unless extended for a period not to exceed thirty additional 49521  
days for one of the following reasons: 49522

(a) The department and the community school mutually agree to 49523  
the extension. 49524

(b) Delays in data submission caused by either a community 49525  
school or its sponsor. 49526

(2) If the review results in a finding that additional 49527  
funding is owed to the school, such payment shall be made within 49528  
thirty days of the written notice. If the review results in a 49529  
finding that the community school owes moneys to the state, the 49530  
following procedure shall apply: 49531

(a) Within ten business days of the receipt of the notice of 49532  
findings, the community school may appeal the department's 49533  
determination to the state board of education or its designee. 49534

(b) The board or its designee shall conduct an informal 49535  
hearing on the matter within thirty days of receipt of such an 49536

appeal and shall issue a decision within fifteen days of the 49537  
conclusion of the hearing. 49538

(c) If the board has enlisted a designee to conduct the 49539  
hearing, the designee shall certify its decision to the board. The 49540  
board may accept the decision of the designee or may reject the 49541  
decision of the designee and issue its own decision on the matter. 49542

(d) Any decision made by the board under this division is 49543  
final. 49544

(3) If it is decided that the community school owes moneys to 49545  
the state, the department shall deduct such amount from the 49546  
school's future payments in accordance with guidelines issued by 49547  
the superintendent of public instruction. 49548

(L) The department shall not subtract from a school 49549  
district's state aid account and shall not pay to a community 49550  
school under division (C) of this section any amount for any of 49551  
the following: 49552

(1) Any student who has graduated from the twelfth grade of a 49553  
public or nonpublic high school; 49554

(2) Any student who is not a resident of the state; 49555

(3) Any student who was enrolled in the community school 49556  
during the previous school year when assessments were administered 49557  
under section 3301.0711 of the Revised Code but did not take one 49558  
or more of the assessments required by that section and was not 49559  
excused pursuant to division (C)(1) or (3) of that section, unless 49560  
the superintendent of public instruction grants the student a 49561  
waiver from the requirement to take the assessment and a parent is 49562  
not paying tuition for the student pursuant to section 3314.26 of 49563  
the Revised Code. The superintendent may grant a waiver only for 49564  
good cause in accordance with rules adopted by the state board of 49565  
education. 49566

(4) Any student who has attained the age of twenty-two years, 49567  
except for veterans of the armed services whose attendance was 49568  
interrupted before completing the recognized twelve-year course of 49569  
the public schools by reason of induction or enlistment in the 49570  
armed forces and who apply for enrollment in a community school 49571  
not later than four years after termination of war or their 49572  
honorable discharge. If, however, any such veteran elects to 49573  
enroll in special courses organized for veterans for whom tuition 49574  
is paid under federal law, or otherwise, the department shall not 49575  
subtract from a school district's state aid account and shall not 49576  
pay to a community school under division (C) of this section any 49577  
amount for that veteran. 49578

Sec. 3314.085. (A) For purposes of this section: 49579

(1) "Formula amount" has the same meaning as in section 49580  
3317.02 of the Revised Code. 49581

(2) "Four-year adjusted cohort graduation rate" has the same 49582  
meaning as in section 3302.01 of the Revised Code. 49583

(3) A community school's "third-grade reading proficiency 49584  
percentage" means the following quotient: 49585

The number of the school's students scoring at a proficient level 49586  
of skill or higher on the third-grade English language arts 49587  
assessment prescribed under division (A)(1)(a) of section 49588  
3301.0710 of the Revised Code for the immediately preceding school 49589  
year / the total number of the school's students required to take 49590  
that assessment for the immediately preceding school year 49591

(B) In addition to the payments made under section 3314.08 of 49592  
the Revised Code, the department of education shall annually pay 49593  
to each community school both of the following: 49594

(1) A graduation bonus calculated according to the following 49595  
formula: 49596

The school's four-year adjusted cohort graduation rate on its most 49597  
recent report card issued by the department under section 3302.03 49598  
or 3314.017 of the Revised Code X 0.075 X the formula amount X the 49599  
number of the school's graduates reported to the department, in 49600  
accordance with the guidelines adopted under section 3301.0714 of 49601  
the Revised Code, for the same school year for which the most 49602  
recent report card was issued 49603

(2) A third-grade reading bonus calculated according to the 49604  
following formula: 49605

The school's third-grade reading proficiency percentage X 0.075 X 49606  
the formula amount X the number of the school's students scoring 49607  
at a proficient level or higher on the third-grade English 49608  
language arts assessment prescribed under division (A)(1)(a) of 49609  
section 3301.0710 of the Revised Code for the immediately 49610  
preceding school year 49611

**Sec. 3314.091.** (A) A school district is not required to 49612  
provide transportation for any native student enrolled in a 49613  
community school if the district board of education has entered 49614  
into an agreement with the community school's governing authority 49615  
that designates the community school as responsible for providing 49616  
or arranging for the transportation of the district's native 49617  
students to and from the community school. For any such agreement 49618  
to be effective, it must be certified by the superintendent of 49619  
public instruction as having met all of the following 49620  
requirements: 49621

(1) It is submitted to the department of education by a 49622  
deadline which shall be established by the department. 49623

(2) In accordance with divisions (C)(1) and (2) of this 49624  
section, it specifies qualifications, such as residing a minimum 49625  
distance from the school, for students to have their 49626  
transportation provided or arranged. 49627

(3) The transportation provided by the community school is 49628  
subject to all provisions of the Revised Code and all rules 49629  
adopted under the Revised Code pertaining to pupil transportation. 49630

(4) The sponsor of the community school also has signed the 49631  
agreement. 49632

(B)(1) For the school year that begins on July 1, 2007, a 49633  
school district is not required to provide transportation for any 49634  
native student enrolled in a community school, if the community 49635  
school during the previous school year transported the students 49636  
enrolled in the school or arranged for the students' 49637  
transportation, even if that arrangement consisted of having 49638  
parents transport their children to and from the school, but did 49639  
not enter into an agreement to transport or arrange for 49640  
transportation for those students under division (A) of this 49641  
section, and if the governing authority of the community school by 49642  
July 15, 2007, submits written notification to the district board 49643  
of education stating that the governing authority is accepting 49644  
responsibility for providing or arranging for the transportation 49645  
of the district's native students to and from the community 49646  
school. 49647

(2) Except as provided in division (B)(4) of this section, 49648  
for any school year subsequent to the school year that begins on 49649  
July 1, 2007, a school district is not required to provide 49650  
transportation for any native student enrolled in a community 49651  
school if the governing authority of the community school, by the 49652  
thirty-first day of January of the previous school year, submits 49653  
written notification to the district board of education stating 49654  
that the governing authority is accepting responsibility for 49655  
providing or arranging for the transportation of the district's 49656  
native students to and from the community school. If the governing 49657  
authority of the community school has previously accepted 49658  
responsibility for providing or arranging for the transportation 49659



of a district's native students to and from the community school, 49660  
under division (B)(1) or (2) of this section, and has since 49661  
relinquished that responsibility under division (B)(3) of this 49662  
section, the governing authority shall not accept that 49663  
responsibility again unless the district board consents to the 49664  
governing authority's acceptance of that responsibility. 49665

(3) A governing authority's acceptance of responsibility 49666  
under division (B)(1) or (2) of this section shall cover an entire 49667  
school year, and shall remain in effect for subsequent school 49668  
years unless the governing authority submits written notification 49669  
to the district board that the governing authority is 49670  
relinquishing the responsibility. However, a governing authority 49671  
shall not relinquish responsibility for transportation before the 49672  
end of a school year, and shall submit the notice relinquishing 49673  
responsibility by the thirty-first day of January, in order to 49674  
allow the school district reasonable time to prepare 49675  
transportation for its native students enrolled in the school. 49676

(4)(a) For any school year that begins on or after July 1, 49677  
2014, a school district is not required to provide transportation 49678  
for any native student enrolled in a community school scheduled to 49679  
open for operation in the current school year, if the governing 49680  
authority of the community school, by the fifteenth day of April 49681  
of the previous school year, submits written notification to the 49682  
district board of education stating that the governing authority 49683  
is accepting responsibility for providing or arranging for the 49684  
transportation of the district's native students to and from the 49685  
community school. 49686

(b) The governing authority of a community school that 49687  
accepts responsibility for transporting its students under 49688  
division (B)(4)(a) of this section shall comply with divisions 49689  
(B)(2) and (3) of this section to renew or relinquish that 49690  
authority for subsequent school years. 49691

(C)(1) A community school governing authority that enters 49692  
into an agreement under division (A) of this section, or that 49693  
accepts responsibility under division (B) of this section, shall 49694  
provide or arrange transportation free of any charge for each of 49695  
its enrolled students who is required to be transported under 49696  
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 49697  
~~transported by the school district under the district's~~ 49698  
~~transportation policy.~~ The governing authority shall report to the 49699  
department of education the number of students transported or for 49700  
whom transportation is arranged under this section in accordance 49701  
with rules adopted by the state board of education. 49702

(2) The governing authority may provide or arrange 49703  
transportation for any other enrolled student who is not eligible 49704  
for transportation in accordance with division (C)(1) of this 49705  
section and may charge a fee for such service up to the actual 49706  
cost of the service. 49707

(3) Notwithstanding anything to the contrary in division 49708  
(C)(1) or (2) of this section, a community school governing 49709  
authority shall provide or arrange transportation free of any 49710  
charge for any disabled student enrolled in the school for whom 49711  
the student's individualized education program developed under 49712  
Chapter 3323. of the Revised Code specifies transportation. 49713

(D)(1) If a school district board and a community school 49714  
governing authority elect to enter into an agreement under 49715  
division (A) of this section, the department of education shall 49716  
make payments to the community school according to the terms of 49717  
the agreement for each student actually transported under division 49718  
(C)(1) of this section. 49719

If a community school governing authority accepts 49720  
transportation responsibility under division (B) of this section, 49721  
the department shall make payments to the community school for 49722  
each student actually transported or for whom transportation is 49723

arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former

section 3306.12 of the Revised Code for fiscal year 2011 to the 49755  
school district in which the child is entitled to attend school 49756  
divided by that district's "qualifying ridership," as defined in 49757  
that section for fiscal year 2011. 49758

As used in this division "entitled to attend school" means 49759  
entitled to attend school under section 3313.64 or 3313.65 of the 49760  
Revised Code. 49761

(2) The department shall deduct the payment under division 49762  
(D)(1) of this section from the state education aid, as defined in 49763  
section 3314.08 of the Revised Code, and, if necessary, the 49764  
payment under sections 321.14 and 323.156 of the Revised Code, 49765  
that is otherwise paid to the school district in which the student 49766  
enrolled in the community school is entitled to attend school. The 49767  
department shall include the number of the district's native 49768  
students for whom payment is made to a community school under 49769  
division (D)(1) of this section in the calculation of the 49770  
district's transportation payment under section 3317.0212 of the 49771  
Revised Code and the operating appropriations act. 49772

(3) A community school shall be paid under division (D)(1) of 49773  
this section only for students who are eligible as specified in 49774  
section 3327.01 of the Revised Code and division (C)(1) of this 49775  
section, and whose transportation to and from school is actually 49776  
provided, who actually utilized transportation arranged, or for 49777  
whom a payment in lieu of transportation is made by the community 49778  
school's governing authority. To qualify for the payments, the 49779  
community school shall report to the department, in the form and 49780  
manner required by the department, data on the number of students 49781  
transported or whose transportation is arranged, the number of 49782  
miles traveled, cost to transport, and any other information 49783  
requested by the department. 49784

(4) A community school shall use payments received under this 49785  
section solely to pay the costs of providing or arranging for the 49786

transportation of students who are eligible as specified in 49787  
section 3327.01 of the Revised Code and division (C)(1) of this 49788  
section, which may include payments to a parent, guardian, or 49789  
other person in charge of a child in lieu of transportation. 49790

(E) Except when arranged through payment to a parent, 49791  
guardian, or person in charge of a child, transportation provided 49792  
or arranged for by a community school pursuant to an agreement 49793  
under this section is subject to all provisions of the Revised 49794  
Code, and all rules adopted under the Revised Code, pertaining to 49795  
the construction, design, equipment, and operation of school buses 49796  
and other vehicles transporting students to and from school. The 49797  
drivers and mechanics of the vehicles are subject to all 49798  
provisions of the Revised Code, and all rules adopted under the 49799  
Revised Code, pertaining to drivers and mechanics of such 49800  
vehicles. The community school also shall comply with sections 49801  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 49802  
of section 3327.16 of the Revised Code and, subject to division 49803  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 49804  
Revised Code, as if it were a school district. 49805

**Sec. 3314.38.** (A) An individual who is at least twenty-two 49806  
years of age and who is an eligible individual as defined in 49807  
section 3317.23 of the Revised Code may enroll for up to two 49808  
~~cumulative~~ consecutive school years in a dropout prevention and 49809  
recovery program operated by a community school that is designed 49810  
to allow enrollees to earn a high school diploma. An individual 49811  
enrolled under this division may elect to satisfy the requirements 49812  
to earn a high school diploma by successfully completing a 49813  
competency-based ~~instructional~~ educational program, as defined in 49814  
section 3317.23 of the Revised Code, that complies with the 49815  
standards adopted by the ~~state board~~ department of education under 49816  
section 3317.231 of the Revised Code. The community school shall 49817  
report that individual's enrollment on a full-time equivalency 49818

basis to the department ~~of education~~. This report shall be in 49819  
addition to the report required under division (B) of section 49820  
3314.08 of the Revised Code. An individual enrolled under this 49821  
division shall not be assigned to classes or settings with 49822  
students who are younger than eighteen years of age. 49823

(B)(1) For each community school that enrolls individuals 49824  
under division (A) of this section, the department ~~of education~~ 49825  
annually shall certify the enrollment and attendance, on a 49826  
full-time equivalency basis, of each individual reported by the 49827  
school under that division. 49828

(2) For each individual enrolled in a community school under 49829  
division (A) of this section, the department annually shall pay ~~to~~ 49830  
the community school ~~an amount equal to the following:~~ 49831

~~\$5,000 X the individual's enrollment on a full-time 49832  
equivalency basis as certified under division (B)(1) of this 49833  
section X the portion of the school year in which the individual 49834  
is enrolled in the school expressed as a percentage up to \$5,000, 49835  
as determined by the department based on the extent of the 49836  
individual's successful completion of the graduation requirements 49837  
prescribed under division (A)(11)(f) of section 3314.03 of the 49838  
Revised Code. 49839~~

(C) A community school that enrolls individuals under 49840  
division (A) of this section shall be subject to the program 49841  
administration standards adopted by the ~~state board~~ department 49842  
under section 3317.231 of the Revised Code, as applicable. 49843

**Sec. 3315.08.** In any school district the salaries of all 49844  
employees and officers of the board of education and all payrolls 49845  
may be paid in such manner as the board may authorize. To provide 49846  
money for such payment if made in cash, the president and the 49847  
treasurer of the board shall, upon receipt of the proper payroll 49848  
and warrant, issue checks upon the depositories payable to the 49849

treasurer of the board for the aggregate amounts stated in such 49850  
payrolls. The treasurer may thereupon make payments to employees 49851  
and officers in cash, or the board may provide that the sums 49852  
called for by such checks, instead of being paid to the treasurer, 49853  
shall be transferred to special payroll accounts established in 49854  
depositories by the board upon such terms with the respective 49855  
banks as to interest upon daily cash balances in said special 49856  
payroll accounts, and under such other conditions as the board 49857  
prescribes. In the event such special payroll accounts are 49858  
established by a board, such accounts may be drawn against by 49859  
check of the treasurer of the board according to such procedure as 49860  
the board may prescribe. In the event a board creates a payroll 49861  
account, any bond given by the depository, under section 135.18 49862  
~~or~~, 135.181, or 135.182 of the Revised Code, shall also be for the 49863  
protection of such special payroll account as may be deposited in 49864  
said bank. The aggregate of all board deposits in a bank, 49865  
including special payroll accounts as authorized in this section, 49866  
must not exceed the aggregate of the bond given by the bank. The 49867  
aggregate of all deposits in a bank, including special payroll 49868  
accounts, shall be subject to sections 135.01 to 135.21 of the 49869  
Revised Code. 49870

**Sec. 3317.01.** As used in this section, "school district," 49871  
unless otherwise specified, means any city, local, exempted 49872  
village, joint vocational, or cooperative education school 49873  
district and any educational service center. 49874

This chapter shall be administered by the state board of 49875  
education. The superintendent of public instruction shall 49876  
calculate the amounts payable to each school district and shall 49877  
certify the amounts payable to each eligible district to the 49878  
treasurer of the district as provided by this chapter. As soon as 49879  
possible after such amounts are calculated, the superintendent 49880  
shall certify to the treasurer of each school district the 49881

district's adjusted charge-off increase, as defined in section 49882  
5705.211 of the Revised Code. Certification of moneys pursuant to 49883  
this section shall include the amounts payable to each school 49884  
building, at a frequency determined by the superintendent, for 49885  
each subgroup of students, as defined in section 3317.40 of the 49886  
Revised Code, receiving services, provided for by state funding, 49887  
from the district or school. No moneys shall be distributed 49888  
pursuant to this chapter without the approval of the controlling 49889  
board. 49890

The state board of education shall, in accordance with 49891  
appropriations made by the general assembly, meet the financial 49892  
obligations of this chapter. 49893

Moneys distributed to school districts pursuant to this 49894  
chapter shall be calculated based on the annual enrollment 49895  
calculated from the three reports required under sections 3317.03 49896  
and 3317.036 of the Revised Code and paid on a fiscal year basis, 49897  
beginning with the first day of July and extending through the 49898  
thirtieth day of June. In any given fiscal year, prior to school 49899  
districts submitting the first report required under section 49900  
3317.03 of the Revised Code, enrollment for the districts shall be 49901  
calculated based on the third report submitted by the districts 49902  
for the previous fiscal year. The moneys appropriated for each 49903  
fiscal year shall be distributed periodically to each school 49904  
district unless otherwise provided for. The state board, in June 49905  
of each year, shall submit to the controlling board the state 49906  
board's year-end distributions pursuant to this chapter. 49907

Except as otherwise provided, payments under this chapter 49908  
shall be made only to those school districts in which: 49909

(A) The school district, except for any educational service 49910  
center and any joint vocational or cooperative education school 49911  
district, levies for current operating expenses at least twenty 49912  
mills. Levies for joint vocational or cooperative education school 49913



districts or county school financing districts, limited to or to 49914  
the extent apportioned to current expenses, shall be included in 49915  
this qualification requirement. School district income tax levies 49916  
under Chapter 5748. of the Revised Code, limited to or to the 49917  
extent apportioned to current operating expenses, shall be 49918  
included in this qualification requirement to the extent 49919  
determined by the tax commissioner under division (D) of section 49920  
3317.021 of the Revised Code. 49921

(B) The school year next preceding the fiscal year for which 49922  
such payments are authorized meets the requirement of section 49923  
3313.48 of the Revised Code, with regard to the minimum number of 49924  
hours school must be open for instruction with pupils in 49925  
attendance, for individualized parent-teacher conference and 49926  
reporting periods, and for professional meetings of teachers. 49927

A school district shall not be considered to have failed to 49928  
comply with this division because schools were open for 49929  
instruction but either twelfth grade students were excused from 49930  
attendance for up to the equivalent of three school days or only a 49931  
portion of the kindergarten students were in attendance for up to 49932  
the equivalent of three school days in order to allow for the 49933  
gradual orientation to school of such students. 49934

A board of education or governing board of an educational 49935  
service center which has not conformed with other law and the 49936  
rules pursuant thereto, shall not participate in the distribution 49937  
of funds authorized by this chapter, except for good and 49938  
sufficient reason established to the satisfaction of the state 49939  
board of education and the state controlling board. 49940

All funds allocated to school districts under this chapter, 49941  
except those specifically allocated for other purposes, shall be 49942  
used to pay current operating expenses only. 49943

**Sec. 3317.013.** The amounts for the following categories of 49944

special education programs, as these programs are defined for 49945  
purposes of Chapter 3323. of the Revised Code, are as follows: 49946

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 49947  
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 49948  
primary or only identified disability is a speech and language 49949  
disability, as this term is defined pursuant to Chapter 3323. of 49950  
the Revised Code; 49951

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 49952  
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 49953  
identified as specific learning disabled or developmentally 49954  
disabled, as these terms are defined pursuant to Chapter 3323. of 49955  
the Revised Code, identified as having an other health 49956  
impairment-minor, or identified as a preschool child who is 49957  
developmentally delayed; 49958

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 49959  
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 49960  
identified as hearing disabled or severe behavior disabled, as 49961  
these terms are defined pursuant to Chapter 3323. of the Revised 49962  
Code; 49963

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 49964  
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 49965  
identified as vision impaired, as this term is defined pursuant to 49966  
Chapter 3323. of the Revised Code, or as having an other health 49967  
impairment-major; 49968

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 49969  
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 49970  
identified as orthopedically disabled or as having multiple 49971  
disabilities, as these terms are defined pursuant to Chapter 3323. 49972  
of the Revised Code; 49973

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 49974  
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 49975

identified as autistic, having traumatic brain injuries, or as 49976  
both visually and hearing impaired, as these terms are defined 49977  
pursuant to Chapter 3323. of the Revised Code. 49978

**Sec. 3317.014.** The career-technical education additional 49979  
amount per pupil for each student enrolled in career-technical 49980  
education programs approved by the department of education under 49981  
section 3317.161 of the Revised Code shall be as follows: 49982

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 49983  
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 49984  
in career-technical education workforce development programs in 49985  
agricultural and environmental systems, construction technologies, 49986  
engineering and science technologies, finance, health science, 49987  
information technology, and manufacturing technologies, each of 49988  
which shall be defined by the department in consultation with the 49989  
governor's office of workforce transformation; 49990

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 49991  
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 49992  
in workforce development programs in business and administration, 49993  
hospitality and tourism, human services, law and public safety, 49994  
transportation systems, and arts and communications, each of which 49995  
shall be defined by the department in consultation with the 49996  
governor's office of workforce transformation; 49997

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 49998  
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 49999  
career-based intervention programs, which shall be defined by the 50000  
department in consultation with the governor's office of workforce 50001  
transformation; 50002

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 50003  
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 50004  
workforce development programs in education and training, 50005  
marketing, workforce development academics, public administration, 50006

and career development, each of which shall be defined by the 50007  
department of education in consultation with the governor's office 50008  
of workforce transformation; 50009

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 50010  
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 50011  
family and consumer science programs, which shall be defined by 50012  
the department of education in consultation with the governor's 50013  
office of workforce transformation. 50014

The amount for career-technical education associated 50015  
services, as defined by the department, shall be ~~\$225~~ \$236, in 50016  
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 50017

**Sec. 3317.016.** The amounts for limited English proficient 50018  
students shall be as follows: 50019

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 50020  
~~fiscal year 2015,~~ for each student who has been enrolled in 50021  
schools in the United States for 180 school days or less and was 50022  
not previously exempted from taking the spring administration of 50023  
either of the state's English language arts assessments prescribed 50024  
by section 3301.0710 of the Revised Code (reading or writing). 50025

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 50026  
~~fiscal year 2015,~~ for each student who has been enrolled in 50027  
schools in the United States for more than 180 school days or was 50028  
previously exempted from taking the spring administration of 50029  
either of the state's English language arts assessments prescribed 50030  
by section 3301.0710 of the Revised Code (reading or writing). 50031

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 50032  
~~fiscal year 2015,~~ for each student who does not qualify for 50033  
inclusion under division (A) or (B) of this section and is in a 50034  
trial-mainstream period, as defined by the department. 50035

**Sec. 3317.017.** The department of education shall compute a 50036

school district's state share index as follows: 50037

(A) Calculate the district's valuation index, which equals 50038  
the following quotient: 50039

(The district's three-year average valuation / the district's 50040  
total ADM) / (the statewide three-year average valuation for 50041  
school districts with a total ADM greater than zero / the 50042  
statewide total ADM) 50043

(B)(1) Calculate the district's median income index, which 50044  
equals the following quotient: 50045

(The district's median Ohio adjusted gross income / the 50046  
median of the median Ohio adjusted gross income of all districts 50047  
statewide with a total ADM greater than zero) 50048

(2) Calculate the district's income index, which equals the 50049  
following sum: 50050

(The district's median income index X 0.5) + [(the three-year 50051  
average federal adjusted gross income of the school district's 50052  
residents / the district's formula ADM) / (the three-year average 50053  
federal adjusted gross income of all districts statewide with a 50054  
formula ADM greater than zero / the statewide formula ADM)] X 0.5} 50055

(C) Determine the district's wealth index as follows: 50056

(1) If the district's ~~median~~ income index is less than the 50057  
district's valuation index and the district's median income index 50058  
is less than or equal to 1.5, then the district's wealth index 50059  
shall be equal to [(1/3 0.4 X the district's ~~median~~ income index) 50060  
+ (2/3 0.6 X the district's valuation index)]. 50061

(2) If the district's ~~median~~ income index ~~is greater than or 50062  
equal to the district's valuation index~~ does not meet both of the 50063  
conditions described in division (C)(1) of this section, then the 50064  
district's wealth index shall be equal to the district's valuation 50065  
index. 50066

(D) Determine the district's state share index as follows: 50067

(1) If the district's wealth index is less than or equal to 50068  
0.35, then the district's state share index shall be equal to 50069  
0.90. 50070

(2) If the district's wealth index is greater than 0.35 but 50071  
less than or equal to 0.90, then the district's state share index 50072  
shall be equal to  $\{0.40 \times [(0.90 - \text{the district's wealth index}) /$  50073  
 $0.55]\} + 0.50.$  50074

(3) If the district's wealth index is greater than 0.90 but 50075  
less than 1.8, then the district's state share index shall be 50076  
equal to  $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} +$  50077  
0.05. 50078

(4) If the district's wealth index is greater than or equal 50079  
to 1.8, then the district's state share index shall be equal to 50080  
0.05. 50081

(E)(1) For each school district for which the tax-exempt 50082  
value of the district, as certified under division (A)(4) of 50083  
section 3317.021 of the Revised Code, equals or exceeds thirty per 50084  
cent of the potential value of the district, the department shall 50085  
calculate the difference between the district's tax-exempt value 50086  
and thirty per cent of the district's potential value. For this 50087  
purpose, the "potential value" of a school district is the 50088  
three-year average valuation of the district plus the tax-exempt 50089  
value of the district. 50090

(2) For each school district to which division (E)(1) of this 50091  
section applies, the department shall adjust the three-year 50092  
average valuation used in the calculation under division (A) of 50093  
this section by subtracting from it the amount calculated under 50094  
division (E)(1) of this section. 50095

(F) When performing the calculations required under this 50096  
section, the department shall not round to fewer than four decimal 50097

places. 50098

For purposes of these calculations for fiscal years ~~2014~~ 2016 50099  
and ~~2015~~ 2017, "~~three-year average valuation~~" means ~~the average of~~ 50100  
~~total taxable value for fiscal years 2012, 2013, and 2014~~; "total 50101  
ADM" means the total ADM for fiscal year ~~2014~~ 2015; "median Ohio 50102  
adjusted gross income" means the median Ohio adjusted gross 50103  
income, as that term is defined in section 5747.01 of the Revised 50104  
Code, for tax year ~~2011~~ 2013; "three-year average federal adjusted 50105  
gross income" means the average of the federal adjusted gross 50106  
income for tax years 2011, 2012, and 2013 as reported under 50107  
section 3317.021 of the Revised Code; and "tax-exempt value" means 50108  
the tax-exempt value for ~~fiscal~~ tax year 2014. 50109

Sec. 3317.018. The department of education shall compute a 50110  
school district's capacity measure as follows: 50111

(A) Calculate the district's valuation index, which equals 50112  
the following quotient: 50113

(The district's three-year average valuation / the district's 50114  
total ADM) / (the statewide three-year average valuation for 50115  
school districts with a total ADM greater than zero / the 50116  
statewide total ADM) 50117

(B) Calculate the district's median income index, which 50118  
equals the following quotient: 50119

(The district's median Ohio adjusted gross income / the 50120  
median of the median Ohio adjusted gross income of all districts 50121  
statewide with a total ADM greater than zero) 50122

(C) Determine the district's capacity measure as follows: 50123

(1) If the district's median income index is less than the 50124  
lower limit, then the district's capacity measure shall be equal 50125  
to [the district's valuation index - (the lower limit - the 50126  
district's median income index)]. 50127

(2) If the district's median income index is greater than or equal to the lower limit and less than or equal to the upper limit, then the district's capacity measure shall be equal to the district's valuation index. 50128  
50129  
50130  
50131

(3) If the district's median income index is greater than the upper limit, then the district's capacity measure shall be equal to {the district's valuation index + [(the district's median income index - the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal year 2017)]}. 50132  
50133  
50134  
50135  
50136

For purposes of these calculations, "upper limit" and "lower limit" shall be computed pursuant to section 3317.019 of the Revised Code. 50137  
50138  
50139

(D) Unless otherwise specified in this section, when performing the calculations required under this section, the department shall not round to fewer than four decimal places. 50140  
50141  
50142

(E) For purposes of these calculations: 50143

(1) For fiscal year 2016, "total ADM" means the total ADM for fiscal year 2015. 50144  
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(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016. 50146  
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(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2012 or 2013, whichever is the most recent tax year for which data is available. 50148  
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(4) "Tax-exempt value" means the tax-exempt value for the most recent tax year for which data is available. 50151  
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**Sec. 3317.019.** (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.018 of the Revised Code other than kelley's island local school district, Erie county. 50153  
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(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

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(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be the "lower limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

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**Sec. 3317.02.** As used in this chapter: 50170

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code.

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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code.

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(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code.

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(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D) of section 3317.014 of the Revised Code and certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

(B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.

(2) "Category two limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (B) of section 3317.016 of the Revised Code and certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code.

(3) "Category three limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and

certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 50220  
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(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. 50222  
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(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 50228  
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(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 50234  
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(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 50239  
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 50244  
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(D) "County DD board" means a county board of developmental disabilities. 50249  
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(E) "Economically disadvantaged index for a school district" 50251  
means the square of the quotient of that district's percentage of 50252  
students in its total ADM who are identified as economically 50253  
disadvantaged as defined by the department of education, divided 50254  
by the ~~statewide~~ percentage of students in the statewide total ADM 50255  
identified as economically disadvantaged. For purposes of this 50256  
calculation: 50257

(1) For a city, local, or exempted village school district, 50258  
the "statewide total ADM" equals the sum of the total ADM for all 50259  
city, local, and exempted village school districts combined. 50260

(2) For a joint vocational school district, the "statewide 50261  
total ADM" equals the sum of the formula ADM for all joint 50262  
vocational school districts combined. 50263

(F)(1) "Formula ADM" means, for a city, local, or exempted 50264  
village school district, the enrollment reported under division 50265  
(A) of section 3317.03 of the Revised Code, as verified by the 50266  
superintendent of public instruction and adjusted if so ordered 50267  
under division (K) of that section, and as further adjusted by the 50268  
department of education, as follows: 50269

(a) Count only twenty per cent of the number of joint 50270  
vocational school district students counted under division (A)(3) 50271  
of section 3317.03 of the Revised Code; 50272

(b) Add twenty per cent of the number of students who are 50273  
entitled to attend school in the district under section 3313.64 or 50274  
3313.65 of the Revised Code and are enrolled in another school 50275  
district under a career-technical education compact. 50276

(2) "Formula ADM" means, for a joint vocational school 50277  
district, the final number verified by the superintendent of 50278  
public instruction, based on the enrollment reported and certified 50279  
under division (D) of section 3317.03 of the Revised Code, as 50280  
adjusted, if so ordered, under division (K) of that section. 50281

(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year 50282  
~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 50283

(H) "FTE basis" means a count of students based on full-time 50284  
equivalency, in accordance with rules adopted by the department of 50285  
education pursuant to section 3317.03 of the Revised Code. In 50286  
adopting its rules under this division, the department shall 50287  
provide for counting any student in category one, two, three, 50288  
four, five, or six special education ADM or in category one, two, 50289  
three, four, or five career technical education ADM in the same 50290  
proportion the student is counted in formula ADM. 50291

(I) "Internet- or computer-based community school" has the 50292  
same meaning as in section 3314.02 of the Revised Code. 50293

(J) "Medically fragile child" means a child to whom all of 50294  
the following apply: 50295

(1) The child requires the services of a doctor of medicine 50296  
or osteopathic medicine at least once a week due to the 50297  
instability of the child's medical condition. 50298

(2) The child requires the services of a registered nurse on 50299  
a daily basis. 50300

(3) The child is at risk of institutionalization in a 50301  
hospital, skilled nursing facility, or intermediate care facility 50302  
for individuals with intellectual disabilities. 50303

(K)(1) A child may be identified as having an "other health 50304  
impairment-major" if the child's condition meets the definition of 50305  
"other health impaired" established in rules previously adopted by 50306  
the state board of education and if either of the following apply: 50307

(a) The child is identified as having a medical condition 50308  
that is among those listed by the superintendent of public 50309  
instruction as conditions where a substantial majority of cases 50310  
fall within the definition of "medically fragile child." 50311

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (K)(1)(a) or (b) of this section.

(L) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(M) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(N) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	50343 50344 50345
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	50346 50347
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	50348 50349 50350
(O) "School district," unless otherwise specified, means city, local, and exempted village school districts.	50351 50352
(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	50353 50354
(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	50355 50356 50357
(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	50358 50359 50360 50361
<u>(S)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2012, 2013, and 2014.</u>	50362 50363 50364
<u>(2) For purposes of section 3317.018 of the Revised Code, "three-year average valuation" means the following:</u>	50365 50366
<u>(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015;</u>	50367 50368
<u>(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.</u>	50369 50370
<u>(3) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means</u>	50371 50372

the following: 50373

(a) For fiscal year 2016, the average of total taxable value 50374  
for tax years 2012, 2013, and 2014; 50375

(b) For fiscal year 2017, the average of total taxable value 50376  
for tax years 2013, 2014, and 2015. 50377

(T) "Total ADM" means, for a city, local, or exempted village 50378  
school district, the enrollment reported under division (A) of 50379  
section 3317.03 of the Revised Code, as verified by the 50380  
superintendent of public instruction and adjusted if so ordered 50381  
under division (K) of that section. 50382

~~(T)~~(U) "Total special education ADM" means the sum of 50383  
categories one through six special education ADM. 50384

~~(U)~~(V) "Total taxable value" means the sum of the amounts 50385  
certified for a city, local, exempted village, or joint vocational 50386  
school district under divisions (A)(1) and (2) of section 3317.021 50387  
of the Revised Code, adjusted as follows: 50388

(1) Subtract the amount certified under division (A)(6) of 50389  
that section; 50390

(2) Add the amount certified under division (A)(7) of that 50391  
section. 50392

**Sec. 3317.021.** (A) On or before the first day of June of each 50393  
year, the tax commissioner shall certify to the department of 50394  
education and the office of budget and management the information 50395  
described in divisions (A)(1) to (5) of this section for each 50396  
city, exempted village, and local school district, and the 50397  
information required by divisions (A)(1) and (2) of this section 50398  
for each joint vocational school district, and it shall be used, 50399  
along with the information certified under division (B) of this 50400  
section, in making the computations for the district under this 50401  
chapter. 50402



(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	50403 50404 50405
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	50406 50407 50408
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	50409 50410 50411 50412 50413 50414
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	50415 50416 50417 50418
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	50419 50420 50421
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	50422 50423 50424
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	50425 50426 50427 50428
(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the	50429 50430 50431 50432 50433

basis of tax returns filed for the second preceding tax year by 50434  
the residents of the district. 50435

(6) The value of tangible personal property of an electric 50436  
company or energy company described in division (B)(3) of section 50437  
5727.09 of the Revised Code and apportioned to the school district 50438  
multiplied by a percentage equal to the difference between the 50439  
percentage determined under that division for the preceding tax 50440  
year and eighty-five per cent. 50441

(7) The value of qualified generation equipment as defined by 50442  
section 5727.09 of the Revised Code for the preceding tax year 50443  
multiplied by twenty-four per cent. 50444

(B) On or before the first day of May each year, the tax 50445  
commissioner shall certify to the department of education and the 50446  
office of budget and management the total taxable real property 50447  
value of railroads and, separately, the total taxable tangible 50448  
personal property value of all public utilities for the preceding 50449  
tax year, by school district and by county of location. 50450

(C) If a public utility has properly and timely filed a 50451  
petition for reassessment under section 5727.47 of the Revised 50452  
Code with respect to an assessment issued under section 5727.23 of 50453  
the Revised Code affecting taxable property apportioned by the tax 50454  
commissioner to a school district, the taxable value of public 50455  
utility tangible personal property included in the certification 50456  
under divisions (A)(2) and (B) of this section for the school 50457  
district shall include only the amount of taxable value on the 50458  
basis of which the public utility paid tax for the preceding year 50459  
as provided in division (B)(1) or (2) of section 5727.47 of the 50460  
Revised Code. 50461

(D) If on the basis of the information certified under 50462  
division (A) of this section, the department determines that any 50463  
district fails in any year to meet the qualification requirement 50464

specified in division (A) of section 3317.01 of the Revised Code, 50465  
the department shall immediately request the tax commissioner to 50466  
determine the extent to which any school district income tax 50467  
levied by the district under Chapter 5748. of the Revised Code 50468  
shall be included in meeting that requirement. Within five days of 50469  
receiving such a request from the department, the tax commissioner 50470  
shall make the determination required by this division and report 50471  
the quotient obtained under division (D)(3) of this section to the 50472  
department and the office of budget and management. This quotient 50473  
represents the number of mills that the department shall include 50474  
in determining whether the district meets the qualification 50475  
requirement of division (A) of section 3317.01 of the Revised 50476  
Code. 50477

The tax commissioner shall make the determination required by 50478  
this division as follows: 50479

(1) Multiply one mill times the total taxable value of the 50480  
district as determined in divisions (A)(1) and (2) of this 50481  
section; 50482

(2) Estimate the total amount of tax liability for the 50483  
current tax year under taxes levied by Chapter 5748. of the 50484  
Revised Code that are apportioned to current operating expenses of 50485  
the district, excluding any income tax receipts allocated for the 50486  
project cost, debt service, or maintenance set-aside associated 50487  
with a state-assisted classroom facilities project as authorized 50488  
by section 3318.052 of the Revised Code; 50489

(3) Divide the amount estimated under division (D)(2) of this 50490  
section by the product obtained under division (D)(1) of this 50491  
section. 50492

**Sec. 3317.022.** (A) The department of education shall compute 50493  
and distribute state core foundation funding to each eligible 50494  
school district for the fiscal year, using the information 50495

obtained under section 3317.021 of the Revised Code in the	50496
calendar year in which the fiscal year begins, as prescribed in	50497
the following divisions:	50498
(1) An opportunity grant calculated according to the	50499
following formula:	50500
The formula amount X (formula ADM + preschool scholarship	50501
ADM) X the district's state share index	50502
(2) Targeted assistance funds calculated under divisions (A)	50503
and (B) of section 3317.0217 of the Revised Code;	50504
(3) Additional state aid for special education and related	50505
services provided under Chapter 3323. of the Revised Code	50506
calculated as the sum of the following:	50507
(a) The district's category one special education ADM X the	50508
amount specified in division (A) of section 3317.013 of the	50509
Revised Code X the district's state share index;	50510
(b) The district's category two special education ADM X the	50511
amount specified in division (B) of section 3317.013 of the	50512
Revised Code X the district's state share index;	50513
(c) The district's category three special education ADM X the	50514
amount specified in division (C) of section 3317.013 of the	50515
Revised Code X the district's state share index;	50516
(d) The district's category four special education ADM X the	50517
amount specified in division (D) of section 3317.013 of the	50518
Revised Code X the district's state share index;	50519
(e) The district's category five special education ADM X the	50520
amount specified in division (E) of section 3317.013 of the	50521
Revised Code X the district's state share index;	50522
(f) The district's category six special education ADM X the	50523
amount specified in division (F) of section 3317.013 of the	50524

Revised Code X the district's state share index. 50525

(4) Kindergarten through third grade literacy funds 50526  
calculated according to the following formula: 50527

[(~~\$125~~ \$184, in fiscal year ~~2014~~ 2016, or ~~\$175~~ \$193, in 50528  
fiscal year ~~2015~~ 2017) X formula ADM for grades kindergarten 50529  
through three X the district's state share index] + [~~\$100~~ \$121, 50530  
in fiscal year ~~2014~~ 2016, or ~~\$160~~ \$127, in fiscal year ~~2015~~ 2017) 50531  
X formula ADM for grades kindergarten through three] 50532

For purposes of this calculation, the department shall 50533  
subtract from a district's formula ADM for grades kindergarten 50534  
through three the number of students reported under division 50535  
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 50536  
internet- or computer-based community school who are in grades 50537  
kindergarten through three. 50538

(5) Economically disadvantaged funds calculated according to 50539  
the following formula: 50540

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ 50541  
\$272 X (the district's economically disadvantaged index) X the 50542  
number of students who are economically disadvantaged as certified 50543  
under division (B)(21) of section 3317.03 of the Revised Code 50544

(6) Limited English proficiency funds calculated as the sum 50545  
of the following: 50546

(a) The district's category one limited English proficient 50547  
ADM X the amount specified in division (A) of section 3317.016 of 50548  
the Revised Code X the district's state share index; 50549

(b) The district's category two limited English proficient 50550  
ADM X the amount specified in division (B) of section 3317.016 of 50551  
the Revised Code X the district's state share index; 50552

(c) The district's category three limited English proficient 50553  
ADM X the amount specified in division (C) of section 3317.016 of 50554

the Revised Code X the district's state share index. 50555

(7)(a) Gifted identification funds calculated according to 50556  
the following formula: 50557  
~~(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015)~~ X the 50558  
district's formula ADM 50559

(b) Gifted unit funding calculated under section 3317.051 of 50560  
the Revised Code. 50561

(8) Career-technical education funds calculated as the sum of 50562  
the following: 50563

(a) The district's category one career-technical education 50564  
ADM X the amount specified in division (A) of section 3317.014 of 50565  
the Revised Code X the district's state share index; 50566

(b) The district's category two career-technical education 50567  
ADM X the amount specified in division (B) of section 3317.014 of 50568  
the Revised Code X the district's state share index; 50569

(c) The district's category three career-technical education 50570  
ADM X the amount specified in division (C) of section 3317.014 of 50571  
the Revised Code X the district's state share index; 50572

(d) The district's category four career-technical education 50573  
ADM X the amount specified in division (D) of section 3317.014 of 50574  
the Revised Code X the district's state share index; 50575

(e) The district's category five career-technical education 50576  
ADM X the amount specified in division (E) of section 3317.014 of 50577  
the Revised Code X the district's state share index. 50578

Payment of funds under division (A)(8) of this section is 50579  
subject to approval under section 3317.161 of the Revised Code. 50580

(9) Career-technical education associated services funds 50581  
calculated according to the following formula: 50582  
The district's state share index X the amount for career-technical 50583  
education associated services specified in section 3317.014 of the 50584

Revised Code X the sum of categories one through five	50585
career-technical education ADM	50586
<u>(10) Capacity aid funds calculated under section 3317.0218 of</u>	50587
<u>the Revised Code;</u>	50588
<u>(11) A graduation bonus calculated under section 3317.0215 of</u>	50589
<u>the Revised Code;</u>	50590
<u>(12) A third-grade reading bonus calculated under section</u>	50591
<u>3317.0216 of the Revised Code.</u>	50592
(B) In any fiscal year, a school district shall spend for	50593
purposes that the department designates as approved for special	50594
education and related services expenses at least the amount	50595
calculated as follows:	50596
(The formula amount X the total special education ADM) + (the	50597
district's category one special education ADM X the amount	50598
specified in division (A) of section 3317.013 of the Revised Code)	50599
+ (the district's category two special education ADM X the amount	50600
specified in division (B) of section 3317.013 of the Revised Code)	50601
+ (the district's category three special education ADM X the	50602
amount specified in division (C) of section 3317.013 of the	50603
Revised Code) + (the district's category four special education	50604
ADM X the amount specified in division (D) of section 3317.013 of	50605
the Revised Code) + (the district's category five special	50606
education ADM X the amount specified in division (E) of section	50607
3317.013 of the Revised Code) + (the district's category six	50608
special education ADM X the amount specified in division (F) of	50609
section 3317.013 of the Revised Code)	50610
The purposes approved by the department for special education	50611
expenses shall include, but shall not be limited to,	50612
identification of children with disabilities, compliance with	50613
state rules governing the education of children with disabilities	50614
and prescribing the continuum of program options for children with	50615
disabilities, provision of speech language pathology services, and	50616

the portion of the school district's overall administrative and 50617  
overhead costs that are attributable to the district's special 50618  
education student population. 50619

The scholarships deducted from the school district's account 50620  
under sections 3310.41 and 3310.55 of the Revised Code shall be 50621  
considered to be an approved special education and related 50622  
services expense for the purpose of the school district's 50623  
compliance with this division. 50624

(C) In any fiscal year, a school district receiving funds 50625  
under division (A)(8) of this section shall spend those funds only 50626  
for the purposes that the department designates as approved for 50627  
career-technical education expenses. Career-technical ~~educational~~ 50628  
education expenses approved by the department shall include only 50629  
expenses connected to the delivery of career-technical programming 50630  
to career-technical students. The department shall require the 50631  
school district to report data annually so that the department may 50632  
monitor the district's compliance with the requirements regarding 50633  
the manner in which funding received under division (A)(8) of this 50634  
section may be spent. 50635

(D) In any fiscal year, a school district receiving funds 50636  
under division (A)(9) of this section, or through a transfer of 50637  
funds pursuant to division (I) of section 3317.023 of the Revised 50638  
Code, shall spend those funds only for the purposes that the 50639  
department designates as approved for career-technical education 50640  
associated services expenses, which may include such purposes as 50641  
apprenticeship coordinators, coordinators for other 50642  
career-technical education services, career-technical evaluation, 50643  
and other purposes designated by the department. The department 50644  
may deny payment under division (A)(9) of this section to any 50645  
district that the department determines is not operating those 50646  
services or is using funds paid under division (A)(9) of this 50647  
section, or through a transfer of funds pursuant to division (I) 50648



of section 3317.023 of the Revised Code, for other purposes. 50649

(E) All funds received under division (A)(8) of this section 50650  
shall be spent in the following manner: 50651

(1) At least seventy-five per cent of the funds shall be 50652  
spent on curriculum development, purchase, and implementation; 50653  
instructional resources and supplies; industry-based program 50654  
certification; student assessment, credentialing, and placement; 50655  
curriculum specific equipment purchases and leases; 50656  
career-technical student organization fees and expenses; home and 50657  
agency linkages; work-based learning experiences; professional 50658  
development; and other costs directly associated with 50659  
career-technical education programs including development of new 50660  
programs. 50661

(2) Not more than twenty-five per cent of the funds shall be 50662  
used for personnel expenditures. 50663

(F) A school district shall spend the funds it receives under 50664  
division (A)(5) of this section in accordance with section 3317.25 50665  
of the Revised Code. 50666

**Sec. 3317.0212.** (A) As used in this section: 50667

(1) "Qualifying riders" means resident students enrolled in 50668  
regular education in grades kindergarten to twelve who are 50669  
provided school bus service by a school district and who live more 50670  
than one mile from the school they attend, including students with 50671  
dual enrollment in a joint vocational school district or a 50672  
cooperative education school district, and students enrolled in a 50673  
community school, STEM school, or nonpublic school. 50674

(2) "Qualifying ridership" means the average number of 50675  
qualifying riders who are provided school bus service by a school 50676  
district during the first full week of October. 50677

(3) "Rider density" means the total ADM per square mile of a 50678

school district. 50679

(4) "School bus service" means a school district's 50680  
transportation of qualifying riders in any of the following types 50681  
of vehicles: 50682

(a) School buses owned or leased by the district; 50683

(b) School buses operated by a private contractor hired by 50684  
the district; 50685

(c) School buses operated by another school district or 50686  
entity with which the district has contracted, either as part of a 50687  
consortium for the provision of transportation or otherwise. 50688

(B) Not later than the fifteenth day of October each year, 50689  
each city, local, and exempted village school district shall 50690  
report to the department of education its qualifying ridership and 50691  
any other information requested by the department. Subsequent 50692  
adjustments to the reported numbers shall be made only in 50693  
accordance with rules adopted by the department. 50694

(C) The department shall calculate the statewide 50695  
transportation cost per student as follows: 50696

(1) Determine each city, local, and exempted village school 50697  
district's transportation cost per student by dividing the 50698  
district's total costs for school bus service in the previous 50699  
fiscal year by its qualifying ridership in the previous fiscal 50700  
year. 50701

(2) After excluding districts that do not provide school bus 50702  
service and the ten districts with the highest transportation 50703  
costs per student and the ten districts with the lowest 50704  
transportation costs per student, divide the aggregate cost for 50705  
school bus service for the remaining districts in the previous 50706  
fiscal year by the aggregate qualifying ridership of those 50707  
districts in the previous fiscal year. 50708

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of ~~sixty~~ fifty per cent or the district's state share index, as defined in section 3317.02 of the Revised Code.

(F) In addition to funds paid under division (E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under

division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

~~(G)(1) In fiscal years 2014 and 2015, the department shall pay each district a pro rata portion of the amounts calculated under division (E) of this section and described in division (F) of this section, based on state appropriations.~~

~~(2) In addition to the prorated payment under division (G)(1) of this section, in fiscal years 2014 and 2015, the department shall pay each school district that meets the conditions prescribed in division (G)(3) of this section an additional amount equal to the difference of (a) the amounts calculated under division (E) of this section and prescribed in division (F) of this section minus (b) that prorated payment.~~

~~(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions:~~

~~(a) The district qualifies for the calculation of a payment under division (E) of this section because it transports students on board owned or contractor owned school buses.~~

~~(b) The district's state share index is greater than or equal to 0.50.~~

~~(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (E) of this section.~~

~~(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code. For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the following quotient:~~

[(35, in fiscal year 2016, or 50, in fiscal year 2017) - the 50771  
district's rider density] / 100 50772

If the result of the calculation for a district under 50773  
division (G)(1) of this section is less than zero, the district's 50774  
transportation supplement percentage shall be zero. 50775

(2) The department shall pay each district a transportation 50776  
supplement calculated according to the following formula: 50777

The district's transportation supplement percentage X the amount 50778  
calculated for the district under division (E)(2) of this section 50779  
X 0.55 50780

**Sec. 3317.0213.** (A) The department of education shall compute 50781  
and pay in accordance with this section additional state aid for 50782  
preschool ~~special education~~ children with disabilities to each 50783  
city, local, and exempted village school district and to each 50784  
institution, as defined in section 3323.091 of the Revised Code. 50785  
Funding shall be provided for children who are not enrolled in 50786  
kindergarten and who are under age six on the thirtieth day of 50787  
September of the academic year, or on the first day of August of 50788  
the academic year if the school district in which the child is 50789  
enrolled has adopted a resolution under division (A)(3) of section 50790  
3321.01 of the Revised Code, but not less than age three on the 50791  
first day of December of the academic year. 50792

The additional state aid shall be calculated under the 50793  
following formula: 50794

(\$4,000 X the number of students who are preschool ~~special~~ 50795  
education children with disabilities) + the sum of the following: 50796

(1) The district's or institution's category one special 50797  
education ~~preschool~~ students who are preschool children with 50798  
disabilities X the amount specified in division (A) of section 50799  
3317.013 of the Revised Code X the district's state share index X 50800  
0.50; 50801

(2) The district's or institution's category two special 50802  
education ~~preschool~~ students who are preschool children with 50803  
disabilities X the amount specified in division (B) of section 50804  
3317.013 of the Revised Code X the district's state share index X 50805  
0.50; 50806

(3) The district's or institution's category three special 50807  
education ~~preschool~~ students who are preschool children with 50808  
disabilities X the amount specified in division (C) of section 50809  
3317.013 of the Revised Code X the district's state share index X 50810  
0.50; 50811

(4) The district's or institution's category four special 50812  
education ~~preschool~~ students who are preschool children with 50813  
disabilities X the amount specified in division (D) of section 50814  
3317.013 of the Revised Code X the district's state share index X 50815  
0.50; 50816

(5) The district's or institution's category five special 50817  
education ~~preschool~~ students who are preschool children with 50818  
disabilities X the amount specified in division (E) of section 50819  
3317.013 of the Revised Code X the district's state share index X 50820  
0.50; 50821

(6) The district's or institution's category six special 50822  
education ~~preschool~~ students who are preschool children with 50823  
disabilities X the amount specified in division (F) of section 50824  
3317.013 of the Revised Code X the district's state share index X 50825  
0.50. 50826

The special education disability categories for preschool 50827  
children used in this section are the same categories prescribed 50828  
in section 3317.013 of the Revised Code. 50829

As used in division (A) of this section, the state share 50830  
index of a student enrolled in an institution is the state share 50831  
index of the school district in which the student is entitled to 50832

attend school under section 3313.64 or 3313.65 of the Revised Code. 50833  
50834

(B) If an educational service center is providing services to ~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services. 50835  
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(C) If a county DD board is providing services to ~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board. 50842  
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**Sec. 3317.0215.** (A) For purposes of this section, "four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 50850  
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50852

(B) The department of education shall annually calculate a graduation bonus for each city, local, and exempted village school district according to the following formula: 50853  
50854  
50855

The district's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.075 X the formula amount X the number of the district's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share index 50856  
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Sec. 3317.0216. (A) For purposes of this section, a city,  
local, or exempted village school district's "third-grade reading  
proficiency percentage" means the following quotient:

The number of the district's students scoring at a proficient  
level of skill or higher on the third-grade English language arts  
assessment prescribed under division (A)(1)(a) of section  
3301.0710 of the Revised Code for the immediately preceding school  
year / the total number of the district's students required to  
take that assessment for the immediately preceding school year

(B) The department of education shall annually calculate a  
third-grade reading bonus for each city, local, and exempted  
village school district according to the following formula:

The district's third-grade reading proficiency percentage X 0.075  
X the formula amount X the number of the district's students  
scoring at a proficient level of skill or higher on the  
third-grade English language arts assessment prescribed under  
division (A)(1)(a) of section 3301.0710 of the Revised Code for  
the immediately preceding school year X the district's state share  
index

**Sec. 3317.0217.** Payment of the amount calculated for a school  
district under this section shall be made under division (A) of  
section 3317.022 of the Revised Code.

(A) The department of education shall annually compute  
targeted assistance funds to school districts, as follows:

(1) Calculate the local wealth per pupil of each school  
district, which equals the following sum:

(a) One-half times the quotient of (i) the district's  
three-year average valuation divided by (ii) its formula ADM; plus

(b) One-half times the quotient of (i) the average of the  
total federal adjusted gross income of the school district's



residents for the three years most recently reported under section 50893  
3317.021 of the Revised Code divided by (ii) its formula ADM. 50894

(2) Rank all school districts in order of local wealth per 50895  
pupil, from the district with the lowest local wealth per pupil to 50896  
the district with the highest local wealth per pupil. 50897

(3) Compute the statewide wealth per pupil, which equals the 50898  
following sum: 50899

(a) One-half times the quotient of (i) the sum of the 50900  
three-year average valuations for all school districts divided by 50901  
(ii) the sum of formula ADM counts for all school districts; plus 50902

(b) One-half times the quotient of (i) the sum of the 50903  
three-year average total federal adjusted gross incomes for all 50904  
school districts divided by (ii) the sum of formula ADM counts for 50905  
all school districts. 50906

(4) Compute each district's wealth index by dividing the 50907  
statewide wealth per pupil by the district's local wealth per 50908  
pupil. 50909

(5) Compute the per pupil targeted assistance for each 50910  
eligible school district in accordance with the following formula: 50911  
(Threshold local wealth per pupil - the district's local wealth 50912  
per pupil) 50913  
X target millage X the district's wealth index 50914

Where: 50915

(a) An "eligible school district" means a school district 50916  
with a local wealth per pupil less than that of the school 50917  
district with the 490th lowest local wealth per pupil. 50918

(b) "Threshold local wealth per pupil" means the local wealth 50919  
per pupil of the school district with the 490th lowest local 50920  
wealth per pupil. 50921

(c) "Target millage" means 0.006. 50922

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's targeted assistance shall be zero.

(6) Calculate the aggregate amount to be paid as targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the per pupil targeted assistance computed under division (A)(5) of this section by the district's net formula ADM.

As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students certified under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students certified under division (B)(3)(e) of that section, the number of science, technology, engineering, and mathematics school students certified under division (B)(3)(j) of that section X 0.75, and the number of scholarship students certified under divisions (B)(3)(f), (g), and (l) of that section.

(B) The department shall annually compute supplemental targeted assistance funds to school districts, as follows:

(1) Compute each district's agricultural percentage as the quotient of (a) the three-year average ~~tax~~ valuation of real property in the district that is classified as agricultural property divided by (b) the three-year average ~~tax~~ valuation of all of the real property in the district. ~~For purposes of this computation, a district's "three year average tax valuation" means the average of a district's tax valuation for fiscal years 2012, 2013, and 2014.~~

~~(2) Determine each district's agricultural targeted percentage as follows:~~

~~(a) If a district's agricultural percentage is greater than~~

~~or equal to 0.10, then the district's agricultural targeted  
percentage shall be equal to 0.40.~~ 50954  
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~~(b) If a district's agricultural percentage is less than  
0.10, then the district's agricultural targeted percentage shall  
be equal to 4 X the district's agricultural percentage.~~ 50956  
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~~(3) Calculate the aggregate amount to be paid as supplemental  
targeted assistance funds to each school district under division  
(A) of section 3317.022 of the Revised Code by multiplying the  
district's agricultural targeted percentage by the amount  
calculated for the district under division (A)(6) of this  
section., as follows:~~ 50959  
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(The district's agricultural percentage - 0.1) X (0.4 X the  
formula amount) X the district's net formula ADM, as that term is  
defined in division (A) of this section 50965  
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If the result of the calculation for a school district under  
division (B)(2) of this section is less than zero, the district's  
supplemental targeted assistance shall be zero. 50968  
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Sec. 3317.0218. The department of education shall annually  
compute capacity aid funds to school districts, as follows: 50971  
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(A) For each school district, multiply the district's  
three-year average valuation by 0.001; 50973  
50974

(B) Determine the median amount of all of the amounts  
calculated under division (A) of this section; 50975  
50976

(C) Calculate each school district's capacity ratio, which  
equals the greater of zero or the amount calculated as follows: 50977  
50978

(The amount determined under division (B) of this section / the  
amount calculated for the district under division (A) of this  
section) - 1 50979  
50980  
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If the result of a calculation for a school district under  
division (C) of this section is greater than 2.5, the district's 50982  
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capacity ratio shall be 2.5. 50984

(D) Calculate the capacity aid per pupil amount, which equals 50985  
the following quotient: 50986

(The amount determined under division (B) of this section) / (the 50987  
average of the formula ADMs of all of the districts for which the 50988  
amount calculated under division (A) of this section is less than 50989  
the amount determined under division (B) of this section) 50990

(E) Calculate each school district's capacity aid, which 50991  
equals the following product: 50992

The capacity aid per pupil amount calculated under division (D) of 50993  
this section X the district's formula ADM X (2.75, for fiscal year 50994  
2016, or 3.5, for fiscal year 2017) X the district's capacity 50995  
ratio calculated under division (C) of this section 50996

**Sec. 3317.051.** (A) As used in this section, "gifted unit ADM" 50997  
means a school district's formula ADM minus the number of students 50998  
reported by a district under divisions (A)(2)(a) and (i) of 50999  
section 3317.03 of the Revised Code. 51000

(B) The department of education shall compute and pay to a 51001  
school district funds based on units for services to students 51002  
identified as gifted under Chapter 3324. of the Revised Code as 51003  
prescribed by this section. 51004

(C) The department shall allocate gifted units for a school 51005  
district as follows: 51006

(1) One gifted coordinator unit shall be allocated for every 51007  
3,300 students in a district's gifted unit ADM, with a minimum of 51008  
0.5 units and a maximum of 8 units allocated for the district. 51009

(2) One gifted intervention specialist unit shall be 51010  
allocated for every 1,100 students in a district's gifted unit 51011  
ADM, with a minimum of 0.3 units allocated for the district. 51012

(D) The department shall pay the following amount to a school 51013

district for gifted units: 51014

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of units allocated to a school district under division (C) of this section;~~ 51015  
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51017

~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units allocated to a school district under division (C) of this section-~~ 51018  
51019

(E) A school district may assign gifted unit funding that it receives under division (D) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district. 51020  
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**Sec. 3317.06.** Moneys paid to school districts under division (E) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes: 51025  
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51027

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section: 51028  
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(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the 51042  
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pupil regularly attends. 51045

(2) "Digital text" means a consumable book or book substitute 51046  
that a student accesses through the use of a computer or other 51047  
electronic medium or that is available through an internet-based 51048  
provider of course content, or any other material that contributes 51049  
to the learning process through electronic means. 51050

(B) To provide speech and hearing diagnostic services to 51051  
pupils attending nonpublic schools within the district. Such 51052  
service shall be provided in the nonpublic school attended by the 51053  
pupil receiving the service. 51054

(C) To provide physician, nursing, dental, and optometric 51055  
services to pupils attending nonpublic schools within the 51056  
district. Such services shall be provided in the school attended 51057  
by the nonpublic school pupil receiving the service. 51058

(D) To provide diagnostic psychological services to pupils 51059  
attending nonpublic schools within the district. Such services 51060  
shall be provided in the school attended by the pupil receiving 51061  
the service. 51062

(E) To provide therapeutic psychological and speech and 51063  
hearing services to pupils attending nonpublic schools within the 51064  
district. Such services shall be provided in the public school, in 51065  
nonpublic schools, in public centers, or in mobile units located 51066  
on or off of the nonpublic premises. If such services are provided 51067  
in the public school or in public centers, transportation to and 51068  
from such facilities shall be provided by the school district in 51069  
which the nonpublic school is located. 51070

(F) To provide guidance, counseling, and social work services 51071  
to pupils attending nonpublic schools within the district. Such 51072  
services shall be provided in the public school, in nonpublic 51073  
schools, in public centers, or in mobile units located on or off 51074  
of the nonpublic premises. If such services are provided in the 51075

public school or in public centers, transportation to and from 51076  
such facilities shall be provided by the school district in which 51077  
the nonpublic school is located. 51078

(G) To provide remedial services to pupils attending 51079  
nonpublic schools within the district. Such services shall be 51080  
provided in the public school, in nonpublic schools, in public 51081  
centers, or in mobile units located on or off of the nonpublic 51082  
premises. If such services are provided in the public school or in 51083  
public centers, transportation to and from such facilities shall 51084  
be provided by the school district in which the nonpublic school 51085  
is located. 51086

(H) To supply for use by pupils attending nonpublic schools 51087  
within the district such standardized tests and scoring services 51088  
as are in use in the public schools of the state; 51089

(I) To provide programs for children who attend nonpublic 51090  
schools within the district and are children with disabilities as 51091  
defined in section 3323.01 of the Revised Code or gifted children. 51092  
Such programs shall be provided in the public school, in nonpublic 51093  
schools, in public centers, or in mobile units located on or off 51094  
of the nonpublic premises. If such programs are provided in the 51095  
public school or in public centers, transportation to and from 51096  
such facilities shall be provided by the school district in which 51097  
the nonpublic school is located. 51098

(J) To hire clerical personnel to assist in the 51099  
administration of programs pursuant to divisions (B), (C), (D), 51100  
(E), (F), (G), and (I) of this section and to hire supervisory 51101  
personnel to supervise the providing of services and textbooks 51102  
pursuant to this section. 51103

(K) To purchase or lease any secular, neutral, and 51104  
nonideological computer application software designed to assist 51105  
students in performing a single task or multiple related tasks, 51106

device management software, learning management software, 511107  
site-licensing, digital video on demand (DVD), wide area 511108  
connectivity and related technology as it relates to internet 511109  
access, mathematics or science equipment and materials, 511110  
instructional materials, and school library materials that are in 511111  
general use in the public schools of the state and loan such items 511112  
to pupils attending nonpublic schools within the district or to 511113  
their parents, and to hire clerical personnel to administer the 511114  
lending program. Only such items that are incapable of diversion 511115  
to religious use and that are susceptible of loan to individual 511116  
pupils and are furnished for the use of individual pupils shall be 511117  
purchased and loaned under this division. As used in this section, 511118  
"instructional materials" means prepared learning materials that 511119  
are secular, neutral, and nonideological in character and are of 511120  
benefit to the instruction of school children. "Instructional 511121  
materials" includes media content that a student may access 511122  
through the use of a computer or electronic device. 511123

Mobile applications that are secular, neutral, and 511124  
nonideological in character and that are purchased for less than 511125  
~~ten~~ twenty dollars for instructional use shall be considered to be 511126  
consumable and shall be distributed to students without the 511127  
expectation that the applications must be returned. 511128

(L) To purchase or lease instructional equipment, including 511129  
computer hardware and related equipment in general use in the 511130  
public schools of the state, for use by pupils attending nonpublic 511131  
schools within the district and to loan such items to pupils 511132  
attending nonpublic schools within the district or to their 511133  
parents, and to hire clerical personnel to administer the lending 511134  
program. "Computer hardware and related equipment" includes 511135  
desktop computers and workstations; laptop computers, computer 511136  
tablets, and other mobile handheld devices; ~~and~~ their operating 511137  
systems and accessories; and any equipment designed to make 511138



accessible the environment of a classroom to a student, who is 51139  
physically unable to attend classroom activities due to 51140  
hospitalization or other circumstances, by allowing real-time 51141  
interaction with other students both one-on-one and in group 51142  
discussion. 51143

(M) To purchase mobile units to be used for the provision of 51144  
services pursuant to divisions (E), (F), (G), and (I) of this 51145  
section and to pay for necessary repairs and operating costs 51146  
associated with these units. 51147

(N) To reimburse costs the district incurred to store the 51148  
records of a chartered nonpublic school that closes. 51149  
Reimbursements under this division shall be made one time only for 51150  
each chartered nonpublic school that closes. 51151

(O) To purchase life-saving medical or other emergency 51152  
equipment for placement in nonpublic schools within the district 51153  
or to maintain such equipment. 51154

Clerical and supervisory personnel hired pursuant to division 51155  
(J) of this section shall perform their services in the public 51156  
schools, in nonpublic schools, public centers, or mobile units 51157  
where the services are provided to the nonpublic school pupil, 51158  
except that such personnel may accompany pupils to and from the 51159  
service sites when necessary to ensure the safety of the children 51160  
receiving the services. 51161

All services provided pursuant to this section may be 51162  
provided under contract with educational service centers, the 51163  
department of health, city or general health districts, or private 51164  
agencies whose personnel are properly licensed by an appropriate 51165  
state board or agency. 51166

Transportation of pupils provided pursuant to divisions (E), 51167  
(F), (G), and (I) of this section shall be provided by the school 51168  
district from its general funds and not from moneys paid to it 51169

under division (E) of section 3317.024 of the Revised Code unless 51170  
a special transportation request is submitted by the parent of the 51171  
child receiving service pursuant to such divisions. If such an 51172  
application is presented to the school district, it may pay for 51173  
the transportation from moneys paid to it under division (E) of 51174  
section 3317.024 of the Revised Code. 51175

No school district shall provide health or remedial services 51176  
to nonpublic school pupils as authorized by this section unless 51177  
such services are available to pupils attending the public schools 51178  
within the district. 51179

Materials, equipment, computer hardware or software, 51180  
textbooks, digital texts, and health and remedial services 51181  
provided for the benefit of nonpublic school pupils pursuant to 51182  
this section and the admission of pupils to such nonpublic schools 51183  
shall be provided without distinction as to race, creed, color, or 51184  
national origin of such pupils or of their teachers. 51185

No school district shall provide services, materials, or 51186  
equipment that contain religious content for use in religious 51187  
courses, devotional exercises, religious training, or any other 51188  
religious activity. 51189

As used in this section, "parent" includes a person standing 51190  
in loco parentis to a child. 51191

Notwithstanding section 3317.01 of the Revised Code, payments 51192  
shall be made under this section to any city, local, or exempted 51193  
village school district within which is located one or more 51194  
nonpublic elementary or high schools and any payments made to 51195  
school districts under division (E) of section 3317.024 of the 51196  
Revised Code for purposes of this section may be disbursed without 51197  
submission to and approval of the controlling board. 51198

The allocation of payments for materials, equipment, 51199  
textbooks, digital texts, health services, and remedial services 51200

to city, local, and exempted village school districts shall be on 51201  
the basis of the state board of education's estimated annual 51202  
average daily membership in nonpublic elementary and high schools 51203  
located in the district. 51204

Payments made to city, local, and exempted village school 51205  
districts under this section shall be equal to specific 51206  
appropriations made for the purpose. All interest earned by a 51207  
school district on such payments shall be used by the district for 51208  
the same purposes and in the same manner as the payments may be 51209  
used. 51210

The department of education shall adopt guidelines and 51211  
procedures under which such programs and services shall be 51212  
provided, under which districts shall be reimbursed for 51213  
administrative costs incurred in providing such programs and 51214  
services, and under which any unexpended balance of the amounts 51215  
appropriated by the general assembly to implement this section may 51216  
be transferred to the auxiliary services personnel unemployment 51217  
compensation fund established pursuant to section 4141.47 of the 51218  
Revised Code. The department shall also adopt guidelines and 51219  
procedures limiting the purchase and loan of the items described 51220  
in division (K) of this section to items that are in general use 51221  
in the public schools of the state, that are incapable of 51222  
diversion to religious use, and that are susceptible to individual 51223  
use rather than classroom use. Within thirty days after the end of 51224  
each biennium, each board of education shall remit to the 51225  
department all moneys paid to it under division (E) of section 51226  
3317.024 of the Revised Code and any interest earned on those 51227  
moneys that are not required to pay expenses incurred under this 51228  
section during the biennium for which the money was appropriated 51229  
and during which the interest was earned. If a board of education 51230  
subsequently determines that the remittal of moneys leaves the 51231  
board with insufficient money to pay all valid expenses incurred 51232

under this section during the biennium for which the remitted 51233  
money was appropriated, the board may apply to the department of 51234  
education for a refund of money, not to exceed the amount of the 51235  
insufficiency. If the department determines the expenses were 51236  
lawfully incurred and would have been lawful expenditures of the 51237  
refunded money, it shall certify its determination and the amount 51238  
of the refund to be made to the director of job and family 51239  
services who shall make a refund as provided in section 4141.47 of 51240  
the Revised Code. 51241

Each school district shall label materials, equipment, 51242  
computer hardware or software, textbooks, and digital texts 51243  
purchased or leased for loan to a nonpublic school under this 51244  
section, acknowledging that they were purchased or leased with 51245  
state funds under this section. However, a district need not label 51246  
materials, equipment, computer hardware or software, textbooks, or 51247  
digital texts that the district determines are consumable in 51248  
nature or have a value of less than two hundred dollars. 51249

**Sec. 3317.16.** (A) The department of education shall compute 51250  
and distribute state core foundation funding to each joint 51251  
vocational school district for the fiscal year as prescribed in 51252  
the following divisions: 51253

(1) An opportunity grant calculated according to the 51254  
following formula: 51255

(The formula amount X formula ADM) - (0.0005 X the 51256  
district's three-year average valuation) 51257

~~If the result of the calculation for a joint vocational 51258  
school district under division (A)(1) of this section is less than 51259  
zero, the joint vocational school district's opportunity grant 51260  
shall be zero. 51261~~

However, no district shall receive an opportunity grant that 51262  
is less than 0.05 times the formula amount times formula ADM. 51263

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:	51264 51265 51266
(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;	51267 51268 51269
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	51270 51271 51272
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	51273 51274 51275
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	51276 51277 51278
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	51279 51280 51281
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	51282 51283 51284
(3) Economically disadvantaged funds calculated according to the following formula:	51285 51286
<del>(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)</del> <u>\$272</u> X <del>(the district's economically disadvantaged index)</del> X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	51287 51288 51289 51290
(4) Limited English proficiency funds calculated as the sum of the following:	51291 51292
(a) The district's category one limited English proficient	51293

ADM X the amount specified in division (A) of section 3317.016 of	51294
the Revised Code X the district's state share percentage;	51295
(b) The district's category two limited English proficient	51296
ADM X the amount specified in division (B) of section 3317.016 of	51297
the Revised Code X the district's state share percentage;	51298
(c) The district's category three limited English proficient	51299
ADM X the amount specified in division (C) of section 3317.016 of	51300
the Revised Code X the district's state share percentage;	51301
(5) Career-technical education funds calculated as the sum of	51302
the following:	51303
(a) The district's category one career-technical education	51304
ADM X the amount specified in division (A) of section 3317.014 of	51305
the Revised Code X the district's state share percentage;	51306
(b) The district's category two career-technical education	51307
ADM X the amount specified in division (B) of section 3317.014 of	51308
the Revised Code X the district's state share percentage;	51309
(c) The district's category three career-technical education	51310
ADM X the amount specified in division (C) of section 3317.014 of	51311
the Revised Code X the district's state share percentage;	51312
(d) The district's category four career-technical education	51313
ADM X the amount specified in division (D) of section 3317.014 of	51314
the Revised Code X the district's state share percentage;	51315
(e) The district's category five career-technical education	51316
ADM X the amount specified in division (E) of section 3317.014 of	51317
the Revised Code X the district's state share percentage.	51318
Payment of funds under division (A)(5) of this section is	51319
subject to approval under section 3317.161 of the Revised Code.	51320
(6) Career-technical education associated services funds	51321
calculated under the following formula:	51322
The district's state share percentage X the	51323

amount for career-technical education associated services 51324  
specified in section 3317.014 of the Revised Code X the sum of 51325  
categories one through five career-technical 51326  
education ADM X the district's state share percentage 51327

(7) A graduation bonus calculated according to the following 51328  
formula: 51329

The district's graduation rate as reported on its most recent 51330  
report card issued by the department under section 3302.033 of the 51331  
Revised Code X 0.075 X the formula amount X the number of the 51332  
district's students who received high school or honors high school 51333  
diplomas as reported by the district to the department, in 51334  
accordance with the guidelines adopted under section 3301.0714 of 51335  
the Revised Code, for the same school year for which the most 51336  
recent report card was issued X the district's state share 51337  
percentage 51338

(B)(1) If a joint vocational school district's costs for a 51339  
fiscal year for a student in its categories two through six 51340  
special education ADM exceed the threshold catastrophic cost for 51341  
serving the student, as specified in division (B) of section 51342  
3317.0214 of the Revised Code, the district may submit to the 51343  
superintendent of public instruction documentation, as prescribed 51344  
by the superintendent, of all of its costs for that student. Upon 51345  
submission of documentation for a student of the type and in the 51346  
manner prescribed, the department shall pay to the district an 51347  
amount equal to the sum of the following: 51348

(a) One-half of the district's costs for the student in 51349  
excess of the threshold catastrophic cost; 51350

(b) The product of one-half of the district's costs for the 51351  
student in excess of the threshold catastrophic cost multiplied by 51352  
the district's state share percentage. 51353

(2) The district shall report under division (B)(1) of this 51354  
section, and the department shall pay for, only the costs of 51355

educational expenses and the related services provided to the 51356  
student in accordance with the student's individualized education 51357  
program. Any legal fees, court costs, or other costs associated 51358  
with any cause of action relating to the student may not be 51359  
included in the amount. 51360

(C)(1) For each student with a disability receiving special 51361  
education and related services under an individualized education 51362  
program, as defined in section 3323.01 of the Revised Code, at a 51363  
joint vocational school district, the resident district or, if the 51364  
student is enrolled in a community school, the community school 51365  
shall be responsible for the amount of any costs of providing 51366  
those special education and related services to that student that 51367  
exceed the sum of the amount calculated for those services 51368  
attributable to that student under division (A) of this section. 51369

~~Those excess costs shall be calculated by subtracting the sum 51370  
of the following from the actual cost to provide special education 51371  
and related services to the student:~~ 51372

~~(a) The formula amount;~~ 51373

~~(b) The amount specified in section 3317.013 of the Revised 51374  
Code that is applicable to the student;~~ 51375

~~(c) Any funds paid under section 3317.0214 for the student 51376  
using a formula approved by the department. 51377~~

(2) The board of education of the joint vocational school 51378  
district may report the excess costs calculated under division 51379  
(C)(1) of this section to the department of education. 51380

(3) If the board of education of the joint vocational school 51381  
district reports excess costs under division (C)(2) of this 51382  
section, the department shall pay the amount of excess cost 51383  
calculated under division (C)(2) of this section to the joint 51384  
vocational school district and shall deduct that amount as 51385  
provided in division (C)(3)(a) or (b) of this section, as 51386



applicable: 51387

(a) If the student is not enrolled in a community school, the 51388  
department shall deduct the amount from the account of the 51389  
student's resident district pursuant to division (J) of section 51390  
3317.023 of the Revised Code. 51391

(b) If the student is enrolled in a community school, the 51392  
department shall deduct the amount from the account of the 51393  
community school pursuant to section 3314.083 of the Revised Code. 51394

(D)~~(1)~~ In any fiscal year, a school district receiving funds 51395  
under division (A)(5) of this section shall spend those funds only 51396  
for the purposes that the department designates as approved for 51397  
career-technical education expenses. Career-technical ~~educational~~ 51398  
education expenses approved by the department shall include only 51399  
expenses connected to the delivery of career-technical programming 51400  
to career-technical students. The department shall require the 51401  
school district to report data annually so that the department may 51402  
monitor the district's compliance with the requirements regarding 51403  
the manner in which funding received under division (A)(5) of this 51404  
section may be spent. 51405

~~(2) All funds received under division (A)(5) of this section 51406  
shall be spent in the following manner: 51407~~

~~(a) At least seventy five per cent of the funds shall be 51408  
spent on curriculum development, purchase, and implementation; 51409  
instructional resources and supplies; industry based program 51410  
certification; student assessment, credentialing, and placement; 51411  
curriculum specific equipment purchases and leases; 51412  
career technical student organization fees and expenses; home and 51413  
agency linkages; work based learning experiences; professional 51414  
development; and other costs directly associated with 51415  
career technical education programs including development of new 51416  
programs. 51417~~

~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~ 51418  
51419

(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 51420  
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(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code. 51434  
51435  
51436

(G) As used in this section: 51437

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 51438  
51439

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 51440  
51441  
51442

(3) "State share percentage" is equal to the following: 51443

The amount computed under division (A)(1) of this section / 51444  
(the formula amount X formula ADM) 51445

**Sec. 3317.161.** (A) As used in this section, "lead district" has the same meaning as in section 3317.023 of the Revised Code. 51446  
51447

(B)(1) A career-technical education program of a city, local, 51448  
or exempted village school district, community school, or STEM 51449  
school shall be subject to approval under this section in order 51450  
for the district or school to qualify for state funding for the 51451  
program. Approval granted under this section shall be valid for 51452  
the five fiscal years following the fiscal year in which the 51453  
program is approved and may be renewed. Approval shall be subject 51454  
to annual review under division (E) of this section. 51455

(2) If a district or school becomes a new member of a 51456  
career-technical planning district, its career-technical education 51457  
programs shall be approved or disapproved by the lead district of 51458  
the career-technical planning district during the fiscal year in 51459  
which the district or school becomes a member of the 51460  
career-technical planning district. Any program of the district or 51461  
school that was approved by the department of education for an 51462  
approval period that includes the fiscal year in which the 51463  
district or school becomes a new member of the career-technical 51464  
planning district shall retain its approved status during that 51465  
fiscal year. 51466

(3) If an existing member of a career-technical planning 51467  
district develops a new career-technical education program, that 51468  
program shall be approved or disapproved by the lead district of 51469  
the career-technical planning district prior to the first fiscal 51470  
year for which the district or school is seeking funding for the 51471  
program. 51472

(4) Except as provided in division (B)(2) of this section, if 51473  
a career-technical education program was approved by the 51474  
department prior to ~~the effective date of this section~~ September 51475  
29, 2013, that approval remains valid for the unexpired remainder 51476  
of the approval period specified by the department. Approval of 51477  
that program may then be renewed in accordance with this section 51478  
on a date prior to the expiration of the approval period. 51479

(C)(1) The lead district of a career-technical planning 51480  
district shall approve or disapprove for a five-year period each 51481  
career-technical education program of the city, local, and 51482  
exempted village school districts, community schools, and STEM 51483  
schools that are assigned by the department to the 51484  
career-technical planning district. The lead district's decision 51485  
to approve or disapprove a program shall be based on requirements 51486  
for career-technical education programs that are specified in 51487  
rules adopted by the department. These requirements shall include, 51488  
but are not limited to, all of the following: 51489

(a) Demand for the career-technical education program by 51490  
industries in the state; 51491

(b) Quality of the program; 51492

(c) Potential for a student enrolled in the program to 51493  
receive the training that will qualify the student for industry 51494  
credentials or post-secondary education; 51495

(d) Admission requirements of the lead district; 51496

(e) Past performance of the district or school that is 51497  
offering the program; 51498

(f) Traveling distance; 51499

(g) Sustainability; 51500

(h) Capacity; 51501

(i) Availability of the program within the career-technical 51502  
planning district; 51503

(j) In the case of a new program, the cost to begin the 51504  
program. 51505

(2) The lead district shall approve or disapprove each 51506  
program not later than the first day of March prior to the first 51507  
fiscal year for which the district or school is seeking funding 51508  
for the program. If a program is approved, the lead district shall 51509

notify the department of its decision. If a program is 51510  
disapproved, the lead district shall notify the district or school 51511  
of its decision. 51512

If the lead district disapproves the program or does not take 51513  
any action to approve or disapprove the program by the first day 51514  
of March, the district or school may appeal the lead district's 51515  
decision or failure to take action to the department by the 51516  
fifteenth day of March. 51517

(D)(1) Upon receiving notification of a lead district's 51518  
approval of a district's or school's career-technical education 51519  
program, the department shall review the lead district's decision 51520  
and determine whether to approve or disapprove the program not 51521  
later than the fifteenth day of May prior to the first fiscal year 51522  
for which the district or school is seeking funding for the 51523  
program. The department shall notify the district or school and 51524  
the lead district of the district's or school's career-technical 51525  
planning district of its determination. 51526

(2) Upon receiving an appeal from a district or school of a 51527  
lead district's disapproval of a career-technical education 51528  
program or failure to take action to approve or disapprove the 51529  
program, the department shall review the lead district's 51530  
disapproval or failure to take action. The department shall decide 51531  
whether to approve or disapprove the program as a result of this 51532  
review not later than the fifteenth day of May prior to the first 51533  
fiscal year for which the district or school is seeking funding 51534  
for the program. The department shall notify the lead district and 51535  
the appealing district or school of its determination. 51536

(3) In conducting a review under division (D)(1) or (2) of 51537  
this section, the department shall consider the criteria 51538  
prescribed under division (C)(1) of this section. 51539

(4) If the department approves a program under division 51540

(D)(1) or (2) of this section, it shall authorize the payment to 51541  
the district, or the deduction from the state education aid of a 51542  
district and payment to a community school or STEM school, of the 51543  
funds attributed to the career-technical students enrolled in that 51544  
program in the next fiscal year according to a payment schedule 51545  
prescribed by the department. 51546

(5) The department's decisions under divisions (D)(1) and (2) 51547  
of this section shall be final and not appealable. 51548

(6) The superintendent of public instruction may adopt 51549  
guidelines identifying circumstances in which the department may, 51550  
after consulting with a lead district, approve or disapprove a 51551  
program that has been approved or disapproved by the lead district 51552  
after the deadline prescribed in division (D)(1) or (2) of this 51553  
section has passed. 51554

(E) The department and the lead district of each 51555  
career-technical planning district shall conduct an annual review 51556  
of each career-technical education program in the lead district's 51557  
career-technical planning district that receives approval under 51558  
this section. Continued funding of the program during the 51559  
five-year approval period shall be subject to the school's 51560  
compliance with any directives for performance improvement that 51561  
are issued by the department or the lead district as a result of 51562  
any review conducted under this section. 51563

**Sec. 3317.23.** (A) For purposes of this section, ~~an~~ 51564

(1) "Competency-based educational program" means any system 51565  
of academic instruction, assessment, grading, and reporting where 51566  
students receive credit based on demonstrations and assessments of 51567  
their learning rather than the amount of time they spend studying 51568  
a subject. A competency-based educational program shall encourage 51569  
accelerated learning among students who master academic materials 51570  
quickly while providing additional instructional support time for 51571

students who need it. 51572

(2) An "eligible individual" is an individual who satisfies 51573  
both of the following criteria: 51574

~~(1)~~(a) The individual is at least twenty-two years of age. 51575

~~(2)~~(b) The individual has not been awarded a high school 51576  
diploma or a certificate of high school equivalence as defined in 51577  
section 4109.06 of the Revised Code. 51578

(B) An eligible individual may enroll in a city, local, or 51579  
exempted village school district that operates a dropout 51580  
prevention and recovery program for up to two ~~cumulative~~ 51581  
consecutive school years for the purpose of earning a high school 51582  
diploma. An individual enrolled under this division may elect to 51583  
satisfy the requirements to earn a high school diploma by 51584  
successfully completing a competency-based ~~instructional~~ 51585  
educational program that complies with the standards adopted by 51586  
the ~~state board~~ department of education under section 3317.231 of 51587  
the Revised Code. The district shall report that individual's 51588  
enrollment on a full-time equivalency basis under division (A) of 51589  
section 3317.036 of the Revised Code and shall not report that 51590  
individual's enrollment under section 3317.03 of the Revised Code. 51591  
An individual enrolled under this division shall not be assigned 51592  
to classes or settings with students who are younger than eighteen 51593  
years of age. 51594

(C)(1) For each district that enrolls individuals under 51595  
division (B) of this section, the department ~~of education~~ annually 51596  
shall certify the enrollment and attendance, on a full-time 51597  
equivalency basis, of each individual reported by the district 51598  
under division (A) of section 3317.036 of the Revised Code. 51599

(2) For each individual enrolled in a district under division 51600  
(B) of this section, the department annually shall pay ~~to~~ the 51601  
district ~~an amount equal to the following:~~ 51602

~~§5,000 X the individual's enrollment on a full time~~ 51603  
~~equivalency basis as certified under division (C)(1) of this~~ 51604  
~~section X the portion of the school year in which the individual~~ 51605  
~~is enrolled in the district expressed as a percentage up to~~ 51606  
~~§5,000, as determined by the department based on the extent of the~~ 51607  
~~individual's successful completion of the graduation requirements~~ 51608  
~~prescribed under sections 3313.603, 3313.61, 3313.611, and~~ 51609  
~~3313.614 of the Revised Code.~~ 51610

(D) A district that enrolls individuals under division (B) of 51611  
this section shall be subject to the program administration 51612  
standards adopted by the ~~state board~~ department under section 51613  
3317.231 of the Revised Code, as applicable. 51614

**Sec. 3317.231.** ~~Not later than December 31, 2014, the state~~ 51615  
~~board~~ The department of education shall adopt rules regarding the 51616  
administration of programs that enroll individuals who are at 51617  
least twenty-two years of age under sections 3314.38, 3317.23, 51618  
3317.24, and 3345.86 of the Revised Code, including data 51619  
collection, the reporting and certification of enrollment in the 51620  
programs, the measurement of the academic performance of 51621  
individuals enrolled in the programs, and the standards for 51622  
competency-based ~~instructional~~ educational programs, as defined in 51623  
section 3317.23 of the Revised Code. 51624

**Sec. 3317.24.** (A) For purposes of this section, ~~an~~ 51625  
"competency-based educational program" and "eligible individual" 51626  
~~has~~ have the same ~~meaning~~ meanings as in section 3317.23 of the 51627  
Revised Code. 51628

(B) An eligible individual may enroll in a joint vocational 51629  
school district that operates an adult education program for up to 51630  
two cumulative school years for the purpose of completing the 51631  
requirements to earn a high school diploma. An individual enrolled 51632



under this division may elect to satisfy these requirements by 51633  
successfully completing a competency-based ~~instructional~~ 51634  
educational program that complies with the standards adopted by 51635  
the ~~state board~~ department of education under section 3317.231 of 51636  
the Revised Code. The district shall report an individual's 51637  
enrollment under this division on a full-time equivalency basis 51638  
under division (B) of section 3317.036 of the Revised Code and 51639  
shall not report that individual's enrollment under section 51640  
3317.03 of the Revised Code. An individual enrolled under this 51641  
division shall not be assigned to classes or settings with 51642  
students who are younger than eighteen years of age. 51643

(C)(1) For each joint vocational school district that enrolls 51644  
individuals under division (B) of this section, the department ~~of~~ 51645  
~~education~~ annually shall certify the enrollment and attendance, on 51646  
a full-time equivalency basis, of each individual reported by the 51647  
district under division (B) of section 3317.036 of the Revised 51648  
Code. 51649

(2) For each individual enrolled in a joint vocational school 51650  
district under division (B) of this section, the department 51651  
annually shall pay ~~to~~ the district ~~an amount equal to the~~ 51652  
~~following:~~ 51653

~~\$5,000 X the individual's enrollment on a full-time~~ 51654  
~~equivalency basis as certified under division (C)(1) of this~~ 51655  
~~section X the portion of the school year in which the individual~~ 51656  
~~is enrolled in the district expressed as a percentage up to~~ 51657  
\$5,000, as determined by the department based on the extent of the 51658  
individual's successful completion of the graduation requirements 51659  
prescribed under sections 3313.603, 3313.61, 3313.611, and 51660  
3313.614 of the Revised Code. 51661

(D) If an individual enrolled in a joint vocational school 51662  
district under division (B) of this section completes the 51663  
requirements to earn a high school diploma, the joint vocational 51664

school district shall certify the completion of those requirements 51665  
to the city, local, or exempted village school district in which 51666  
the individual resides. Upon receiving certification under this 51667  
division, the city, local, or exempted village school district in 51668  
which the individual resides shall issue a high school diploma to 51669  
the individual within sixty days of receiving the certification. 51670

(E) A joint vocational school district that enrolls 51671  
individuals under division (B) of this section shall be subject to 51672  
the program administration standards adopted by the ~~state board~~ 51673  
department under section 3317.231 of the Revised Code, as 51674  
applicable. 51675

Sec. 3317.26. (A) The department of education shall pay a 51676  
city, local, or exempted village school district additional funds 51677  
computed as follows: 51678

[(0.20 X the formula amount) - (the sum of the district's payments 51679  
under sections 3317.022 and 3317.0212 of the Revised Code and 51680  
Section 263.230 of H.B. 64 of the 131st general assembly / its 51681  
formula ADM)] X the district's formula ADM 51682

If the result is a negative number, no payment shall be made 51683  
under this section. 51684

(B) The department shall pay a joint vocational school 51685  
district additional funds computed as follows: 51686

[(0.20 X the formula amount) - (the sum of the district's payments 51687  
under section 3317.16 of the Revised Code and Section 263.240 of 51688  
H.B. 64 of the 131st general assembly / its formula ADM)] X the 51689  
district's formula ADM 51690

If the result is a negative number, no payment shall be made 51691  
under this section. 51692

(C)(1) For fiscal year 2016, the department shall pay a city, 51693  
local, or exempted village school district fifteen per cent of the 51694

amount calculated under division (A) of this section and shall pay 51695  
a joint vocational school district fifteen per cent of the amount 51696  
calculated under division (B) of this section. 51697

(2) For fiscal year 2017, the department shall pay a city, 51698  
local, or exempted village school district twenty-five per cent of 51699  
the amount calculated under division (A) of this section and shall 51700  
pay a joint vocational school district twenty-five per cent of the 51701  
amount calculated under division (B) of this section. 51702

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to ~~3318.33~~ 51703  
~~3318.32~~ of the Revised Code, the Ohio school facilities commission 51704  
shall periodically perform an assessment of the classroom facility 51705  
needs in the state to identify school districts in need of 51706  
additional classroom facilities, or replacement or reconstruction 51707  
of existent classroom facilities, and the cost to each such 51708  
district of constructing or acquiring such additional facilities 51709  
or making such renovations. 51710

(B) Based upon the most recent assessment conducted pursuant 51711  
to division (A) of this section, the commission shall conduct 51712  
on-site visits to school districts identified as having classroom 51713  
facility needs to confirm the findings of the periodic assessment 51714  
and further evaluate the classroom facility needs of the district. 51715  
The evaluation shall assess the district's need to construct or 51716  
acquire new classroom facilities and may include an assessment of 51717  
the district's need for building additions or for the 51718  
reconstruction of existent buildings in lieu of constructing or 51719  
acquiring replacement buildings. 51720

(C)(1) Except as provided in division (C)(2) of this section, 51721  
on-site visits performed on or after May 20, 1997, shall be 51722  
performed in the order specified in this division. The first round 51723  
of on-site visits first succeeding the effective date of this 51724  
amendment, May 20, 1997, shall be limited to the school districts 51725

in the first through fifth percentiles, excluding districts that 51726  
are ineligible for funding under this chapter pursuant to section 51727  
3318.04 of the Revised Code. The second round of on-site visits 51728  
shall be limited to the school districts in the first through 51729  
tenth percentiles, excluding districts that are ineligible for 51730  
funding under this chapter pursuant to section 3318.04 of the 51731  
Revised Code. Each succeeding round of on-site visits shall be 51732  
limited to the percentiles included in the immediately preceding 51733  
round of on-site visits plus the next five percentiles. Except for 51734  
the first round of on-site visits, no round of on-site visits 51735  
shall commence unless eighty per cent of the districts for which 51736  
on-site visits were performed during the immediately preceding 51737  
round, have had projects approved under section 3318.04 of the 51738  
Revised Code. 51739

(2) Notwithstanding division (C)(1) of this section, the 51740  
commission may perform on-site visits for school districts in the 51741  
next highest percentile to the percentiles included in the current 51742  
round of on-site visits, and then to succeeding percentiles one at 51743  
a time, not to exceed the twenty-fifth percentile, if all of the 51744  
following apply: 51745

(a) Less than eighty per cent of the districts for which 51746  
on-site visits were performed in the current round, and in any 51747  
percentiles for which on-site visits were performed in addition to 51748  
the current round pursuant to this division, have had projects 51749  
approved under section 3318.04 of the Revised Code; 51750

(b) There are funds appropriated for the purpose of sections 51751  
3318.01 to 3318.20 of the Revised Code that are not reserved and 51752  
encumbered for projects pursuant to section 3318.04 of the Revised 51753  
Code; 51754

(c) The commission makes a finding that such available funds 51755  
would be more thoroughly utilized if on-site visits were extended 51756  
to the next highest percentile. 51757

(D) Notwithstanding divisions (B) and (C) of this section, in any fiscal year, the commission may limit the number of districts for which it conducts on-site visits based upon its projections of the moneys available and moneys necessary to undertake projects under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for that year.

**Sec. 3318.024.** In the first year of a capital biennium, any funds appropriated to the Ohio school facilities commission for classroom facilities projects under this chapter in the previous capital biennium that were not spent or encumbered, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20 of the Revised Code, subject to appropriation by the general assembly.

In the second year of a capital biennium, any funds appropriated to the Ohio school facilities commission for classroom facilities projects under this chapter that were not spent or encumbered in the first year of the biennium and which are in excess of an amount equal to half of the appropriations for the capital biennium, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 3318.40 to 3318.46 of the Revised Code, subject to appropriation by the general assembly.

**Sec. 3318.054.** (A) If conditional approval of a city, exempted village, or local school district's project lapses as provided in section 3318.05 of the Revised Code, or if conditional approval of a joint vocational school district's project lapses as provided in division (D) of section 3318.41 of the Revised Code, because the district's electors have not approved the ballot

measures necessary to generate the district's portion of the basic 51789  
project cost, and if the district board desires to seek a new 51790  
conditional approval of the project, the district board shall 51791  
request that the Ohio school facilities commission set the scope, 51792  
basic project cost, and school district portion of the basic 51793  
project cost prior to resubmitting the ballot measures to the 51794  
electors. To do so, the commission shall use the district's 51795  
current assessed tax valuation and the district's percentile for 51796  
the prior fiscal year. For a district that has entered into an 51797  
agreement under section 3318.36 of the Revised Code and desires to 51798  
proceed with a project under sections 3318.01 to 3318.20 of the 51799  
Revised Code, the district's portion of the basic project cost 51800  
shall be the percentage specified in that agreement. The project 51801  
scope and basic costs established under this division shall be 51802  
valid for ~~one year~~ thirteen months from the date the commission 51803  
approves them. 51804

(B) Upon the commission's approval under division (A) of this 51805  
section, the district board may submit the ballot measures to the 51806  
district's electors for approval of the project based on the new 51807  
project scope and estimated costs. Upon electoral approval of 51808  
those measures, the district shall be given first priority for 51809  
project funding as such funds become available. 51810

(C) When the commission determines that funds are available 51811  
for the district's project, the commission shall do all of the 51812  
following: 51813

(1) Determine the school district portion of the basic 51814  
project cost under section 3318.032 of the Revised Code, in the 51815  
case of a city, exempted village, or local school district, or 51816  
under section 3318.42 of the Revised Code, in the case of a joint 51817  
vocational school district; 51818

(2) Conditionally approve the project and submit it to the 51819

controlling board for approval pursuant to section 3318.04 of the Revised Code; 51820  
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(3) Encumber funds for the project under section 3318.11 of the Revised Code; 51822  
51823

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code. 51824  
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**Sec. 3318.30.** (A) There is hereby created the Ohio school facilities commission as an independent agency of the state within the Ohio facilities construction commission, which is created under section 123.20 of the Revised Code. The Ohio school facilities commission shall administer the provision of financial assistance to school districts for the acquisition or construction of classroom facilities in accordance with sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code. 51826  
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The Ohio school facilities commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the Ohio school facilities commission of its powers conferred by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are essential public functions and public purposes of the state. The Ohio school facilities commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the Ohio school facilities commission may delegate to any of its members, executive director, or other employees any of the Ohio school facilities commission's powers and duties to carry out its functions. 51834  
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(B) The Ohio school facilities commission shall consist of 51850

seven members, three of whom are voting members. The voting 51851  
members of the Ohio school facilities commission shall be the 51852  
director of the office of budget and management, the director of 51853  
administrative services, and the superintendent of public 51854  
instruction, or their designees. Of the nonvoting members, two 51855  
shall be members of the senate appointed by the president of the 51856  
senate, and two shall be members of the house of representatives 51857  
appointed by the speaker of the house. Each of the appointees of 51858  
the president, and each of the appointees of the speaker, shall be 51859  
members of different political parties. 51860

Nonvoting members shall serve as members of the Ohio school 51861  
facilities commission during the legislative biennium for which 51862  
they are appointed, except that any such member who ceases to be a 51863  
member of the legislative house from which the member was 51864  
appointed shall cease to be a member of the Ohio school facilities 51865  
commission. Each nonvoting member shall be appointed within 51866  
thirty-one days of the end of the term of that member's 51867  
predecessor. Such members may be reappointed. Vacancies of 51868  
nonvoting members shall be filled in the manner provided for 51869  
original appointments. 51870

Members of the Ohio school facilities commission shall serve 51871  
without compensation. 51872

After the initial nonvoting members of the Ohio school 51873  
facilities commission have been appointed, the Ohio school 51874  
facilities commission shall meet and organize by electing voting 51875  
members as the chairperson and vice-chairperson of the Ohio school 51876  
facilities commission, who shall hold their offices until the next 51877  
organizational meeting of the Ohio school facilities commission. 51878  
Organizational meetings of the Ohio school facilities commission 51879  
shall be held at the first meeting of each calendar year. At each 51880  
organizational meeting, the Ohio school facilities commission 51881  
shall elect from among its voting members a chairperson and 51882



vice-chairperson, who shall serve until the next annual 51883  
organizational meeting. The Ohio school facilities commission 51884  
shall adopt rules pursuant to section 111.15 of the Revised Code 51885  
for the conduct of its internal business and shall keep a journal 51886  
of its proceedings. Including the organizational meeting, the Ohio 51887  
school facilities commission shall meet at least once each 51888  
calendar quarter. 51889

Two voting members of the Ohio school facilities commission 51890  
constitute a quorum, and the affirmative vote of two members is 51891  
necessary for approval of any action taken by the Ohio school 51892  
facilities commission. A vacancy in the membership of the Ohio 51893  
school facilities commission does not impair a quorum from 51894  
exercising all the rights and performing all the duties of the 51895  
Ohio school facilities commission. Meetings of the Ohio school 51896  
facilities commission may be held anywhere in the state and shall 51897  
be held in compliance with section 121.22 of the Revised Code. 51898

(C) The Ohio school facilities commission shall file an 51899  
annual report of its activities and finances with the governor, 51900  
speaker of the house of representatives, president of the senate, 51901  
and chairpersons of the house and senate finance committees. 51902

(D) The Ohio school facilities commission shall be exempt 51903  
from the requirements of sections 101.82 to 101.87 of the Revised 51904  
Code. 51905

(E) The Ohio school facilities commission may share employees 51906  
and facilities with the Ohio facilities construction commission. 51907

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the 51908  
Revised Code apply only to joint vocational school districts. 51909

(2) As used in sections 3318.40 to 3318.45 of the Revised 51910  
Code: 51911

(a) "Ohio school facilities commission," "classroom 51912

facilities," "project," and "basic project cost" have the same 51913  
meanings as in section 3318.01 of the Revised Code. 51914

(b) "Acquisition of classroom facilities" means constructing, 51915  
reconstructing, repairing, or making additions to classroom 51916  
facilities. 51917

(B) There is hereby established the vocational school 51918  
facilities assistance program. Under the program, the Ohio school 51919  
facilities commission shall provide assistance to joint vocational 51920  
school districts for the acquisition of classroom facilities 51921  
suitable to the vocational education programs of the districts in 51922  
accordance with sections 3318.40 to 3318.45 of the Revised Code. 51923  
For purposes of the program, beginning July 1, 2003, the 51924  
commission annually may set aside up to two per cent of the 51925  
aggregate amount appropriated to it for classroom facilities 51926  
assistance projects in ~~the education facilities trust fund,~~ 51927  
~~established under section 183.26 of the Revised Code;~~ the public 51928  
school building fund, established under section 3318.15 of the 51929  
Revised Code~~;~~ and the school building program assistance fund, 51930  
established under section 3318.25 of the Revised Code. 51931

(C) The commission shall not provide assistance for any 51932  
distinct part of a project under sections 3318.40 to 3318.45 of 51933  
the Revised Code that when completed will be used exclusively for 51934  
an adult education program or exclusively for operation of a 51935  
driver training school for instruction leading to the issuance of 51936  
a commercial driver's license under Chapter 4506. of the Revised 51937  
Code, except for life safety items and basic building components 51938  
necessary for complete and continuous construction or renovation 51939  
of a classroom facility as determined by the commission. 51940

(D) The commission shall not provide assistance under 51941  
sections 3318.40 to 3318.45 of the Revised Code to acquire 51942  
classroom facilities for vocational educational instruction at a 51943  
location under the control of a school district that is a member 51944

of a joint vocational school district. Any assistance to acquire 51945  
classroom facilities for vocational educational instruction at 51946  
such location shall be provided to the school district that is a 51947  
member of the joint vocational school district through other 51948  
provisions of this chapter when that member school district is 51949  
eligible for assistance under those provisions. 51950

(E) By September 1, 2003, the commission shall assess the 51951  
classroom facilities needs of at least five joint vocational 51952  
school districts, according to the order of priority prescribed in 51953  
division (B) of section 3318.42 of the Revised Code, and based on 51954  
the results of those assessments shall determine the extent to 51955  
which amendments to the specifications adopted under section 51956  
3318.311 of the Revised Code are warranted. The commission, 51957  
thereafter, may amend the specifications as provided in that 51958  
section. 51959

(F) After the commission has conducted the assessments 51960  
prescribed in division (E) of this section, the commission shall 51961  
establish, by rule adopted in accordance with section 111.15 of 51962  
the Revised Code, guidelines for the commission to use in deciding 51963  
whether to waive compliance with the design specifications adopted 51964  
under section 3318.311 of the Revised Code when determining the 51965  
number of facilities and the basic project cost of projects as 51966  
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 51967  
Code. The guidelines shall address the following situations: 51968

(1) Under what circumstances, if any, particular classroom 51969  
facilities are adequate to meet the needs of the school district 51970  
even though the facilities do not comply with the specifications 51971  
adopted under section 3318.311 of the Revised Code; 51972

(2) Under what circumstances, if any, particular classroom 51973  
facilities will be renovated or repaired rather than replaced by 51974  
construction of new facilities. 51975

<u>Sec. 3318.71. (A) As used in this section:</u>	51976
<u>(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.</u>	51977 51978
<u>(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.</u>	51979 51980
<u>(3) "Qualifying partnership" means a group of city, exempted village, or local school districts that are part of a career-technical education compact and have entered into an agreement for joint or cooperative establishment and operation of a science, technology, engineering, and mathematics education program under section 3313.842 of the Revised Code. The aggregate territory of the school districts composing a qualifying partnership shall be located in two adjacent counties, each having a population greater than forty thousand, but less than fifty thousand, and at least one of which borders another state.</u>	51981 51982 51983 51984 51985 51986 51987 51988 51989 51990
<u>(B) The Ohio school facilities commission shall establish guidelines for assisting a qualifying partnership in the acquisition of classroom facilities to be used for a joint science, technology, engineering, and mathematics education program.</u>	51991 51992 51993 51994 51995
<u>(C) Upon receipt of a written proposal from a qualifying partnership, the commission, subject to approval of the controlling board, shall provide funding to assist that qualifying partnership in the acquisition of classroom facilities described in division (B) of this section. The proposal of the qualifying partnership shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once</u>	51996 51997 51998 51999 52000 52001 52002 52003 52004 52005 52006

the commission determines a proposal meets its established 52007  
guidelines and if the controlling board approves that funding, the 52008  
commission shall enter into an agreement with the qualifying 52009  
partnership for the acquisition of the classroom facilities and 52010  
shall encumber, in accordance with section 3318.11 of the Revised 52011  
Code, the approved funding from the amounts appropriated to the 52012  
commission for classroom facilities assistance projects. The 52013  
agreement shall include a stipulation of the ownership of the 52014  
classroom facilities in the event the qualifying partnership 52015  
ceases to exist. 52016

(D) A qualifying partnership may levy taxes under section 52017  
5705.2112 of the Revised Code to use for all or part of the 52018  
funding pledged for the acquisition of classroom facilities under 52019  
division (C) of this section. If a qualifying partnership chooses 52020  
to levy taxes for this purpose, it shall select one of the 52021  
districts that is a member of the qualifying partnership to be the 52022  
fiscal agent of the qualifying partnership for purposes of section 52023  
5705.2112 of the Revised Code. 52024

**Sec. 3319.113.** (A) Not later than May 31, 2016, the state 52025  
board of education shall develop a standards-based state framework 52026  
for the evaluation of school counselors. The state board may 52027  
update the framework periodically by adoption of a resolution. The 52028  
framework shall establish an evaluation system that does the 52029  
following: 52030

(1) Requires school counselors to demonstrate their ability 52031  
to produce positive student outcomes using metrics, including 52032  
those from the school or school district's report card issued 52033  
under section 3302.03 of the Revised Code when appropriate; 52034

(2) Is aligned with the standards for school counselors 52035  
adopted under section 3319.61 of the Revised Code and requires 52036  
school counselors to demonstrate their ability in all the areas 52037

<u>identified by those standards;</u>	52038
<u>(3) Requires that all school counselors be evaluated</u>	52039
<u>annually, except as otherwise appropriate for high-performing</u>	52040
<u>school counselors;</u>	52041
<u>(4) Assigns a rating on each evaluation in accordance with</u>	52042
<u>division (B) of this section;</u>	52043
<u>(5) Designates the personnel that may conduct evaluations of</u>	52044
<u>school counselors in accordance with this framework;</u>	52045
<u>(6) Requires that each school counselor be provided with a</u>	52046
<u>written report of the results of that school counselor's</u>	52047
<u>evaluation;</u>	52048
<u>(7) Provides for professional development to accelerate and</u>	52049
<u>continue school counselor growth and provide support to poorly</u>	52050
<u>performing school counselors.</u>	52051
<u>(B)(1) The state board shall develop specific standards and</u>	52052
<u>criteria that distinguish between the following levels of</u>	52053
<u>performance for school counselors for the purposes of assigning</u>	52054
<u>ratings on the evaluations conducted under this section:</u>	52055
<u>(a) Accomplished;</u>	52056
<u>(b) Skilled;</u>	52057
<u>(c) Developing;</u>	52058
<u>(d) Ineffective.</u>	52059
<u>(2) The state board shall consult with experts, school</u>	52060
<u>counselors and principals employed in public schools, and</u>	52061
<u>representatives of stakeholder groups in developing the standards</u>	52062
<u>and criteria required by division (B)(1) of this section.</u>	52063
<u>(C)(1) Not later than September 30, 2016, each school</u>	52064
<u>district board of education shall adopt a standards-based school</u>	52065
<u>counselor evaluation policy that conforms with the framework for</u>	52066

the evaluation of school counselors developed under this section. 52067  
The policy shall become operative at the expiration of any 52068  
collective bargaining agreement covering school counselors 52069  
employed by the board that is in effect on the effective date of 52070  
this section and shall be included in any renewal or extension of 52071  
such an agreement. 52072

(2) A district board shall include both of the following in 52073  
its evaluation policy: 52074

(a) The implementation of the framework for the evaluation of 52075  
school counselors developed under this section beginning in the 52076  
2016-2017 school year; 52077

(b) Procedures for using the evaluation results, beginning in 52078  
the 2017-2018 school year, for both of the following: 52079

(i) Decisions regarding retention and promotion of school 52080  
counselors; 52081

(ii) Removal of poorly performing school counselors. 52082

(D) Each district board shall annually submit a report to the 52083  
department of education, in a form and manner prescribed by the 52084  
department, regarding its implementation of division (C) of this 52085  
section. At no time shall the department permit or require that 52086  
the name or personally identifiable information of any school 52087  
counselor be reported to the department under this division. 52088

(E) Notwithstanding any provision to the contrary in Chapter 52089  
4117. of the Revised Code, the requirements of this section 52090  
prevail over any conflicting provision of a collective bargaining 52091  
agreement entered into on or after the effective date of this 52092  
section. 52093

**Sec. 3319.114.** (A) Beginning with the 2014-2015 school year, 52094  
a district or school may choose to use the alternative framework 52095  
prescribed by divisions (B) and (C) of this section when 52096

evaluating teachers under section 3319.111 of the Revised Code.	52097
(B) If a district or school chooses to use the alternative framework for the 2014-2015 school year, that district or school shall calculate ratings assigned for teacher evaluations according to the following:	52098 52099 52100 52101
(1) The teacher performance measure, as defined by the department of education, shall account for forty-two and one-half per cent of each rating.	52102 52103 52104
(2) The student academic growth measure, as defined by the department, shall account for forty-two and one-half per cent of each rating.	52105 52106 52107
(3) Only one of the following components shall account for fifteen per cent of each rating:	52108 52109
(a) Student surveys;	52110
(b) Teacher self-evaluations;	52111
(c) Peer review evaluations;	52112
(d) Student portfolios.	52113
(C) If a district or school chooses to use the alternative framework for the 2015-2016 school year or any school year thereafter, that district or school shall calculate ratings assigned for teacher evaluations according to the following:	52114 52115 52116 52117
(1) The teacher performance measure, as defined by the department, shall account for <del>forty two and one half to fifty</del> per cent of each rating.	52118 52119 52120
(2) The student academic growth measure, as defined by the department, shall account for <del>forty two and one half to fifty</del> <u>thirty-five</u> per cent of each rating.	52121 52122 52123
(3) The remainder shall be one, <u>or any combination</u> , of the following components:	52124 52125



(a) Student surveys;	52126
(b) Teacher self-evaluations;	52127
(c) Peer review evaluations;	52128
(d) Student portfolios;	52129
<u>(e) Any other component determined appropriate by the</u>	52130
<u>district board or school governing authority.</u>	52131
<del>(4) The teacher performance measure and the student academic</del>	52132
<del>growth measure shall account for an equal percentage of each</del>	52133
<del>rating.</del>	52134
(D) The department shall compile a list of approved	52135
instruments <del>for that</del> districts and schools <del>to</del> <u>may</u> use, beginning	52136
with the 2014-2015 school year, when evaluating the components	52137
described under divisions (B)(3) and (C)(3) of this section. <del>Each</del>	52138
<del>district or school shall choose one of the approved instruments to</del>	52139
<del>evaluate the applicable component selected by the district or</del>	52140
<del>school under that section.</del>	52141
<b>Sec. 3319.22.</b> (A)(1) The state board of education shall issue	52142
the following educator licenses:	52143
(a) A resident educator license, which shall be valid for	52144
four years and shall be renewable for reasons specified by rules	52145
adopted by the state board pursuant to division (A)(3) of this	52146
section. The state board, on a case-by-case basis, may extend the	52147
license's duration as necessary to enable the license holder to	52148
complete the Ohio teacher residency program established under	52149
section 3319.223 of the Revised Code;	52150
(b) A professional educator license, which shall be valid for	52151
five years and shall be renewable;	52152
(c) A senior professional educator license, which shall be	52153
valid for five years and shall be renewable;	52154

(d) A lead professional educator license, which shall be valid for five years and shall be renewable.	52155 52156
(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.	52157 52158 52159
(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section.	52160 52161 52162 52163 52164
(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:	52165 52166 52167
(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.	52168 52169 52170 52171 52172
(2) An applicant for a professional educator license shall:	52173
(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;	52174 52175 52176
(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.	52177 52178 52179 52180 52181 52182
(3) An applicant for a senior professional educator license shall:	52183 52184

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	52185 52186 52187
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	52188 52189 52190
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	52191 52192 52193 52194
(4) An applicant for a lead professional educator license shall:	52195 52196
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	52197 52198 52199
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	52200 52201 52202 52203
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	52204 52205 52206
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	52207 52208 52209 52210 52211
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section	52212 52213 52214

3319.61 of the Revised Code. 52215

(D) If the state board requires any examinations for educator 52216  
licensure, the department of education shall provide the results 52217  
of such examinations received by the department to the chancellor 52218  
of ~~the Ohio board of regents~~ higher education, in the manner and 52219  
to the extent permitted by state and federal law. 52220

(E) Any rules the state board of education adopts, amends, or 52221  
rescinds for educator licenses under this section, division (D) of 52222  
section 3301.07 of the Revised Code, or any other law shall be 52223  
adopted, amended, or rescinded under Chapter 119. of the Revised 52224  
Code except as follows: 52225

(1) Notwithstanding division (E) of section 119.03 and 52226  
division (A)(1) of section 119.04 of the Revised Code, in the case 52227  
of the adoption of any rule or the amendment or rescission of any 52228  
rule that necessitates institutions' offering preparation programs 52229  
for educators and other school personnel that are approved by the 52230  
chancellor of ~~the Ohio board of regents~~ higher education under 52231  
section 3333.048 of the Revised Code to revise the curriculum of 52232  
those programs, the effective date shall not be as prescribed in 52233  
division (E) of section 119.03 and division (A)(1) of section 52234  
119.04 of the Revised Code. Instead, the effective date of such 52235  
rules, or the amendment or rescission of such rules, shall be the 52236  
date prescribed by section 3333.048 of the Revised Code. 52237

(2) Notwithstanding the authority to adopt, amend, or rescind 52238  
emergency rules in division (G) of section 119.03 of the Revised 52239  
Code, this authority shall not apply to the state board of 52240  
education with regard to rules for educator licenses. 52241

(F)(1) The rules adopted under this section establishing 52242  
standards requiring additional coursework for the renewal of any 52243  
educator license shall require a school district and a chartered 52244  
nonpublic school to establish local professional development 52245

committees. In a nonpublic school, the chief administrative 52246  
officer shall establish the committees in any manner acceptable to 52247  
such officer. The committees established under this division shall 52248  
determine whether coursework that a district or chartered 52249  
nonpublic school teacher proposes to complete meets the 52250  
requirement of the rules. The department of education shall 52251  
provide technical assistance and support to committees as the 52252  
committees incorporate the professional development standards 52253  
adopted by the state board of education pursuant to section 52254  
3319.61 of the Revised Code into their review of coursework that 52255  
is appropriate for license renewal. The rules shall establish a 52256  
procedure by which a teacher may appeal the decision of a local 52257  
professional development committee. 52258

(2) In any school district in which there is no exclusive 52259  
representative established under Chapter 4117. of the Revised 52260  
Code, the professional development committees shall be established 52261  
as described in division (F)(2) of this section. 52262

Not later than the effective date of the rules adopted under 52263  
this section, the board of education of each school district shall 52264  
establish the structure for one or more local professional 52265  
development committees to be operated by such school district. The 52266  
committee structure so established by a district board shall 52267  
remain in effect unless within thirty days prior to an anniversary 52268  
of the date upon which the current committee structure was 52269  
established, the board provides notice to all affected district 52270  
employees that the committee structure is to be modified. 52271  
Professional development committees may have a district-level or 52272  
building-level scope of operations, and may be established with 52273  
regard to particular grade or age levels for which an educator 52274  
license is designated. 52275

Each professional development committee shall consist of at 52276  
least three classroom teachers employed by the district, one 52277

principal employed by the district, and one other employee of the 52278  
district appointed by the district superintendent. For committees 52279  
with a building-level scope, the teacher and principal members 52280  
shall be assigned to that building, and the teacher members shall 52281  
be elected by majority vote of the classroom teachers assigned to 52282  
that building. For committees with a district-level scope, the 52283  
teacher members shall be elected by majority vote of the classroom 52284  
teachers of the district, and the principal member shall be 52285  
elected by a majority vote of the principals of the district, 52286  
unless there are two or fewer principals employed by the district, 52287  
in which case the one or two principals employed shall serve on 52288  
the committee. If a committee has a particular grade or age level 52289  
scope, the teacher members shall be licensed to teach such grade 52290  
or age levels, and shall be elected by majority vote of the 52291  
classroom teachers holding such a license and the principal shall 52292  
be elected by all principals serving in buildings where any such 52293  
teachers serve. The district superintendent shall appoint a 52294  
replacement to fill any vacancy that occurs on a professional 52295  
development committee, except in the case of vacancies among the 52296  
elected classroom teacher members, which shall be filled by vote 52297  
of the remaining members of the committee so selected. 52298

Terms of office on professional development committees shall 52299  
be prescribed by the district board establishing the committees. 52300  
The conduct of elections for members of professional development 52301  
committees shall be prescribed by the district board establishing 52302  
the committees. A professional development committee may include 52303  
additional members, except that the majority of members on each 52304  
such committee shall be classroom teachers employed by the 52305  
district. Any member appointed to fill a vacancy occurring prior 52306  
to the expiration date of the term for which a predecessor was 52307  
appointed shall hold office as a member for the remainder of that 52308  
term. 52309

The initial meeting of any professional development 52310  
committee, upon election and appointment of all committee members, 52311  
shall be called by a member designated by the district 52312  
superintendent. At this initial meeting, the committee shall 52313  
select a chairperson and such other officers the committee deems 52314  
necessary, and shall adopt rules for the conduct of its meetings. 52315  
Thereafter, the committee shall meet at the call of the 52316  
chairperson or upon the filing of a petition with the district 52317  
superintendent signed by a majority of the committee members 52318  
calling for the committee to meet. 52319

(3) In the case of a school district in which an exclusive 52320  
representative has been established pursuant to Chapter 4117. of 52321  
the Revised Code, professional development committees shall be 52322  
established in accordance with any collective bargaining agreement 52323  
in effect in the district that includes provisions for such 52324  
committees. 52325

If the collective bargaining agreement does not specify a 52326  
different method for the selection of teacher members of the 52327  
committees, the exclusive representative of the district's 52328  
teachers shall select the teacher members. 52329

If the collective bargaining agreement does not specify a 52330  
different structure for the committees, the board of education of 52331  
the school district shall establish the structure, including the 52332  
number of committees and the number of teacher and administrative 52333  
members on each committee; the specific administrative members to 52334  
be part of each committee; whether the scope of the committees 52335  
will be district levels, building levels, or by type of grade or 52336  
age levels for which educator licenses are designated; the lengths 52337  
of terms for members; the manner of filling vacancies on the 52338  
committees; and the frequency and time and place of meetings. 52339  
However, in all cases, except as provided in division (F)(4) of 52340  
this section, there shall be a majority of teacher members of any 52341

professional development committee, there shall be at least five 52342  
total members of any professional development committee, and the 52343  
exclusive representative shall designate replacement members in 52344  
the case of vacancies among teacher members, unless the collective 52345  
bargaining agreement specifies a different method of selecting 52346  
such replacements. 52347

(4) Whenever an administrator's coursework plan is being 52348  
discussed or voted upon, the local professional development 52349  
committee shall, at the request of one of its administrative 52350  
members, cause a majority of the committee to consist of 52351  
administrative members by reducing the number of teacher members 52352  
voting on the plan. 52353

(G)(1) The department of education, educational service 52354  
centers, county boards of developmental disabilities, regional 52355  
professional development centers, special education regional 52356  
resource centers, college and university departments of education, 52357  
head start programs, and the Ohio education computer network may 52358  
establish local professional development committees to determine 52359  
whether the coursework proposed by their employees who are 52360  
licensed or certificated under this section or section 3319.222 of 52361  
the Revised Code, or under the former version of either section as 52362  
it existed prior to October 16, 2009, meet the requirements of the 52363  
rules adopted under this section. They may establish local 52364  
professional development committees on their own or in 52365  
collaboration with a school district or other agency having 52366  
authority to establish them. 52367

Local professional development committees established by 52368  
county boards of developmental disabilities shall be structured in 52369  
a manner comparable to the structures prescribed for school 52370  
districts in divisions (F)(2) and (3) of this section, as shall 52371  
the committees established by any other entity specified in 52372  
division (G)(1) of this section that provides educational services 52373



by employing or contracting for services of classroom teachers 52374  
licensed or certificated under this section or section 3319.222 of 52375  
the Revised Code, or under the former version of either section as 52376  
it existed prior to October 16, 2009. All other entities specified 52377  
in division (G)(1) of this section shall structure their 52378  
committees in accordance with guidelines which shall be issued by 52379  
the state board. 52380

(2) Any public agency that is not specified in division 52381  
(G)(1) of this section but provides educational services and 52382  
employs or contracts for services of classroom teachers licensed 52383  
or certificated under this section or section 3319.222 of the 52384  
Revised Code, or under the former version of either section as it 52385  
existed prior to October 16, 2009, may establish a local 52386  
professional development committee, subject to the approval of the 52387  
department of education. The committee shall be structured in 52388  
accordance with guidelines issued by the state board. 52389

(H) Not later than July 1, 2016, the state board, in 52390  
accordance with Chapter 119. of the Revised Code, shall adopt 52391  
rules pursuant to division (A)(3) of this section that do both of 52392  
the following: 52393

(1) Exempt consistently high-performing teachers from the 52394  
requirement to complete any additional coursework for the renewal 52395  
of an educator license issued under this section or section 52396  
3319.26 of the Revised Code. The rules also shall specify that 52397  
such teachers are exempt from any requirements prescribed by 52398  
professional development committees established under divisions 52399  
(F) and (G) of this section. 52400

(2) For purposes of division (H)(1) of this section, the 52401  
state board shall define the term "consistently high-performing 52402  
teacher." 52403

**Sec. 3319.223.** (A) Not later than January 1, 2011, the 52404

superintendent of public instruction and the chancellor of the 52405  
~~Ohio board of regents~~ higher education jointly shall establish the 52406  
Ohio teacher residency program, which shall be a four-year, 52407  
entry-level program for classroom teachers. The teacher residency 52408  
program shall include at least the following components: 52409

(1) Mentoring by teachers ~~who hold a lead professional~~ 52410  
~~educator license issued under section 3319.22 of the Revised Code~~ 52411  
for the first two years of the program; 52412

(2) Counseling, as determined necessary by the school 52413  
district or school, to ensure that program participants receive 52414  
needed professional development; 52415

(3) Measures of appropriate progression through the program, 52416  
which shall include the performance-based assessment prescribed by 52417  
the state board of education for resident educators in the third 52418  
year of the program. 52419

An individual who is teaching career-technical courses under 52420  
an alternative resident educator license issued under section 52421  
3319.26 of the Revised Code shall not be required to complete the 52422  
conditions of the Ohio teacher residency program that a 52423  
participant, as of the effective date of this amendment, would 52424  
have been required to complete during the participant's first and 52425  
second year of teaching under an alternative resident educator 52426  
license. Such an individual shall complete all the conditions 52427  
that, as of the effective date of this amendment, were necessary 52428  
for a participant in the third and fourth year of the program 52429  
prior to applying for a professional educator license under 52430  
division (A)(2) of section 3319.22 of the Revised Code. 52431

(B) The teacher residency program shall be aligned with the 52432  
standards for teachers adopted by the state board ~~of education~~ 52433  
under section 3319.61 of the Revised Code and best practices 52434  
identified by the superintendent of public instruction. 52435

(C) Each person who holds a resident educator license issued 52436  
under section 3319.22 or 3319.227 of the Revised Code or an 52437  
alternative resident educator license issued under section 3319.26 52438  
of the Revised Code shall participate in the teacher residency 52439  
program. Successful completion of the program shall be required to 52440  
qualify any such person for a professional educator license issued 52441  
under section 3319.22 of the Revised Code. 52442

Sec. 3319.271. (A) As used in this section, the "bright new 52443  
leaders for Ohio schools program" means the program created and 52444  
implemented by the nonprofit corporation incorporated pursuant to 52445  
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 52446  
to provide an alternative path for individuals to receive training 52447  
and development in the administration of primary and secondary 52448  
education and leadership, enable those individuals to earn degrees 52449  
and obtain licenses in public school administration, and promote 52450  
the placement of those individuals in public schools that have a 52451  
poverty percentage greater than fifty per cent. 52452

(B) The state board of education shall issue an alternative 52453  
principal license or an alternative administrator license, as 52454  
applicable, to an individual who successfully completes the bright 52455  
new leaders for Ohio schools program and satisfies the 52456  
requirements in rules adopted by the state board under division 52457  
(C) of this section. 52458

(C) The state board, in consultation with the board of 52459  
directors of the bright new leaders for Ohio schools program, 52460  
shall adopt rules that prescribe the requirements for obtaining an 52461  
alternative principal license or an alternative administrator 52462  
license under this section. The state board shall use the rules 52463  
adopted under section 3319.27 of the Revised Code as guidance in 52464  
developing the rules adopted under this division. 52465

Sec. 3319.303. (A) The state board of education shall adopt 52466  
rules establishing standards and requirements for obtaining a 52467  
pupil-activity program permit for any individual who does not hold 52468  
a valid educator license, certificate, or permit issued by the 52469  
state board under section 3319.22, 3319.26, or 3319.27 of the 52470  
Revised Code. The permit issued under this section shall be valid 52471  
for coaching, supervising, or directing a pupil-activity program 52472  
under section 3313.53 of the Revised Code. Subject to the 52473  
provisions of section 3319.31 of the Revised Code, a permit issued 52474  
under this ~~section~~ division shall be valid for three years and 52475  
shall be renewable. 52476

(B) The state board shall adopt rules applicable to 52477  
individuals who hold valid educator licenses, certificates, or 52478  
permits issued by the state board under section 3319.22, 3319.26, 52479  
or 3319.27 of the Revised Code setting forth standards to assure 52480  
any such individual's competence to direct, supervise, or coach a 52481  
pupil-activity program described in section 3313.53 of the Revised 52482  
Code. The rules adopted under this division shall not be more 52483  
stringent than the standards set forth in rules applicable to 52484  
individuals who do not hold such licenses, certificates, or 52485  
permits adopted under division (A) of this section. Subject to the 52486  
provisions of section 3319.31 of the Revised Code, a permit issued 52487  
to an individual under this division shall be valid for the same 52488  
number of years as the individual's educator license, certificate, 52489  
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 52490  
Revised Code and shall be renewable. 52491

(C) As a condition to issuing or renewing a pupil-activity 52492  
program permit to coach interscholastic athletics: 52493

(1) The state board shall require each individual applying 52494  
for a first permit on or after April 26, 2013, to successfully 52495  
complete a training program that is specifically focused on brain 52496

trauma and brain injury management. 52497

(2) The state board shall require each individual applying 52498  
for a permit renewal on or after that date to present evidence 52499  
that the individual has successfully completed, within the 52500  
previous three years, a training program in recognizing the 52501  
symptoms of concussions and head injuries to which the department 52502  
of health has provided a link on its internet web site under 52503  
section 3707.52 of the Revised Code or a training program 52504  
authorized and required by an organization that regulates 52505  
interscholastic athletic competition and conducts interscholastic 52506  
athletic events. 52507

Sec. 3319.323. During the course of transferring a student's 52508  
record to an educational institution for a legitimate educational 52509  
purpose as specified under division (C) of section 3319.321 of the 52510  
Revised Code, no school district or school shall alter, truncate, 52511  
or redact any part of a student's record so that any information 52512  
on the student's record is rendered unreadable or unintelligible. 52513

Sec. 3319.51. (A)(1) The state board of education shall 52514  
annually establish the amount of the fees required to be paid for 52515  
any license, certificate, or permit issued under this chapter or 52516  
division (B) of section 3301.071 or section 3301.074 of the 52517  
Revised Code. The Except as provided in division (A)(2) of this 52518  
section, the amount of these fees shall be such that they, along 52519  
with any appropriation made to the fund established under division 52520  
(B) of this section, will be sufficient to cover the annual 52521  
estimated cost of administering the requirements described under 52522  
division (B) of this section. 52523

(2) The state board shall not require any fee to be paid 52524  
under division (A)(1) of this section for a license, certificate, 52525  
or permit issued for the purpose of teaching in a junior reserve 52526

officer training corps (JROTC) program approved by the congress of 52527  
the United States under title 10 of the United States Code. 52528

(B) There is hereby established in the state treasury the 52529  
state board of education licensure fund, which shall be used by 52530  
the state board of education solely to pay the cost of 52531  
administering requirements related to the issuance and renewal of 52532  
licenses, certificates, and permits described in this chapter and 52533  
sections 3301.071 and 3301.074 of the Revised Code. The fund shall 52534  
consist of the amounts paid into the fund pursuant to division (B) 52535  
of section 3301.071 and sections 3301.074 and 3319.29 of the 52536  
Revised Code and any appropriations to the fund by the general 52537  
assembly. 52538

**Sec. 3319.61.** (A) The educator standards board, in 52539  
consultation with the chancellor of ~~the Ohio board of regents~~ 52540  
higher education, shall do all of the following: 52541

(1) Develop state standards for teachers and principals that 52542  
reflect what teachers and principals are expected to know and be 52543  
able to do at all stages of their careers. These standards shall 52544  
be aligned with the statewide academic content standards for 52545  
students adopted pursuant to section 3301.079 of the Revised Code, 52546  
be primarily based on educator performance instead of years of 52547  
experience or certain courses completed, and rely on 52548  
evidence-based factors. These standards shall also be aligned with 52549  
the operating standards adopted under division (D)(3) of section 52550  
3301.07 of the Revised Code. 52551

(a) The standards for teachers shall reflect the following 52552  
additional criteria: 52553

(i) Alignment with the interstate new teacher assessment and 52554  
support consortium standards; 52555

(ii) Differentiation among novice, experienced, and advanced 52556

teachers;	52557
(iii) Reliance on competencies that can be measured;	52558
(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;	52559 52560 52561
(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	52562 52563 52564 52565
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	52566 52567 52568 52569
(vii) The Ohio leadership framework.	52570
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	52571 52572
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	52573 52574 52575 52576 52577 52578 52579
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of	52580 52581 52582 52583 52584 52585 52586

section 3301.07 of the Revised Code. 52587

(4) Develop standards for the renewal of licenses under 52588  
sections 3301.074 and 3319.22 of the Revised Code; 52589

(5) Develop standards for educator professional development; 52590

(6) Investigate and make recommendations for the creation, 52591  
expansion, and implementation of school building and school 52592  
district leadership academies; 52593

(7) Develop standards for school counselors that reflect what 52594  
school counselors are expected to know and be able to do at all 52595  
stages of their careers. The standards shall reflect knowledge of 52596  
academic, personal, and social counseling for students and 52597  
effective principles to implement an effective school counseling 52598  
program. The standards also shall reflect Ohio-specific knowledge 52599  
of career counseling for students and education options that 52600  
provide flexibility for earning credit, such as earning units of 52601  
high school credit using the methods adopted by the state board of 52602  
education under division (J) of section 3313.603 of the Revised 52603  
Code and earning college credit through the college credit plus 52604  
program established under Chapter 3365. of the Revised Code. The 52605  
standards shall align with the American school counselor 52606  
association's professional standards and the operating standards 52607  
developed under division (D)(3) of section 3301.07 of the Revised 52608  
Code. 52609

The superintendent of public instruction, the chancellor of 52610  
~~the Ohio board of regents~~ higher education, or the education 52611  
standards board itself may request that the educator standards 52612  
board update, review, or reconsider any standards developed under 52613  
this section. 52614

(B) The educator standards board shall incorporate indicators 52615  
of cultural competency into the standards developed under division 52616  
(A) of this section. For this purpose, the educator standards 52617



board shall develop a definition of cultural competency based upon 52618  
content and experiences that enable educators to know, understand, 52619  
and appreciate the students, families, and communities that they 52620  
serve and skills for addressing cultural diversity in ways that 52621  
respond equitably and appropriately to the cultural needs of 52622  
individual students. 52623

(C) In developing the standards under division (A) of this 52624  
section, the educator standards board shall consider the impact of 52625  
the standards on closing the achievement gap between students of 52626  
different subgroups. 52627

(D) In developing the standards under division (A) of this 52628  
section, the educator standards board shall ensure both of the 52629  
following: 52630

(1) That teachers have sufficient knowledge to provide 52631  
appropriate instruction for students identified as gifted pursuant 52632  
to Chapter 3324. of the Revised Code and to assist in the 52633  
identification of such students, and have sufficient knowledge 52634  
that will enable teachers to provide learning opportunities for 52635  
all children to succeed; 52636

(2) That principals, superintendents, school treasurers, and 52637  
school business managers have sufficient knowledge to provide 52638  
principled, collaborative, foresighted, and data-based leadership 52639  
that will provide learning opportunities for all children to 52640  
succeed. 52641

(E) The standards for educator professional development 52642  
developed under division (A)(5) of this section shall include the 52643  
following: 52644

(1) Standards for the inclusion of local professional 52645  
development committees established under section 3319.22 of the 52646  
Revised Code in the planning and design of professional 52647  
development; 52648

(2) Standards that address the crucial link between academic achievement and mental health issues. 52649  
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(F) The educator standards board shall also perform the following functions: 52651  
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(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met; 52653  
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(2) Research, develop, and recommend policies on the professions of teaching and school administration; 52657  
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(3) Recommend policies to close the achievement gap between students of different subgroups; 52659  
52660

(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 52661  
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(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board. 52663  
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(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.	52680 52681 52682
(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following:	52683 52684 52685 52686
(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;	52687 52688 52689 52690
(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;	52691 52692
(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section.	52693 52694
(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider its recommendations if the state board of education so requests, may revise the recommendations, and shall resubmit the recommendations, whether revised or not, to the state board not later than two weeks prior to the state board's regular meeting	52695 52696 52697 52698 52699 52700 52701 52702 52703 52704 52705 52706 52707 52708 52709 52710

that next succeeds the meeting at which the state board requested 52711  
reconsideration of the initial recommendations. The state board of 52712  
education shall review the recommendations as resubmitted by the 52713  
educator standards board at the state board's regular meeting that 52714  
next succeeds the meeting at which the state board requested 52715  
reconsideration of the initial recommendations and may adopt the 52716  
standards as resubmitted or, if the resubmitted standards have not 52717  
addressed the state board's concerns, the state board may modify 52718  
the standards prior to adopting them. The final responsibility to 52719  
determine whether to adopt standards as described in division (A) 52720  
of this section and the content of those standards, if adopted, 52721  
belongs solely to the state board of education. 52722

Sec. 3319.67. (A) The state board of education may establish 52723  
an annual teacher of the year recognition program for outstanding 52724  
teachers. 52725

(B) Notwithstanding division (A) of section 2921.43 of the 52726  
Revised Code, a person or entity may make a voluntary contribution 52727  
to the recognition program described in division (A) of this 52728  
section. 52729

(C) Notwithstanding division (A) of section 2921.43 of the 52730  
Revised Code, a teacher who is recognized as a teacher of the year 52731  
by the recognition program described in division (A) of this 52732  
section may accept gifts and privileges as part of the recognition 52733  
program. 52734

**Sec. 3323.13. (A) If a child who is a school resident of one 52735**  
school district receives special education from another district, 52736  
the board of education of the district providing the education, 52737  
subject to division (C) of this section, may require the payment 52738  
by the board of education of the district of residence of a sum 52739  
not to exceed one of the following, as applicable: 52740

(1) For any child except a preschool child with a disability described in division (A)(2) of this section, the tuition of the district providing the education for a child of normal needs of the same school grade. The determination of the amount of such tuition shall be in the manner provided for by division (A) of section 3317.08 of the Revised Code.

(2) For any preschool child with a disability, the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code, ~~multiplied by 0.50.~~

(B) The board of the district of residence may contract with the board of another district for the transportation of such child into any school in such other district, on terms agreed upon by such boards. Upon direction of the state board of education, the board of the district of residence shall pay for the child's transportation and the tuition.

(C) The board of education of a district providing the education for a child shall be entitled to require payment from the district of residence under this section or section 3323.14 of the Revised Code only if the district providing the education has done at least one of the following:

(1) Invited the district of residence to send representatives to attend the meetings of the team developing the child's individualized education program;

(2) Received from the district of residence a copy of the individualized education program or a multifactored evaluation developed for the child by the district of residence;

(3) Informed the district of residence in writing that the district is providing the education for the child.

As used in division (C)(2) of this section, "multifactored evaluation" means an evaluation, conducted by a multidisciplinary

team, of more than one area of the child's functioning so that no 52772  
single procedure shall be the sole criterion for determining an 52773  
appropriate educational program placement for the child. 52774

**Sec. 3326.10.** Each science, technology, engineering, and 52775  
mathematics school shall adopt admission procedures that specify 52776  
the following: 52777

(A)(1) Admission shall be open to individuals entitled and 52778  
eligible to attend school pursuant to section 3313.64 or 3313.65 52779  
of the Revised Code in a school district in the state. 52780

~~(2) Students who are not residents of Ohio shall not be 52781  
permitted to enroll in a science, technology, engineering, and 52782  
mathematics school~~ (a) Admission may be open on a tuition basis to 52783  
individuals who are not residents of this state. The school shall 52784  
not receive state funds under sections 3326.33 to 3326.51 of the 52785  
Revised Code for any student who is not a resident of this state. 52786

(b) The school shall charge tuition for a student who is not 52787  
a resident of this state in an amount equal to the amount 52788  
calculated by the department of education under section 3326.101 52789  
of the Revised Code. 52790

(B) There will be no discrimination in the admission of 52791  
students to the school on the basis of race, creed, color, 52792  
disability, or sex. 52793

(C) The school will comply with all federal and state laws 52794  
regarding the education of students with disabilities. 52795

(D) Unless the school serves only students identified as 52796  
gifted under Chapter 3324. of the Revised Code, the school will 52797  
not limit admission to students on the basis of intellectual 52798  
ability, measures of achievement or aptitude, or athletic or 52799  
artistic ability. 52800

(E) The school will assert its best effort to attract a 52801

diverse student body that reflects the community, and the school 52802  
will recruit students from disadvantaged and underrepresented 52803  
groups. 52804

Sec. 3326.101. For each student who is not a resident of this 52805  
state and is enrolled in a science, technology, engineering, and 52806  
mathematics school under division (A)(2) of section 3326.10 of the 52807  
Revised Code, the department of education shall calculate the 52808  
amount that the school would have received for that student under 52809  
section 3326.33 of the Revised Code if that student were a 52810  
resident of this state. The department shall not pay that amount 52811  
to the school, but the school shall charge that amount to the 52812  
student as tuition. 52813

Sec. 3326.11. Each science, technology, engineering, and 52814  
mathematics school established under this chapter and its 52815  
governing body shall comply with sections 9.90, 9.91, 109.65, 52816  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 52817  
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 52818  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 52819  
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 52820  
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 52821  
3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 52822  
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 52823  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 52824  
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 52825  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 52826  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 52827  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 52828  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 52829  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 52830  
4123., 4141., and 4167. of the Revised Code as if it were a school 52831  
district. 52832

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A), (B), (C), (D), and (E) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students reported under division (A) of this section who are limited English proficient students and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student reported under division (A) of this section;

(H) The total number of students enrolled in the school who are not residents of this state and any additional information



regarding these students that the department requires the school 52863  
to report. The school shall not receive any payments under this 52864  
chapter for students reported under this division. 52865

(I) Any additional information the department determines 52866  
necessary to make payments under this chapter. 52867

**Sec. 3326.33.** For each student enrolled in a science, 52868  
technology, engineering, and mathematics school established under 52869  
this chapter, on a full-time equivalency basis, the department of 52870  
education annually shall deduct from the state education aid of a 52871  
student's resident school district and, if necessary, from the 52872  
payment made to the district under sections 321.24 and 323.156 of 52873  
the Revised Code and pay to the school the sum of the following: 52874

(A) An opportunity grant in an amount equal to the formula 52875  
amount; 52876

(B) The per pupil amount of targeted assistance funds 52877  
calculated under division (A) of section 3317.0217 of the Revised 52878  
Code for the student's resident district, as determined by the 52879  
department, X 0.25; 52880

(C) Additional state aid for special education and related 52881  
services provided under Chapter 3323. of the Revised Code as 52882  
follows: 52883

(1) If the student is a category one special education 52884  
student, the amount specified in division (A) of section 3317.013 52885  
of the Revised Code; 52886

(2) If the student is a category two special education 52887  
student, the amount specified in division (B) of section 3317.013 52888  
of the Revised Code; 52889

(3) If the student is a category three special education 52890  
student, the amount specified in division (C) of section 3317.013 52891  
of the Revised Code; 52892

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	52893 52894 52895
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	52896 52897 52898
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	52899 52900 52901
(D) If the student is in kindergarten through third grade, <del>\$211</del> <u>\$305</u> , in fiscal year <del>2014</del> <u>2016</u> , or <del>\$290</del> <u>\$320</u> , in fiscal year <del>2015</del> <u>2017</u> ;	52902 52903 52904
(E) If the student is economically disadvantaged, an amount equal to the following:	52905 52906
<del>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)</del>	52907 52908
(F) Limited English proficiency funds, as follows:	52909
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	52910 52911 52912
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	52913 52914 52915
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	52916 52917 52918
(G) Career-technical education funds as follows:	52919
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	52920 52921 52922

(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	52923 52924 52925
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	52926 52927 52928
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	52929 52930 52931
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	52932 52933 52934
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	52935 52936 52937
<b><u>Sec. 3326.41.</u></b> (A) For purposes of this section:	52938
(1) <u>"Formula amount" has the same meaning as in section 3317.02 of the Revised Code.</u>	52939 52940
(2) <u>"Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.</u>	52941 52942
(B) <u>In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school a graduation bonus calculated according to the following formula:</u> <u>The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.075 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report</u>	52943 52944 52945 52946 52947 52948 52949 52950 52951 52952

card was issued 52953

**Sec. 3326.50.** A Except as provided in division (A)(2) of section 3326.10 of the Revised Code, a science, technology, engineering, and mathematics school shall not charge tuition for any student enrolled in the school. 52954  
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**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district. 52958  
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In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section 3327.02 of the Revised Code. 52963  
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In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program. 52973  
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In all city, local, and exempted village school districts, 52983  
the board may provide transportation for resident school pupils in 52984  
grades nine through twelve to and from the high school to which 52985  
they are assigned by the board of education of the district of 52986  
residence or to and from the nonpublic or community high school 52987  
which they attend for which the state board of education 52988  
prescribes minimum standards pursuant to division (D) of section 52989  
3301.07 of the Revised Code. 52990

A board of education shall not be required to transport 52991  
elementary or high school pupils to and from a nonpublic or 52992  
community school where such transportation would require more than 52993  
thirty minutes of direct travel time as measured by school bus 52994  
from the public school building to which the pupils would be 52995  
assigned if attending the public school designated by the district 52996  
of residence. 52997

Where it is impractical to transport a pupil by school 52998  
conveyance, a board of education may offer payment, in lieu of 52999  
providing such transportation in accordance with section 3327.02 53000  
of the Revised Code. 53001

A board of education shall not be required to transport 53002  
elementary or high school pupils to and from a nonpublic or 53003  
community school on Saturday or Sunday, unless a board of 53004  
education and a nonpublic or community school have an agreement in 53005  
place to do so before the first day of July 1, 2014 of the school 53006  
year in which the agreement takes effect. 53007

In all city, local, and exempted village school districts, 53008  
the board shall provide transportation for all children who are so 53009  
disabled that they are unable to walk to and from the school for 53010  
which the state board of education prescribes minimum standards 53011  
pursuant to division (D) of section 3301.07 of the Revised Code 53012  
and which they attend. In case of dispute whether the child is 53013  
able to walk to and from the school, the health commissioner shall 53014

be the judge of such ability. In all city, exempted village, and 53015  
local school districts, the board shall provide transportation to 53016  
and from school or special education classes for mentally disabled 53017  
children in accordance with standards adopted by the state board 53018  
of education. 53019

When transportation of pupils is provided the conveyance 53020  
shall be run on a time schedule that shall be adopted and put in 53021  
force by the board not later than ten days after the beginning of 53022  
the school term. 53023

The cost of any transportation service authorized by this 53024  
section shall be paid first out of federal funds, if any, 53025  
available for the purpose of pupil transportation, and secondly 53026  
out of state appropriations, in accordance with regulations 53027  
adopted by the state board of education. 53028

No transportation of any pupils shall be provided by any 53029  
board of education to or from any school which in the selection of 53030  
pupils, faculty members, or employees, practices discrimination 53031  
against any person on the grounds of race, color, religion, or 53032  
national origin. 53033

**Sec. 3327.02.** (A) After considering each of the following 53034  
factors, the board of education of a city, exempted village, or 53035  
local school district, or a community school governing authority 53036  
providing transportation pursuant to section 3314.091 of the 53037  
Revised Code, may determine that it is impractical to transport a 53038  
pupil who is eligible for transportation to and from a school 53039  
under section 3327.01 of the Revised Code: 53040

(1) The time and distance required to provide the 53041  
transportation; 53042

(2) The number of pupils to be transported; 53043

(3) The cost of providing transportation in terms of 53044

equipment, maintenance, personnel, and administration; 53045

(4) Whether similar or equivalent service is provided to 53046  
other pupils eligible for transportation; 53047

(5) Whether and to what extent the additional service 53048  
unavoidably disrupts current transportation schedules; 53049

(6) Whether other reimbursable types of transportation are 53050  
available. 53051

(B)~~(1)~~ Based on its consideration of the factors established 53052  
in division (A) of this section, the board or governing authority 53053  
may pass a resolution declaring the impracticality of 53054  
transportation. The resolution shall include each pupil's name and 53055  
the reason for impracticality. 53056

~~(2)~~ The board or governing authority shall report its 53057  
determination to the state board of education in a manner 53058  
determined by the state board. 53059

~~(3)~~ ~~The board of education of a local school district~~ 53060  
~~additionally shall submit the resolution for concurrence to the~~ 53061  
~~educational service center that contains the local district's~~ 53062  
~~territory. If the educational service center governing board~~ 53063  
~~considers transportation by school conveyance practicable, it~~ 53064  
~~shall so inform the local board and transportation shall be~~ 53065  
~~provided by such local board. If the educational service center~~ 53066  
~~board agrees with the view of the local board, the local board may~~ 53067  
~~offer payment in lieu of transportation as provided in this~~ 53068  
~~section.~~ 53069

(C) After passing the resolution declaring the impracticality 53070  
of transportation, the district board or governing authority shall 53071  
offer to provide payment in lieu of transportation by doing the 53072  
following: 53073

(1) In accordance with guidelines established by the 53074

department of education, informing the pupil's parent, guardian, 53075  
or other person in charge of the pupil of both of the following: 53076

(a) The ~~board's~~ resolution; 53077

(b) The right of the pupil's parent, guardian, or other 53078  
person in charge of the pupil to accept the offer of payment in 53079  
lieu of transportation or to reject the offer and instead request 53080  
the department to initiate mediation procedures. 53081

(2) Issuing the pupil's parent, guardian, or other person in 53082  
charge of the pupil a contract or other form on which the parent, 53083  
guardian, or other person in charge of the pupil is given the 53084  
option to accept or reject the board's offer of payment in lieu of 53085  
transportation. 53086

(D) If the parent, guardian, or other person in charge of the 53087  
pupil accepts the offer of payment in lieu of providing 53088  
transportation, the board or governing authority shall pay the 53089  
parent, guardian, or other person in charge of the pupil an amount 53090  
that shall be not less than the amount determined by the general 53091  
assembly as the minimum for payment in lieu of transportation, and 53092  
not more than the amount determined by the department of education 53093  
as the average cost of pupil transportation for the previous 53094  
school year. Payment may be prorated if the time period involved 53095  
is only a part of the school year. 53096

(E)(1)(a) Upon the request of a parent, guardian, or other 53097  
person in charge of the pupil who rejected the payment in lieu of 53098  
transportation, the department shall conduct mediation procedures. 53099

(b) If the mediation does not resolve the dispute, the state 53100  
board of education shall conduct a hearing in accordance with 53101  
Chapter 119. of the Revised Code. The state board may approve the 53102  
payment in lieu of transportation or may order the district board 53103  
of education or governing authority to provide transportation. The 53104  
decision of the state board is binding in subsequent years and on 53105



future parties in interest provided the facts of the determination 53106  
remain comparable. 53107

(2) The school district or governing authority shall provide 53108  
transportation for the pupil from the time the parent, guardian, 53109  
or other person in charge of the pupil requests mediation until 53110  
the matter is resolved under division (E)(1)(a) or (b) of this 53111  
section. 53112

(F)(1) If the department determines that a school district 53113  
board or governing authority has failed or is failing to provide 53114  
transportation as required by division (E)(2) of this section or 53115  
as ordered by the state board under division (E)(1)(b) of this 53116  
section, the department shall order the school district board or 53117  
governing authority to pay to the pupil's parent, guardian, or 53118  
other person in charge of the pupil, an amount equal to the state 53119  
average daily cost of transportation as determined by the state 53120  
board of education for the previous year. The school district 53121  
board or governing authority shall make payments on a schedule 53122  
ordered by the department. 53123

(2) If the department subsequently finds that a school 53124  
district board is not in compliance with an order issued under 53125  
division (F)(1) of this section and the affected pupils are 53126  
enrolled in a nonpublic or community school, the department shall 53127  
deduct the amount that the board is required to pay under that 53128  
order from any pupil transportation payments the department makes 53129  
to the school district board under section 3317.0212 of the 53130  
Revised Code or other provisions of law. The department shall use 53131  
the moneys so deducted to make payments to the nonpublic or 53132  
community school attended by the pupil. The department shall 53133  
continue to make the deductions and payments required under this 53134  
division until the school district board either complies with the 53135  
department's order issued under division (F)(1) of this section or 53136  
begins providing transportation. 53137

(G) A nonpublic or community school that receives payments 53138  
from the department under division (F)(2) of this section shall do 53139  
either of the following: 53140

(1) Disburse the entire amount of the payments to the parent, 53141  
guardian, or other person in charge of the pupil affected by the 53142  
failure of the school district of residence to provide 53143  
transportation; 53144

(2) Use the entire amount of the payments to provide 53145  
acceptable transportation for the affected pupil. 53146

**Sec. 3328.24.** A college-preparatory boarding school 53147  
established under this chapter and its board of trustees shall 53148  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 53149  
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 53150  
3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 53151  
3365. of the Revised Code as if the school were a school district 53152  
and the school's board of trustees were a district board of 53153  
education. 53154

**Sec. 3332.10.** (A) No individual shall sell any program or 53155  
solicit students therefor in this state unless the individual is 53156  
an employee of the school. Any individual whose primary duty, 53157  
whether on or off school premises, is to solicit prospective 53158  
students shall first secure a permit as an agent from the state 53159  
board of career colleges and schools. If the agent represents more 53160  
than one school, a separate permit shall be obtained for each 53161  
school represented by the agent. An agent who represents a person 53162  
that operates more than one school in the same geographical area, 53163  
as determined by the board, need not obtain a separate permit for 53164  
each such school. Upon approval for a permit, the board shall 53165  
issue a pocket card to the individual, giving the individual's 53166  
name, address, permit number, and the name and address of the 53167

employing school, and certifying that the individual whose name 53168  
appears on the card is an authorized agent of the school. 53169

(B) The application for a permit shall be made on forms to be 53170  
furnished by the board and accompanied by the fee established in 53171  
accordance with section 3332.07 of the Revised Code. A permit 53172  
shall be ~~renewed every twelve~~ granted for a period not to exceed 53173  
twenty-four months and shall be valid for up to thirty days after 53174  
its expiration date. An application for a renewal permit shall be 53175  
accompanied by the fee established in accordance with section 53176  
3332.07 of the Revised Code. 53177

(C) Each school subject to this chapter shall assume full 53178  
responsibility for the actions, statements, and conduct of its 53179  
agents, and shall provide them with adequate training and arrange 53180  
for proper supervision of their work. The board shall hold schools 53181  
liable for the actions, statements, and conduct of agents that 53182  
violate any provision of this chapter, unless an agent's acts or 53183  
omissions were manifestly outside the scope of the agent's 53184  
employment or official responsibilities. 53185

**Sec. 3333.01.** (A) There is hereby created the Ohio board of 53186  
regents as an advisory board to the chancellor of higher education 53187  
appointed under section 3333.03 of the Revised Code. The board 53188  
shall consist of nine members to be appointed by the governor with 53189  
the advice and consent of the senate. The members shall be 53190  
residents of this state who possess an interest in and knowledge 53191  
of higher education. No member shall be a trustee, officer, or 53192  
employee of any Ohio public or private college or university while 53193  
serving as a member of the board. In addition to the members 53194  
appointed by the governor, the chairperson of the education 53195  
committee of the senate and the chairperson of the education 53196  
committee of the house of representatives shall, after January 1, 53197  
1967, be ex officio members of the board without a vote. 53198

(B) Prior to September 20, 2008, terms of office shall be for 53199  
nine years, commencing on the twenty-first day of September and 53200  
ending on the twentieth day of September. 53201

(C) Beginning on September 20, 2008, the terms of office for 53202  
the members of the board of regents shall be as follows: 53203

(1) The terms of office of the three members whose terms 53204  
under division (B) of this section are scheduled to expire on 53205  
September 20, 2008, shall expire on September 20, 2008. The 53206  
governor, with the advice and consent of the senate, shall appoint 53207  
successors for terms beginning on September 21, 2008, and ending 53208  
on September 20, 2014. 53209

(2) Notwithstanding division (B) of this section, the terms 53210  
of office of the three members whose terms under division (B) of 53211  
this section otherwise are scheduled to expire on September 20, 53212  
2011, shall expire on September 20, 2010. The governor, with the 53213  
advice and consent of the senate, shall appoint successors for 53214  
terms beginning on September 21, 2010, and ending on September 20, 53215  
2016. 53216

(3) Notwithstanding division (B) of this section, the terms 53217  
of office of the three members whose terms under division (B) of 53218  
this section otherwise are scheduled to expire on September 20, 53219  
2014, shall expire on September 20, 2012. The governor, with the 53220  
advice and consent of the senate, shall appoint successors for 53221  
terms beginning on September 21, 2012, and ending on September 20, 53222  
2018. 53223

Thereafter, the terms of office of all subsequent members of 53224  
the board of regents shall be for six years beginning on the 53225  
twenty-first day of September and ending on the twentieth day of 53226  
September. 53227

(D) Except as provided in division (C) of this section, each 53228  
member shall hold office from the date of appointment until the 53229

end of the term for which the member was appointed. Any member 53230  
appointed to fill a vacancy occurring prior to the expiration of 53231  
the term for which the member's predecessor was appointed shall 53232  
hold office for the remainder of such term. Any member shall 53233  
continue in office subsequent to the expiration date of the 53234  
member's term until a successor takes office, or until a period of 53235  
sixty days has elapsed, whichever occurs first. 53236

No person who has served a full nine-year term under division 53237  
(B) of this section or two full six-year terms under division (C) 53238  
of this section shall be eligible for reappointment. 53239

(E) Board members shall serve without compensation, but shall 53240  
be reimbursed for necessary expenses incurred in the conduct of 53241  
board business. 53242

**Sec. 3333.011.** No member of the Ohio board of regents, 53243  
created by section 3333.01 of the Revised Code, shall be a 53244  
trustee, officer, or employee of a technical college while serving 53245  
as a member of the board. Neither the chancellor of higher 53246  
education nor any staff member or employee of the ~~board~~ department 53247  
of higher education shall be a trustee, officer, or employee of a 53248  
technical college while serving on the board. 53249

**Sec. ~~3333.031~~ 3333.012.** Whenever the term "Ohio board of 53250  
regents" is used, referred to, or designated in any statute, rule, 53251  
contract, grant, or other document, the use, reference, or 53252  
designation shall be construed to mean the "chancellor of ~~the Ohio~~ 53253  
~~board of regents~~ higher education," except in sections 3333.01, 53254  
3333.011, 3333.02, and 3333.032 of the Revised Code or unless the 53255  
use, reference, or designation of the term "Ohio board of regents" 53256  
relates to the board's duties to give advice to the chancellor ~~of~~ 53257  
~~the Ohio board of regents~~ or unless another section of law 53258  
expressly provides otherwise. 53259

Whenever the term "chancellor of the Ohio board of regents" or "chancellor" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the chancellor of higher education.

**Sec. 3333.021.** As used in this section, "university" means any college or university that receives a state appropriation.

(A) This division does not apply to proposed rules, amendments, or rescissions subject to legislative review under section 106.02 of the Revised Code. No action taken by the chancellor of ~~the Ohio board of regents~~ higher education that could reasonably be expected to have an effect on the revenue or expenditures of any university shall take effect unless at least two weeks prior to the date on which the action is taken, the chancellor has filed with the speaker of the house of representatives, the president of the senate, ~~the legislative budget office of~~ the legislative service commission, and the director of budget and management a fiscal analysis of the proposed action. The analysis shall include an estimate of the amount by which, during the current and ensuing fiscal biennium, the action would increase or decrease the university's revenues or expenditures and increase or decrease any state expenditures and any other information the chancellor considers necessary to explain the action's fiscal effect.

(B) Within three days of the date the chancellor files with the clerk of the senate a proposed rule, amendment, or rescission that is subject to legislative review and invalidation under section 106.02 of the Revised Code, the chancellor shall file with the speaker of the house of representatives, the president of the senate, the legislative service commission, and the director of budget and management a fiscal analysis of the proposed rule. The

analysis shall include an estimate of the amount by which, during 53291  
the current and ensuing fiscal biennium, the action would increase 53292  
or decrease any university's revenues or expenditures and increase 53293  
or decrease state revenues or expenditures and any other 53294  
information the chancellor considers necessary to explain the 53295  
fiscal effect of the rule, amendment, or rescission. No rule, 53296  
amendment, or rescission shall take effect unless the chancellor 53297  
has complied with this division. 53298

Sec. 3333.03. (A) There is hereby created the department of 53299  
higher education, which shall be composed of the chancellor of 53300  
higher education and the chancellor's employees, agents, and 53301  
representatives. The chancellor shall perform the functions, 53302  
exercise the powers, and discharge the duties as are assigned to 53303  
the chancellor by law. 53304

(B) The governor, with the advice and consent of the senate, 53305  
shall appoint the chancellor of the Ohio board of regents higher 53306  
education. The chancellor shall serve at the pleasure of the 53307  
governor, and the governor shall prescribe the chancellor's duties 53308  
in addition to the chancellor's duties prescribed by law. The 53309  
governor shall fix the compensation for the chancellor. The 53310  
chancellor shall be a member of the governor's cabinet. 53311

~~(B) The term of the chancellor in office on the effective 53312  
date of this amendment shall coincide with the term of that 53313  
chancellor's appointing governor. Subsequent appointments to the 53314  
office of chancellor shall be made pursuant to division (A) of 53315  
this section. 53316~~

(C) The chancellor is responsible for appointing and fixing 53317  
the compensation of all professional, administrative, and clerical 53318  
employees and staff members necessary to assist in the performance 53319  
of the chancellor's duties. All employees and staff shall serve at 53320  
the chancellor's pleasure. 53321

(D) The chancellor shall be a person qualified by training 53322  
and experience to understand the problems and needs of the state 53323  
in the field of higher education and to devise programs, plans, 53324  
and methods of solving the problems and meeting the needs. 53325

(E) Neither the chancellor nor any staff member or employee 53326  
of the chancellor shall be a trustee, officer, or employee of any 53327  
public or private college or university while serving as 53328  
chancellor, staff member, or employee. 53329

**Sec. 3333.032.** The Ohio board of regents shall submit to the 53330  
general assembly, in accordance with division (B) of section 53331  
101.68 of the Revised Code, and to the governor, an annual report 53332  
on the condition of higher education in this state, including the 53333  
performance of the chancellor of ~~the board~~ higher education. 53334

**Sec. 3333.04.** The chancellor of ~~the Ohio board of regents~~ 53335  
higher education shall: 53336

(A) Make studies of state policy in the field of higher 53337  
education and formulate a master plan for higher education for the 53338  
state, considering the needs of the people, the needs of the 53339  
state, and the role of individual public and private institutions 53340  
within the state in fulfilling these needs; 53341

(B)(1) Report annually to the governor and the general 53342  
assembly on the findings from the chancellor's studies and the 53343  
master plan for higher education for the state; 53344

(2) Report at least semiannually to the general assembly and 53345  
the governor the enrollment numbers at each state-assisted 53346  
institution of higher education. 53347

(C) Approve or disapprove the establishment of new branches 53348  
or academic centers of state colleges and universities; 53349

(D) Approve or disapprove the establishment of state 53350



technical colleges or any other state institution of higher 53351  
education; 53352

(E) Recommend the nature of the programs, undergraduate, 53353  
graduate, professional, state-financed research, and public 53354  
services which should be offered by the state colleges, 53355  
universities, and other state-assisted institutions of higher 53356  
education in order to utilize to the best advantage their 53357  
facilities and personnel; 53358

(F) Recommend to the state colleges, universities, and other 53359  
state-assisted institutions of higher education graduate or 53360  
professional programs, including, but not limited to, doctor of 53361  
philosophy, doctor of education, and juris doctor programs, that 53362  
could be eliminated because they constitute unnecessary 53363  
duplication, as shall be determined using the process developed 53364  
pursuant to this division, or for other good and sufficient cause. 53365  
Prior to recommending a program for elimination, the chancellor 53366  
shall request the board of regents to hold at least one public 53367  
hearing on the matter and advise the chancellor on whether the 53368  
program should be recommended for elimination. The board shall 53369  
provide notice of each hearing within a reasonable amount of time 53370  
prior to its scheduled date. Following the hearing, the board 53371  
shall issue a recommendation to the chancellor. The chancellor 53372  
shall consider the board's recommendation but shall not be 53373  
required to accept it. 53374

For purposes of determining the amounts of any state 53375  
instructional subsidies paid to state colleges, universities, and 53376  
other state-assisted institutions of higher education, the 53377  
chancellor may exclude students enrolled in any program that the 53378  
chancellor has recommended for elimination pursuant to this 53379  
division except that the chancellor shall not exclude any such 53380  
student who enrolled in the program prior to the date on which the 53381  
chancellor initially commences to exclude students under this 53382

division. 53383

The chancellor and state colleges, universities, and other 53384  
state-assisted institutions of higher education shall jointly 53385  
develop a process for determining which existing graduate or 53386  
professional programs constitute unnecessary duplication. 53387

(G) Recommend to the state colleges, universities, and other 53388  
state-assisted institutions of higher education programs which 53389  
should be added to their present programs; 53390

(H) Conduct studies for the state colleges, universities, and 53391  
other state-assisted institutions of higher education to assist 53392  
them in making the best and most efficient use of their existing 53393  
facilities and personnel; 53394

(I) Make recommendations to the governor and general assembly 53395  
concerning the development of state-financed capital plans for 53396  
higher education; the establishment of new state colleges, 53397  
universities, and other state-assisted institutions of higher 53398  
education; and the establishment of new programs at the existing 53399  
state colleges, universities, and other institutions of higher 53400  
education; 53401

(J) Review the appropriation requests of the public community 53402  
colleges and the state colleges and universities and submit to the 53403  
office of budget and management and to the chairpersons of the 53404  
finance committees of the house of representatives and of the 53405  
senate the chancellor's recommendations in regard to the biennial 53406  
higher education appropriation for the state, including 53407  
appropriations for the individual state colleges and universities 53408  
and public community colleges. For the purpose of determining the 53409  
amounts of instructional subsidies to be paid to state-assisted 53410  
colleges and universities, the chancellor shall define "full-time 53411  
equivalent student" by program per academic year. The definition 53412  
may take into account the establishment of minimum enrollment 53413

levels in technical education programs below which support 53414  
allowances will not be paid. Except as otherwise provided in this 53415  
section, the chancellor shall make no change in the definition of 53416  
"full-time equivalent student" in effect on November 15, 1981, 53417  
which would increase or decrease the number of subsidy-eligible 53418  
full-time equivalent students, without first submitting a fiscal 53419  
impact statement to the president of the senate, the speaker of 53420  
the house of representatives, the legislative service commission, 53421  
and the director of budget and management. The chancellor shall 53422  
work in close cooperation with the director of budget and 53423  
management in this respect and in all other matters concerning the 53424  
expenditures of appropriated funds by state colleges, 53425  
universities, and other institutions of higher education. 53426

(K) Seek the cooperation and advice of the officers and 53427  
trustees of both public and private colleges, universities, and 53428  
other institutions of higher education in the state in performing 53429  
the chancellor's duties and making the chancellor's plans, 53430  
studies, and recommendations; 53431

(L) Appoint advisory committees consisting of persons 53432  
associated with public or private secondary schools, members of 53433  
the state board of education, or personnel of the state department 53434  
of education; 53435

(M) Appoint advisory committees consisting of college and 53436  
university personnel, or other persons knowledgeable in the field 53437  
of higher education, or both, in order to obtain their advice and 53438  
assistance in defining and suggesting solutions for the problems 53439  
and needs of higher education in this state; 53440

(N) Approve or disapprove all new degrees and new degree 53441  
programs at all state colleges, universities, and other 53442  
state-assisted institutions of higher education; 53443

(O) Adopt such rules as are necessary to carry out the 53444

chancellor's duties and responsibilities. The rules shall 53445  
prescribe procedures for the chancellor to follow when taking 53446  
actions associated with the chancellor's duties and 53447  
responsibilities and shall indicate which types of actions are 53448  
subject to those procedures. The procedures adopted under this 53449  
division shall be in addition to any other procedures prescribed 53450  
by law for such actions. However, if any other provision of the 53451  
Revised Code or rule adopted by the chancellor prescribes 53452  
different procedures for such an action, the procedures adopted 53453  
under this division shall not apply to that action to the extent 53454  
they conflict with the procedures otherwise prescribed by law. The 53455  
procedures adopted under this division shall include at least the 53456  
following: 53457

(1) Provision for public notice of the proposed action; 53458

(2) An opportunity for public comment on the proposed action, 53459  
which may include a public hearing on the action by the board of 53460  
regents; 53461

(3) Methods for parties that may be affected by the proposed 53462  
action to submit comments during the public comment period; 53463

(4) Submission of recommendations from the board of regents 53464  
regarding the proposed action, at the request of the chancellor; 53465

(5) Written publication of the final action taken by the 53466  
chancellor and the chancellor's rationale for the action; 53467

(6) A timeline for the process described in divisions (0)(1) 53468  
to (5) of this section. 53469

(P) Make recommendations to the governor and the general 53470  
assembly regarding the design and funding of the student financial 53471  
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 53472  
3333.26, and 5910.02 of the Revised Code; 53473

(Q) Participate in education-related state or federal 53474

programs on behalf of the state and assume responsibility for the 53475  
administration of such programs in accordance with applicable 53476  
state or federal law; 53477

(R) Adopt rules for student financial aid programs as 53478  
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 53479  
3333.28, and 5910.02 of the Revised Code, and perform any other 53480  
administrative functions assigned to the chancellor by those 53481  
sections; 53482

(S) Conduct enrollment audits of state-supported institutions 53483  
of higher education; 53484

(T) Appoint consortia of college and university personnel to 53485  
advise or participate in the development and operation of 53486  
statewide collaborative efforts, including the Ohio supercomputer 53487  
center, the Ohio academic resources network, OhioLink, and the 53488  
Ohio learning network. For each consortium, the chancellor shall 53489  
designate a college or university to serve as that consortium's 53490  
fiscal agent, financial officer, and employer. Any funds 53491  
appropriated for the consortia shall be distributed to the fiscal 53492  
agents for the operation of the consortia. A consortium shall 53493  
follow the rules of the college or university that serves as its 53494  
fiscal agent. The chancellor may restructure existing consortia, 53495  
appointed under this division, in accordance with procedures 53496  
adopted under divisions (O)(1) to (6) of this section. 53497

(U) Adopt rules establishing advisory duties and 53498  
responsibilities of the board of regents not otherwise prescribed 53499  
by law; 53500

(V) Respond to requests for information about higher 53501  
education from members of the general assembly and direct staff to 53502  
conduct research or analysis as needed for this purpose. 53503

**Sec. 3333.041.** (A) On or before the last day of December of 53504

each year, the chancellor of ~~the Ohio board of regents~~ higher 53505  
education shall submit to the governor and, in accordance with 53506  
section 101.68 of the Revised Code, the general assembly a report 53507  
or reports concerning all of the following: 53508

(1) The status of graduates of Ohio school districts at state 53509  
institutions of higher education during the twelve-month period 53510  
ending on the thirtieth day of September of the current calendar 53511  
year. The report shall list, by school district, the number of 53512  
graduates of each school district who attended a state institution 53513  
of higher education and the percentage of each district's 53514  
graduates enrolled in a state institution of higher education 53515  
during the reporting period who were required during such period 53516  
by the college or university, as a prerequisite to enrolling in 53517  
those courses generally required for first-year students, to 53518  
enroll in a remedial course in English, including composition or 53519  
reading, mathematics, and any other area designated by the 53520  
chancellor. The chancellor also shall make the information 53521  
described in division (A)(1) of this section available to the 53522  
board of education of each city, exempted village, and local 53523  
school district. 53524

Each state institution of higher education shall, by the 53525  
first day of November of each year, submit to the chancellor in 53526  
the form specified by the chancellor the information the 53527  
chancellor requires to compile the report. 53528

(2) ~~Aggregate academic growth data for students assigned to~~ 53529  
~~graduates of teacher preparation programs approved under section~~ 53530  
~~3333.048 of the Revised Code who teach English language arts or~~ 53531  
~~mathematics in any of grades four to eight in a public school in~~ 53532  
~~Ohio. For this purpose, the chancellor shall use the value added~~ 53533  
~~progress dimension prescribed by section 3302.021 of the Revised~~ 53534  
~~Code or the alternative student academic progress measure if~~ 53535  
~~adopted under division (C)(1)(c) of section 3302.03 of the Revised~~ 53536

~~Code. The chancellor shall aggregate the data by graduating class 53537  
for each approved teacher preparation program, except that if a 53538  
particular class has ten or fewer graduates to which this section 53539  
applies, the chancellor shall report the data for a group of 53540  
classes over a three year period. In no case shall the report 53541  
identify any individual graduate. The department of education 53542  
shall share any data necessary for the report with the chancellor. 53543~~

~~(3) The following information with respect to the Ohio 53544  
tuition trust authority: 53545~~

~~(a) The name of each investment manager that is a minority 53546  
business enterprise or a women's business enterprise with which 53547  
the chancellor contracts; 53548~~

~~(b) The amount of assets managed by investment managers that 53549  
are minority business enterprises or women's business enterprises, 53550  
expressed as a percentage of assets managed by investment managers 53551  
with which the chancellor has contracted; 53552~~

~~(c) Efforts by the chancellor to increase utilization of 53553  
investment managers that are minority business enterprises or 53554  
women's business enterprises. 53555~~

~~(4) A description of advanced standing programs, as defined 53556  
in section 3313.6013 of the Revised Code, that are offered by 53557  
school districts, community schools established under Chapter 53558  
3314. of the Revised Code, STEM schools established under Chapter 53559  
3326. of the Revised Code, college preparatory boarding schools 53560  
established under Chapter 3328. of the Revised Code, and chartered 53561  
nonpublic high schools. The chancellor also shall post the 53562  
information on the chancellor's web site. 53563~~

~~(5)(3) The chancellor's strategy in assigning choose Ohio 53564  
first scholarships, as established under section 3333.61 of the 53565  
Revised Code, among state universities and colleges and how the 53566  
actual awards fit that strategy. 53567~~

~~(6)~~(4) The academic and economic impact of the Ohio 53568  
co-op/internship program established under section 3333.72 of the 53569  
Revised Code. At a minimum, the report shall include the 53570  
following: 53571

(a) Progress and performance metrics for each initiative that 53572  
received an award in the previous fiscal year; 53573

(b) Economic indicators of the impact of each initiative, and 53574  
all initiatives as a whole, on the regional economies and the 53575  
statewide economy; 53576

(c) The chancellor's strategy in allocating awards among 53577  
state institutions of higher education and how the actual awards 53578  
fit that strategy. 53579

(B) On or before the fifteenth day of February of each year, 53580  
the director shall submit to the governor and, in accordance with 53581  
section 101.68 of the Revised Code, the general assembly a report 53582  
concerning aggregate academic growth data for students assigned to 53583  
graduates of teacher preparation programs approved under section 53584  
3333.048 of the Revised Code who teach English language arts or 53585  
mathematics in any of grades four to eight in a public school in 53586  
Ohio. For this purpose, the director shall use the value-added 53587  
progress dimension prescribed by section 3302.021 of the Revised 53588  
Code or the alternative student academic progress measure if 53589  
adopted under division (C)(1)(e) of section 3302.03 of the Revised 53590  
Code. The director shall aggregate the data by graduating class 53591  
for each approved teacher preparation program, except that if a 53592  
particular class has ten or fewer graduates to which this division 53593  
applies, the director shall report the data for a group of classes 53594  
over a three-year period. In no case shall the report identify any 53595  
individual graduate. The department of education shall share any 53596  
data necessary for the report with the director. 53597

(C) As used in this section: 53598



(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 53599  
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(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 53601  
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(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 53604  
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 53606  
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**Sec. 3333.042.** The chancellor of ~~the Ohio board of regents~~ higher education may grant money to a nonprofit entity that provides a statewide resource for aerospace research, education, and technology, so long as the nonprofit entity makes its resources accessible to state colleges and universities and to agencies of this and other states and the United States. The chancellor, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish procedures and forms whereby nonprofit entities may apply for grants; standards and procedures for reviewing applications for and awarding grants; procedures for distributing grants to recipients; procedures for monitoring the use of grants by recipients; requirements, procedures, and forms whereby grant recipients shall report upon their use of grants; and standards and procedures for terminating and requiring repayment of grants in the event of their improper use. 53610  
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A state college or university or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code and any agency of state government may provide assistance, in any form, to any nonprofit entity that receives a grant under this section. Such 53625  
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assistance shall be solely for the purpose of assisting the 53630  
nonprofit entity in making proper use of the grant. 53631

A nonprofit entity that expends a grant under this section 53632  
for a capital project is not thereby subject to Chapter 123. or 53633  
153. of the Revised Code. An officer or employee of, or a person 53634  
who serves on a governing or advisory board or committee of, a 53635  
nonprofit entity that receives a grant under this section is not 53636  
thereby an officer or employee of a state college or university or 53637  
of the state. An officer or employee of a state college or 53638  
university or of the state who is assigned to assist a nonprofit 53639  
entity in making proper use of a grant does not, to the extent the 53640  
officer or employee provides such assistance, thereby hold an 53641  
incompatible office or employment, or have a direct or indirect 53642  
interest in a contract or expenditure of the entity. 53643

**Sec. 3333.043.** (A) As used in this section: 53644

(1) "Institution of higher education" means the state 53645  
universities listed in section 3345.011 of the Revised Code, 53646  
municipal educational institutions established under Chapter 3349. 53647  
of the Revised Code, community colleges established under Chapter 53648  
3354. of the Revised Code, university branches established under 53649  
Chapter 3355. of the Revised Code, technical colleges established 53650  
under Chapter 3357. of the Revised Code, state community colleges 53651  
established under Chapter 3358. of the Revised Code, any 53652  
institution of higher education with a certificate of registration 53653  
from the state board of career colleges and schools, and any 53654  
institution for which the chancellor of ~~the Ohio board of regents~~ 53655  
higher education receives a notice pursuant to division (C) of 53656  
this section. 53657

(2) "Community service" has the same meaning as in section 53658  
3313.605 of the Revised Code. 53659

(B)(1) The board of trustees or other governing entity of 53660

each institution of higher education shall encourage and promote 53661  
participation of students in community service through a program 53662  
appropriate to the mission, student population, and environment of 53663  
each institution. The program may include, but not be limited to, 53664  
providing information about community service opportunities during 53665  
student orientation or in student publications; providing awards 53666  
for exemplary community service; encouraging faculty members to 53667  
incorporate community service into students' academic experiences 53668  
wherever appropriate to the curriculum; encouraging recognized 53669  
student organizations to undertake community service projects as 53670  
part of their purposes; and establishing advisory committees of 53671  
students, faculty members, and community and business leaders to 53672  
develop cooperative programs that benefit the community and 53673  
enhance student experience. The program shall be flexible in 53674  
design so as to permit participation by the greatest possible 53675  
number of students, including part-time students and students for 53676  
whom participation may be difficult due to financial, academic, 53677  
personal, or other considerations. The program shall emphasize 53678  
community service opportunities that can most effectively use the 53679  
skills of students, such as tutoring or literacy programs. The 53680  
programs shall encourage students to perform services that will 53681  
not supplant the hiring of, result in the displacement of, or 53682  
impair any existing employment contracts of any particular 53683  
employee of any private or governmental entity for which services 53684  
are performed. 53685

(2) The chancellor of ~~the Ohio board of regents~~ higher 53686  
education shall encourage all institutions of higher education in 53687  
the development of community service programs. With the assistance 53688  
of the Ohio commission on service and volunteerism created in 53689  
section 121.40 of the Revised Code, the chancellor shall make 53690  
available information about higher education community service 53691  
programs to institutions of higher education and to statewide 53692  
organizations involved with or promoting volunteerism, including 53693

information about model community service programs, teacher 53694  
training courses, and community service curricula and teaching 53695  
materials for possible use by institutions of higher education in 53696  
their programs. The chancellor shall encourage institutions of 53697  
higher education to jointly coordinate higher education community 53698  
service programs through consortia of institutions or other 53699  
appropriate means of coordination. 53700

(C) The board of trustees of any nonprofit institution with a 53701  
certificate of authorization issued pursuant to Chapter 1713. of 53702  
the Revised Code or the governing authority of a private 53703  
institution exempt from regulation under Chapter 3332. of the 53704  
Revised Code as prescribed in section 3333.046 of the Revised Code 53705  
may notify the chancellor that it is making itself subject to 53706  
divisions (A) and (B) of this section. Upon receipt of such a 53707  
notice, these divisions shall apply to that institution. 53708

**Sec. 3333.044.** (A) The chancellor of ~~the Ohio board of~~ 53709  
~~regents~~ higher education may contract with any consultants that 53710  
are necessary for the discharge of the chancellor's duties under 53711  
this chapter. 53712

(B) The chancellor may purchase, upon the terms that the 53713  
chancellor determines to be advisable, one or more policies of 53714  
insurance from insurers authorized to do business in this state 53715  
that insure consultants who have contracted with the chancellor 53716  
under division (A) of this section or members of an advisory 53717  
committee appointed under section 3333.04 of the Revised Code, 53718  
with respect to the activities of the consultants or advisory 53719  
committee members in the course of the performance of their 53720  
responsibilities as consultants or advisory committee members. 53721

(C) Subject to the approval of the controlling board, the 53722  
chancellor may contract with any entities for the discharge of the 53723  
chancellor's duties and responsibilities under any of the programs 53724

established pursuant to sections 3333.12, 3333.122, 3333.21 to 53725  
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 53726  
chancellor shall not enter into a contract under this division 53727  
unless the proposed contractor demonstrates that its primary 53728  
purpose is to promote access to higher education by providing 53729  
student financial assistance through loans, grants, or 53730  
scholarships, and by providing high quality support services and 53731  
information to students and their families with regard to such 53732  
financial assistance. 53733

Chapter 125. of the Revised Code does not apply to contracts 53734  
entered into pursuant to this section. In awarding contracts under 53735  
this division, the chancellor shall consider factors such as the 53736  
cost of the administration of the contract, the experience of the 53737  
contractor, and the contractor's ability to properly execute the 53738  
contract. 53739

**Sec. 3333.045.** As used in this section, "state university or 53740  
college" means any state university listed in section 3345.011 of 53741  
the Revised Code, the northeast Ohio medical university, any 53742  
community college under Chapter 3354. of the Revised Code, any 53743  
university branch district under Chapter 3355. of the Revised 53744  
Code, any technical college under Chapter 3357. of the Revised 53745  
Code, and any state community college under Chapter 3358. of the 53746  
Revised Code. 53747

The chancellor of ~~the Ohio board of regents~~ higher education 53748  
shall work with the attorney general, the auditor of state, and 53749  
the Ohio ethics commission to develop a model for training members 53750  
of the boards of trustees of all state universities and colleges 53751  
and members of the board of regents regarding the authority and 53752  
responsibilities of a board of trustees or the board of regents. 53753  
This model shall include a review of fiduciary responsibilities, 53754  
ethics, and fiscal management. Use of this model by members of 53755

boards of trustees and the board of regents shall be voluntary. 53756

**Sec. 3333.047.** With regard to any state student financial aid 53757  
program established in this chapter, Chapter 5910., or section 53758  
5919.34 of the Revised Code, the chancellor of ~~the Ohio board of~~ 53759  
~~regents~~ higher education shall conduct audits to: 53760

(A) Determine the validity of information provided by 53761  
students and parents regarding eligibility for state student 53762  
financial aid. If the chancellor determines that eligibility data 53763  
has been reported incorrectly or inaccurately, and where the 53764  
chancellor determines an adjustment to be appropriate, the 53765  
institution of higher education shall adjust the financial aid 53766  
awarded to the student. 53767

(B) Ensure that institutions of higher education are in 53768  
compliance with the rules governing state student financial aid 53769  
programs. An institution that fails to comply with the rules in 53770  
the administration of any state student financial aid program 53771  
shall be fully liable to reimburse the state for the unauthorized 53772  
use of student financial aid funds. 53773

**Sec. 3333.048.** (A) Not later than one year after October 16, 53774  
2009, the chancellor of ~~the Ohio board of regents~~ higher education 53775  
and the superintendent of public instruction jointly shall do the 53776  
following: 53777

(1) In accordance with Chapter 119. of the Revised Code, 53778  
establish metrics and educator preparation programs for the 53779  
preparation of educators and other school personnel and the 53780  
institutions of higher education that are engaged in their 53781  
preparation. The metrics and educator preparation programs shall 53782  
be aligned with the standards and qualifications for educator 53783  
licenses adopted by the state board of education under section 53784  
3319.22 of the Revised Code and the requirements of the Ohio 53785

teacher residency program established under section 3319.223 of 53786  
the Revised Code. The metrics and educator preparation programs 53787  
also shall ensure that educators and other school personnel are 53788  
adequately prepared to use the value-added progress dimension 53789  
prescribed by section 3302.021 of the Revised Code or the 53790  
alternative student academic progress measure if adopted under 53791  
division (C)(1)(e) of section 3302.03 of the Revised Code. 53792

(2) Provide for the inspection of institutions of higher 53793  
education desiring to prepare educators and other school 53794  
personnel. 53795

(B) Not later than one year after October 16, 2009, the 53796  
chancellor shall approve institutions of higher education engaged 53797  
in the preparation of educators and other school personnel that 53798  
maintain satisfactory training procedures and records of 53799  
performance, as determined by the chancellor. 53800

(C) If the metrics established under division (A)(1) of this 53801  
section require an institution of higher education that prepares 53802  
teachers to satisfy the standards of an independent accreditation 53803  
organization, the chancellor shall permit each institution to 53804  
satisfy the standards of any applicable national educator 53805  
preparation accrediting agency recognized by the United States 53806  
department of education. 53807

(D) The metrics and educator preparation programs established 53808  
under division (A)(1) of this section may require an institution 53809  
of higher education, as a condition of approval by the chancellor, 53810  
to make changes in the curricula of its preparation programs for 53811  
educators and other school personnel. 53812

Notwithstanding division ~~(D)~~(E) of section 119.03 and 53813  
division (A)(1) of section 119.04 of the Revised Code, any 53814  
metrics, educator preparation programs, rules, and regulations, or 53815  
any amendment or rescission of such metrics, educator preparation 53816

programs, rules, and regulations, adopted under this section that 53817  
necessitate institutions offering preparation programs for 53818  
educators and other school personnel approved by the chancellor to 53819  
revise the curricula of those programs shall not be effective for 53820  
at least one year after the first day of January next succeeding 53821  
the publication of the said change. 53822

Each institution shall allocate money from its existing 53823  
revenue sources to pay the cost of making the curricular changes. 53824

(E) The chancellor shall notify the state board of the 53825  
metrics and educator preparation programs established under 53826  
division (A)(1) of this section and the institutions of higher 53827  
education approved under division (B) of this section. The state 53828  
board shall publish the metrics, educator preparation programs, 53829  
and approved institutions with the standards and qualifications 53830  
for each type of educator license. 53831

(F) The graduates of educator preparation programs approved 53832  
by the chancellor shall be licensed by the state board in 53833  
accordance with the standards and qualifications adopted under 53834  
section 3319.22 of the Revised Code. 53835

**Sec. 3333.049.** Not later than July 1, 2016, the chancellor of 53836  
~~the Ohio board of regents~~ higher education shall revise the 53837  
requirements for reading endorsement programs offered by 53838  
institutions of higher education to align those requirements with 53839  
the reading competencies adopted by the state board of education 53840  
under section 3301.077 of the Revised Code. 53841

**Sec. 3333.0410.** The chancellor of ~~the Ohio board of regents~~ 53842  
higher education shall require each state institution of higher 53843  
education, as defined in section 3345.011 of the Revised Code, 53844  
when reporting student data to the chancellor under any provision 53845  
of law, to use the student's data verification code assigned under 53846



division (D)(2) of section 3301.0714 of the Revised Code, if that 53847  
code was included in the student's records submitted to the 53848  
institution by the student's high school or by another state 53849  
institution of higher education. 53850

**Sec. 3333.0411.** Not later than December 31, 2014, and 53851  
annually thereafter, the chancellor of ~~the Ohio board of regents~~ 53852  
higher education shall report for each approved teacher 53853  
preparation program, the number and percentage of all graduates of 53854  
the program who were rated at each of the performance levels 53855  
prescribed by division (B)(1) of section 3319.112 of the Revised 53856  
Code on an evaluation conducted in accordance with section 53857  
3319.111 of the Revised Code in the previous school year. 53858

In no case shall the report identify any individual graduate. 53859  
The department of education shall share any data necessary for the 53860  
report with the chancellor. 53861

**Sec. 3333.0412.** No nonprofit institution that holds a 53862  
certificate of authorization issued under Chapter 1713. of the 53863  
Revised Code shall be liable for a breach of confidentiality 53864  
arising from the institution's submission of student data or 53865  
records to the ~~board of regents~~ chancellor of higher education or 53866  
any other state agency in compliance with any law, rule, or 53867  
regulation, provided that the breach occurs as a result of one of 53868  
the following: 53869

(A) An action by a third party during and after the 53870  
transmission of the data or records by the institution but prior 53871  
to receipt of the data or records by the ~~board of regents~~ 53872  
chancellor of higher education or other state agency; 53873

(B) An action by the ~~board of regents~~ chancellor of higher 53874  
education or the state agency. 53875

This provision shall apply to the submission of any student 53876

data or records that are subject to any laws of this state or, to 53877  
the extent permitted, any federal law, including the "Family 53878  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 53879  
U.S.C. 1232g. 53880

**Sec. 3333.0413.** Not later than December 31, 2014, the 53881  
chancellor of ~~the Ohio board of regents~~ higher education shall 53882  
make available, in a prominent location on the chancellor's web 53883  
site, a complete inventory of education programs that focus on 53884  
workforce development and training that includes both of the 53885  
following: 53886

(A) Programs offered by state institutions of higher 53887  
education, as defined in section 3345.011 of the Revised Code, 53888  
adult career-technical institutions, and all private nonprofit and 53889  
for-profit postsecondary institutions operating in the state; 53890

(B) Programs registered with the apprenticeship council 53891  
established under Chapter 4139. of the Revised Code. 53892

The chancellor may update this inventory as necessary. 53893

**Sec. 3333.05.** The chancellor of ~~the Ohio board of regents~~ 53894  
higher education shall approve or disapprove proposed official 53895  
plans of community college districts, prepared and submitted 53896  
pursuant to sections 3354.01 to 3354.18 of the Revised Code, and 53897  
issue or decline to issue charters for operation of community 53898  
colleges, pursuant to section 3354.07 of the Revised Code. 53899

The chancellor shall approve an official plan, and issue a 53900  
charter, only upon the following findings: 53901

(A) That the official plan and all past and proposed actions 53902  
of the community college district are in conformity to law; 53903

(B) That the proposed community college will not unreasonably 53904  
and wastefully duplicate existing educational services available 53905

to students and prospective students residing in the community college district; 53906  
53907

(C) That there is reasonable prospect of adequate current operating revenue for the proposed community college from its proposed opening date of operation; 53908  
53909  
53910

(D) That the proposed lands and facilities of the community colleges will be adequate and efficient for the purposes of the proposed community college; 53911  
53912  
53913

(E) That the proposed curricular programs defined in section 3354.01 of the Revised Code as "arts and sciences" and "technical," or either, are the programs for which there is substantial need in the territory of the district. 53914  
53915  
53916  
53917

The employment and separation of individual personnel in a community college, and the establishing or abolishing of individual courses of instruction, shall not be subject to the specific and individual approval or disapproval of the chancellor, but shall occur in the discretion of the local management of such college within the limitations of law, the official plan, and the charter of such college. 53918  
53919  
53920  
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**Sec. 3333.06.** The chancellor of ~~the Ohio board of regents~~ higher education shall prepare a state plan and do all other things necessary for participation in federal acts relative to the construction of higher educational academic facilities. 53925  
53926  
53927  
53928

Such plan shall provide for objective standards and methods of determining the relative priorities for eligible projects for the construction of academic facilities submitted by institutions of higher education within the state and for determining the federal share of the development for each such project. 53929  
53930  
53931  
53932  
53933

The chancellor shall provide for assigning priorities in accordance with such criteria, standards, and methods to eligible 53934  
53935

projects submitted to and approved by the chancellor, shall 53936  
recommend to the United States secretary of education, in the 53937  
order of such priority, applications covering such eligible 53938  
projects, and shall certify to the secretary the federal share of 53939  
the development cost of such projects. 53940

The chancellor shall provide a fair hearing to each 53941  
institution which has submitted a project as to the priority 53942  
assigned to such project by the chancellor or as to any other 53943  
determination of the chancellor adversely affecting such 53944  
institution. 53945

The chancellor shall receive federal grants for the proper 53946  
and efficient administration of the state plan, and shall provide 53947  
for such fiscal control and fund accounting procedures as may be 53948  
necessary to ensure proper disbursement of, and accounting for, 53949  
federal funds paid to the chancellor. 53950

The chancellor shall make such reports in such form and 53951  
containing such information as may be reasonably required by the 53952  
secretary in the performance of the secretary's functions under 53953  
federal law relating to grants for the construction of academic 53954  
facilities. 53955

Each federal grant received by the chancellor shall be paid 53956  
into the state treasury. 53957

**Sec. 3333.07.** (A) Colleges, universities, and other 53958  
institutions of higher education which receive state assistance, 53959  
but are not supported primarily by the state, shall submit to the 53960  
chancellor of ~~the Ohio board of regents~~ higher education such 53961  
accounting of the expenditure of state funds at such time and in 53962  
such form as the chancellor prescribes. 53963

(B) No state institution of higher education shall establish 53964  
a new branch or academic center without the approval of the 53965

chancellor. 53966

(C) No state institution of higher education shall offer a 53967  
new degree or establish a new degree program without the approval 53968  
of the chancellor. No degree approval shall be given for a 53969  
technical education program unless such program is offered by a 53970  
state assisted university, a university branch, a technical 53971  
college, or a community college. 53972

(D) Any state college, university, or other state assisted 53973  
institution of higher education not complying with a 53974  
recommendation of the chancellor pursuant to division (F) or (G) 53975  
of section 3333.04 of the Revised Code shall so notify the 53976  
chancellor in writing within one hundred twenty days after receipt 53977  
of the recommendation, stating the reasons why it cannot or should 53978  
not comply. 53979

(E) The officers, trustees, and employees of all institutions 53980  
of higher education which are state supported or state assisted 53981  
shall cooperate with the chancellor in supplying information 53982  
regarding their institutions, and advising and assisting the 53983  
chancellor on matters of higher education in this state in every 53984  
way possible when so requested by the chancellor. 53985

(F) Persons associated with the public school systems in this 53986  
state, personnel of the state department of education, and members 53987  
of the state board of education shall provide such data about high 53988  
school students as are requested by the chancellor to aid in the 53989  
development of state higher education plans. 53990

**Sec. 3333.071.** Notwithstanding section 3345.16 of the Revised 53991  
Code, no expenditure shall be made for land for higher education 53992  
purposes by public institutions of higher education or agents of 53993  
such institutions from any fund without the approval of the 53994  
chancellor of ~~the Ohio board of regents~~ higher education and the 53995  
controlling board. No state appropriation for capital improvements 53996

shall be released by the controlling board for the purchase of 53997  
land or buildings from any organization or corporation which has 53998  
been established to benefit or assist the institution, except that 53999  
such releases may be made if the land is to be used for a 54000  
currently state-financed improvement. 54001

**Sec. 3333.08.** It is the declared policy of this state that 54002  
the availability of eminent domain on behalf of educational 54003  
institutions of higher education is in the public welfare. A 54004  
private college, university, or other institution of higher 54005  
education may therefore apply to the chancellor of ~~the Ohio board~~ 54006  
~~of regents~~ higher education for the right to appropriate property 54007  
when such institution is unable to agree with the owner or owners 54008  
of the subject property upon the price to be paid for the 54009  
property. The institution shall be one that any educationally 54010  
qualified member of the public who desires to attend has, or can 54011  
acquire, a right to be admitted upon equal terms without 54012  
discrimination. The institution shall certify to the chancellor, 54013  
in its application, that the use of the property to be 54014  
appropriated is to be for educational purposes, including student 54015  
housing and dining facilities, that reasonable efforts have been 54016  
made to purchase the property, and that it will be used without 54017  
discrimination against any person or group and be equally 54018  
available to all qualified persons. The institution also shall 54019  
submit to the chancellor its plans for the use of the property and 54020  
such other information as the chancellor may require. The 54021  
chancellor may, thereafter, and upon a determination that the 54022  
intended use is in the public interest, approve the application by 54023  
resolution. Upon such approval, the institution may appropriate 54024  
the property in the same manner as is provided for the 54025  
appropriation of property in Chapter 163. of the Revised Code. 54026

**Sec. 3333.09.** "Public university or college," as used in this 54027

section, means any ~~non-profit~~ nonprofit university or college 54028  
situated within this state which is open to the public on equal 54029  
terms and which is not affiliated with or controlled by an 54030  
organization which is not primarily educational in nature. Any 54031  
such university or college shall be considered to be serving a 54032  
public purpose. 54033

The chancellor of ~~the Ohio board of regents~~ higher education 54034  
may, upon the chancellor's determination that such action would 54035  
serve the interests of higher education in this state, in terms of 54036  
expansion of educational opportunity in a major urban area and in 54037  
terms of expansion of educational service to a major urban 54038  
community, accept conveyances of land, situated within this state, 54039  
from any public university or college and enter into an agreement 54040  
before or after such conveyance to lease to such public university 54041  
or college, upon terms as may be prescribed by the chancellor, 54042  
such land together with buildings constructed thereon and 54043  
furniture, fixtures, and equipment therein for use as an 54044  
educational facility. The lease shall be for a period not to 54045  
exceed fifty years, renewable for a like term, and shall provide 54046  
that such buildings be used solely for educational purposes and 54047  
that the chancellor may cancel such lease if such buildings are 54048  
used for other purposes. Such lease may contain provisions for the 54049  
sale of such property to the lessee, upon the consent of the 54050  
chancellor, for a purchase price not less than the actual cost to 54051  
the chancellor, less depreciation, computed at the rate 54052  
customarily applied to similar structures. The chancellor, through 54053  
the department of administrative services, may construct, equip, 54054  
or remodel buildings on lands accepted by the chancellor in the 54055  
name of the state pursuant to this section. Title to lands 54056  
acquired under this section shall be taken in the name of the 54057  
state. 54058

Responsibility for the proper use, maintenance, and repair of 54059

leased buildings shall rest upon the lessee. 54060

**Sec. 3333.10.** (A) As used in this section: 54061

(1) "Qualified institution of higher education" or 54062  
"institution" means a nonprofit educational institution, holding 54063  
an effective certificate of authorization issued under section 54064  
1713.02 of the Revised Code, operating in the state an eligible 54065  
program, and admitting students without discrimination by reason 54066  
of race, creed, color, or national origin. 54067

(2) "School of dentistry" means an accredited dental college 54068  
as defined under section 4715.10 of the Revised Code. 54069

(3) "Eligible program" means a medical school accredited by 54070  
the liaison committee on medical education or an osteopathic 54071  
medical school accredited by the American osteopathic association, 54072  
or such a school together with a school of dentistry. 54073

(B) In order to provide better for the public health and the 54074  
necessary enhancement of instruction in medicine and dentistry in 54075  
the state, and to encourage the means of such instruction with the 54076  
least economic cost to the people of the state, the chancellor of 54077  
~~the Ohio board of regents~~ higher education may enter into 54078  
agreements with qualified institutions of higher education 54079  
providing for the continued operation by the institution of 54080  
eligible programs, conditioned upon continued payments by the 54081  
state to such institution for the purposes of such eligible 54082  
programs of amounts determined in the manner provided for the 54083  
state subsidy from time to time afforded to state universities on 54084  
the basis of comparable programs. Before entering into such 54085  
agreement, the chancellor shall determine that the institution is 54086  
a qualified institution of higher education as defined in division 54087  
(A) of this section, and that the operation of such eligible 54088  
programs as provided for in such agreement and such payments will 54089  
contribute to the objectives stated in this section and to the 54090



objectives of the master plan of higher education formulated under 54091  
section 3333.04 of the Revised Code. 54092

(C) Agreements under this section shall contain provisions to 54093  
the effect that: 54094

(1) The institution shall submit to the chancellor 54095  
accountings for the expenditure of state payments in the manner 54096  
and at the times as are requested for state-assisted institutions 54097  
of higher education pursuant to division (A) of section 3333.07 of 54098  
the Revised Code. 54099

(2) The institution shall notify the chancellor in the manner 54100  
provided for state-assisted institutions under division (D) of 54101  
section 3333.07 of the Revised Code with regard to program 54102  
recommendations by the chancellor in the nature of those provided 54103  
for in divisions (F) and (G) of section 3333.04 of the Revised 54104  
Code. 54105

(3) The agreement shall terminate if the institution ceases 54106  
to be a qualified institution of higher education as determined by 54107  
the chancellor in accordance with Chapter 119. of the Revised 54108  
Code. 54109

(D) Agreements under this section may make further provision 54110  
for any one or more of the following as the parties determine: 54111

(1) The duration of any such agreement, or additional 54112  
provision for terminating the agreement; 54113

(2) Additional conditions for the effectiveness or continued 54114  
effectiveness of such agreement; 54115

(3) Procedures for the amendment or supplementation of the 54116  
agreement, including designation of the parties to approve or 54117  
execute such amendments or supplements; 54118

(4) Such other provisions as may be deemed necessary or 54119  
appropriate. 54120

(E) In case any provision or part of this section or any provision, agreement, covenant, stipulation, obligation, act or action, or part thereof, made, assumed, or taken under or pursuant to this section, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other provision of this section or any other provision, agreement, covenant, stipulation, obligation, action, or part thereof, made, assumed, or taken under or pursuant to this section, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such provision, agreement, covenant, stipulation, obligation, act, or action, or part thereof, shall be deemed to be effective, operative, made, done, or entered into in the manner and to the full extent permitted by law to accomplish most nearly the intention thereof.

(F) No agreement shall be entered into under this section with any institution which is not in compliance with section 3333.11 of the Revised Code.

**Sec. 3333.11.** Each school or college of medicine or medical university supported in whole or in part by the state shall create a curriculum for and maintain a department of family practice, the purpose of which shall be to acquaint undergraduates with and to train postgraduate physicians for the practice of family medicine. The minimum requirements for the department shall include courses of study in family care, including clinical experience, a program of preceptorships, and a program of family practice residencies in university or other hospital settings.

Each program of family practice shall:

(A) Be designated to advance the field of family practice;

(B) Educate all medical students in family practice and encourage students to enter it as a career;	54152 54153
(C) Provide students an opportunity to study family practice in various situations through preceptorships, seminars, model family practice units within the medical school, classroom work, hospital programs, or other means;	54154 54155 54156 54157
(D) Develop residency and other training programs for family practice in public and private hospitals, including those in nonmetropolitan areas of the state;	54158 54159 54160
(E) The department shall be a full department co-equal with all other major clinical departments and headed by a qualified experienced family practitioner serving as chairperson of the department of family practice and director of the family practice residency program.	54161 54162 54163 54164 54165
Funds appropriated by the general assembly in support of family practice programs shall not be disbursed until the chancellor of <del>the Ohio board of regents</del> <u>higher education</u> has certified that the intent and requirements of this section are being met.	54166 54167 54168 54169 54170
<b>Sec. 3333.12.</b> (A) As used in this section:	54171
(1) "Eligible student" means an undergraduate student who is:	54172
(a) An Ohio resident enrolled in an undergraduate program before the 2006-2007 academic year;	54173 54174
(b) Enrolled in either of the following:	54175
(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to	54176 54177 54178 54179 54180 54181

award an associate or bachelor's degree, or is a private 54182  
institution exempt from regulation under Chapter 3332. of the 54183  
Revised Code as prescribed in section 3333.046 of the Revised 54184  
Code. Students who attend an institution that holds a certificate 54185  
of registration shall be enrolled in a program leading to an 54186  
associate or bachelor's degree for which associate or bachelor's 54187  
degree program the institution has program authorization issued 54188  
under section 3332.05 of the Revised Code. 54189

(ii) A technical education program of at least two years 54190  
duration sponsored by a private institution of higher education in 54191  
this state that meets the requirements of Title VI of the Civil 54192  
Rights Act of 1964. 54193

(c) Enrolled as a full-time student or enrolled as a less 54194  
than full-time student for the term expected to be the student's 54195  
final term of enrollment and is enrolled for the number of credit 54196  
hours necessary to complete the requirements of the program in 54197  
which the student is enrolled. 54198

(2) "Gross income" includes all taxable and nontaxable income 54199  
of the parents, the student, and the student's spouse, except 54200  
income derived from an Ohio academic scholarship, income earned by 54201  
the student between the last day of the spring term and the first 54202  
day of the fall term, and other income exclusions designated by 54203  
the chancellor of ~~the Ohio board of regents~~ higher education. 54204  
Gross income may be verified to the chancellor by the institution 54205  
in which the student is enrolled using the federal financial aid 54206  
eligibility verification process or by other means satisfactory to 54207  
the chancellor. 54208

(3) "Resident," "full-time student," "dependent," 54209  
"financially independent," and "accredited" shall be defined by 54210  
rules adopted by the chancellor. 54211

(B) The chancellor shall establish and administer an 54212

instructional grant program and may adopt rules to carry out this 54213  
section. The general assembly shall support the instructional 54214  
grant program by such sums and in such manner as it may provide, 54215  
but the chancellor may also receive funds from other sources to 54216  
support the program. If the amounts available for support of the 54217  
program are inadequate to provide grants to all eligible students, 54218  
preference in the payment of grants shall be given in terms of 54219  
income, beginning with the lowest income category of gross income 54220  
and proceeding upward by category to the highest gross income 54221  
category. 54222

An instructional grant shall be paid to an eligible student 54223  
through the institution in which the student is enrolled, except 54224  
that no instructional grant shall be paid to any person serving a 54225  
term of imprisonment. Applications for such grants shall be made 54226  
as prescribed by the chancellor, and such applications may be made 54227  
in conjunction with and upon the basis of information provided in 54228  
conjunction with student assistance programs funded by agencies of 54229  
the United States government or from financial resources of the 54230  
institution of higher education. The institution shall certify 54231  
that the student applicant meets the requirements set forth in 54232  
divisions (A)(1)(b) and (c) of this section. Instructional grants 54233  
shall be provided to an eligible student only as long as the 54234  
student is making appropriate progress toward a nursing diploma or 54235  
an associate or bachelor's degree. No student shall be eligible to 54236  
receive a grant for more than ten semesters, fifteen quarters, or 54237  
the equivalent of five academic years. A grant made to an eligible 54238  
student on the basis of less than full-time enrollment shall be 54239  
based on the number of credit hours for which the student is 54240  
enrolled and shall be computed in accordance with a formula 54241  
adopted by the chancellor. No student shall receive more than one 54242  
grant on the basis of less than full-time enrollment. 54243

An instructional grant shall not exceed the total 54244

instructional and general charges of the institution. 54245

(C) The tables in this division prescribe the maximum grant 54246  
amounts covering two semesters, three quarters, or a comparable 54247  
portion of one academic year. Grant amounts for additional terms 54248  
in the same academic year shall be determined under division (D) 54249  
of this section. 54250

For a full-time student who is a dependent and enrolled in a 54251  
nonprofit educational institution that is not a state-assisted 54252  
institution and that has a certificate of authorization issued 54253  
pursuant to Chapter 1713. of the Revised Code, the amount of the 54254  
instructional grant for two semesters, three quarters, or a 54255  
comparable portion of the academic year shall be determined in 54256  
accordance with the following table: 54257

Private Institution 54258

Table of Grants 54259

Maximum Grant \$5,466 54260

Gross Income Number of Dependents 54261

	1	2	3	4	5 or more	
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	54263
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	54264
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	54265
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	54266
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	54267
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	54268
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	54269
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	54270
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	54271
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	54272
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	54273
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	54274
\$34,001 - \$35,000	444	888	984	1,080	1,344	54275

\$35,001 - \$36,000	--	444	888	984	1,080	54276
\$36,001 - \$37,000	--	--	444	888	984	54277
\$37,001 - \$38,000	--	--	--	444	888	54278
\$38,001 - \$39,000	--	--	--	--	444	54279

For a full-time student who is financially independent and 54280  
enrolled in a nonprofit educational institution that is not a 54281  
state-assisted institution and that has a certificate of 54282  
authorization issued pursuant to Chapter 1713. of the Revised 54283  
Code, the amount of the instructional grant for two semesters, 54284  
three quarters, or a comparable portion of the academic year shall 54285  
be determined in accordance with the following table: 54286

Private Institution 54287

Table of Grants 54288

Maximum Grant \$5,466 54289

Gross Income Number of Dependents 54290

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	54292
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	54293
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	54294
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	54295
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	54296
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	54297
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	54298
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	54299
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	54300
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	54301
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	54302
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	54303
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	54304
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	54305
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	54306
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	54307

\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	54308
\$30,301 - \$35,300	--	492	540	672	816	1,314	54309

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

		Career Institution					
		Table of Grants					
		Maximum Grant \$4,632					
Gross Income	Number of Dependents						
	1	2	3	4	5 or more		
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	54323	
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	54324	
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	54325	
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	54326	
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	54327	
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	54328	
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	54329	
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	54330	
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	54331	
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	54332	
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	54333	
\$33,001 - \$34,000	750	852	906	1,134	1,416	54334	
\$34,001 - \$35,000	372	750	852	906	1,134	54335	
\$35,001 - \$36,000	--	372	750	852	906	54336	
\$36,001 - \$37,000	--	--	372	750	852	54337	
\$37,001 - \$38,000	--	--	--	372	750	54338	
\$38,001 - \$39,000	--	--	--	--	372	54339	



For a full-time student who is financially independent and 54340  
enrolled in an educational institution that holds a certificate of 54341  
registration from the state board of career colleges and schools 54342  
or a private institution exempt from regulation under Chapter 54343  
3332. of the Revised Code as prescribed in section 3333.046 of the 54344  
Revised Code, the amount of the instructional grant for two 54345  
semesters, three quarters, or a comparable portion of the academic 54346  
year shall be determined in accordance with the following table: 54347

Career Institution 54348

Table of Grants 54349

Maximum Grant \$4,632 54350

Gross Income

Number of Dependents 54351

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	54352
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	54353
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	54354
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	54355
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	54356
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	54357
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	54358
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	54359
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	54360
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	54361
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	54362
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	54363
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	54364
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	54365
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	54366
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	54367
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	54368
\$30,301 - \$35,300	--	426	456	570	708	1,116	54369

For a full-time student who is a dependent and enrolled in a 54370

state-assisted educational institution, the amount of the 54372  
 instructional grant for two semesters, three quarters, or a 54373  
 comparable portion of the academic year shall be determined in 54374  
 accordance with the following table: 54375

Public Institution 54376

Table of Grants 54377

Maximum Grant \$2,190 54378

Gross Income Number of Dependents 54379

	1	2	3	4	5 or more	
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	54381
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	54382
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	54383
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	54384
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	54385
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	54386
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	54387
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	54388
\$28,001 - \$31,000	522	648	864	1,080	1,320	54389
\$31,001 - \$32,000	420	522	648	864	1,080	54390
\$32,001 - \$33,000	384	420	522	648	864	54391
\$33,001 - \$34,000	354	384	420	522	648	54392
\$34,001 - \$35,000	174	354	384	420	522	54393
\$35,001 - \$36,000	--	174	354	384	420	54394
\$36,001 - \$37,000	--	--	174	354	384	54395
\$37,001 - \$38,000	--	--	--	174	354	54396
\$38,001 - \$39,000	--	--	--	--	174	54397

For a full-time student who is financially independent and 54398  
 enrolled in a state-assisted educational institution, the amount 54399  
 of the instructional grant for two semesters, three quarters, or a 54400  
 comparable portion of the academic year shall be determined in 54401  
 accordance with the following table: 54402

	Public Institution						54403
	Table of Grants						54404
	Maximum Grant \$2,190						54405
Gross Income	Number of Dependents						54406
	0	1	2	3	4	5 or more	54407
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	54408
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	54409
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	54410
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	54411
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	54412
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	54413
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	54414
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	54415
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	54416
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	54417
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	54418
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	54419
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	54420
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	54421
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	54422
\$22,301 - \$25,300	--	432	540	750	948	1,062	54423
\$25,301 - \$30,300	--	324	432	540	750	948	54424
\$30,301 - \$35,300	--	192	210	264	324	522	54425

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring institutions to provide information regarding an appeal to the chancellor.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section

shall not affect that student's eligibility to receive a grant 54466  
when enrolled in another institution. 54467

(G) Institutions of higher education that enroll students 54468  
receiving instructional grants under this section shall report to 54469  
the chancellor all students who have received instructional grants 54470  
but are no longer eligible for all or part of such grants and 54471  
shall refund any moneys due the state within thirty days after the 54472  
beginning of the quarter or term immediately following the quarter 54473  
or term in which the student was no longer eligible to receive all 54474  
or part of the student's grant. There shall be an interest charge 54475  
of one per cent per month on all moneys due and payable after such 54476  
thirty-day period. The chancellor shall immediately notify the 54477  
office of budget and management and the legislative service 54478  
commission of all refunds so received. 54479

**Sec. 3333.121.** There is hereby established in the state 54480  
treasury the state need-based financial aid reconciliation fund, 54481  
which shall consist of refunds of instructional grant payments 54482  
made pursuant to section 3333.12 of the Revised Code and refunds 54483  
of state need-based financial aid payments made pursuant to 54484  
section 3333.122 of the Revised Code. Revenues credited to the 54485  
fund shall be used by the chancellor of ~~the Ohio board of regents~~ 54486  
higher education to pay to higher education institutions any 54487  
outstanding obligations from the prior year owed for the Ohio 54488  
instructional grant program and the Ohio college opportunity grant 54489  
program that are identified through the annual reconciliation and 54490  
financial audit. Any amount in the fund that is in excess of the 54491  
amount certified to the director of budget and management by the 54492  
chancellor of higher education as necessary to reconcile prior 54493  
year payments under the program shall be transferred to the 54494  
general revenue fund. 54495

**Sec. 3333.122.** (A) The chancellor of ~~the Ohio board of~~ 54496

~~regents~~ higher education shall adopt rules to carry out this 54497  
section and as authorized under section 3333.123 of the Revised 54498  
Code. The rules shall include definitions of the terms "resident," 54499  
"expected family contribution," "full-time student," 54500  
"three-quarters-time student," "half-time student," 54501  
"one-quarter-time student," "state cost of attendance," and 54502  
"accredited" for the purpose of those sections. 54503

(B) Only an Ohio resident who meets both of the following is 54504  
eligible for a grant awarded under this section: 54505

(1) The resident has an expected family contribution of two 54506  
thousand one hundred ninety or less; 54507

(2) The resident enrolls in one of the following: 54508

(a) An undergraduate program, or a nursing diploma program 54509  
approved by the board of nursing under division (A)(5) of section 54510  
4723.06 of the Revised Code, at a state-assisted state institution 54511  
of higher education, as defined in section 3345.12 of the Revised 54512  
Code, that meets the requirements of Title VI of the Civil Rights 54513  
Act of 1964; 54514

(b) An undergraduate program, or a nursing diploma program 54515  
approved by the board of nursing under division (A)(5) of section 54516  
4723.06 of the Revised Code, at a private, nonprofit institution 54517  
in this state holding a certificate of authorization pursuant to 54518  
Chapter 1713. of the Revised Code; 54519

(c) An undergraduate program, or a nursing diploma program 54520  
approved by the board of nursing under division (A)(5) of section 54521  
4723.06 of the Revised Code, at a career college in this state 54522  
that holds a certificate of registration from the state board of 54523  
career colleges and schools under Chapter 3332. of the Revised 54524  
Code or at a private institution exempt from regulation under 54525  
Chapter 3332. of the Revised Code as prescribed in section 54526  
3333.046 of the Revised Code, if the program has a certificate of 54527

authorization pursuant to Chapter 1713. of the Revised Code. 54528

(C)(1) The chancellor shall establish and administer a 54529  
needs-based financial aid grants program based on the United 54530  
States department of education's method of determining financial 54531  
need. The program shall be known as the Ohio college opportunity 54532  
grant program. The general assembly shall support the needs-based 54533  
financial aid program by such sums and in such manner as it may 54534  
provide, but the chancellor also may receive funds from other 54535  
sources to support the program. If, for any academic year, the 54536  
amounts available for support of the program are inadequate to 54537  
provide grants to all eligible students, the chancellor shall do 54538  
one of the following: 54539

(a) Give preference in the payment of grants based upon 54540  
expected family contribution, beginning with the lowest expected 54541  
family contribution category and proceeding upward by category to 54542  
the highest expected family contribution category; 54543

(b) Proportionately reduce the amount of each grant to be 54544  
awarded for the academic year under this section; 54545

(c) Use an alternate formula for such grants that addresses 54546  
the shortage of available funds and has been submitted to and 54547  
approved by the controlling board. 54548

(2) The needs-based financial aid grant shall be paid to the 54549  
eligible student through the institution in which the student is 54550  
enrolled, except that no needs-based financial aid grant shall be 54551  
paid to any person serving a term of imprisonment. Applications 54552  
for the grants shall be made as prescribed by the chancellor, and 54553  
such applications may be made in conjunction with and upon the 54554  
basis of information provided in conjunction with student 54555  
assistance programs funded by agencies of the United States 54556  
government or from financial resources of the institution of 54557  
higher education. The institution shall certify that the student 54558

applicant meets the requirements set forth in division (B) of this 54559  
section. Needs-based financial aid grants shall be provided to an 54560  
eligible student only as long as the student is making appropriate 54561  
progress toward a nursing diploma or an associate or bachelor's 54562  
degree. No student shall be eligible to receive a grant for more 54563  
than ten semesters, fifteen quarters, or the equivalent of five 54564  
academic years. A grant made to an eligible student on the basis 54565  
of less than full-time enrollment shall be based on the number of 54566  
credit hours for which the student is enrolled and shall be 54567  
computed in accordance with a formula adopted by rule issued by 54568  
the chancellor. No student shall receive more than one grant on 54569  
the basis of less than full-time enrollment. 54570

(D)(1) Except as provided in division (D)(4) of this section, 54571  
no grant awarded under this section shall exceed the total state 54572  
cost of attendance. 54573

(2) Subject to divisions (D)(1), (3), and (4) of this 54574  
section, the amount of a grant awarded to a student under this 54575  
section shall equal the student's remaining state cost of 54576  
attendance after the student's Pell grant and expected family 54577  
contribution are applied to the instructional and general charges 54578  
for the undergraduate program. However, for students enrolled in a 54579  
state university or college as defined in section 3345.12 of the 54580  
Revised Code or a university branch, the chancellor may provide 54581  
that the grant amount shall equal the student's remaining 54582  
instructional and general charges for the undergraduate program 54583  
after the student's Pell grant and expected family contribution 54584  
have been applied to those charges, but, in no case, shall the 54585  
grant amount for such a student exceed any maximum that the 54586  
chancellor may set by rule. 54587

(3) For a student enrolled for a semester or quarter in 54588  
addition to the portion of the academic year covered by a grant 54589  
under this section, the maximum grant amount shall be a percentage 54590



of the maximum specified in any table established in rules adopted 54591  
by the chancellor as provided in division (A) of this section. The 54592  
maximum grant for a fourth quarter shall be one-third of the 54593  
maximum amount so prescribed. The maximum grant for a third 54594  
semester shall be one-half of the maximum amount so prescribed. 54595

(4) If a student is enrolled in a two-year institution of 54596  
higher education and is eligible for an education and training 54597  
voucher through the Ohio education and training voucher program 54598  
that receives federal funding under the John H. Chafee foster care 54599  
independence program, 42 U.S.C. 677, the amount of a grant awarded 54600  
under this section may exceed the total state cost of attendance 54601  
to additionally cover housing costs. 54602

(E) No grant shall be made to any student in a course of 54603  
study in theology, religion, or other field of preparation for a 54604  
religious profession unless such course of study leads to an 54605  
accredited bachelor of arts, bachelor of science, associate of 54606  
arts, or associate of science degree. 54607

(F)(1) Except as provided in division (F)(2) of this section, 54608  
no grant shall be made to any student for enrollment during a 54609  
fiscal year in an institution with a cohort default rate 54610  
determined by the United States secretary of education pursuant to 54611  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 54612  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 54613  
preceding the fiscal year, equal to or greater than thirty per 54614  
cent for each of the preceding two fiscal years. 54615

(2) Division (F)(1) of this section does not apply in the 54616  
case of either of the following: 54617

(a) The institution pursuant to federal law appeals its loss 54618  
of eligibility for federal financial aid and the United States 54619  
secretary of education determines its cohort default rate after 54620  
recalculation is lower than the rate specified in division (F)(1) 54621

of this section or the secretary determines due to mitigating 54622  
circumstances that the institution may continue to participate in 54623  
federal financial aid programs. The chancellor shall adopt rules 54624  
requiring any such appellant to provide information to the 54625  
chancellor regarding an appeal. 54626

(b) Any student who has previously received a grant pursuant 54627  
to any provision of this section, including prior to the section's 54628  
amendment by H.B. 1 of the 128th general assembly, effective July 54629  
17, 2009, and who meets all other eligibility requirements of this 54630  
section. 54631

(3) The chancellor shall adopt rules for the notification of 54632  
all institutions whose students will be ineligible to participate 54633  
in the grant program pursuant to division (F)(1) of this section. 54634

(4) A student's attendance at any institution whose students 54635  
are ineligible for grants due to division (F)(1) of this section 54636  
shall not affect that student's eligibility to receive a grant 54637  
when enrolled in another institution. 54638

(G) Institutions of higher education that enroll students 54639  
receiving needs-based financial aid grants under this section 54640  
shall report to the chancellor all students who have received such 54641  
needs-based financial aid grants but are no longer eligible for 54642  
all or part of those grants and shall refund any moneys due the 54643  
state within thirty days after the beginning of the quarter or 54644  
term immediately following the quarter or term in which the 54645  
student was no longer eligible to receive all or part of the 54646  
student's grant. There shall be an interest charge of one per cent 54647  
per month on all moneys due and payable after such thirty-day 54648  
period. The chancellor shall immediately notify the office of 54649  
budget and management and the legislative service commission of 54650  
all refunds so received. 54651

**Sec. 3333.123.** (A) As used in this section: 54652

(1) "The Ohio college opportunity grant program" means the program established under section 3333.122 of the Revised Code. 54653  
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(2) "Rules for the Ohio college opportunity grant program" means the rules authorized in division (R) of section 3333.04 of the Revised Code for the implementation of the program. 54655  
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(B) In adopting rules for the Ohio college opportunity grant program, the chancellor of ~~the Ohio board of regents~~ higher education may include provisions that give preferential or priority funding to low-income students who in their primary and secondary school work participate in or complete rigorous academic coursework, attain passing scores on the assessments prescribed in section 3301.0710 or 3301.0712 of the Revised Code, or meet other high academic performance standards determined by the chancellor to reduce the need for remediation and ensure academic success at the postsecondary education level. Any such rules shall include a specification of procedures needed to certify student achievement of primary and secondary standards as well as the timeline for implementation of the provisions authorized by this section. 54658  
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**Sec. 3333.124.** There is hereby created in the state treasury the Ohio college opportunity grant program reserve fund. ~~Not later than the first day of July~~ As soon as possible following the end of each fiscal year, the chancellor of ~~the Ohio board of regents~~ higher education shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the Ohio college opportunity grant program created in section 3333.122 of the Revised Code. Upon receipt of the certification, the director of budget and management may transfer an amount not exceeding the certified amount from the general revenue fund to the Ohio college opportunity grant program reserve fund. Moneys in the Ohio college opportunity grant program reserve 54671  
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fund shall be used to pay grant obligations in excess of the 54684  
general revenue fund appropriations made for that purpose. 54685

The director of budget and management may transfer any 54686  
unencumbered balance from the Ohio college opportunity grant 54687  
program reserve fund to the general revenue fund. 54688

If it is determined that general revenue fund appropriations 54689  
are insufficient to meet the obligations of the Ohio college 54690  
opportunity grant program in a fiscal year, the director of budget 54691  
and management may transfer funds from the Ohio college 54692  
opportunity grant program reserve fund to the general revenue fund 54693  
in order to meet those obligations. The amount transferred is 54694  
hereby appropriated. If the funds transferred from the Ohio 54695  
college opportunity grant program reserve fund are not needed, the 54696  
director of budget and management may transfer the unexpended 54697  
balance from the general revenue fund back to the Ohio college 54698  
opportunity grant program reserve fund. 54699

**Sec. 3333.13.** (A) Money appropriated to the chancellor of ~~the~~ 54700  
~~Ohio board of regents~~ higher education for the purposes of this 54701  
division shall be paid at the times and in the amounts necessary 54702  
to meet all payments required to be made by the chancellor to the 54703  
Ohio public facilities commission pursuant to leases or agreements 54704  
made under division (B) of section 154.21 of the Revised Code, as 54705  
certified under division (C) of this section, including 54706  
supplements to such certifications. 54707

(B) The chancellor shall include in the estimate of proposed 54708  
expenses submitted pursuant to section 126.02 of the Revised Code 54709  
the estimated amounts of all such payments to be made by the 54710  
chancellor. The chancellor shall include the estimated amounts of 54711  
all such payments to be made by the chancellor in recommendations 54712  
for appropriation required by division (J) of section 3333.04 of 54713

the Revised Code. The director of budget and management shall 54714  
include in the state budget estimates provided for in section 54715  
126.02 of the Revised Code the estimated amount of all such 54716  
payments to be made during the next biennium, and this amount 54717  
shall be included in the state budget to be submitted by the 54718  
governor to the general assembly pursuant to section 107.03 of the 54719  
Revised Code. 54720

(C) On the first day of July of each year, or as soon 54721  
thereafter as is practicable, the chancellor or a vice-chancellor 54722  
shall certify to the director of budget and management the 54723  
payments contracted to be made, during the period of the then 54724  
current appropriations made for the purposes of division (A) of 54725  
this section, to the commission by the chancellor pursuant to 54726  
leases and agreements made under division (B) of section 154.21 of 54727  
the Revised Code. The certification shall state the amounts and 54728  
dates of payment required therefor and the amounts to be credited 54729  
pursuant to such leases and agreements to the higher education 54730  
bond service trust fund and other special funds established 54731  
pursuant to Chapter 154. of the Revised Code. If the director of 54732  
budget and management finds such certification to be correct, the 54733  
director shall promptly add the director's certification thereto 54734  
and submit it to the treasurer of state. Such annual certification 54735  
shall be supplemented in similar manner upon the execution of each 54736  
new lease or agreement, any supplement to an existing lease or 54737  
agreement, or any amendment thereof, affecting the amounts of 54738  
those payments. 54739

**Sec. 3333.14.** Effective July 1, 1971, all public post high 54740  
school technical education programs shall be operated by technical 54741  
colleges, community colleges, university branches, state colleges, 54742  
state-affiliated universities and state universities. Subject to 54743  
rules and regulations adopted by the chancellor of ~~the Ohio board~~ 54744  
~~of regents~~ higher education, the board of trustees or directors of 54745

one of the above such institutions shall adopt a plan of 54746  
transition governing each public post high school technical 54747  
education program not specifically identified or included in this 54748  
section which is located in the geographic region of such 54749  
institution as defined by the chancellor. The plan of transition 54750  
shall provide for the dissolution of such technical education 54751  
programs either by transfer of a program's lands, buildings, and 54752  
equipment to one of the above such institutions or by complete 54753  
termination of the technical education program. 54754

**Sec. 3333.15.** If the board of trustees of a state university 54755  
fails to undertake appropriate action to establish a university 54756  
branch campus within one year from the enactment of a capital 54757  
improvement appropriation for the development of such university 54758  
branch facility, the chancellor of ~~the Ohio board of regents~~ 54759  
higher education may act as the chancellor deems necessary in 54760  
place of the board of trustees, including securing the release of 54761  
construction planning and construction contract funds from the 54762  
state controlling board. If the chancellor takes action to plan 54763  
and construct a university branch in accordance with this section, 54764  
the officers and staff of such university shall perform all 54765  
necessary functions incident to the planning and construction of 54766  
such university branch as directed by the chancellor. 54767

**Sec. 3333.16.** As used in this section "state institution of 54768  
higher education" means an institution of higher education as 54769  
defined in section 3345.12 of the Revised Code. 54770

(A) The chancellor of ~~the Ohio board of regents~~ higher 54771  
education shall do all of the following: 54772

(1) Establish policies and procedures applicable to all state 54773  
institutions of higher education that ensure that students can 54774  
begin higher education at any state institution of higher 54775

education and transfer coursework and degrees to any other state 54776  
institution of higher education without unnecessary duplication or 54777  
institutional barriers. The purpose of this requirement is to 54778  
allow students to attain their highest educational aspirations in 54779  
the most efficient and effective manner for the students and the 54780  
state. These policies and procedures shall require state 54781  
institutions of higher education to make changes or modifications, 54782  
as needed, to strengthen course content so as to ensure 54783  
equivalency for that course at any state institution of higher 54784  
education. 54785

(2) Develop and implement a universal course equivalency 54786  
classification system for state institutions of higher education 54787  
so that the transfer of students and the transfer and articulation 54788  
of equivalent courses or specified learning modules or units 54789  
completed by students are not inhibited by inconsistent judgment 54790  
about the application of transfer credits. Coursework completed 54791  
within such a system at one state institution of higher education 54792  
and transferred to another institution shall be applied to the 54793  
student's degree objective in the same manner as equivalent 54794  
coursework completed at the receiving institution. 54795

(3) Develop a system of transfer policies that ensure that 54796  
graduates with associate degrees which include completion of 54797  
approved transfer modules shall be admitted to a state institution 54798  
of higher education, shall be able to compete for admission to 54799  
specific programs on the same basis as students native to the 54800  
institution, and shall have priority over out-of-state associate 54801  
degree graduates and transfer students. To assist a student in 54802  
advising and transferring, all state institutions of higher 54803  
education shall fully implement the information system for 54804  
advising and transferring selected by, contracted for, or 54805  
developed by the chancellor. 54806

(4) Examine the feasibility of developing a transfer 54807

marketing agenda that includes materials and interactive 54808  
technology to inform the citizens of Ohio about the availability 54809  
of transfer options at state institutions of higher education and 54810  
to encourage adults to return to colleges and universities for 54811  
additional education; 54812

(5) Study, in consultation with the state board of career 54813  
colleges and schools, and in light of existing criteria and any 54814  
other criteria developed by the articulation and transfer advisory 54815  
council, the feasibility of credit recognition and transferability 54816  
to state institutions of higher education for graduates who have 54817  
received associate degrees from a career college or school with a 54818  
certificate of registration from the state board of career 54819  
colleges and schools under Chapter 3332. of the Revised Code. 54820

(B) All provisions of the existing articulation and transfer 54821  
policy developed by the ~~Ohio board of regents~~ chancellor shall 54822  
remain in effect except where amended by this section. 54823

(C) Not later than December 1, 2018, the chancellor shall 54824  
update and implement the policies and procedures established 54825  
pursuant to this section to ensure that any associate degree 54826  
offered at a state institution of higher education may be 54827  
transferred and applied to a bachelor degree program in an 54828  
equivalent field at any other state institution of higher 54829  
education without unnecessary duplication or institutional 54830  
barriers. The policies and procedures shall ensure that each 54831  
transferred associate degree applies to the student's degree 54832  
objective in the same manner as equivalent coursework completed by 54833  
the student at the receiving institution. 54834

When updating and implementing the policies and procedures 54835  
pursuant to this division, the chancellor shall seek input from 54836  
faculty and academic leaders in each academic field or discipline. 54837

**Sec. 3333.161.** (A) As used in this section: 54838



(1) "Articulation agreement" means an agreement between two 54839  
or more state institutions of higher education to facilitate the 54840  
transfer of students and credits between such institutions. 54841

(2) "State institution of higher education" and "state 54842  
university" have the same meanings as in section 3345.011 of the 54843  
Revised Code. 54844

(3) "Two year college" includes a community college, state 54845  
community college, technical college, and university branch. 54846

(B) The chancellor of ~~the Ohio board of regents~~ higher 54847  
education shall adopt rules establishing a statewide system for 54848  
articulation agreements among state institutions of higher 54849  
education for transfer students pursuing teacher education 54850  
programs. The rules shall require an articulation agreement 54851  
between institutions to include all of the following: 54852

(1) The development of a transfer module for teacher 54853  
education that includes introductory level courses that are 54854  
evaluated as appropriate by faculty employed by the state 54855  
institutions of higher education that are parties to the 54856  
articulation agreement; 54857

(2) A foundation of general studies courses that have been 54858  
identified as part of the transfer module for teacher education 54859  
and have been evaluated as appropriate for the preparation of 54860  
teachers and consistent with the academic content standards 54861  
adopted under section 3301.079 of the Revised Code; 54862

(3) A clear identification of university faculty who are 54863  
partnered with two year college faculty; 54864

(4) The publication of the articulation agreement that is 54865  
available to all students, faculty, and staff. 54866

**Sec. 3333.162.** (A) As used in this section, "state 54867  
institution of higher education" means an institution of higher 54868

education as defined in section 3345.12 of the Revised Code. 54869

(B) By April 15, 2007, the chancellor of ~~the Ohio board of~~ 54870  
~~regents~~ higher education, in consultation with the department of 54871  
education, public adult and secondary career-technical education 54872  
institutions, and state institutions of higher education, shall 54873  
establish criteria, policies, and procedures that enable students 54874  
to transfer agreed upon technical courses completed through an 54875  
adult career-technical education institution, a public secondary 54876  
career-technical institution, or a state institution of higher 54877  
education to a state institution of higher education without 54878  
unnecessary duplication or institutional barriers. The courses to 54879  
which the criteria, policies, and procedures apply shall be those 54880  
that adhere to recognized industry standards and equivalent 54881  
coursework common to the secondary career pathway and adult 54882  
career-technical education system and regionally accredited state 54883  
institutions of higher education. Where applicable, the policies 54884  
and procedures shall build upon the articulation agreement and 54885  
transfer initiative course equivalency system required by section 54886  
3333.16 of the Revised Code. 54887

**Sec. 3333.163.** (A) As used in this section, "state 54888  
institution of higher education" has the same meaning as in 54889  
section 3345.011 of the Revised Code. 54890

(B) Not later than April 15, 2008, the articulation and 54891  
transfer advisory council of the chancellor of ~~the Ohio board of~~ 54892  
~~regents~~ higher education shall recommend to the chancellor 54893  
standards for awarding course credit toward degree requirements at 54894  
state institutions of higher education based on scores attained on 54895  
advanced placement examinations. The recommended standards shall 54896  
include a score on each advanced placement examination that the 54897  
council considers to be a passing score for which course credit 54898  
may be awarded. Upon adoption of the standards by the chancellor, 54899

each state institution of higher education shall comply with the 54900  
standards in awarding course credit to any student enrolled in the 54901  
institution who has attained a passing score on an advanced 54902  
placement examination. 54903

**Sec. 3333.164.** (A) As used in this section, "state 54904  
institution of higher education" has the same meaning as in 54905  
section 3345.011 of the Revised Code. 54906

(B) Not later than December 31, 2014, the chancellor of ~~the~~ 54907  
~~Ohio board of regents~~ higher education shall do all of the 54908  
following with regard to the awarding of college credit for 54909  
military training, experience, and coursework: 54910

(1) Develop a set of standards and procedures for state 54911  
institutions of higher education to utilize in the granting of 54912  
college credit for military training, experience, and coursework; 54913

(2) Create a military articulation and transfer assurance 54914  
guide for college credit that is earned through military training, 54915  
experience, and coursework. The chancellor shall use the current 54916  
articulation and transfer policy adopted pursuant to section 54917  
3333.16 of the Revised Code as a model in developing this guide. 54918

(3) Create a web site that contains information related to 54919  
the awarding of college credit for military training, experience, 54920  
and coursework. The web site shall include both of the following: 54921

(a) Standardized resources that address frequently asked 54922  
questions regarding the awarding of such credit and related 54923  
issues; 54924

(b) A statewide database that shows how specified military 54925  
training, experience, and coursework translates to college credit. 54926

(4) Develop a statewide training program that prepares 54927  
faculty and staff of state institutions of higher education to 54928  
evaluate various military training, experience, and coursework and 54929

to award appropriate equivalent credit. The training program shall 54930  
incorporate the best practices of awarding credit for military 54931  
experiences, including both the recommendations of the American 54932  
council on education and the standards developed by the council 54933  
for adult and experiential learning. 54934

(C) Beginning on July 1, 2015, state institutions of higher 54935  
education shall ensure that appropriate equivalent credit is 54936  
awarded for military training, experience, and coursework that 54937  
meet the standards developed by the chancellor pursuant to this 54938  
section. 54939

Sec. 3333.165. (A) At the end of each academic year, the 54940  
chancellor of higher education shall develop and release a report 54941  
that includes all of the following information: 54942

(1) The total number of courses that were successfully 54943  
transferred to state institutions of higher education under 54944  
sections 3333.16 to 3333.164 of the Revised Code, during the most 54945  
recent academic year for which data is available; 54946

(2) The total number of courses that were not accepted for 54947  
transfer at state institutions of higher education under sections 54948  
3333.16 to 3333.164 of the Revised Code, during the most recent 54949  
academic year for which data is available; 54950

(3) The number of students who earned an associate degree at 54951  
a community college, a state community college, or a university 54952  
branch that was successfully transferred to a state university 54953  
under sections 3333.16 to 3333.164 of the Revised Code. 54954

(B) As used in this section, "state institution of higher 54955  
education" and "state university" have the same meanings as in 54956  
section 3345.011 of the Revised Code. 54957

Sec. 3333.17. The chancellor of the Ohio board of regents 54958  
higher education may enter into contracts with the appropriate 54959

agency in a contiguous state whereby the agency provides for 54960  
charging Ohio residents enrolled in state-assisted post-secondary 54961  
educational institutions in the contiguous state, tuition and fees 54962  
at rates no higher than the rates charged to students who are 54963  
residents of that state, and whereby the chancellor, as part of 54964  
such contracts, may provide that rates for tuition and fees 54965  
charged to residents of the contiguous state who are enrolled in 54966  
state-assisted post-secondary educational institutions in Ohio 54967  
shall not exceed those charged Ohio residents. 54968

State-assisted post-secondary educational institutions in 54969  
Ohio may enter into contracts with appropriate state-assisted 54970  
post-secondary educational institutions in a contiguous state 54971  
whereby the state-assisted post-secondary educational institution 54972  
provides for charging Ohio residents enrolled in the institution 54973  
in the contiguous state, tuition and fees at rates no higher than 54974  
the rates charged to students who are residents of that state, and 54975  
whereby the Ohio state-assisted post-secondary institution, as 54976  
part of such contracts, may provide that rates for tuition and 54977  
fees charged to residents of the contiguous state who are enrolled 54978  
in the state-assisted post-secondary educational institutions in 54979  
Ohio shall not exceed those charged Ohio residents. 54980

The contracts entered into by the chancellor or a 54981  
state-assisted post-secondary educational institution may limit 54982  
the type of academic program offered at the reciprocal rates. 54983  
Residents of contiguous states enrolled in for credit courses 54984  
taught at the main campus and identified off-campus sites at 54985  
state-assisted post-secondary educational institutions in Ohio 54986  
under such contracts shall be included in calculating the number 54987  
of full-time equivalent students for state subsidy purposes. The 54988  
chancellor and each state-assisted post-secondary educational 54989  
institution shall periodically assess the costs and benefits of 54990  
each such contract and the extent to which parity is achieved 54991

between Ohio and the contiguous state with respect to students 54992  
benefiting from the contract. All Ohio state-assisted 54993  
post-secondary educational institutions participating in these 54994  
contracts shall report enrollments and other information annually 54995  
to the chancellor. No contract shall be entered into under this 54996  
section without the approval of the chancellor. The chancellor 54997  
shall report the status of these contracts to the controlling 54998  
board annually. 54999

**Sec. 3333.171.** (A) The chancellor of ~~the Ohio board of~~ 55000  
~~regents~~ higher education may enter into a reciprocity agreement 55001  
with the midwestern higher education compact whereby the agreement 55002  
provides for both of the following: 55003

(1) A participating institution in Ohio may enroll residents 55004  
of a participating state in distance education programs at that 55005  
institution without attaining prior approval from the appropriate 55006  
agency of that participating state. 55007

(2) A participating institution in another state may enroll 55008  
Ohio residents in distance education programs at that institution 55009  
without attaining prior approval from the chancellor. 55010

(B) Under the terms of an agreement, the chancellor may do 55011  
any of the following: 55012

(1) Apply on behalf of the state of Ohio to become an 55013  
eligible state to participate in the agreement; 55014

(2) Designate the ~~board~~ department of ~~regents~~ higher 55015  
education as the lead agency to ensure that Ohio meets the 55016  
eligibility requirements of the agreement, as determined by the 55017  
midwestern higher education compact; 55018

(3) Develop criteria and procedures for eligible institutions 55019  
in Ohio to apply to participate in the agreement and for their 55020  
continued participation in the agreement; 55021

(4) Assess and collect fees, pursuant to rules adopted by the 55022  
chancellor under Chapter 119. of the Revised Code, from 55023  
participating institutions in Ohio; 55024

(5) Collect annual data, as prescribed by the chancellor or 55025  
as required by the midwestern higher education compact, from 55026  
participating institutions in Ohio; 55027

(6) Develop a student grievance process to resolve complaints 55028  
brought against participating institutions in Ohio in regard to 55029  
the distance education programs that are eligible under the terms 55030  
of the agreement; 55031

(7) Work collaboratively with the state board of career 55032  
colleges and schools to determine the eligibility of institutions 55033  
authorized by that agency under section 3332.05 of the Revised 55034  
Code for initial and continued participation in the agreement; 55035

(8) Perform other duties and responsibilities as required for 55036  
participation in the agreement. 55037

(C) Any eligible institution in Ohio that wishes to 55038  
participate in the agreement entered into under this section shall 55039  
first attain approval for inclusion in the agreement from the 55040  
chancellor. Thereafter, a participating institution in Ohio shall 55041  
attain approval from the chancellor for any new distance education 55042  
programs offered by that institution prior to enrolling residents 55043  
of a participating state in such programs under the terms of the 55044  
agreement. 55045

(D) All other post-secondary activity that requires the 55046  
chancellor's approval and is not included under the terms of the 55047  
agreement entered into under this section is subject to the 55048  
chancellor's review and approval pursuant to Chapters 1713. and 55049  
3333. of the Revised Code. 55050

(E) The chancellor may terminate the agreement entered into 55051  
under this section or remove the ~~board of regents~~ department as 55052

the lead agency on the agreement, if the chancellor determines 55053  
that the agreement is not in the best interest of the state or the 55054  
board. 55055

(F) For purposes of this section: 55056

(1) "Eligible institution in Ohio" is any of the following 55057  
types of institutions, as long as it is degree-granting and is 55058  
accredited by an accrediting agency recognized by the United 55059  
States secretary of education: 55060

(a) A state institution of higher education as defined in 55061  
section 3345.011 of the Revised Code; 55062

(b) An Ohio institution of higher education that has received 55063  
a certificate of authorization pursuant to Chapter 1713. of the 55064  
Revised Code; 55065

(c) An Ohio institution of higher education authorized by the 55066  
state board of career colleges and schools under section 3332.05 55067  
of the Revised Code. 55068

(2) "Participating institution in Ohio" is any "eligible 55069  
institution in Ohio" that has been approved by the chancellor for 55070  
participation in the agreement entered into under this section. 55071

(3) "Participating institution in another state" is any 55072  
institution of higher education that is located outside of Ohio 55073  
that meets the eligibility requirements under the terms of a 55074  
similar reciprocity agreement and is approved by the appropriate 55075  
agency of that institution's home state to participate in an 55076  
agreement entered into with the midwestern higher education 55077  
compact, the New England board of higher education, the southern 55078  
regional education board, or the western interstate commission for 55079  
higher education. 55080

**Sec. 3333.18.** The chancellor of ~~the Ohio board of regents~~ 55081  
higher education may enter into contracts with the appropriate 55082



agency in a contiguous state whereby financial aids from the funds 55083  
of each state may be used by qualified student recipients to 55084  
attend approved post-secondary educational institutions in the 55085  
other state. Approved institutions in Ohio are those that are 55086  
state-assisted or are nonprofit and have received certificates of 55087  
authorization pursuant to Chapter 1713. of the Revised Code, or 55088  
are private institutions exempt from regulation under Chapter 55089  
3332. of the Revised Code as prescribed in section 3333.046 of the 55090  
Revised Code. Eligible post-secondary educational institutions in 55091  
the contiguous state shall be similarly approved by the 55092  
appropriate agency of that state. In formulating and executing 55093  
such contracts with a contiguous state, the chancellor shall 55094  
assure that the total cost to this state approximates the total 55095  
cost to the contiguous state. Any contract entered into under this 55096  
section shall be subject to the periodic review of, and approval 55097  
by, the controlling board. 55098

**Sec. 3333.19.** The chancellor of ~~the Ohio board of regents~~ 55099  
higher education may enter into agreements with the appropriate 55100  
agency in a foreign country or with an agency or organization 55101  
sponsoring foreign student exchanges under which the agency or 55102  
organization ensures that Ohio residents enrolled in 55103  
post-secondary educational institutions in the foreign country 55104  
will pay tuition and fees at rates no higher than the rates 55105  
charged to students who are residents of that country and under 55106  
which the chancellor provides that rates for tuition and fees 55107  
charged to a comparable number of students from the foreign 55108  
country who are enrolled in state-assisted institutions of higher 55109  
education in Ohio are to be no higher than the rates charged to 55110  
students who are Ohio residents. Notwithstanding that an Ohio 55111  
resident is enrolled in a post-secondary educational institution 55112  
in a foreign country under one of these agreements, any such 55113  
student who was previously enrolled in a state-assisted 55114

institution shall be counted as enrolled in such institution for 55115  
state subsidy purposes in a manner prescribed by rules the 55116  
chancellor shall adopt. 55117

**Sec. 3333.20.** (A) The chancellor of ~~the Ohio board of regents~~ 55118  
higher education shall adopt educational service standards that 55119  
shall apply to all community colleges, university branches, 55120  
technical colleges, and state community colleges established under 55121  
Chapters 3354., 3355., 3357., and 3358. of the Revised Code, 55122  
respectively. These standards shall provide for such institutions 55123  
to offer or demonstrate at least the following: 55124

(1) An appropriate range of career or technical programs 55125  
designed to prepare individuals for employment in specific careers 55126  
at the technical or paraprofessional level; 55127

(2) Commitment to an effective array of developmental 55128  
education services providing opportunities for academic skill 55129  
enhancement; 55130

(3) Partnerships with industry, business, government, and 55131  
labor for the retraining of the workforce and the economic 55132  
development of the community; 55133

(4) Noncredit continuing education opportunities; 55134

(5) College transfer programs or the initial two years of a 55135  
baccalaureate degree for students planning to transfer to 55136  
institutions offering baccalaureate programs; 55137

(6) Linkages with high schools to ensure that graduates are 55138  
adequately prepared for post-secondary instruction; 55139

(7) Student access provided according to a convenient 55140  
schedule and program quality provided at an affordable price; 55141

(8) That student fees charged by any institution are as low 55142  
as possible, especially if the institution is being supported by a 55143  
local tax levy; 55144

(9) A high level of community involvement in the 55145  
decision-making process in such critical areas as course delivery, 55146  
range of services, fees and budgets, and administrative personnel. 55147

(B) The chancellor shall consult with representatives of 55148  
state-assisted colleges and universities, as defined in section 55149  
3333.041 of the Revised Code, in developing appropriate methods 55150  
for achieving or maintaining the standards adopted pursuant to 55151  
division (A) of this section. 55152

(C) In considering institutions that are co-located, the 55153  
chancellor shall apply the standards to them in two manners: 55154

(1) As a whole entity; 55155

(2) As separate entities, applying the standards separately 55156  
to each. 55157

When distributing any state funds among institutions based on 55158  
the degree to which they meet the standards, the chancellor shall 55159  
provide to institutions that are co-located the higher amount 55160  
produced by the two judgments under divisions (C)(1) and (2) of 55161  
this section. 55162

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of the 55163  
Revised Code, "term" and "academic year" mean "term" and "academic 55164  
year" as defined by the chancellor of ~~the Ohio board of regents~~ 55165  
higher education. 55166

The chancellor shall establish and administer an academic 55167  
scholarship program. Under the program, a total of one thousand 55168  
new scholarships shall be awarded annually in the amount of not 55169  
less than two thousand dollars per award. At least one such new 55170  
scholarship shall be awarded annually to a student in each public 55171  
high school and joint vocational school and each nonpublic high 55172  
school for which the state board of education prescribes minimum 55173  
standards in accordance with section 3301.07 of the Revised Code. 55174

To be eligible for the award of a scholarship, a student 55175  
shall be a resident of Ohio and shall be enrolled as a full-time 55176  
undergraduate student in an Ohio institution of higher education 55177  
that meets the requirements of Title VI of the "Civil Rights Act 55178  
of 1964" and is state-assisted, is nonprofit and holds a 55179  
certificate of authorization issued under section 1713.02 of the 55180  
Revised Code, is a private institution exempt from regulation 55181  
under Chapter 3332. of the Revised Code as prescribed in section 55182  
3333.046 of the Revised Code, or holds a certificate of 55183  
registration and program authorization issued under section 55184  
3332.05 of the Revised Code and awards an associate or bachelor's 55185  
degree. Students who attend an institution holding a certificate 55186  
of registration shall be enrolled in a program leading to an 55187  
associate or bachelor's degree for which associate or bachelor's 55188  
degree program the institution has program authorization to offer 55189  
the program issued under section 3332.05 of the Revised Code. 55190

"Resident" and "full-time student" shall be defined in rules 55191  
adopted by the chancellor. 55192

The chancellor shall award the scholarships on the basis of a 55193  
formula designed by the chancellor to identify students with the 55194  
highest capability for successful college study. The formula shall 55195  
weigh the factor of achievement, as measured by grade point 55196  
average, and the factor of ability, as measured by performance on 55197  
a competitive examination specified by the chancellor. Students 55198  
receiving scholarships shall be known as "Ohio academic scholars." 55199

**Sec. 3333.22.** Each Ohio academic scholarship shall be awarded 55200  
for an academic year and may be renewed for each of three 55201  
additional academic years. The scholarship amount awarded to a 55202  
scholar for an academic year shall be not less than two thousand 55203  
dollars. A scholarship shall be renewed if the scholar maintains 55204  
an academic record satisfactory to the chancellor of ~~the Ohio~~ 55205

~~board of regents~~ higher education and meets any of the following 55206  
conditions: 55207

(A) The scholar is enrolled as a full-time undergraduate; 55208

(B) The scholar was awarded an undergraduate degree in less 55209  
than four academic years and is enrolled as a full-time graduate 55210  
or professional student in an Ohio institution of higher education 55211  
that meets the requirements of Title VI of the "Civil Rights Act 55212  
of 1964" and is state-assisted or is nonprofit and holds a 55213  
certificate of authorization issued under section 1713.02 of the 55214  
Revised Code; 55215

(C) The scholar is a full-time student concurrently enrolled 55216  
as an undergraduate student and as a graduate or professional 55217  
student in an Ohio institution of higher education that meets the 55218  
requirements of division (B) of this section. 55219

Each amount awarded shall be paid in equal installments to 55220  
the scholar at the time of enrollment for each term of the 55221  
academic year for which the scholarship is awarded or renewed. No 55222  
scholar is eligible to receive an Ohio academic scholarship for 55223  
more than the equivalent of four academic years. 55224

If an Ohio academic scholar is temporarily unable to attend 55225  
school because of illness or other cause satisfactory to the 55226  
chancellor, the chancellor may grant a leave of absence for a 55227  
designated period of time. If a scholar discontinues full-time 55228  
attendance at the scholar's school during a term because of 55229  
illness or other cause satisfactory to the chancellor, the scholar 55230  
may either claim a prorated payment for the period of actual 55231  
attendance or waive payment for that term. A term for which 55232  
prorated payment is made shall be considered a full term for which 55233  
a scholarship was received. A term for which payment is waived 55234  
shall not be considered a term for which a scholarship was 55235  
received. 55236

Receipt of an Ohio academic scholarship shall not affect a 55237  
scholar's eligibility for the Ohio instructional grant program. 55238

**Sec. 3333.23.** At the end of each term, each Ohio academic 55239  
scholar shall request the registrar of the school to send a copy 55240  
of the scholar's scholastic record to the chancellor of ~~the Ohio~~ 55241  
~~board of regents~~ higher education. If the scholar's record fails 55242  
to meet the standards established by the chancellor, further 55243  
payments shall be suspended until the scholar demonstrates promise 55244  
of successful progress in the academic program for which the award 55245  
was made. The chancellor may revoke the scholarship if the scholar 55246  
does not resume successful academic progress within a reasonable 55247  
time. 55248

**Sec. 3333.25.** There is hereby created the Ohio academic 55249  
scholarship payment fund, which shall be in the custody of the 55250  
treasurer of state but shall not be a part of the state treasury. 55251  
The fund shall consist of all moneys appropriated for the fund by 55252  
the general assembly and other moneys otherwise made available to 55253  
the fund. The payment fund shall be used for the payment of Ohio 55254  
academic scholarships or for additional scholarships to recognize 55255  
outstanding academic achievement and ability. The chancellor of 55256  
~~the Ohio board of regents~~ higher education shall administer this 55257  
section and establish rules for the distribution and awarding of 55258  
any additional scholarships. 55259

The chancellor may direct the treasurer of state to invest 55260  
any moneys in the payment fund not currently needed for 55261  
scholarship payments, in any kinds of investments in which moneys 55262  
of the public employees retirement system may be invested. 55263

The instruments of title of all investments shall be 55264  
delivered to the treasurer of state or to a qualified trustee 55265  
designated by the treasurer of state as provided in section 135.18 55266

of the Revised Code. The treasurer of state shall collect both 55267  
principal and investment earnings on all investments as they 55268  
become due and pay them into the fund. 55269

All deposits to the fund shall be made in financial 55270  
institutions of this state secured as provided in section 135.18 55271  
of the Revised Code. 55272

**Sec. 3333.26.** (A) Any citizen of this state who has resided 55273  
within the state for one year, who was in the active service of 55274  
the United States as a soldier, sailor, nurse, or marine between 55275  
April 6, 1917, and November 11, 1918, and who has been honorably 55276  
discharged from that service, shall be admitted to any school, 55277  
college, or university that receives state funds in support 55278  
thereof, without being required to pay any tuition or 55279  
matriculation fee, but is not relieved from the payment of 55280  
laboratory or similar fees. 55281

(B)(1) As used in this division: 55282

(a) "Volunteer firefighter" has the meaning as in division 55283  
(B)(1) of section 146.01 of the Revised Code. 55284

(b) "Public service officer" means an Ohio firefighter, 55285  
volunteer firefighter, police officer, member of the state highway 55286  
patrol, employee designated to exercise the powers of police 55287  
officers pursuant to section 1545.13 of the Revised Code, or other 55288  
peace officer as defined by division (B) of section 2935.01 of the 55289  
Revised Code, or a person holding any equivalent position in 55290  
another state. 55291

(c) "Qualified former spouse" means the former spouse of a 55292  
public service officer, or of a member of the armed services of 55293  
the United States, who is the custodial parent of a minor child of 55294  
that marriage pursuant to an order allocating the parental rights 55295  
and responsibilities for care of the child issued pursuant to 55296

section 3109.04 of the Revised Code. 55297

(d) "Operation enduring freedom" means that period of 55298  
conflict which began October 7, 2001, and ends on a date declared 55299  
by the president of the United States or the congress. 55300

(e) "Operation Iraqi freedom" means that period of conflict 55301  
which began March 20, 2003, and ends on a date declared by the 55302  
president of the United States or the congress. 55303

(f) "Combat zone" means an area that the president of the 55304  
United States by executive order designates, for purposes of 26 55305  
U.S.C. 112, as an area in which armed forces of the United States 55306  
are or have engaged in combat. 55307

(2) Any resident of this state who is under twenty-six years 55308  
of age, or under thirty years of age if the resident has been 55309  
honorably discharged from the armed services of the United States, 55310  
who is the child of a public service officer killed in the line of 55311  
duty or of a member of the armed services of the United States 55312  
killed in the line of duty during operation enduring freedom or 55313  
operation Iraqi freedom, and who is admitted to any state 55314  
university or college as defined in division (A)(1) of section 55315  
3345.12 of the Revised Code, community college, state community 55316  
college, university branch, or technical college shall not be 55317  
required to pay any tuition or any student fee for up to four 55318  
academic years of education, which shall be at the undergraduate 55319  
level. 55320

A child of a member of the armed services of the United 55321  
States killed in the line of duty during operation enduring 55322  
freedom or operation Iraqi freedom is eligible for a waiver of 55323  
tuition and student fees under this division only if the student 55324  
is not eligible for a war orphans scholarship authorized by 55325  
Chapter 5910. of the Revised Code. In any year in which the war 55326  
orphans scholarship board reduces the percentage of tuition 55327



covered by a war orphans scholarship below one hundred per cent 55328  
pursuant to division (A) of section 5910.04 of the Revised Code, 55329  
the waiver of tuition and student fees under this division for a 55330  
child of a member of the armed services of the United States 55331  
killed in the line of duty during operation enduring freedom or 55332  
operation Iraqi freedom shall be reduced by the same percentage. 55333

(3) Any resident of this state who is the spouse or qualified 55334  
former spouse of a public service officer killed in the line of 55335  
duty, and who is admitted to any state university or college as 55336  
defined in division (A)(1) of section 3345.12 of the Revised Code, 55337  
community college, state community college, university branch, or 55338  
technical college, shall not be required to pay any tuition or any 55339  
student fee for up to four academic years of education, which 55340  
shall be at the undergraduate level. 55341

(4) Any resident of this state who is the spouse or qualified 55342  
former spouse of a member of the armed services of the United 55343  
States killed in the line of duty while serving in a combat zone 55344  
after May 7, 1975, and who is admitted to any state university or 55345  
college as defined in division (A)(1) of section 3345.12 of the 55346  
Revised Code, community college, state community college, 55347  
university branch, or technical college, shall not be required to 55348  
pay any tuition or any student fee for up to four years of 55349  
academic education, which shall be at the undergraduate level. In 55350  
order to qualify under division (B)(4) of this section, the spouse 55351  
or qualified former spouse shall have been a resident of this 55352  
state at the time the member was killed in the line of duty. 55353

(C) Any institution that is not subject to division (B) of 55354  
this section and that holds a valid certificate of registration 55355  
issued under Chapter 3332. of the Revised Code, a valid 55356  
certificate issued under Chapter 4709. of the Revised Code, or a 55357  
valid license issued under Chapter 4713. of the Revised Code, or 55358  
that is nonprofit and has a certificate of authorization issued 55359

under section 1713.02 of the Revised Code, or that is a private 55360  
institution exempt from regulation under Chapter 3332. of the 55361  
Revised Code as prescribed in section 3333.046 of the Revised 55362  
Code, which reduces tuition and student fees of a student who is 55363  
eligible to attend an institution of higher education under the 55364  
provisions of division (B) of this section by an amount indicated 55365  
by the chancellor of ~~the Ohio board of regents~~ higher education 55366  
shall be eligible to receive a grant in that amount from the 55367  
chancellor. 55368

Each institution that enrolls students under division (B) of 55369  
this section shall report to the chancellor, by the first day of 55370  
July of each year, the number of students who were so enrolled and 55371  
the average amount of all such tuition and student fees waived 55372  
during the preceding year. The chancellor shall determine the 55373  
average amount of all such tuition and student fees waived during 55374  
the preceding year. The average amount of the tuition and student 55375  
fees waived under division (B) of this section during the 55376  
preceding year shall be the amount of grants that participating 55377  
institutions shall receive under this division during the current 55378  
year, but no grant under this division shall exceed the tuition 55379  
and student fees due and payable by the student prior to the 55380  
reduction referred to in this division. The grants shall be made 55381  
for four years of undergraduate education of an eligible student. 55382

**Sec. 3333.28.** (A) The chancellor of ~~the Ohio board of regents~~ 55383  
higher education shall establish the nurse education assistance 55384  
program, the purpose of which shall be to make loans to students 55385  
enrolled in prelicensure nurse education programs at institutions 55386  
approved by the board of nursing under section 4723.06 of the 55387  
Revised Code and postlicensure nurse education programs approved 55388  
by the chancellor under section 3333.04 of the Revised Code or 55389  
offered by an institution holding a certificate of authorization 55390  
issued under Chapter 1713. of the Revised Code. The board of 55391

nursing shall assist the chancellor in administering the program. 55392  
55393

(B) There is hereby created in the state treasury the nurse 55394  
education assistance fund, which shall consist of all money 55395  
transferred to it pursuant to section 4743.05 of the Revised Code. 55396  
The fund shall be used by the chancellor for loans made under 55397  
division (A) of this section and for expenses of administering the 55398  
loan program. 55399

(C) Between July 1, 2005, and January 1, 2012, the chancellor 55400  
shall distribute money in the nurse education assistance fund in 55401  
the following manner: 55402

(1)(a) Fifty per cent of available funds shall be awarded as 55403  
loans to registered nurses enrolled in postlicensure nurse 55404  
education programs described in division (A) of this section. To 55405  
be eligible for a loan, the applicant shall provide the chancellor 55406  
with a letter of intent to practice as a faculty member at a 55407  
prelicensure or postlicensure program for nursing in this state 55408  
upon completion of the applicant's academic program. 55409

(b) If the borrower of a loan under division (C)(1)(a) of 55410  
this section secures employment as a faculty member of an approved 55411  
nursing education program in this state within six months 55412  
following graduation from an approved nurse education program, the 55413  
chancellor may forgive the principal and interest of the student's 55414  
loans received under division (C)(1)(a) of this section at a rate 55415  
of twenty-five per cent per year, for a maximum of four years, for 55416  
each year in which the borrower is so employed. A deferment of the 55417  
service obligation, and other conditions regarding the forgiveness 55418  
of loans may be granted as provided by the rules adopted under 55419  
division (D)(7) of this section. 55420

(c) Loans awarded under division (C)(1)(a) of this section 55421  
shall be awarded on the basis of the student's expected family 55422

contribution, with preference given to those applicants with the lowest expected family contribution. However, the chancellor may consider other factors the chancellor determines relevant in ranking the applications.

(d) Each loan awarded to a student under division (C)(1)(a) of this section shall be not less than five thousand dollars per year.

(2) Twenty-five per cent of available funds shall be awarded to students enrolled in prelicensure nurse education programs for registered nurses, as defined in section 4723.01 of the Revised Code.

(3) Twenty-five per cent of available funds shall be awarded to students enrolled in nurse education programs as determined by the chancellor, with preference given to programs aimed at increasing enrollment in an area of need.

After January 1, 2012, the chancellor shall determine the manner in which to distribute loans under this section.

(D) Subject to the requirements specified in division (C) of this section, the chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code establishing:

(1) Eligibility criteria for receipt of a loan;

(2) Loan application procedures;

(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;

(4) The total amount of loans that can be made each year;

(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;

(6) Interest and principal repayment schedules;

(7) Conditions under which a portion of principal and

interest obligations incurred by an individual under the program 55452  
will be forgiven; 55453

(8) Conditions under which all or a portion of the principal 55454  
and interest obligations incurred by an individual who is deployed 55455  
on active duty outside of the state or who is the spouse of a 55456  
person deployed on active duty outside of the state may be 55457  
deferred or forgiven. 55458

(9) Ways that the program may be used to encourage 55459  
individuals who are members of minority groups to enter the 55460  
nursing profession; 55461

(10) Any other matters incidental to the operation of the 55462  
program. 55463

(E) The obligation to repay a portion of the principal and 55464  
interest on a loan made under this section shall be forgiven if 55465  
the recipient of the loan meets the criteria for forgiveness 55466  
established by division (C)(1)(b) of this section, in the case of 55467  
loans awarded under division (C)(1)(a) of this section, or by the 55468  
chancellor under the rule adopted under division (D)(7) of this 55469  
section, in the case of other loans awarded under this section. 55470

(F) The obligation to repay all or a portion of the principal 55471  
and interest on a loan made under this section may be deferred or 55472  
forgiven if the recipient of the loan meets the criteria for 55473  
deferment or forgiveness established by the chancellor under the 55474  
rule adopted under division (D)(8) of this section. 55475

(G) The receipt of a loan under this section shall not affect 55476  
a student's eligibility for assistance, or the amount of that 55477  
assistance, granted under section 3333.12, 3333.122, 3333.22, 55478  
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 55479  
the rules of the chancellor may provide for taking assistance 55480  
received under those sections into consideration when determining 55481  
a student's eligibility for a loan under this section. 55482

(H) As used in this section, "active duty" means active duty 55483  
pursuant to an executive order of the president of the United 55484  
States, an act of the congress of the United States, or section 55485  
5919.29 or 5923.21 of the Revised Code. 55486

**Sec. 3333.29.** (A) As used in this section, "state institution 55487  
of higher education" has the same meaning as in section 3345.011 55488  
of the Revised Code. 55489

(B) The chancellor of ~~the Ohio board of regents~~ higher 55490  
education shall establish, within the Ohio skills bank, a 55491  
mechanism to facilitate communication, cooperation, and 55492  
partnerships among state institutions of higher education with 55493  
nursing education programs and between state institutions of 55494  
higher education and hospitals in this state to meet regional and 55495  
statewide nursing education needs. 55496

**Sec. 3333.30.** The chancellor of ~~the Ohio board of regents~~ 55497  
higher education may enter into an agreement with private entities 55498  
to provide log-in access or an internet link to free career 55499  
information for students via the web site maintained by the 55500  
chancellor. A log-in access or internet link authorized under this 55501  
section shall not be considered an advertisement, endorsement, or 55502  
sponsorship for purposes of the regulation of state-controlled web 55503  
sites under any section of the Revised Code, any rule of the 55504  
Administrative Code, or any other policy or directive adopted or 55505  
issued by the office of information technology or any other state 55506  
agency. 55507

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 55508  
purposes, status as a resident of Ohio shall be defined by the 55509  
chancellor of ~~the Ohio board of regents~~ higher education by rule 55510  
promulgated pursuant to Chapter 119. of the Revised Code. No 55511  
adjudication as to the status of any person under such rule, 55512

however, shall be required to be made pursuant to Chapter 119. of 55513  
the Revised Code. The term "resident" for these purposes shall not 55514  
be equated with the definition of that term as it is employed 55515  
elsewhere under the laws of this state and other states, and shall 55516  
not carry with it any of the legal connotations appurtenant 55517  
thereto. Rather, except as provided in divisions (B), (C), and 55518  
~~(D)~~(E) of this section, for such purposes, the rule promulgated 55519  
under this section shall have the objective of excluding from 55520  
treatment as residents those who are present in the state 55521  
primarily for the purpose of attending a state-supported or 55522  
state-assisted institution of higher education, and may prescribe 55523  
presumptive rules, rebuttable or conclusive, as to such purpose 55524  
based upon the source or sources of support of the student, 55525  
residence prior to first enrollment, evidence of intention to 55526  
remain in the state after completion of studies, or such other 55527  
factors as the chancellor deems relevant. 55528

(B) The rules of the chancellor for determining student 55529  
residency shall grant residency status to a veteran and to the 55530  
veteran's spouse and any dependent of the veteran, if both of the 55531  
following conditions are met: 55532

(1) The veteran either: 55533

(a) Served one or more years on active military duty and was 55534  
honorably discharged or received a medical discharge that was 55535  
related to the military service; 55536

(b) Was killed while serving on active military duty or has 55537  
been declared to be missing in action or a prisoner of war. 55538

(2) If the veteran seeks residency status for tuition 55539  
surcharge purposes, the veteran has established domicile in this 55540  
state as of the first day of a term of enrollment in an 55541  
institution of higher education. If the spouse or a dependent of 55542  
the veteran seeks residency status for tuition surcharge purposes, 55543

the veteran and the spouse or dependent seeking residency status 55544  
have established domicile in this state as of the first day of a 55545  
term of enrollment in an institution of higher education, except 55546  
that if the veteran was killed while serving on active military 55547  
duty, has been declared to be missing in action or a prisoner of 55548  
war, or is deceased after discharge, only the spouse or dependent 55549  
seeking residency status shall be required to have established 55550  
domicile in accordance with this division. 55551

(C) The rules of the chancellor for determining student 55552  
residency shall grant residency status to both of the following: 55553

(1) A veteran who is the recipient of federal veterans' 55554  
benefits under the "All-Volunteer Force Educational Assistance 55555  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 55556  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 55557  
successor program, if the veteran meets all of the following 55558  
criteria: 55559

(a) The veteran served at least ninety days on active duty. 55560

(b) The veteran enrolls in a state institution of higher 55561  
education, as defined in section 3345.011 of the Revised Code. 55562

(c) The veteran lives in the state as of the first day of a 55563  
term of enrollment in the state institution of higher education. 55564

(2) A person who is the recipient of the federal Marine 55565  
Gunnery Sergeant John David Fry scholarship or transferred federal 55566  
veterans' benefits under any of the programs described in division 55567  
(C)(1) of this section, if the person meets both of the following 55568  
criteria: 55569

(a) The person enrolls in a state institution of higher 55570  
education. 55571

(b) The person lives in the state as of the first day of a 55572  
term of enrollment in the state institution of higher education. 55573



In order to qualify under division (C)(2) of this section, 55574  
the veteran's period of active duty must have been at least ninety 55575  
days. 55576

(D) The rules of the chancellor for determining student 55577  
residency shall not deny residency status to a student who is 55578  
either a dependent child of a parent, or the spouse of a person 55579  
who, as of the first day of a term of enrollment in an institution 55580  
of higher education, has accepted full-time employment and 55581  
established domicile in this state for reasons other than gaining 55582  
the benefit of favorable tuition rates. 55583

Documentation of full-time employment and domicile shall 55584  
include both of the following documents: 55585

(1) A sworn statement from the employer or the employer's 55586  
representative on the letterhead of the employer or the employer's 55587  
representative certifying that the parent or spouse of the student 55588  
is employed full-time in Ohio; 55589

(2) A copy of the lease under which the parent or spouse is 55590  
the lessee and occupant of rented residential property in the 55591  
state, a copy of the closing statement on residential real 55592  
property of which the parent or spouse is the owner and occupant 55593  
in this state or, if the parent or spouse is not the lessee or 55594  
owner of the residence in which the parent or spouse has 55595  
established domicile, a letter from the owner of the residence 55596  
certifying that the parent or spouse resides at that residence. 55597

Residency officers may also evaluate, in accordance with the 55598  
chancellor's rule, requests for immediate residency status from 55599  
dependent students whose parents are not living and whose domicile 55600  
follows that of a legal guardian who has accepted full-time 55601  
employment and established domicile in the state for reasons other 55602  
than gaining the benefit of favorable tuition rates. 55603

~~(D)~~(E)(1) The rules of the chancellor for determining student 55604

residency shall grant residency status to a person who, while a resident of this state for state subsidy and tuition surcharge purposes, graduated from a high school in this state or completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, if the person enrolls in an institution of higher education and establishes domicile in this state, regardless of the student's residence prior to that enrollment.

(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.

~~(E)~~(F) As used in this section:

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen or a United States national.

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.

**Sec. 3333.33.** (A) A community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, or technical

college established under Chapter 3357. of the Revised Code may 55635  
establish a tuition guarantee program, subject to approval of the 55636  
chancellor of ~~the Ohio board of regents~~ higher education. 55637

(B) The chancellor shall establish guidelines for the board 55638  
of trustees of a community college, state community college, or 55639  
technical college to follow when developing a tuition guarantee 55640  
program and submitting applications to the chancellor. 55641

**Sec. 3333.34.** (A) As used in this section: 55642

(1) "Pre-college stackable certificate" means a certificate 55643  
earned before an adult is enrolled in an institution of higher 55644  
education that can be transferred to college credit based on 55645  
standards established by the chancellor of ~~the Ohio board of~~ 55646  
~~regents~~ higher education and the department of education. 55647

(2) "College-level certificate" means a certificate earned 55648  
while an adult is enrolled in an institution of higher education 55649  
that can be transferred to college credit based on standards 55650  
established by the chancellor and the department of education. 55651

(B) The chancellor and the department of education shall 55652  
create a system of pre-college stackable certificates to provide a 55653  
clear and accessible path for adults seeking to advance their 55654  
education. The system shall do all of the following: 55655

(1) Be uniform across the state; 55656

(2) Be available from an array of providers, including adult 55657  
career centers, institutions of higher education, and employers; 55658

(3) Be structured to respond to the expectations of both the 55659  
workplace and higher education; 55660

(4) Be articulated in a way that ensures the most effective 55661  
interconnection of competencies offered in specialized training 55662  
programs; 55663

(5) Establish standards for earning pre-college certificates;	55664
(6) Establish transferability of pre-college certificates to college credit.	55665 55666
(C) The chancellor shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.	55667 55668 55669 55670
<b>Sec. 3333.342.</b> (A) The chancellor of <del>the Ohio board of regents</del> <u>higher education</u> may designate a "certificate of value" for a certificate program at any adult career-technical education institution or state institution of higher education, as defined under section 3345.011 of the Revised Code, based on the standards adopted under division (B) of this section.	55671 55672 55673 55674 55675 55676
(B) The chancellor shall develop standards for designation of the certificates of value for certificate programs at adult career-technical education institutions and state institutions of higher education. The standards shall include at least the following considerations:	55677 55678 55679 55680 55681
(1) The quality of the certificate program;	55682
(2) The ability to transfer agreed-upon technical courses completed through an adult career-technical education institution to a state institution of higher education without unnecessary duplication or institutional barriers;	55683 55684 55685 55686
(3) The extent to which the certificate program encourages a student to obtain an associate's or bachelor's degree;	55687 55688
(4) The extent to which the certificate program increases a student's likelihood to complete other certificate programs or an associate's or bachelor's degree;	55689 55690 55691
(5) The ability of the certificate program to meet the expectations of the workplace and higher education;	55692 55693

(6) The extent to which the certificate program is aligned with the strengths of the regional economy; 55694  
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(7) The extent to which the certificate program increases the amount of individuals who remain in or enter the state's workforce; 55696  
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(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth. 55699  
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(C) The designation of a certificate of value under this section shall expire six years after its designation date. 55701  
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(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section. 55703  
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(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor. 55707  
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(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the chancellor. 55710  
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**Sec. 3333.35.** The state board of education and the chancellor of ~~the Ohio board of regents~~ higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, enhance the college credit plus program in accordance with Chapter 3365. of the Revised Code, and enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code. 55715  
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**Sec. 3333.36.** If the chancellor of higher education 55723  
determines that sufficient funds are available from general 55724  
revenue fund appropriations made to the ~~Ohio board of regents~~ 55725  
department of higher education or to the chancellor ~~of the Ohio~~ 55726  
~~board of regents~~, the chancellor shall allocate the following: 55727

(A) Up to seventy thousand dollars in each fiscal year to 55728  
make payments to the Columbus program in intergovernmental issues, 55729  
an Ohio internship program at Kent state university, for 55730  
scholarships of up to two thousand dollars for each student 55731  
enrolled in the program; 55732

(B) Up to one hundred sixty-five thousand dollars in each 55733  
fiscal year to make payments to the Washington center for 55734  
scholarships provided to undergraduates of Ohio's four-year public 55735  
and private institutions of higher education selected to 55736  
participate in the Washington center internship program. The 55737  
amount of a student's scholarship shall not exceed the amount 55738  
specified for such scholarships in the biennial operating 55739  
appropriations act. 55740

The chancellor may utilize any general revenue funds 55741  
appropriated to the ~~board of regents~~ department or to the 55742  
chancellor that the chancellor determines to be available for 55743  
purposes of this section. 55744

**Sec. 3333.37.** As used in sections 3333.37 to 3333.375 of the 55745  
Revised Code, the following words and terms have the following 55746  
meanings unless the context indicates a different meaning or 55747  
intent: 55748

(A) "Cost of attendance" means all costs of a student 55749  
incurred in connection with a program of study at an eligible 55750  
institution, as determined by the institution, including tuition; 55751  
instructional fees; room and board; books, computers, and 55752

supplies; and other related fees, charges, and expenses.	55753
(B) "Eligible institution" means one of the following:	55754
(1) A state-assisted post-secondary educational institution within the state;	55755 55756
(2) A nonprofit institution of higher education within the state that holds a certificate of authorization issued under Chapter 1713. of the Revised Code, that is accredited by the appropriate regional and, when appropriate, professional accrediting associations within whose jurisdiction it falls, is authorized to grant a bachelor's degree or higher, and satisfies other conditions as set forth in the policy guidelines;	55757 55758 55759 55760 55761 55762 55763
(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.	55764 55765 55766
(C) "Eligible student" means either of the following:	55767
(1) An undergraduate student who meets all of the following:	55768
(a) Is a resident of this state;	55769
(b) Has graduated from any Ohio secondary school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code;	55770 55771 55772
(c) Is attending and in good standing, or has been accepted for attendance, at any eligible institution as a full-time student to pursue a bachelor's degree.	55773 55774 55775
(2) A graduate student who is a resident of this state, and is attending and in good standing, or has been accepted for attendance, at any eligible institution.	55776 55777 55778
(D) "Fellowship" or "fellowship program" means the Ohio priority needs fellowship created by sections 3333.37 to 3333.375 of the Revised Code.	55779 55780 55781

(E) "Full-time student" has the meaning as defined by rule of the chancellor of ~~the Ohio board of regents~~ higher education. 55782  
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(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code. 55784  
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(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code. 55787  
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(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code. 55789  
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(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that support the purposes and intent of sections 3333.37 to 3333.375 of the Revised Code as described in section 3333.371 of the Revised Code. 55792  
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(J) "Scholarship" or "scholarship program" means the Ohio outstanding scholarship created by sections 3333.37 to 3333.375 of the Revised Code. 55797  
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**Sec. 3333.372.** (A) There are hereby authorized the "Ohio outstanding scholarship" and the "Ohio priority needs fellowship" programs, which shall be established and administered by the chancellor of ~~the Ohio board of regents~~ higher education for eligible students. The programs shall provide scholarships to eligible undergraduate students and fellowships to eligible graduate students, equal to the annual cost of attendance at eligible institutions, to pursue baccalaureate degrees and post-baccalaureate degrees in priority needs field of study consistent with section 3333.371 of the Revised Code. 55800  
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(B) The scholarship and fellowship programs created under sections 3333.37 to 3333.375 of the Revised Code and any necessary 55810  
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administrative expenses shall be funded solely from the Ohio 55812  
outstanding scholarship and the Ohio priority needs fellowship 55813  
programs payment funds established pursuant to section 3333.375 of 55814  
the Revised Code. 55815

(C) The scholarships shall be renewable for each of three 55816  
additional years for undergraduate study, and the fellowships 55817  
shall be renewable for each of two additional years for graduate 55818  
study, provided the Ohio outstanding scholar or priority needs 55819  
fellow remains an eligible student at an eligible institution. 55820

**Sec. 3333.373.** (A) The scholarship rules advisory committee 55821  
is hereby established. The committee shall consist of the 55822  
chancellor of ~~the Ohio board of regents~~ higher education or the 55823  
chancellor's designee, the treasurer of state or the treasurer of 55824  
state's designee, the director of development or the director's 55825  
designee, one state senator appointed by the president of the 55826  
senate, one state representative appointed by the speaker of the 55827  
house of representatives, and two public members appointed by the 55828  
chancellor of higher education representing the interests of the 55829  
state-assisted eligible institutions and private nonprofit 55830  
eligible institutions, respectively. 55831

(B) The committee shall provide recommendations to the 55832  
chancellor of higher education as to rules, criteria, and 55833  
guidelines necessary and appropriate to implement the scholarship 55834  
and fellowship programs created by sections 3333.37 to 3333.375 of 55835  
the Revised Code. 55836

(C) The committee shall meet at least annually to review the 55837  
scholarship and fellowship programs guidelines; make 55838  
recommendations to amend, rescind, or modify the policy 55839  
guidelines; and approve scholarship and fellowship awards to 55840  
eligible students. 55841

(D) Sections 101.82 to 101.87 of the Revised Code do not 55842

apply to this section. 55843

**Sec. 3333.374.** (A) After receipt of recommendations from the 55844  
scholarship rules advisory committee or if no recommendations are 55845  
received, the chancellor of ~~the Ohio board of regents~~ higher 55846  
education, with the approval of the treasurer of state, shall 55847  
adopt rules, in accordance with Chapter 119. of the Revised Code, 55848  
establishing policy guidelines for the implementation of the 55849  
scholarship and fellowship programs. 55850

(B) Nothing in this section or section 3333.373 of the 55851  
Revised Code shall prevent the chancellor, with the approval of 55852  
the treasurer of state, from amending or rescinding rules adopted 55853  
pursuant to division (A) of this section, or from adopting new 55854  
rules, in accordance with Chapter 119. of the Revised Code, from 55855  
time to time as are necessary to further the purposes of sections 55856  
3333.37 to 3333.375 of the Revised Code. 55857

**Sec. 3333.375.** (A)(1) There are hereby created the Ohio 55858  
outstanding scholarship and the Ohio priority needs fellowship 55859  
programs payment funds, which shall be in the custody of the 55860  
treasurer of state, but shall not be a part of the state treasury. 55861

(2) The payment funds shall consist solely of all moneys 55862  
returned to the treasurer of state, as issuer of certain 55863  
tax-exempt student loan revenue bonds, from all indentures of 55864  
trust, both presently existing and future, created as a result of 55865  
tax-exempt student loan revenue bonds issued under Chapter 3366. 55866  
of the Revised Code, and any moneys earned from allowable 55867  
investments of the payment funds under division (B) of this 55868  
section. 55869

(3) Except as provided in division (E) of this section, the 55870  
payment funds shall be used solely for scholarship and fellowships 55871  
awarded under sections 3333.37 to 3333.375 of the Revised Code by 55872

the chancellor of ~~the Ohio board of regents~~ higher education and 55873  
for any necessary administrative expenses incurred by the 55874  
chancellor in administering the scholarship and fellowship 55875  
programs. 55876

(B) The treasurer of state may invest any moneys in the 55877  
payment funds not currently needed for scholarship and fellowship 55878  
payments in any kind of investments in which moneys of the public 55879  
employees retirement system may be invested under Chapter 145. of 55880  
the Revised Code. 55881

(C)(1) The instruments of title of all investments shall be 55882  
delivered to the treasurer of state or to a qualified trustee 55883  
designated by the treasurer of state as provided in section 135.18 55884  
of the Revised Code. 55885

(2) The treasurer of state shall collect both principal and 55886  
investment earnings on all investments as they become due and pay 55887  
them into the payment funds. 55888

(3) All deposits to the payment funds shall be made in public 55889  
depositories of this state and secured as provided in section 55890  
135.18 of the Revised Code. 55891

(D) On or before March 1, 2001, and on or before the first 55892  
day of March in each subsequent year, the treasurer of state shall 55893  
provide to the chancellor ~~of the Ohio board of regents~~ a statement 55894  
indicating the moneys in the Ohio outstanding scholarship and the 55895  
Ohio priority needs fellowship programs payment funds that are 55896  
available for the upcoming academic year to award scholarships and 55897  
fellowships under sections 3333.37 to 3333.375 of the Revised 55898  
Code. 55899

(E) The chancellor may use funds the treasurer has indicated 55900  
as available pursuant to division (D) of this section to support 55901  
distribution of state need-based financial aid in accordance with 55902  
sections 3333.12 and 3333.122 of the Revised Code. 55903

**Sec. 3333.39.** The chancellor of ~~the Ohio board of regents~~ 55904  
higher education and the superintendent of public instruction 55905  
shall establish and administer the teach Ohio program to promote 55906  
and encourage citizens of this state to consider teaching as a 55907  
profession. The program shall include all of the following: 55908

(A) A statewide program administered by a nonprofit 55909  
corporation that has been in existence for at least fifteen years 55910  
with demonstrated results in encouraging high school students from 55911  
economically disadvantaged groups to enter the teaching 55912  
profession. The chancellor and superintendent jointly shall select 55913  
the nonprofit corporation. 55914

(B) The Ohio teaching fellows program established under 55915  
sections 3333.391 and 3333.392 of the Revised Code; 55916

(C) The Ohio teacher residency program established under 55917  
section 3319.223 of the Revised Code; 55918

(D) Alternative licensure procedures established under 55919  
section 3319.26 of the Revised Code; 55920

(E) Any other program as identified by the chancellor and the 55921  
superintendent. 55922

**Sec. 3333.391.** (A) As used in this section and in section 55923  
3333.392 of the Revised Code: 55924

(1) "Academic year" shall be as defined by the chancellor of 55925  
~~the Ohio board of regents~~ higher education. 55926

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 55927  
be as defined by the department of education. 55928

(3) "Parent" means the parent, guardian, or custodian of a 55929  
qualified student. 55930

(4) "Qualified service" means teaching at a qualifying 55931  
school. 55932

(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and superintendent of public instruction, under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district.

(B) If the chancellor of ~~the Ohio board of regents~~ higher education determines that sufficient funds are available from general revenue fund appropriations made to the ~~Ohio board of regents~~ department of higher education or to the chancellor, the chancellor and the superintendent of public instruction jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the superintendent and with the cooperation of teacher training institutions. Under the program, the chancellor annually shall provide scholarships to students who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code. The scholarships shall be for up to four years at the undergraduate level at an amount determined by the chancellor based on state appropriations.

(C) The chancellor shall adopt a competitive process for awarding scholarships under the teaching fellows program, which shall include minimum grade point average and scores on national standardized tests for college admission. The process shall also give additional consideration to all of the following:

(1) A person who has participated in the program described in division (A) of section 3333.39 of the Revised Code;

(2) A person who plans to specialize in teaching students with special needs; 55965  
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(3) A person who plans to teach in the disciplines of science, technology, engineering, or mathematics. 55967  
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The chancellor shall require that all applicants to the teaching fellows program shall file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code. 55969  
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(D) Teaching fellows shall complete the four-year teaching commitment within not more than seven years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.392 of the Revised Code. 55975  
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(E) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer this section and section 3333.392 of the Revised Code. 55980  
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**Sec. 3333.392.** (A) Each recipient who accepts a scholarship under the Ohio teaching fellows program created under section 3333.391 of the Revised Code, or the recipient's parent if the recipient is younger than eighteen years of age, shall sign a promissory note payable to the state in the event the recipient does not satisfy the service requirement of division (D) of section 3333.391 of the Revised Code or the scholarship is terminated. The amount payable under the note shall be the amount of total scholarships accepted by the recipient under the program plus ten per cent interest accrued annually beginning on the first day of September after graduating from the teacher training program or immediately after termination of the scholarship. The period of repayment under the note shall be determined by the 55983  
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chancellor of ~~the Ohio board of regents~~ higher education. The note 55996  
shall stipulate that the obligation to make payments under the 55997  
note is canceled following completion of four years of qualified 55998  
service by the recipient in accordance with division (D) of 55999  
section 3333.391 of the Revised Code, or if the recipient dies, 56000  
becomes totally and permanently disabled, or is unable to complete 56001  
the required qualified service as a result of a reduction in force 56002  
at the recipient's school of employment before the obligation 56003  
under the note has been satisfied. 56004

(B) Repayment of the principal amount of the scholarship and 56005  
interest accrued shall be deferred while the recipient is enrolled 56006  
in an approved teaching program, while the recipient is seeking 56007  
employment to fulfill the service obligation, for a period not to 56008  
exceed six months, or while the recipient is engaged in qualified 56009  
service. 56010

(C) During the seven-year period following the recipient's 56011  
graduation from an approved teaching program, the chancellor shall 56012  
deduct twenty-five per cent of the outstanding balance that may be 56013  
converted to a loan for each year the recipient teaches at a 56014  
qualifying school. 56015

(D) The chancellor may terminate the scholarship, in which 56016  
case the scholarship shall be converted to a loan to be repaid 56017  
under division (A) of this section. 56018

(E) The scholarship shall be deemed terminated upon the 56019  
recipient's withdrawal from school or the recipient's failure to 56020  
meet the standards of the scholarship as determined by the 56021  
chancellor and shall be converted to a loan to be repaid under 56022  
division (A) of this section. 56023

(F) The chancellor and the attorney general shall collect 56024  
payments on the converted loan in accordance with section 131.02 56025  
of the Revised Code. 56026

Sec. 3333.43. This section does not apply to any 56027  
baccalaureate degree program that is a cooperative education 56028  
program, as defined in section 3333.71 of the Revised Code. 56029

(A) The chancellor of ~~the Ohio board of regents~~ higher 56030  
education shall require all state institutions of higher education 56031  
that offer baccalaureate degrees, as a condition of 56032  
reauthorization for certification of each baccalaureate program 56033  
offered by the institution, to submit a statement describing how 56034  
each major for which the school offers a baccalaureate degree may 56035  
be completed within three academic years. The chronology of the 56036  
statement shall begin with the fall semester of a student's first 56037  
year of the baccalaureate program. 56038

(B) The statement required under this section may include, 56039  
but not be limited to, any of the following methods to contribute 56040  
to earning a baccalaureate degree in three years: 56041

(1) Advanced placement credit; 56042

(2) International baccalaureate program credit; 56043

(3) A waiver of degree and credit-hour requirements by 56044  
completion of courses that are widely available at community 56045  
colleges in the state or through online programs offered by state 56046  
institutions of higher education or private nonprofit institutions 56047  
of higher education holding certificates of authorization under 56048  
Chapter 1713. of the Revised Code, and through courses taken by 56049  
the student through the college credit plus program under Chapter 56050  
3365. of the Revised Code; 56051

(4) Completion of coursework during summer sessions; 56052

(5) A waiver of foreign-language degree requirements based on 56053  
a proficiency examination specified by the institution. 56054

(C)(1) Not later than October 15, 2012, each state 56055  
institution of higher education shall provide statements required 56056



under this section for ten per cent of all baccalaureate degree programs offered by the institution. 56057  
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(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution. 56059  
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(D) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education. The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code. 56063  
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(E) Nothing in this section requires an institution to take any action that would violate the requirements of any independent association accrediting baccalaureate degree programs. 56072  
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**Sec. 3333.44.** The chancellor of ~~the Ohio board of regents~~ higher education shall designate a postsecondary globalization liaison to work with state institutions of higher education, as defined in section 3345.011 of the Revised Code, other state agencies, and representatives of the business community to enhance the state's globalization efforts. 56075  
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The chancellor may designate a person already employed by the chancellor as the liaison. 56081  
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**Sec. 3333.50.** The ~~Ohio board of regents~~ chancellor of higher education, in consultation with the governor and the department of development, shall develop a critical needs rapid response system to respond quickly to critical workforce shortages in the state. 56083  
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Not later than ninety days after a critical workforce shortage is identified, the chancellor ~~of the board~~ shall submit to the governor a proposal for addressing the shortage through initiatives of the ~~board~~ department of higher education or institutions of higher education.

**Sec. 3333.55.** (A) The health information and imaging technology workforce development pilot project is hereby established. Under the project, in fiscal years 2008 through 2010, the ~~Ohio board of regents~~ chancellor of higher education shall design and implement a three-year pilot program to test, in the vicinity of Clark, Greene, and Montgomery counties, how a P-16 public-private education and workforce development collaborative may address each of the following goals:

(1) Increase the number of students taking and mastering high-level science, technology, engineering, or mathematics courses and pursuing careers in those subjects, in all demographic regions of the state;

(2) Increase the number of students pursuing professional careers in health information and imaging technology upon receiving related technical education and professional experience, in all demographic regions of the state;

(3) Unify efforts among schools, career centers, post-secondary programs, and employers in a region for career and workforce development, preservation, and public education.

(B) The project shall focus on enhancing P-16 education and workforce development in the field of health information and imaging technology through such activities as increased academic intervention in related areas of study, after-school and summer intervention programs, tutoring, career and job fairs and other promotional and recruitment activities, externships, professional development, field trips, academic competitions, development of

related specialized study modules, development of honors programs, 56118  
and development and enhancement of dual high school and college 56119  
enrollment programs. 56120

(C) Project participants shall include Clark-Shawnee local 56121  
school district, Springfield city school district, Greene county 56122  
career center, Clark state community college, Central state 56123  
university, Wright state university, Cedarville university, 56124  
Wittenberg university, the university of Dayton, and private 56125  
employers in the health information and imaging technology 56126  
industry in the vicinity of Clark, Greene, and Montgomery 56127  
counties, selected by the ~~board of regents~~ chancellor. 56128

For the third year of the project, the ~~board of regents~~ 56129  
chancellor may add as participants the Dayton city school district 56130  
and Xenia city school district. 56131

(D) Wittenberg university shall be the lead coordinating 56132  
agent and Clark state community college shall be the fiscal agent 56133  
for the project. 56134

(E) The ~~board of regents~~ chancellor shall create an advisory 56135  
council made up of representatives of the participating entities 56136  
to coordinate, monitor, and evaluate the project. The advisory 56137  
council shall submit an annual activity report to the ~~board of~~ 56138  
~~regents~~ chancellor by a date specified by the ~~board of regents~~ 56139  
chancellor. 56140

**Sec. 3333.58.** There is hereby created at Shawnee state 56141  
university the Ohio Appalachian center for higher education to 56142  
increase the educational attainment of the residents of Ohio's 56143  
Appalachian region, as defined in section 107.21 of the Revised 56144  
Code. The board of directors of the center shall consist of the 56145  
following members: 56146

(A) The presidents of all of the following: 56147

(1) Shawnee state university;	56148
(2) Belmont technical college;	56149
(3) Hocking college;	56150
(4) Jefferson community college;	56151
(5) Zane state college;	56152
(6) Rio Grande community college;	56153
(7) Southern state community college;	56154
(8) Central Ohio technical college, Coshocton campus;	56155
(9) Washington state community college.	56156
(B) The president of Ohio university, or the president's designee;	56157 56158
(C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university;	56159 56160 56161
(D) A representative of the chancellor of <del>the Ohio board of</del> <del>regents</del> <u>higher education</u> as designated by the chancellor.	56162 56163
<b>Sec. 3333.59.</b> (A) As used in this section:	56164
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the <del>Ohio board of regents</del> <u>department of higher</u> <u>education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	56165 56166 56167 56168 56169 56170
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	56171 56172
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	56173 56174

(4) "Chancellor" means the chancellor of <del>the Ohio board of</del> <del>regents</del> <u>higher education</u> .	56175 56176
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	56177 56178 56179
(a) A community college as defined in section 3354.01 of the Revised Code;	56180 56181
(b) A technical college as defined in section 3357.01 of the Revised Code;	56182 56183
(c) A state community college as defined in section 3358.01 of the Revised Code.	56184 56185
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	56186 56187 56188
(a) A community college district as defined in section 3354.01 of the Revised Code;	56189 56190
(b) A technical college district as defined in section 3357.01 of the Revised Code;	56191 56192
(c) A state community college district as defined in section 3358.01 of the Revised Code.	56193 56194
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	56195 56196
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	56197 56198
(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor	56199 56200 56201 56202 56203 56204

to enter into an agreement with the community or technical college 56205  
district and the primary paying agent or fiscal agent for such 56206  
obligations, providing for the withholding and deposit of funds 56207  
otherwise due the district or the community or technical college 56208  
it operates in respect of its allocated state share of 56209  
instruction, for the payment of bond service charges on such 56210  
obligations. 56211

The board of trustees shall deliver to the chancellor a copy 56212  
of the resolution and any additional pertinent information the 56213  
chancellor may require. 56214

The chancellor and the office of budget and management, and 56215  
the issuing authority in the case of obligations to be issued by 56216  
the issuing authority, shall evaluate each request received from a 56217  
community or technical college district under this section. The 56218  
chancellor, with the advice and consent of the director of budget 56219  
and management and the issuing authority in the case of 56220  
obligations to be issued by the issuing authority, shall approve 56221  
each request if all of the following conditions are met: 56222

(1) Approval of the request will enhance the marketability of 56223  
the obligations for which the request is made; 56224

(2) The chancellor and the office of budget and management, 56225  
and the issuing authority in the case of obligations to be issued 56226  
by the issuing authority, have no reason to believe the requesting 56227  
community or technical college district or the community or 56228  
technical college it operates will be unable to pay when due the 56229  
bond service charges on the obligations for which the request is 56230  
made, and bond service charges on those obligations are therefore 56231  
not anticipated to be paid pursuant to this section from the 56232  
allocated state share of instruction for purposes of Section 17 of 56233  
Article VIII, Ohio Constitution. 56234

(3) Any other pertinent conditions established in rules 56235

adopted under division (H) of this section. 56236

(C) If the chancellor approves the request of a community or 56237  
technical college district to withhold and deposit funds pursuant 56238  
to this section, the chancellor shall enter into a written 56239  
agreement with the district and the primary paying agent or fiscal 56240  
agent for the obligations, which agreement shall provide for the 56241  
withholding of funds pursuant to this section for the payment of 56242  
bond service charges on those obligations. The agreement may also 56243  
include both of the following: 56244

(1) Provisions for certification by the district to the 56245  
chancellor, prior to the deadline for payment of the applicable 56246  
bond service charges, whether the district and the community or 56247  
technical college it operates are able to pay those bond service 56248  
charges when due; 56249

(2) Requirements that the district or the community or 56250  
technical college it operates deposits amounts for the payment of 56251  
those bond service charges with the primary paying agent or fiscal 56252  
agent for the obligations prior to the date on which the bond 56253  
service charges are due to the owners or holders of the 56254  
obligations. 56255

(D) Whenever a district or the community or technical college 56256  
it operates notifies the chancellor that it will not be able to 56257  
pay the bond service charges when they are due, subject to the 56258  
withholding provisions of this section, or whenever the applicable 56259  
paying agent or fiscal agent notifies the chancellor that it has 56260  
not timely received from a district or from the college it 56261  
operates the full amount needed for payment of the bond service 56262  
charges when due to the holders or owners of such obligations, the 56263  
chancellor shall immediately contact the district or college and 56264  
the paying agent or fiscal agent to confirm that the district and 56265  
the college are not able to make the required payment by the date 56266  
on which it is due. 56267

If the chancellor confirms that the district and the college  
are not able to make the payment and the payment will not be made  
pursuant to a credit enhancement facility, the chancellor shall  
promptly pay to the applicable primary paying agent or fiscal  
agent the lesser of the amount due for bond service charges or the  
amount of the next periodic distribution scheduled to be made to  
the district or to the college in respect of its allocated state  
share of instruction. If this amount is insufficient to pay the  
total amount then due the agent for the payment of bond service  
charges, the chancellor shall continue to pay to the agent from  
each periodic distribution thereafter, and until the full amount  
due the agent for unpaid bond service charges is paid in full, the  
lesser of the remaining amount due the agent for bond service  
charges or the amount of the next periodic distribution scheduled  
to be made to the district or college in respect of its allocated  
state share of instruction.

(E) The chancellor may make any payments under this section  
by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under  
this section shall be applied only to the payment of bond service  
charges on the obligations of the community or technical college  
district or community or technical college subject to this section  
or to the reimbursement of the provider of a credit enhancement  
facility that has paid the bond service charges.

(F) The chancellor may make payments under this section to  
paying agents or fiscal agents during any fiscal biennium of the  
state only from and to the extent that money is appropriated to  
the ~~board of regents~~ department by the general assembly for  
distribution during such biennium for the state share of  
instruction and only to the extent that a portion of the state  
share of instruction has been allocated to the community or  
technical college district or community or technical college.



Obligations of the issuing authority or of a community or technical college district to which this section is made applicable do not constitute an obligation or a debt or a pledge of the faith, credit, or taxing power of the state, and the holders or owners of those obligations have no right to have excises or taxes levied or appropriations made by the general assembly for the payment of bond service charges on the obligations, and the obligations shall contain a statement to that effect. The agreement for or the actual withholding and payment of money under this section does not constitute the assumption by the state of any debt of a community or technical college district or a community or technical college, and bond service charges on the related obligations are not anticipated to be paid from the state general revenue fund for purposes of Section 17 of Article VIII, Ohio Constitution.

(G) In the case of obligations subject to the withholding provisions of this section, the issuing community or technical college district, or the issuing authority in the case of obligations issued by the issuing authority, shall appoint a paying agent or fiscal agent who is not an officer or employee of the district or college.

(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the issuing authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section.

(I) The authority granted by this section is in addition to

and not a limitation on any other authorizations granted by or 56332  
pursuant to law for the same or similar purposes. 56333

**Sec. 3333.61.** The chancellor of ~~the Ohio board of regents~~ 56334  
higher education shall establish and administer the Ohio 56335  
innovation partnership, which shall consist of the choose Ohio 56336  
first scholarship program and the Ohio research scholars program. 56337  
Under the programs, the chancellor, subject to approval by the 56338  
controlling board, shall make awards to state universities or 56339  
colleges for programs and initiatives that recruit students and 56340  
scientists in the fields of science, technology, engineering, 56341  
mathematics, medicine, and dentistry to state universities or 56342  
colleges, in order to enhance regional educational and economic 56343  
strengths and meet the needs of the state's regional economies. 56344  
Awards may be granted for programs and initiatives to be 56345  
implemented by a state university or college alone or in 56346  
collaboration with other state institutions of higher education, 56347  
nonpublic Ohio universities and colleges, or other public or 56348  
private Ohio entities. If the chancellor makes an award to a 56349  
program or initiative that is intended to be implemented by a 56350  
state university or college in collaboration with other state 56351  
institutions of higher education or nonpublic Ohio universities or 56352  
colleges, the chancellor may provide that some portion of the 56353  
award be received directly by the collaborating universities or 56354  
colleges consistent with all terms of the Ohio innovation 56355  
partnership. 56356

The choose Ohio first scholarship program shall assign a 56357  
number of scholarships to state universities and colleges to 56358  
recruit Ohio residents as undergraduate, or as provided in section 56359  
3333.66 of the Revised Code graduate, students in the fields of 56360  
science, technology, engineering, mathematics, medicine, and 56361  
dentistry, or in science, technology, engineering, mathematics, 56362  
medical, or dental education. Choose Ohio first scholarships shall 56363

be awarded to each participating eligible student as a grant to 56364  
the state university or college the student is attending and shall 56365  
be reflected on the student's tuition bill. Choose Ohio first 56366  
scholarships are student-centered grants from the state to 56367  
students to use to attend a university or college and are not 56368  
grants from the state to universities or colleges. 56369

Notwithstanding any other provision of this section or 56370  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 56371  
four-year Ohio institution of higher education may submit a 56372  
proposal for choose Ohio first scholarships or Ohio research 56373  
scholarships grants. If the chancellor awards a nonpublic institution 56374  
scholarships or grants, the nonpublic institution shall comply 56375  
with all requirements of this section, sections 3333.62 to 3333.69 56376  
of the Revised Code, and the rules adopted under this section that 56377  
apply to state universities or colleges awarded choose Ohio first 56378  
scholarships or Ohio research scholars grants. 56379

The Ohio research scholars program shall award grants to use 56380  
in recruiting scientists to the faculties of state universities or 56381  
colleges. 56382

The chancellor shall adopt rules in accordance with Chapter 56383  
119. of the Revised Code to administer the programs. 56384

**Sec. 3333.611.** (A) All of the following individuals shall 56385  
jointly develop a proposal for the creation of a primary care 56386  
medical student component of the choose Ohio first scholarship 56387  
program operated under section 3333.61 of the Revised Code under 56388  
which scholarships are annually made available and awarded to 56389  
medical students who meet the requirements specified in division 56390  
(D) of this section: 56391

(1) The dean of the Ohio state university school of medicine; 56392

(2) The dean of the Case western reserve university school of 56393

medicine;	56394
(3) The dean of the university of Toledo college of medicine;	56395
(4) The president and dean of the northeast Ohio medical university;	56396 56397
(5) The dean of the university of Cincinnati college of medicine;	56398 56399
(6) The dean of the Boonshoft school of medicine at Wright state university;	56400 56401
(7) The dean of the Ohio university college of osteopathic medicine.	56402 56403
(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal:	56404 56405
(1) Establishing a scholarship of sufficient size to permit annually not more than fifty medical students to receive scholarships;	56406 56407 56408
(2) Specifying that a scholarship, once granted, may be provided to a medical student for not more than four years.	56409 56410
(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the chancellor of <del>the Ohio board of regents</del> <u>higher education</u> not later than March 6, 2011. The chancellor shall review the proposal and determine whether to implement the component as part of the program.	56411 56412 56413 56414 56415
(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements:	56416 56417 56418
(1) Participate in identified patient centered medical home model training opportunities during medical school;	56419 56420
(2) Commit to a post-residency primary care practice in this state for not less than three years;	56421 56422

(3) Accept medicaid recipients as patients, without 56423  
restriction and, as compared to other patients, in a proportion 56424  
that is specified in the scholarship. 56425

**Sec. 3333.612.** (A) All of the following individuals shall 56426  
jointly develop a proposal for the creation of a primary care 56427  
nursing student component of the choose Ohio first scholarship 56428  
program operated under section 3333.61 of the Revised Code under 56429  
which scholarships are annually made available and awarded to 56430  
advanced practice nursing students who meet the requirements 56431  
specified in division (D) of this section: 56432

(1) The dean of the college of nursing at the university of 56433  
Toledo; 56434

(2) The dean of the Wright state university college of 56435  
nursing and health; 56436

(3) The dean of the college of nursing at Kent state 56437  
university; 56438

(4) The dean of the university of Akron college of nursing; 56439

(5) The director of the school of nursing at Ohio university. 56440

(B) The individuals specified in division (A) of this section 56441  
shall consider including the following provisions in the proposal: 56442

(1) Establishing a scholarship of sufficient size to permit 56443  
annually not more than thirty advanced practice nursing students 56444  
to receive scholarships; 56445

(2) Specifying that a scholarship, once granted, may be 56446  
provided to an advanced practice nursing student for not more than 56447  
three years. 56448

(C) The individuals specified in division (A) of this section 56449  
shall submit the proposal for the component to the chancellor of 56450  
~~the Ohio board of regents~~ higher education not later than six 56451

months after ~~the effective date of this section~~ September 6, 2010. 56452  
The chancellor shall review the proposal and determine whether to 56453  
implement the component as part of the program. 56454

(D) To be eligible for a scholarship made available under the 56455  
component, an advanced practice nursing student shall meet all of 56456  
the following requirements: 56457

(1) Participate in identified patient centered medical home 56458  
model training opportunities during nursing school; 56459

(2) Commit to an advanced practice nursing primary care 56460  
practice in this state after completing nursing school for not 56461  
less than three years; 56462

(3) Accept medicaid recipients as patients, without 56463  
restriction and, as compared to other patients, in a proportion 56464  
that is specified in the scholarship. 56465

**Sec. 3333.613.** There is hereby created in the state treasury 56466  
the choose Ohio first scholarship reserve fund. ~~Not later than the~~ 56467  
~~first day of July~~ As soon as possible following the end of each 56468  
fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 56469  
education shall certify to the director of budget and management 56470  
the unencumbered balance of the general revenue fund 56471  
appropriations made in the immediately preceding fiscal year for 56472  
purposes of the choose Ohio first scholarship program created in 56473  
section 3333.61 of the Revised Code. Upon receipt of the 56474  
certification, the director of budget and management may transfer 56475  
an amount not exceeding the certified amount from the general 56476  
revenue fund to the choose Ohio first scholarship reserve fund. 56477  
Moneys in the choose Ohio first scholarship reserve fund shall be 56478  
used to pay scholarship obligations in excess of the general 56479  
revenue fund appropriations made for that purpose. 56480

The director of budget and management may transfer any 56481

unencumbered balance from the choose Ohio first scholarship 56482  
reserve fund to the general revenue fund. 56483

If it is determined that general revenue fund appropriations 56484  
are insufficient to meet the obligations for the choose Ohio first 56485  
scholarship in a fiscal year, the director of budget and 56486  
management may transfer funds from the choose Ohio first 56487  
scholarship reserve fund to the general revenue fund in order to 56488  
meet those obligations. The amount transferred is hereby 56489  
appropriated. If the funds transferred from the choose Ohio first 56490  
scholarship reserve fund are not needed, the director of budget 56491  
and management may transfer the unexpended balance from the 56492  
general revenue fund back to the choose Ohio first scholarship 56493  
reserve fund. 56494

**Sec. 3333.62.** The chancellor of ~~the Ohio board of regents~~ 56495  
higher education shall establish a competitive process for making 56496  
awards under the choose Ohio first scholarship program and the 56497  
Ohio research scholars program. The chancellor, on completion of 56498  
that process, shall make a recommendation to the controlling board 56499  
asking for approval of each award selected by the chancellor. 56500

Any state university or college may apply for one or more 56501  
awards under one or both programs. The state university or college 56502  
shall submit a proposal and other documentation required by the 56503  
chancellor, in the form and manner prescribed by the chancellor, 56504  
for each award it seeks. A proposal may propose an initiative to 56505  
be implemented solely by the state university or college or in 56506  
collaboration with other state institutions of higher education, 56507  
nonpublic Ohio universities or colleges, or other public or 56508  
nonpublic Ohio entities. A single proposal may seek an award under 56509  
one or both programs. 56510

The chancellor shall determine which proposals will receive 56511  
awards each fiscal year, and the amount of each award, on the 56512

basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;

(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;

(H) The extent to which the proposal meets a statewide educational need;

(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;

(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;

(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue



baccalaureate degrees in science, technology, engineering,  
mathematics, or medicine;

(L) The extent to which the proposal encourages students  
enrolled in state universities to transfer into science,  
technology, engineering, mathematics, or medicine programs;

(M) The extent to which the proposal facilitates the  
completion of a baccalaureate degree in a cost-effective manner,  
for example, by facilitating students' completing two years at a  
two-year institution and two years at a state university or  
college;

(N) The extent to which the proposal allows attendance at a  
state university or college of students who otherwise could not  
afford to attend;

(O) The extent to which other institutional, public, or  
private resources pledged to the proposal will be deployed to  
assist in sustaining students' scholarships over their academic  
careers;

(P) The extent to which the proposal increases the likelihood  
that students will successfully complete their degree programs in  
science, technology, engineering, mathematics, or medicine or in  
science, technology, engineering, mathematics, or medical  
education;

(Q) The extent to which the proposal ensures that a student  
who is awarded a scholarship is appropriately qualified and  
prepared to successfully complete a degree program in science,  
technology, engineering, mathematics, or medicine or in science,  
technology, engineering, mathematics, or medical education;

(R) The extent to which the proposal will increase the number  
of women participating in the choose Ohio first scholarship  
program.

**Sec. 3333.63.** The chancellor of ~~the Ohio board of regents~~ 56573  
higher education shall conduct at least one public meeting 56574  
annually, prior to deciding awards under the Ohio innovation 56575  
partnership. At the meeting, an employee of the chancellor shall 56576  
summarize the proposals submitted for consideration, and each 56577  
state university or college that has a proposal pending shall have 56578  
the opportunity to review the summary of their proposal prepared 56579  
by the chancellor's staff and answer questions or respond to 56580  
concerns about the proposal raised by the chancellor's staff. 56581

**Sec. 3333.64.** The chancellor of ~~the Ohio board of regents~~ 56582  
higher education shall endeavor to make awards under the choose 56583  
Ohio first scholarship program and the Ohio research scholars 56584  
program such that the aggregate, statewide amount of other 56585  
institutional, public, and private money pledged to the proposals 56586  
in each fiscal year equals at least one hundred per cent of the 56587  
aggregate amount of the money awarded under both programs that 56588  
year. The chancellor shall endeavor to make awards under the 56589  
choose Ohio first scholarship program in such a way that at least 56590  
fifty per cent of the students receiving the scholarships are 56591  
involved in a co-op or internship program in a private industry or 56592  
a university laboratory. The value of institutional, public, or 56593  
private industry co-ops and internships shall count toward the 56594  
statewide aggregate amount of other institutional, public, or 56595  
private money specified in this paragraph. 56596

The chancellor also shall endeavor to distribute awards in 56597  
such a way that all regions of the state benefit from the economic 56598  
development impact of the programs and shall guarantee that 56599  
students from all regions of the state are able to participate in 56600  
the scholarship program. 56601

**Sec. 3333.65.** The chancellor of ~~the Ohio board of regents~~ 56602

higher education shall require each state university or college 56603  
that the controlling board approves to receive an award under the 56604  
Ohio innovation partnership to enter into an agreement governing 56605  
the use of the award. The agreement shall contain terms the 56606  
chancellor determines to be necessary, which shall include 56607  
performance measures, reporting requirements, and an obligation to 56608  
fulfill pledges of other institutional, public, or nonpublic 56609  
resources for the proposal. 56610

The chancellor may require a state university or college that 56611  
violates the terms of its agreement to repay the award plus 56612  
interest at the rate required by section 5703.47 of the Revised 56613  
Code to the chancellor. 56614

If the chancellor makes an award to a program or initiative 56615  
that is intended to be implemented by a state university or 56616  
college in collaboration with other state institutions of higher 56617  
education or nonpublic Ohio universities or colleges, the 56618  
chancellor may enter into an agreement with the collaborating 56619  
universities or colleges that permits awards to be received 56620  
directly by the collaborating universities or colleges consistent 56621  
with the terms of the program or initiative. In that case, the 56622  
chancellor shall incorporate into the agreement terms consistent 56623  
with the requirements of this section. 56624

**Sec. 3333.66.** (A)(1) Except as provided in division (A)(2) of 56625  
this section, in each academic year, no student who receives a 56626  
choose Ohio first scholarship shall receive less than one thousand 56627  
five hundred dollars or more than one-half of the highest in-state 56628  
undergraduate instructional and general fees charged by all state 56629  
universities. For this purpose, if Miami university is 56630  
implementing the pilot tuition restructuring plan originally 56631  
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 56632  
university's instructional and general fees shall be considered to 56633

be the average full-time in-state undergraduate instructional and 56634  
general fee amount after taking into account the Ohio resident and 56635  
Ohio leader scholarships and any other credit provided to all Ohio 56636  
residents. 56637

(2) The chancellor of ~~the Ohio board of regents~~ higher 56638  
education may authorize a state university or college or a 56639  
nonpublic Ohio institution of higher education to award a choose 56640  
Ohio first scholarship in an amount greater than one-half of the 56641  
highest in-state undergraduate instructional and general fees 56642  
charged by all state universities to either of the following: 56643

(a) Any undergraduate student who qualifies for a scholarship 56644  
and is enrolled in a program leading to a teaching profession in 56645  
science, technology, engineering, mathematics, or medicine; 56646

(b) Any graduate student who qualifies for a scholarship, if 56647  
any initiatives are selected for award under division (B) of this 56648  
section. 56649

(B) The chancellor shall encourage state universities and 56650  
colleges, alone or in collaboration with other state institutions 56651  
of higher education, nonpublic Ohio universities and colleges, or 56652  
other public or private Ohio entities, to submit proposals under 56653  
the choose Ohio first scholarship program for initiatives that 56654  
recruit either of the following: 56655

(1) Ohio residents who enrolled in colleges and universities 56656  
in other states or other countries to return to Ohio and enroll in 56657  
state universities or colleges as graduate students in the fields 56658  
of science, technology, engineering, mathematics, and medicine, or 56659  
in the fields of science, technology, engineering, mathematics, or 56660  
medical education. If such proposals are submitted and meet the 56661  
chancellor's competitive criteria for awards, the chancellor, 56662  
subject to approval by the controlling board, shall give at least 56663  
one of the proposals preference for an award. 56664

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

**Sec. 3333.67.** Each state university or college that receives an award under the Ohio research scholars program shall deposit the amount it receives into a new or existing endowment fund. The university or college shall maintain the amount received and use income generated from that amount, and other institutional, public, or nonpublic resources, to finance the proposal approved by the chancellor of ~~the Ohio board of regents~~ higher education and the controlling board.

**Sec. 3333.68.** When making an award under the Ohio innovation partnership, the chancellor of ~~the Ohio board of regents~~ higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or

fiscal biennium. A proposal's eligibility for future awards 56695  
remains conditional on all of the following: 56696

(A) Future appropriations of the general assembly; 56697

(B) The university's or college's adherence to the agreement 56698  
entered into under section 3333.65 of the Revised Code, including 56699  
its fulfillment of pledges of other institutional, public, or 56700  
nonpublic resources; 56701

(C) With respect to the choose Ohio first scholarship 56702  
program, a demonstration that the students receiving the 56703  
scholarship are satisfied with the state universities or colleges 56704  
selected by the chancellor to offer the scholarships. 56705

The chancellor and the controlling board shall not commit to 56706  
awarding any proposal for more than five fiscal years at a time. 56707  
However, when a commitment for future awards expires, a state 56708  
university or college may reapply. 56709

**Sec. 3333.69.** The chancellor of ~~the Ohio board of regents~~ 56710  
higher education shall monitor each initiative for which an award 56711  
is granted under the Ohio innovation partnership to ensure the 56712  
following: 56713

(A) Fiscal accountability, so that the award is used in 56714  
accordance with the agreement entered into under section 3333.65 56715  
of the Revised Code; 56716

(B) Operating progress, so that the initiative is managed to 56717  
achieve the goals stated in the proposal and in the agreement, and 56718  
so that problems may be promptly identified and remedied; 56719

(C) Desired outcomes, so that the initiative contributes to 56720  
the programs' goals of enhancing regional educational and economic 56721  
strengths and meeting regional economic needs. 56722

**Sec. 3333.70.** (A) The director of higher education shall 56723

establish and administer the Ohio higher education innovation 56724  
grant program to promote educational excellence and economic 56725  
efficiency throughout the state in order to stabilize or reduce 56726  
student tuition rates at institutions of higher education. Under 56727  
the program, the director shall award grants to state institutions 56728  
of higher education, as defined in section 3345.011 of the Revised 56729  
Code, and private nonprofit institutions for innovative projects 56730  
that incorporate academic achievement and economic efficiencies. 56731  
State institutions of higher education and private nonprofit 56732  
institutions may apply for grants and initiate collaboration with 56733  
other institutions of higher education, either public or private, 56734  
on such projects. 56735

(B) The director shall adopt rules to administer the program 56736  
including, but not limited to, requirements that each grant 56737  
application provides for all of the following: 56738

(1) A system by which to measure academic achievement and 56739  
reductions in expenditures, both in funding and administration; 56740

(2) Demonstration of how the project will be sustained beyond 56741  
the grant period and continue to provide substantial value and 56742  
lasting impact; 56743

(3) Proof of commitment from all parties responsible for the 56744  
implementation of the project; 56745

(4) Implementation of an ongoing evaluation process and 56746  
improvement plans, as necessary. 56747

(C) As used in this section, "private nonprofit institution" 56748  
means a nonprofit institution in this state that has a certificate 56749  
of authorization pursuant to Chapter 1713. of the Revised Code. 56750

**Sec. 3333.71.** As used in sections 3333.71 to 3333.79 of the 56751  
Revised Code: 56752

(A) "Cooperative education program" means a partnership 56753

between students, institutions of higher education, and employers 56754  
that formally integrates students' academic study with work 56755  
experience in cooperating employer organizations and that meets 56756  
all of the following conditions: 56757

(1) Alternates or combines periods of academic study and work 56758  
experience in appropriate fields as an integral part of student 56759  
education; 56760

(2) Provides students with compensation from the cooperative 56761  
employer in the form of wages or salaries for work performed; 56762

(3) Evaluates each participating student's performance in the 56763  
cooperative position, both from the perspective of the student's 56764  
institution of higher education and the student's cooperative 56765  
employer; 56766

(4) Provides participating students with academic credit from 56767  
the institution of higher education upon successful completion of 56768  
their cooperative education; 56769

(5) Is part of an overall degree or certificate program for 56770  
which a percentage of the total program acceptable to the 56771  
chancellor of ~~the Ohio board of regents~~ higher education involves 56772  
cooperative education. 56773

(B) "Internship program" means a partnership between 56774  
students, institutions of higher education, and employers that 56775  
formally integrates students' academic study with work or 56776  
community service experience and that does both of the following: 56777

(1) Offers internships of specified and definite duration; 56778

(2) Evaluates each participating student's performance in the 56779  
internship position, both from the perspective of the student's 56780  
institution of higher education and the student's internship 56781  
employer. 56782

An internship program may provide participating students with 56783



academic credit upon successful completion of the internship, and 56784  
may provide students with compensation in the form of wages or 56785  
salaries, stipends, or scholarships. 56786

(C) "Nonpublic university or college" means a nonprofit 56787  
institution holding a certificate of authorization issued under 56788  
Chapter 1713. of the Revised Code. 56789

(D) "State institution of higher education" has the same 56790  
meaning as in section 3345.011 of the Revised Code. 56791

**Sec. 3333.72.** The chancellor of ~~the Ohio board of regents~~ 56792  
higher education shall establish and administer the Ohio 56793  
co-op/internship program to promote and encourage cooperative 56794  
education programs or internship programs at Ohio institutions of 56795  
higher education for the purpose of recruiting Ohio students to 56796  
stay in the state, and recruiting Ohio residents who left Ohio to 56797  
attend out-of-state institutions of higher education back to Ohio 56798  
institutions of higher education, to participate in high quality 56799  
academic programs that use cooperative education programs or 56800  
significant internship programs, in order to support the growth of 56801  
Ohio's businesses by providing businesses with Ohio's most 56802  
talented students and providing Ohio graduates with job 56803  
opportunities with Ohio's growing companies. 56804

The chancellor, subject to approval by the controlling board, 56805  
shall make awards to state institutions of higher education for 56806  
new or existing programs and initiatives meeting the goals of the 56807  
Ohio co-op/internship program. Awards may be granted for programs 56808  
and initiatives to be implemented by a state institution of higher 56809  
education alone or in collaboration with other state institutions 56810  
of higher education or nonpublic Ohio universities and colleges. 56811  
If the chancellor makes an award to a program or initiative that 56812  
is intended to be implemented by a state institution of higher 56813  
education in collaboration with other state institutions of higher 56814

education or nonpublic Ohio universities or colleges, the 56815  
chancellor may provide that some portion of the award be received 56816  
directly by the collaborating universities or colleges consistent 56817  
with all terms of the Ohio co-op/internship program. 56818

The Ohio co-op/internship program shall support the creation 56819  
and maintenance of high quality academic programs that utilize an 56820  
intensive cooperative education or internship program for students 56821  
at state institutions of higher education, or assign a number of 56822  
scholarships to institutions to recruit Ohio residents as students 56823  
in a high quality academic program, or both. If scholarships are 56824  
included in an award to an institution of higher education, the 56825  
scholarships shall be awarded to each participating eligible 56826  
student as a grant to the state institution of higher education 56827  
the student is attending and shall be reflected on the student's 56828  
tuition bill. 56829

Notwithstanding any other provision of this section or 56830  
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 56831  
nonpublic university or college may submit a proposal as lead 56832  
applicant or co-lead applicant for an award under the Ohio 56833  
co-op/internship program if the proposal is to be implemented in 56834  
collaboration with a state institution of higher education. If the 56835  
chancellor grants a nonpublic university or college an award, the 56836  
nonpublic university or college shall comply with all requirements 56837  
of this section, sections 3333.73 to 3333.79 of the Revised Code, 56838  
and the rules adopted under this section that apply to state 56839  
institutions of higher education that receive awards under the 56840  
program. 56841

The chancellor shall adopt rules in accordance with Chapter 56842  
119. of the Revised Code to administer the Ohio co-op/internship 56843  
program. 56844

**Sec. 3333.73.** The chancellor of ~~the Ohio board of regents~~ 56845

higher education shall establish a competitive process for making awards under the Ohio co-op/internship program. The chancellor, on completion of that process, shall make a recommendation to the controlling board asking for approval of each award selected by the chancellor.

The state institution of higher education shall submit a proposal and other documentation required by the chancellor, in the form and manner prescribed by the chancellor, for each award it seeks. A proposal may propose an initiative to be implemented solely by the state institution of higher education or in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges.

The chancellor shall determine which proposals will receive awards each fiscal year, and the amount of each award, on the basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The extent to which the proposal will keep Ohio students in Ohio institutions of higher education;

(B) The extent to which the proposal will attract Ohio residents who left Ohio to attend out-of-state institutions of higher education to return to Ohio institutions of higher education;

(C) The extent to which the proposal will increase the number of Ohio graduates who remain in Ohio and enter Ohio's workforce;

(D) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(E) The extent to which the proposal is integrated with the strengths of the regional economy;

(F) The extent to which the proposal supports the workforce policies of the governor's office of workforce transformation to meet the workforce needs of the state and to provide a student participating in the program with the skills needed for workplace success;	56876 56877 56878 56879 56880
(G) The extent to which the proposal facilitates the development of high quality academic programs with a cooperative education program or a significant internship program at state institutions of higher education;	56881 56882 56883 56884
(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth, is responsive to the needs of employers, aligns with the skills identified by employers as necessary to fill high-demand job openings, particularly job openings in targeted industry sectors as identified by the governor's office of workforce transformation;	56885 56886 56887 56888 56889 56890 56891
(I) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, the proposal pledges to leverage that are in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code;	56892 56893 56894 56895
(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	56896 56897
(K) The extent to which the proposal is integrated with the institution's mission;	56898 56899
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	56900 56901
(M) The demonstrated productivity or future capacity of the students to be recruited;	56902 56903
(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative	56904 56905

education program or significant internship program;	56906
(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;	56907 56908 56909
(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;	56910 56911
(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;	56912 56913 56914 56915 56916
(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;	56917 56918 56919
(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries.	56920 56921 56922 56923 56924
<b>Sec. 3333.731.</b> (A) The co-op/internship program advisory committee is hereby created. The committee shall consist of the following members:	56925 56926 56927
(1) Five members appointed by the governor, two of whom shall represent academia, two of whom shall be representatives of private industry, and one of whom shall be a member of the public;	56928 56929 56930
(2) The director of development, or the director's designee;	56931
(3) Five members appointed by the president of the senate, three of whom shall be members of the senate, but not more than two from the same political party, one of whom shall represent academia, and one of whom shall be a member of the public;	56932 56933 56934 56935

(4) Five members appointed by the speaker of the house of representatives, three of whom shall be members of the house of representatives, but not more than two from the same political party, one of whom shall represent private industry, and one of whom shall be a member of the public. 56936  
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(B) Members of the committee who are members of the general assembly shall serve for terms of four years or until their legislative terms end, whichever is sooner. The director of development or the director's designee shall serve as an ex-officio, voting member. Otherwise, initial members shall serve the following terms: 56941  
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(1) Of the initial members appointed by the governor, the member representing the public and one member representing academia shall serve for terms of one year; one member representing private industry shall serve for a term of two years; and one member representing private industry and one member representing academia shall serve for terms of three years. 56947  
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(2) The member representing academia and the representative of the public initially appointed by the president of the senate shall serve for terms of two years. 56953  
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(3) The member representing private industry initially appointed by the speaker of the house of representatives shall serve for a term of one year. 56956  
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(4) The representative of the public initially appointed by the speaker of the house of representatives shall serve for a term of three years. 56959  
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Thereafter, terms shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall serve from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the same 56962  
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manner as provided for original appointments. Any member appointed 56967  
to fill a vacancy occurring prior to the expiration date of the 56968  
term for which the member was appointed shall hold office for the 56969  
remainder of that term. A member shall continue to serve after the 56970  
expiration date of the member's term until the member's successor 56971  
is appointed or until a period of sixty days has elapsed, 56972  
whichever occurs first. The appointing authority may remove a 56973  
member from the committee for failure to attend two consecutive 56974  
meetings without showing good cause for the absences. 56975

(C) The committee annually shall select a chairperson and a 56976  
vice-chairperson. Only the members who represent academia and 56977  
private industry may serve as chairperson and vice-chairperson. 56978  
For this purpose, any committee member appointed as a member of 56979  
the public who is a trustee, officer, employee, or student of an 56980  
institution of higher education shall be included among the 56981  
representatives of academia who may serve as chairperson or 56982  
vice-chairperson, and any committee member appointed as a member 56983  
of the public who is a director, officer, or employee of a private 56984  
business shall be included among the representatives of private 56985  
industry who may serve as chairperson or vice-chairperson. The 56986  
committee annually shall rotate the selection of the chairperson 56987  
between these two groups and shall select a member of the other 56988  
group to serve as vice-chairperson. 56989

The committee annually shall select one of its members to 56990  
serve as secretary to keep a record of the committee's 56991  
proceedings. 56992

(D) A majority vote of the members of the full committee is 56993  
necessary to take action on any matter. The committee may adopt 56994  
bylaws governing its operation, including bylaws that establish 56995  
the frequency of meetings. 56996

(E) Members of the committee shall serve without 56997  
compensation. 56998

(F) A member of the committee shall not participate in discussions or votes concerning a proposed initiative or an actual award under the Ohio co-op/internship program that involves an institution of higher education of which the member is a trustee, officer, employee, or student; an organization of which the member is a trustee, director, officer, or employee; or a business of which the member is a director, officer, or employee or a shareholder of more than five per cent of the business' stock.

(G) The committee shall advise the chancellor of ~~the Ohio board of regents~~ higher education on growing industries well-suited for awards under the Ohio co-op/internship program. The chancellor shall consult with the committee and request the committee's advice at each of the following times:

(1) Prior to issuing each request for applications under the program;

(2) While the chancellor is reviewing applications and before deciding on awards to submit for the controlling board's approval;

(3) After deciding on awards to submit for the controlling board's approval and prior to submitting them.

The committee shall advise the chancellor on other matters the chancellor considers appropriate.

(H) The chancellor shall provide meeting space for the committee. The committee shall be assisted in its duties by the chancellor's staff.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the committee.

**Sec. 3333.74.** (A) Except as provided in division (B) of this section, each award under the Ohio co-op/internship program shall require a pledge of private funds equal to the following:

(1) In the case of a program, initiative, or scholarships for



undergraduate students, at least one hundred per cent of the money 57029  
awarded; 57030

(2) In the case of a program, initiative, or scholarships for 57031  
graduate students, at least one hundred fifty per cent of the 57032  
money awarded. 57033

(B) The chancellor of ~~the Ohio board of regents~~ higher 57034  
education may waive the requirement of division (A) of this 57035  
section if the chancellor finds that exceptional circumstances 57036  
exist to do so, provided that the chancellor reviews the proposal 57037  
with the advisory committee established under section 3333.731 of 57038  
the Revised Code and provides an explanation for the waiver to the 57039  
controlling board. 57040

(C) The chancellor shall endeavor to distribute awards in 57041  
such a way that a wide range of disciplines is supported and that 57042  
all regions of the state benefit from the economic development 57043  
impact of the program. 57044

**Sec. 3333.75.** The chancellor of ~~the Ohio board of regents~~ 57045  
higher education shall require each state institution of higher 57046  
education that the controlling board approves to receive an award 57047  
under the Ohio co-op/internship program to enter into an agreement 57048  
governing the use of the award. The agreement shall contain terms 57049  
the chancellor determines to be necessary, which shall include 57050  
performance measures, reporting requirements, and an obligation to 57051  
fulfill pledges of other institutional, public, or nonpublic 57052  
resources for the proposal. 57053

The chancellor may require a state institution of higher 57054  
education that violates the terms of its agreement to repay the 57055  
award plus interest at the rate required by section 5703.47 of the 57056  
Revised Code to the chancellor. 57057

If the chancellor makes an award to a program or initiative 57058

that is intended to be implemented by a state institution of 57059  
higher education in collaboration with other state institutions of 57060  
higher education or nonpublic Ohio universities or colleges, the 57061  
chancellor may enter into an agreement with the collaborating 57062  
universities or colleges that permits awards to be received 57063  
directly by the collaborating universities or colleges consistent 57064  
with the terms of the program or initiative. In that case, the 57065  
chancellor shall incorporate into the agreement terms consistent 57066  
with the requirements of this section. 57067

**Sec. 3333.76.** The chancellor of ~~the Ohio board of regents~~ 57068  
higher education shall encourage state institutions of higher 57069  
education, alone or in collaboration with other state institutions 57070  
of higher education or nonpublic Ohio universities and colleges, 57071  
to submit proposals under the Ohio co-op/internship program for 57072  
initiatives that recruit Ohio residents enrolled in colleges and 57073  
universities in other states or other countries to return to Ohio 57074  
and enroll in state institutions of higher education or nonpublic 57075  
Ohio universities and colleges as graduate students in a high 57076  
quality academic program that uses a cooperative education 57077  
program, a significant internship program in a private industry or 57078  
institutional laboratory, or a similar model involving a variation 57079  
of cooperative education or internship programs common to graduate 57080  
education, and is in an educational area, industry, or industry 57081  
sector of need. 57082

The chancellor may encourage state institutions of higher 57083  
education, alone or in collaboration with other state institutions 57084  
of higher education or nonpublic Ohio universities and colleges, 57085  
to submit proposals for initiatives that recruit Ohio residents 57086  
who have received baccalaureate degrees to remain in Ohio and 57087  
enroll in state institutions of higher education or nonpublic Ohio 57088  
universities and colleges as graduate students in a high quality 57089  
academic program of the type described in the preceding paragraph. 57090

**Sec. 3333.77.** When making an award under the Ohio 57091  
co-op/internship program, the chancellor of ~~the Ohio board of~~ 57092  
~~regents~~ higher education, subject to approval by the controlling 57093  
board, may commit to giving a state institution of higher 57094  
education's proposal preference for future awards after the 57095  
current fiscal year or fiscal biennium. A proposal's eligibility 57096  
for future awards remains conditional on all of the following: 57097

(A) Future appropriations of the general assembly; 57098

(B) The institution's adherence to the agreement entered into 57099  
under section 3333.75 of the Revised Code, including its 57100  
fulfillment of pledges of other institutional, public, or 57101  
nonpublic resources; 57102

(C) A demonstration that the students participating in the 57103  
programs and initiatives or receiving scholarships financed by the 57104  
awards are satisfied with the institutions selected by the 57105  
chancellor to offer the programs, initiatives, or scholarships 57106  
financed by the awards. 57107

The chancellor and the controlling board shall not commit to 57108  
awarding any proposal for a period that exceeds five fiscal years. 57109  
However, when an award, or the commitment for an award, expires, a 57110  
state institution of higher education may apply for a new award. 57111

**Sec. 3333.78.** The chancellor of ~~the Ohio board of regents~~ 57112  
higher education shall monitor each initiative for which an award 57113  
is granted under the Ohio co-op/internship program to ensure the 57114  
following: 57115

(A) Fiscal accountability, so that the award is used in 57116  
accordance with the agreement entered into under section 3333.75 57117  
of the Revised Code; 57118

(B) Operating progress, so that the initiative is managed to 57119  
achieve the goals stated in the proposal and in the agreement, and 57120

so that problems may be promptly identified and remedied; 57121

(C) Desired outcomes, so that the initiative contributes to 57122  
the program's goal of retaining Ohio's students after graduation. 57123

**Sec. 3333.79.** (A) As used in this section, "minority" has the 57124  
same meaning as in section 184.17 of the Revised Code. The term 57125  
also includes an individual who is economically disadvantaged. 57126

(B) The chancellor of ~~the board of regents~~ higher education 57127  
shall conduct outreach activities in Ohio that seek to include 57128  
minorities in the Ohio co-op/internship program established under 57129  
section 3333.72 of the Revised Code. The outreach activities shall 57130  
include the following, when appropriate: 57131

(1) Identifying and partnering with historically black 57132  
colleges and universities; 57133

(2) Working with all institutions of higher education in the 57134  
state to support minority faculty and students involved in 57135  
cooperative and intern programs; 57136

(3) Developing a plan to contact by telephone minorities and 57137  
other economically disadvantaged individuals to notify them of 57138  
opportunities to participate in the co-op/internship program; 57139

(4) Identifying minority professional and trade associations 57140  
and economic development assistance organizations and notifying 57141  
them of the co-op/internship program; 57142

(5) Partnering with regional technology councils to foster 57143  
local efforts to support minority participation in the 57144  
co-op/internship program. 57145

(C) To the extent possible, outreach activities described in 57146  
this section shall be conducted in conjunction with the EDGE 57147  
program created in section 123.152 of the Revised Code. 57148

**Sec. 3333.82.** (A) The chancellor of ~~the Ohio board of regents~~ 57149

higher education shall establish a clearinghouse of digital texts, 57150  
interactive distance learning courses, and other distance learning 57151  
courses delivered via a computer-based method offered by school 57152  
districts, community schools, STEM schools, state institutions of 57153  
higher education, private colleges and universities, and other 57154  
nonprofit and for-profit course providers for sharing with other 57155  
school districts, community schools, STEM schools, state 57156  
institutions of higher education, private colleges and 57157  
universities, and individuals for the fee set pursuant to section 57158  
3333.84 of the Revised Code. The chancellor shall not be 57159  
responsible for the content of digital texts or courses offered 57160  
through the clearinghouse; however, all such digital texts and 57161  
courses shall be delivered only in accordance with technical 57162  
specifications approved by the chancellor and on a common 57163  
statewide platform administered by the chancellor. The chancellor 57164  
may provide professional development and training on the use of 57165  
the distance learning clearinghouse. 57166

The clearinghouse's distance learning program for students in 57167  
grades kindergarten to twelve shall be based on the following 57168  
principles: 57169

(1) All Ohio students shall have access to high quality 57170  
digital texts and distance learning courses at any point in their 57171  
educational careers. 57172

(2) All students shall be able to customize their education 57173  
using digital texts and distance learning courses offered through 57174  
the clearinghouse and no student shall be denied access to any 57175  
digital text or course in the clearinghouse in which the student 57176  
is eligible to enroll. 57177

(3) Students may take distance learning courses for all or 57178  
any portion of their curriculum requirements and may utilize a 57179  
combination of digital texts and distance learning courses and 57180  
courses taught in a traditional classroom setting. 57181

(4) Students may earn an unlimited number of academic credits through distance learning courses. 57182  
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(5) Students may take distance learning courses at any time of the calendar year. 57184  
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(6) Student advancement to higher coursework shall be based on a demonstration of subject area competency instead of completion of any particular number of hours of instruction. 57186  
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(B) To offer digital texts or a course through the clearinghouse, a provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each digital text or course shall describe the digital text or course of study in as much detail as required by the chancellor, whether an instructor is provided, the qualification and credentials of the instructor, the number of hours of instruction, and any other information required by the chancellor. The chancellor may require course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code. 57189  
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(C) The chancellor shall review the technical specifications of each application submitted under division (B) of this section. In reviewing applications, the chancellor may consult with the department of education; however, the responsibility to either approve or not approve a digital text or course for the clearinghouse belongs to the chancellor. The chancellor may request additional information from a provider that submits an application under division (B) of this section, if the chancellor determines that such information is necessary. The chancellor may negotiate changes in the proposal to offer a digital text or course, if the chancellor determines that changes are necessary in order to approve the digital text or course. 57200  
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(D) The chancellor shall catalog each digital text or course 57212

approved for the clearinghouse, through a print or electronic 57213  
medium, displaying the following: 57214

(1) Information necessary for a student and the student's 57215  
parent, guardian, or custodian and the student's school district, 57216  
community school, STEM school, college, or university to decide 57217  
whether to enroll in or subscribe to the course; 57218

(2) Instructions for enrolling in that digital text or 57219  
course, including deadlines for enrollment. 57220

(E) Any expenses related to the installation of a course into 57221  
the common statewide platform shall be borne by the course 57222  
provider. 57223

(F) The chancellor may contract with an entity to perform any 57224  
or all of the chancellor's duties under sections 3333.81 to 57225  
3333.88 of the Revised Code. 57226

**Sec. 3333.83.** (A) Each school district, community school, and 57227  
STEM school shall encourage students to take advantage of the 57228  
distance learning opportunities offered through the clearinghouse 57229  
and shall assist any student electing to participate in the 57230  
clearinghouse with the selection and scheduling of courses that 57231  
satisfy the district's or school's curriculum requirements and 57232  
promote the student's post-secondary college or career plans. 57233

(B) For each student enrolled in a school operated by a 57234  
school district or in a community school or STEM school who is 57235  
enrolling in a course provided through the clearinghouse by 57236  
another school district, community school, or STEM school, the 57237  
student's school district, community school, or STEM school shall 57238  
transmit the student's name to the course provider. 57239

The course provider may request from the student's school 57240  
district, community school, or STEM school other information from 57241  
the student's school record. The district or school shall provide 57242

the requested information only in accordance with section 3319.321 57243  
of the Revised Code. 57244

(C) The student's school district, community school, or STEM 57245  
school shall determine the manner in which and facilities at which 57246  
the student shall participate in the course consistent with 57247  
specifications for technology and connectivity adopted by the 57248  
chancellor of ~~the Ohio board of regents~~ higher education. 57249

(D) A student may withdraw from a course prior to the end of 57250  
the course only by a date and in a manner prescribed by the 57251  
student's school district, community school, or STEM school. 57252

(E) A student who is enrolled in a school operated by a 57253  
school district or in a community school or STEM school and who 57254  
takes a course through the clearinghouse shall be counted in the 57255  
formula ADM of a school district under section 3317.03 of the 57256  
Revised Code as if the student were taking the course from the 57257  
student's school district, community school, or STEM school. 57258

**Sec. 3333.84.** (A) The fee charged for any digital ~~texts~~ text 57259  
or course offered through the clearinghouse shall be set by the 57260  
provider. 57261

(B) The chancellor of ~~the Ohio board of regents~~ higher 57262  
education shall prescribe the manner in which the fee for a 57263  
digital ~~texts~~ text or course shall be collected or deducted from 57264  
the school district, school, college or university, or individual 57265  
subscribing to the digital ~~texts~~ text or course and in which 57266  
manner the fee shall be paid to the provider. 57267

(C) The chancellor may retain a percentage of the fee charged 57268  
for a digital ~~texts~~ text or course to offset the cost of 57269  
maintaining and operating the clearinghouse, including the payment 57270  
of compensation for an entity or a private entity that is under 57271  
contract with the chancellor under division (F) of section 3333.82 57272



of the Revised Code. The percentage retained shall be determined 57273  
by the chancellor. 57274

(D) Nothing in this section shall be construed to require the 57275  
school district, community school, or STEM school in which a 57276  
student is enrolled to pay the fee charged for a digital ~~texts~~ 57277  
text or course taken by the student. 57278

**Sec. 3333.86.** The chancellor of ~~the Ohio board of regents~~ 57279  
higher education may determine the manner in which a course 57280  
included in the clearinghouse may be offered as an advanced 57281  
standing program as defined in section 3313.6013 of the Revised 57282  
Code, may be offered to students who are enrolled in nonpublic 57283  
schools or are instructed at home pursuant to section 3321.04 of 57284  
the Revised Code, or may be offered at times outside the normal 57285  
school day or school week, including any necessary additional fees 57286  
and methods of payment for a course so offered. 57287

**Sec. 3333.87.** The chancellor of ~~the Ohio board of regents~~ 57288  
higher education and the state board of education jointly, and in 57289  
consultation with the director of the governor's office of 21st 57290  
century education, shall adopt rules in accordance with Chapter 57291  
119. of the Revised Code prescribing procedures for the 57292  
implementation of sections 3333.81 to 3333.86 of the Revised Code. 57293

**Sec. 3333.90.** (A) The chancellor of ~~the Ohio board of regents~~ 57294  
higher education shall establish a course and program sharing 57295  
network that enables members of the university system of Ohio and 57296  
adult career centers to share curricula for existing courses and 57297  
academic programs with one another. The purpose of the network 57298  
shall be to increase course availability across the state and to 57299  
avoid unnecessary course duplication through the sharing of 57300  
existing curricula. 57301

(B) The chancellor shall adopt rules to administer the course 57302

and program sharing network established under this section. 57303

(C) As used in this section, "member of the university system 57304  
of Ohio" has the same meaning as in section 3345.011 of the 57305  
Revised Code. 57306

**Sec. 3333.91.** Not later than December 31, 2014, the 57307  
governor's office of workforce transformation, in collaboration 57308  
with the chancellor of ~~the Ohio board of regents~~ higher education, 57309  
the superintendent of public instruction, and the department of 57310  
job and family services, shall develop and submit to the 57311  
appropriate federal agency a single, state unified plan for the 57312  
adult basic and literacy education program administered by the 57313  
United States secretary of education, the "Carl D. Perkins 57314  
Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., 57315  
as amended, and the "Workforce Investment Act of 1998," 29 U.S.C. 57316  
2801, et seq., as amended. Following the plan's initial submission 57317  
to the appropriate federal agency, the governor's office of 57318  
workforce transformation may update it as necessary. If the plan 57319  
is updated, the governor's office of workforce transformation 57320  
shall submit the updated plan to the appropriate federal agency. 57321

**Sec. 3333.92.** (A) As used in this section, "OhioMeansJobs" 57322  
has the same meaning as in section 6301.01 of the Revised Code. 57323

(B)(1) Beginning January 1, 2016, each participant in an 57324  
adult basic and literacy education funded training or education 57325  
program shall create an account with OhioMeansJobs at the twelfth 57326  
week of the program. 57327

(2) Beginning January 1, 2016, each participant in an Ohio 57328  
technical center funded training or education program shall create 57329  
an account with OhioMeansJobs at the time of enrollment in the 57330  
program. 57331

(C) Division (B) of this section does not apply to any 57332

individual who is legally prohibited from using a computer, has a 57333  
physical or visual impairment that makes the individual unable to 57334  
use a computer, or has a limited ability to read, write, speak, or 57335  
understand a language in which OhioMeansJobs is available. 57336

**Sec. 3334.08.** (A) Subject to division (B) of this section, in 57337  
addition to any other powers conferred by this chapter, the Ohio 57338  
tuition trust authority may do any of the following: 57339

(1) Impose reasonable residency requirements for 57340  
beneficiaries of tuition units; 57341

(2) Impose reasonable limits on the number of tuition unit 57342  
participants; 57343

(3) Impose and collect administrative fees and charges in 57344  
connection with any transaction under this chapter; 57345

(4) Purchase insurance from insurers licensed to do business 57346  
in this state providing for coverage against any loss in 57347  
connection with the authority's property, assets, or activities or 57348  
to further ensure the value of tuition units; 57349

(5) Indemnify or purchase policies of insurance on behalf of 57350  
members, officers, and employees of the authority from insurers 57351  
licensed to do business in this state providing for coverage for 57352  
any liability incurred in connection with any civil action, 57353  
demand, or claim against a director, officer, or employee by 57354  
reason of an act or omission by the director, officer, or employee 57355  
that was not manifestly outside the scope of the employment or 57356  
official duties of the director, officer, or employee or with 57357  
malicious purpose, in bad faith, or in a wanton or reckless 57358  
manner; 57359

(6) Make, execute, and deliver contracts, conveyances, and 57360  
other instruments necessary to the exercise and discharge of the 57361  
powers and duties of the authority; 57362

- (7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program; 57363  
57364
- (8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program; 57365  
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- (9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in this state and information about the contract is filed with the controlling board pursuant to division (D)(6) of section 127.16 of the Revised Code; provided, however, that any funds of the Ohio college savings program and the variable college savings program that are not needed for immediate use shall be deposited by the treasurer of state in the same manner provided under Chapter 135. of the Revised Code for public moneys of the state. All interest earned on those deposits shall be credited to the Ohio college savings program or the variable college savings program, as applicable. 57367  
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- (10) Contract for other services, or for goods, needed by the authority in the conduct of its business, including but not limited to credit card services; 57383  
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- (11) Employ an executive director and other personnel as necessary to carry out its responsibilities under this chapter, and fix the compensation of these persons. All employees of the authority shall be in the unclassified civil service and shall be eligible for membership in the public employees retirement system. In the hiring of the executive director, the Ohio tuition trust authority shall obtain the advice and consent of the Ohio tuition trust board created in section 3334.03 of the Revised Code, provided that the executive director shall not be hired unless a 57386  
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majority of the board votes in favor of the hiring. In addition, 57395  
the board may remove the executive director at any time subject to 57396  
the advice and consent of the chancellor of ~~the Ohio board of~~ 57397  
~~regents~~ higher education. 57398

(12) Contract with financial consultants, actuaries, 57399  
auditors, and other consultants as necessary to carry out its 57400  
responsibilities under this chapter; 57401

(13) Enter into agreements with any agency of the state or 57402  
its political subdivisions or with private employers under which 57403  
an employee may agree to have a designated amount deducted in each 57404  
payroll period from the wages or salary due the employee for the 57405  
purpose of purchasing tuition units pursuant to a tuition payment 57406  
contract or making contributions pursuant to a variable college 57407  
savings program contract; 57408

(14) Enter into an agreement with the treasurer of state 57409  
under which the treasurer of state will receive, and credit to the 57410  
Ohio tuition trust fund or variable college savings program fund, 57411  
from any bank or savings and loan association authorized to do 57412  
business in this state, amounts that a depositor of the bank or 57413  
association authorizes the bank or association to withdraw 57414  
periodically from the depositor's account for the purpose of 57415  
purchasing tuition units pursuant to a tuition payment contract or 57416  
making contributions pursuant to a variable college savings 57417  
program contract; 57418

(15) Solicit and accept gifts, grants, and loans from any 57419  
person or governmental agency and participate in any governmental 57420  
program; 57421

(16) Impose limits on the number of units which may be 57422  
purchased on behalf of or assigned or awarded to any beneficiary 57423  
and on the total amount of contributions that may be made on 57424  
behalf of a beneficiary; 57425

(17) Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;	57426 57427 57428
(18) Impose a limit on the age of a beneficiary, above which tuition units may not be purchased on behalf of that beneficiary;	57429 57430
(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	57431 57432 57433
(20) Determine the other higher education expenses for which tuition units or contributions may be used;	57434 57435
(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	57436 57437 57438 57439 57440 57441 57442 57443
(22) Maintain a separate account for each tuition payment or variable college savings program contract;	57444 57445
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.	57446 57447 57448
(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs.	57449 57450 57451 57452 57453 57454 57455 57456

(C) Except as otherwise specified in this chapter, the 57457  
provisions of Chapters 123., ~~125.~~, and 4117. of the Revised Code 57458  
shall not apply to the authority and Chapter 125. of the Revised 57459  
Code shall not apply to contracts approved under the powers of the 57460  
Ohio tuition trust authority board under section 3334.03 of the 57461  
Revised Code. ~~The department of administrative services shall,~~ 57462  
~~upon the request of the authority, act as the authority's agent~~ 57463  
~~for the purchase of equipment, supplies, insurance, or services,~~ 57464  
~~or the performance of administrative services pursuant to Chapter~~ 57465  
~~125. of the Revised Code.~~ 57466

**Sec. 3335.02.** (A) The government of the Ohio state university 57467  
shall be vested in a board of fourteen trustees in 2005, and 57468  
seventeen trustees beginning in 2006, who shall be appointed by 57469  
the governor, with the advice and consent of the senate. Two of 57470  
the seventeen trustees shall be students at the Ohio state 57471  
university, and their selection and terms shall be in accordance 57472  
with division (B) of this section. Except as provided in division 57473  
~~(C)~~(D) of this section and except for the terms of student 57474  
members, terms of office shall be for nine years, commencing on 57475  
the fourteenth day of May and ending on the thirteenth day of May. 57476  
Each trustee shall hold office from the date of appointment until 57477  
the end of the term for which the trustee was appointed. Any 57478  
trustee appointed to fill a vacancy occurring prior to the 57479  
expiration of the term for which the trustee's predecessor was 57480  
appointed shall hold office for the remainder of such term. Any 57481  
trustee shall continue in office subsequent to the expiration date 57482  
of the trustee's term until the trustee's successor takes office, 57483  
or until a period of sixty days has elapsed, whichever occurs 57484  
first. No person who has served a full nine-year term or more than 57485  
six years of such a term shall be eligible for reappointment until 57486  
a period of four years has elapsed since the last day of the term 57487  
for which the person previously served. The trustees shall not 57488

receive compensation for their services, but shall be paid their 57489  
reasonable necessary expenses while engaged in the discharge of 57490  
their official duties. 57491

(B) The student members of the board of trustees of the Ohio 57492  
state university shall be students at the Ohio state university. 57493  
Unless student members have been granted voting power under 57494  
division (C) of this section, they shall have no voting power on 57495  
the board. ~~Student members,~~ shall not be considered as members of 57496  
the board in determining whether a quorum is present. ~~Student~~ 57497  
~~members,~~ and shall not be entitled to attend executive sessions of 57498  
the board. The student members of the board shall be appointed by 57499  
the governor, with the advice and consent of the senate, from a 57500  
group of five candidates selected pursuant to a procedure adopted 57501  
by the university's student governments and approved by the 57502  
university's board of trustees. The initial term of office of one 57503  
of the student members shall commence on May 14, 1988, and shall 57504  
expire on May 13, 1989, and the initial term of office of the 57505  
other student member shall commence on May 14, 1988, and expire on 57506  
May 13, 1990. Thereafter, terms of office of student members shall 57507  
be for two years, each term ending on the same day of the same 57508  
month of the year as the term it succeeds. In the event a student 57509  
member cannot fulfill a two-year term, a replacement shall be 57510  
selected to fill the unexpired term in the same manner used to 57511  
make the original selection. 57512

(C) Not later than ninety days after the effective date of 57513  
this amendment, the board of trustees shall adopt a resolution 57514  
that does one of the following: 57515

(1) Grants the student members of the board voting power on 57516  
the board. If so granted, in addition to having voting power, the 57517  
student members shall be considered as members of the board in 57518  
determining whether a quorum is present and shall be entitled to 57519  
attend executive sessions of the board. 57520



(2) Declares that student members do not have voting power on 57521  
the board. 57522

Thereafter, the board may change the voting status of student 57523  
trustees by adopting a subsequent resolution. Each resolution 57524  
adopted under this division shall take effect on the fourteenth 57525  
day of May following the adoption of the resolution. All members 57526  
with voting power at the time of the adoption of a resolution may 57527  
vote on the resolution. 57528

If student members are granted voting power under this 57529  
division, no student shall be disqualified from membership on the 57530  
board of trustees because the student receives a scholarship, 57531  
grant, loan, or any other financial assistance payable out of the 57532  
state treasury or a university fund, or because the student is 57533  
employed by the university in a position pursuant to a work-study 57534  
program or other student employment, including as a graduate 57535  
teaching assistant, graduate administrative assistant, or graduate 57536  
research assistant, the compensation for which is payable out of 57537  
the state treasury or a university fund. 57538

Acceptance of such financial assistance or employment by a 57539  
student trustee shall not be considered a violation of Chapter 57540  
102. or section 2921.42 or 2921.43 of the Revised Code. 57541

~~(C)~~(D)(1) The initial terms of office for the three 57542  
additional trustees appointed in 2005 shall commence on a date in 57543  
2005 that is selected by the governor with one term of office 57544  
expiring on May 13, 2009, one term of office expiring on May 13, 57545  
2010, and one term of office expiring on May 13, 2011, as 57546  
designated by the governor upon appointment. Thereafter terms of 57547  
office shall be for nine years, as provided in division (A) of 57548  
this section. 57549

(2) The initial terms of office for the three additional 57550  
trustees appointed in 2006 shall commence on May 14, 2006, with 57551

one term of office expiring on May 13, 2012, one term of office 57552  
expiring on May 13, 2013, and one term of office expiring on May 57553  
13, 2014, as designated by the governor upon appointment. 57554  
Thereafter terms of office shall be for nine years, as provided in 57555  
division (A) of this section. 57556

**Sec. 3335.09.** The board of trustees of the Ohio state 57557  
university shall elect, fix the compensation of, and remove, the 57558  
president and such number of professors, teachers, and other 57559  
employees as are necessary; ~~but.~~ Except as provided under division 57560  
(C) of section 3335.02 of the Revised Code, no trustee, or ~~his~~ 57561  
~~relation~~ relative of a trustee by blood or marriage, shall be 57562  
eligible to a professorship or position in the university, the 57563  
compensation for which is payable out of the state treasury or a 57564  
university fund. The board shall fix and regulate the course of 57565  
instruction and prescribe the extent and character of experiments 57566  
to be made at the university. 57567

**Sec. 3335.361.** Any policy or guideline established by OSU 57568  
extension that requires volunteers for 4-H programs to be 57569  
fingerprinted shall do both of the following: 57570

(A) Require only individuals who become volunteers for those 57571  
programs on or after the effective date of this section to be 57572  
fingerprinted; 57573

(B) Require those individuals to be fingerprinted only one 57574  
time. 57575

OSU extension shall modify any policy or guideline regarding 57576  
fingerprinting of volunteers for 4-H programs that has been 57577  
established prior to the effective date of this section to comply 57578  
with this section. 57579

**Sec. 3337.10.** There is hereby established the Ohio university 57580

college of osteopathic medicine the purpose of which shall be to 57581  
provide instruction in the practice of osteopathic medicine. The 57582  
college shall be a component college of Ohio university. The 57583  
clinical instruction portions of the medical program shall be 57584  
provided through the facilities of existing osteopathic and joint 57585  
staff hospitals. ~~The college shall have an advisory committee of 57586  
ten members, which shall consist of the president of Ohio 57587  
university or the president's designee and nine members appointed 57588  
by the governor with the advice and consent of the senate. Within 57589  
one hundred twenty days of November 17, 1975, the governor shall 57590  
make initial appointments to the advisory committee. Of these, 57591  
three shall be for terms ending two years after November 17, 1975, 57592  
three shall be for terms ending four years after that date, and 57593  
three shall be for terms ending six years after that date. 57594  
Thereafter, terms of office shall be for six years, each term 57595  
ending on the same day of the same month of the year as did the 57596  
term that it succeeds. Each member shall hold office from the date 57597  
of appointment until the end of the term for which the member was 57598  
appointed. Any member appointed to fill a vacancy occurring prior 57599  
to the expiration of the term for which the member's predecessor 57600  
was appointed shall hold office for the remainder of such term. 57601  
Any member shall continue in office subsequent to the expiration 57602  
date of the member's term until the member's successor takes 57603  
office, or until a period of sixty days has elapsed, whichever 57604  
occurs first. 57605~~

**Sec. 3345.022.** The board of trustees of any college or 57606  
university supported in part or in whole by state funds, or two or 57607  
more such boards, may enter into a contract, upon such terms as 57608  
shall be determined to be in the best interests of students, for 57609  
the provision of legal services to students through a group legal 57610  
services insurance plan approved by the superintendent of 57611  
insurance or through a prepaid legal services plan established by 57612

attorneys admitted to the practice of law in this state. The fees 57613  
or charges to students who participate in the plan shall be 57614  
established by the board or boards and shall be sufficient to 57615  
defray the college's or university's cost of administering the 57616  
plan. No student shall be required to pay any such fee or charge 57617  
unless ~~he~~ the student elects to participate in the plan, and no 57618  
revenue from any other student fees or charges shall be used to 57619  
finance any portion of the cost of any plan or the college's or 57620  
university's cost of administering the plan. Legal representation 57621  
under the plan shall be limited to services determined by the 57622  
board to be reasonably related to student welfare, to the 57623  
advancement or successful completion of student education, or to 57624  
serve a public purpose within the powers of the college or 57625  
university. 57626

A plan shall not provide or pay for the cost of 57627  
representation of a student in an action against a state officer 57628  
or agency arising out of the performance of the duties of the 57629  
officer or agency, against a law enforcement officer arising out 57630  
of the performance of the duties of the officer, against a college 57631  
or university participating in the plan, against a student of such 57632  
a college or university, or against the chancellor of higher 57633  
education or a member of the board of regents or of the board of 57634  
trustees, faculty, or staff of such a college or university, if 57635  
the cause of action arises out of the performance of the duties of 57636  
the office of the member or in the course of the member's 57637  
employment by the college or university. As used in this section, 57638  
"law enforcement officer" means a sheriff, deputy sheriff, 57639  
constable, marshal, deputy marshal, municipal police officer, 57640  
state highway patrol trooper, or state university law enforcement 57641  
officer appointed under section 3345.04 of the Revised Code. 57642

**Sec. 3345.05.** (A) All registration fees, nonresident tuition 57643  
fees, academic fees for the support of off-campus instruction, 57644

laboratory and course fees when so assessed and collected, student 57645  
health fees for the support of a student health service, all other 57646  
fees, deposits, charges, receipts, and income from all or part of 57647  
the students, all subsidy or other payments from state 57648  
appropriations, and all other fees, deposits, charges, receipts, 57649  
income, and revenue received by each state institution of higher 57650  
education, the Ohio state university hospitals and their ancillary 57651  
facilities, the Ohio agricultural research and development center, 57652  
and OSU extension shall be held and administered by the respective 57653  
boards of trustees of the state institution of higher education; 57654  
provided, that such fees, deposits, charges, receipts, income and 57655  
revenue, to the extent required by resolutions, trust agreements, 57656  
indentures, leases, and agreements adopted, made, or entered into 57657  
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 57658  
Revised Code, shall be held, administered, transferred, and 57659  
applied in accordance therewith. 57660

(B) ~~The Ohio board of regents~~ chancellor of higher education 57661  
shall require annual reporting by the Ohio agricultural research 57662  
and development center and by each university and college 57663  
receiving state aid in such form and detail as determined by the 57664  
~~board~~ chancellor of higher education in consultation with such 57665  
center, universities and colleges, and the director of budget and 57666  
management. 57667

(C) Notwithstanding any provision of the Revised Code to the 57668  
contrary, the title to investments made by the board of trustees 57669  
of a state institution of higher education with funds derived from 57670  
any of the sources described in division (A) of this section shall 57671  
not be vested in the state or the political subdivision but shall 57672  
be held in trust by the board. Such investments shall be made 57673  
pursuant to an investment policy adopted by the board in public 57674  
session that requires all fiduciaries to discharge their duties 57675  
with the care, skill, prudence, and diligence under the 57676

circumstances then prevailing that a prudent person acting in like 57677  
capacity and familiar with such matters would use in the conduct 57678  
of an enterprise of a like character and with like aims. The 57679  
policy also shall require at least the following: 57680

(1) A stipulation that investment of at least twenty-five per 57681  
cent of the average amount of the investment portfolio over the 57682  
course of the previous fiscal year be invested in securities of 57683  
the United States government or of its agencies or 57684  
instrumentalities, the treasurer of state's pooled investment 57685  
program, obligations of this state or any political subdivision of 57686  
this state, certificates of deposit of any national bank located 57687  
in this state, written repurchase agreements with any eligible 57688  
Ohio financial institution that is a member of the federal reserve 57689  
system or federal home loan bank, money market funds, or bankers 57690  
acceptances maturing in two hundred seventy days or less which are 57691  
eligible for purchase by the federal reserve system, as a reserve; 57692

(2) Eligible funds above those that meet the conditions of 57693  
division (C)(1) of this section may be pooled with other 57694  
institutional funds and invested in accordance with section 57695  
1715.52 of the Revised Code. 57696

(3) The establishment of an investment committee. 57697

(D) The investment committee established under division 57698  
(C)(3) of this section shall meet at least quarterly. The 57699  
committee shall review and recommend revisions to the board's 57700  
investment policy and shall advise the board on its investments 57701  
made under division (C) of this section in an effort to assist it 57702  
in meeting its obligations as a fiduciary as described in division 57703  
(C) of this section. The committee shall be authorized to retain 57704  
the services of an investment advisor who meets both of the 57705  
following qualifications: 57706

(1) The advisor is either: 57707

(a) Licensed by the division of securities under section 1707.141 of the Revised Code;	57708 57709
(b) Registered with the securities and exchange commission.	57710
(2) The advisor either:	57711
(a) Has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios;	57712 57713 57714
(b) Is an eligible institution referenced in section 135.03 of the Revised Code.	57715 57716
(E) As used in this section, "state institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code.	57717 57718 57719
<b>Sec. 3345.06.</b> (A) Subject to divisions (B) and (C) of this section, a graduate of the twelfth grade shall be entitled to admission without examination to any college or university which is supported wholly or in part by the state, but for unconditional admission may be required to complete such units not included in the graduate's high school course as may be prescribed, not less than two years prior to the graduate's entrance, by the faculty of the institution.	57720 57721 57722 57723 57724 57725 57726 57727
(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:	57728 57729 57730 57731 57732 57733 57734 57735 57736
(1) The person has earned at least ten semester hours, or the	57737

equivalent, at a community college, state community college, 57738  
university branch, technical college, or another post-secondary 57739  
institution except a state university to which division (B) of 57740  
this section applies, in courses that are college-credit-bearing 57741  
and may be applied toward the requirements for a degree. The 57742  
university shall grant credit for successful completion of those 57743  
courses pursuant to any applicable articulation and transfer 57744  
policy of the ~~Ohio board of regents~~ chancellor of higher education 57745  
or any agreements the university has entered into in accordance 57746  
with policies and procedures adopted under section 3333.16, 57747  
3333.161, or 3333.162 of the Revised Code. The university may 57748  
count college credit that the student earned while in high school 57749  
through the college credit plus program under Chapter 3365. of the 57750  
Revised Code, or through other advanced standing programs, toward 57751  
the requirements of division (B)(1) of this section if the credit 57752  
may be applied toward a degree. 57753

(2) The person qualified to graduate from high school under 57754  
division (D) or (F) of section 3313.603 of the Revised Code and 57755  
has successfully completed the topics or courses that the person 57756  
lacked to graduate under division (C) of that section at any 57757  
post-secondary institution or at a summer program at the state 57758  
university. A state university may admit a person for enrollment 57759  
contingent upon completion of such topics or courses or summer 57760  
program. 57761

(3) The person met the high school graduation requirements by 57762  
successfully completing the person's individualized education 57763  
program developed under section 3323.08 of the Revised Code. 57764

(4) The person is receiving or has completed the final year 57765  
of instruction at home as authorized under section 3321.04 of the 57766  
Revised Code, or has graduated from a nonchartered, nonpublic 57767  
school in Ohio, and demonstrates mastery of the academic content 57768  
and skills in reading, writing, and mathematics needed to 57769



successfully complete introductory level coursework at an 57770  
institution of higher education and to avoid remedial coursework. 57771

(5) The person is a high school student participating in the 57772  
college credit plus program under Chapter 3365. of the Revised 57773  
Code or another advanced standing program. 57774

(C) A state university subject to division (B) of this 57775  
section may delay admission for or admit conditionally an 57776  
undergraduate student who has successfully completed the 57777  
requirements prescribed in division (C) of section 3313.603 of the 57778  
Revised Code if the university determines the student requires 57779  
academic remedial or developmental coursework. The university may 57780  
delay admission pending, or make admission conditional upon, the 57781  
student's successful completion of the academic remedial or 57782  
developmental coursework at a university branch, community 57783  
college, state community college, or technical college. 57784

(D) This section does not deny the right of a college of law, 57785  
medicine, or other specialized education to require college 57786  
training for admission, or the right of a department of music or 57787  
other art to require particular preliminary training or talent. 57788

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 57789  
education are respected points of entry for students embarking on 57790  
post-secondary careers and courses completed at those institutions 57791  
are transferable to state universities in accordance with 57792  
articulation and transfer agreements developed under sections 57793  
3333.16, 3333.161, and 3333.162 of the Revised Code. 57794

(B) Beginning with undergraduate students who commence 57795  
undergraduate studies in the 2014-2015 academic year, no state 57796  
university listed in section 3345.011 of the Revised Code, except 57797  
Central state university, Shawnee state university, and Youngstown 57798  
state university, shall receive any state operating subsidies for 57799  
any academic remedial or developmental courses for undergraduate 57800

students, including courses prescribed in division (C) of section 57801  
3313.603 of the Revised Code, offered at its main campus, except 57802  
as provided in divisions (B)(1) to (4) of this section. 57803

(1) In the 2014-2015 and 2015-2016 academic years, a state 57804  
university may receive state operating subsidies for academic 57805  
remedial or developmental courses for not more than three per cent 57806  
of the total undergraduate credit hours provided by the university 57807  
at its main campus. 57808

(2) In the 2016-2017 academic year, a state university may 57809  
receive state operating subsidies for academic remedial or 57810  
developmental courses for not more than fifteen per cent of the 57811  
first-year students who have graduated from high school within the 57812  
previous twelve months and who are enrolled in the university at 57813  
its main campus, as calculated on a full-time-equivalent basis. 57814

(3) In the 2017-2018 academic year, a state university may 57815  
receive state operating subsidies for academic remedial or 57816  
developmental courses for not more than ten per cent of the 57817  
first-year students who have graduated from high school within the 57818  
previous twelve months and who are enrolled in the university at 57819  
its main campus, as calculated on a full-time-equivalent basis. 57820

(4) In the 2018-2019 academic year, a state university may 57821  
receive state operating subsidies for academic remedial or 57822  
developmental courses for not more than five per cent of the 57823  
first-year students who have graduated from high school within the 57824  
previous twelve months and who are enrolled in the university at 57825  
its main campus, as calculated on a full-time-equivalent basis. 57826

Each state university may continue to offer academic remedial 57827  
and developmental courses at its main campus beyond the extent for 57828  
which state operating subsidies may be paid under this division 57829  
and may continue to offer such courses beyond the 2018-2019 57830  
academic year. However, the university shall not receive any state 57831

operating subsidies for such courses above the maximum amounts 57832  
permitted in this division. 57833

(C) Except as otherwise provided in division (B) of this 57834  
section, beginning with students who commence undergraduate 57835  
studies in the 2014-2015 academic year, state operating subsidies 57836  
for academic remedial or developmental courses offered by state 57837  
institutions of higher education may be paid only to Central state 57838  
university, Shawnee state university, Youngstown state university, 57839  
any university branch, any community college, any state community 57840  
college, or any technical college. 57841

(D) Each state university shall grant credit for academic 57842  
remedial or developmental courses successfully completed at an 57843  
institution described in division (C) of this section pursuant to 57844  
any applicable articulation and transfer agreements the university 57845  
has entered into in accordance with policies and procedures 57846  
adopted under section 3333.16, 3333.161, or 3333.162 of the 57847  
Revised Code. 57848

(E) The chancellor of ~~the Ohio board of regents~~ higher 57849  
education shall do all of the following: 57850

(1) Withhold state operating subsidies for academic remedial 57851  
or developmental courses provided by a state university as 57852  
required in order to conform to divisions (B) and (C) of this 57853  
section; 57854

(2) Adopt uniform statewide standards for academic remedial 57855  
and developmental courses offered by all state institutions of 57856  
higher education; 57857

(3) Encourage and assist in the design and establishment of 57858  
academic remedial and developmental courses by institutions of 57859  
higher education; 57860

(4) Define "academic year" for purposes of this section and 57861  
section 3345.06 of the Revised Code; 57862

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the presidents. The board of trustees or managing authority of each state institution of higher education shall adopt the remediation-free status standard, and any related assessments, into the institution's policies.

The chancellor shall assist in coordinating the work of the presidents under this division. The chancellor shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's remediation-free status.

(G) Each year, not later than a date established by the chancellor, each state institution of higher education shall report to the governor, the general assembly, the chancellor, and the superintendent of public instruction all of the following for the prior academic year:

(1) The institution's aggregate costs for providing academic remedial or developmental courses;

(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas; (3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate. (H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education. (I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

**Sec. 3345.311.** (A) As used in this section, "excess benefits" has the same meaning as in section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I. (B) Except as provided in division (C) of this section, no state institution of higher education shall provide excess benefits to an employee that would trigger the excise tax imposed under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I. (C) A state institution of higher education may provide excess benefits to an employee that would trigger the excise tax imposed under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I, if the excess benefits are provided pursuant to a policy or contract that was issued or entered into prior to the effective date of this section. (D) Nothing in this section shall be construed to prohibit a state institution of higher education from offering health

benefits to an employee, the value of which would not trigger the 57925  
excise tax imposed under section 4980I of the Internal Revenue 57926  
Code, 26 U.S.C. 4980I. 57927

**Sec. 3345.32.** (A) As used in this section: 57928

(1) "State university or college" means the institutions 57929  
described in section 3345.27 of the Revised Code and the northeast 57930  
Ohio medical university. 57931

(2) "Resident" has the meaning specified by rule of the 57932  
chancellor of ~~the Ohio board of regents~~ higher education. 57933

(3) "Statement of selective service status" means a statement 57934  
certifying one of the following: 57935

(a) That the individual filing the statement has registered 57936  
with the selective service system in accordance with the "Military 57937  
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 57938  
amended; 57939

(b) That the individual filing the statement is not required 57940  
to register with the selective service for one of the following 57941  
reasons: 57942

(i) The individual is under eighteen or over twenty-six years 57943  
of age. 57944

(ii) The individual is on active duty with the armed forces 57945  
of the United States other than for training in a reserve or 57946  
national guard unit. 57947

(iii) The individual is a nonimmigrant alien lawfully in the 57948  
United States in accordance with section 101 (a)(15) of the 57949  
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 57950

(iv) The individual is not a citizen of the United States and 57951  
is a permanent resident of the Trust Territory of the Pacific 57952  
Islands or the Northern Mariana Islands. 57953

(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.

(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses granted under section 3315.33, 3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under

section 3333.61 of the Revised Code, or financed by an award under 57986  
the Ohio co-op/internship program established under section 57987  
3333.72 of the Revised Code, unless that person has filed a 57988  
statement of selective service status with that person's 57989  
institution of higher education. 57990

(E) If an institution of higher education receives a 57991  
statement from an individual certifying that the individual has 57992  
registered with the selective service system in accordance with 57993  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 57994  
453, as amended, or that the individual is exempt from 57995  
registration for a reason other than that the individual is under 57996  
eighteen years of age, the institution shall not require the 57997  
individual to file any further statements. If it receives a 57998  
statement certifying that the individual is not required to 57999  
register because the individual is under eighteen years of age, 58000  
the institution shall require the individual to file a new 58001  
statement of selective service status each time the individual 58002  
seeks to enroll for a new academic term or makes application for a 58003  
new loan or loan guarantee or for any form of financial assistance 58004  
for educational expenses, until it receives a statement certifying 58005  
that the individual has registered with the selective service 58006  
system or is exempt from registration for a reason other than that 58007  
the individual is under eighteen years of age. 58008

Sec. 3345.35. Not later than January 1, 2016, and by the 58009  
first day of January of every fifth year thereafter, the board of 58010  
trustees of each state institution of higher education, as defined 58011  
in section 3345.011 of the Revised Code, shall evaluate all 58012  
courses and programs the institution offers based on enrollment 58013  
and student performance in each course or program. For courses 58014  
with low enrollment, as defined by the chancellor of higher 58015  
education, the board of trustees shall evaluate the benefits of 58016  
collaboration with other institutions of higher education, based 58017



on geographic region, to deliver the course. 58018

Each board of trustees shall submit its findings under this 58019  
section to the chancellor not later than thirty days after the 58020  
completion of the evaluations. 58021

**Sec. 3345.38.** (A) The board of trustees of each state 58022  
institution of higher education shall adopt and implement a policy 58023  
to grant undergraduate course credit to a student who has 58024  
successfully completed an international baccalaureate diploma 58025  
program. 58026

(B) The policy adopted by each institution under this section 58027  
shall do all of the following: 58028

(1) Establish conditions for granting course credit, 58029  
including the minimum scores required on examinations constituting 58030  
the international baccalaureate diploma program in order to 58031  
receive credit; 58032

(2) Identify specific course credit or other academic 58033  
requirements of the institution, including the number of credit 58034  
hours or other course credit that the institution will grant to a 58035  
student who completes the diploma program. 58036

(C) As used in this section: 58037

(1) "State institution of higher education" has the same 58038  
meaning as in section 3345.011 of the Revised Code. 58039

(2) "International baccalaureate diploma program" means the 58040  
curriculum and examinations leading to an international 58041  
baccalaureate diploma awarded by the international baccalaureate 58042  
organization. 58043

**Sec. 3345.39.** (A) Beginning with the fall semester, or 58044  
equivalent quarter, of the 2015-2016 academic year, and the fall 58045

semester, or equivalent quarter, of each academic year thereafter, 58046  
the board of trustees of each state institution of higher 58047  
education annually shall report to the chancellor of higher 58048  
education any increase in or additional auxiliary fees charged by 58049  
the institution and the justification for such increase or 58050  
addition. The chancellor shall establish procedures for reporting 58051  
the information required under division (D) of this section. 58052

(B) As used in this section: 58053

(1) "Auxiliary fees" mean charges assessed by a state 58054  
institution of higher education to a student for various 58055  
educational expenses including, but not limited to, course-related 58056  
fees, laboratory fees, books and supplies, room and board, 58057  
transportation, enrollment application fees, and other 58058  
miscellaneous charges. "Auxiliary fees" do not include 58059  
instructional or general fees uniformly assessed to all students. 58060

(2) "State institution of higher education" has the same 58061  
meaning as in section 3345.011 of the Revised Code. 58062

**Sec. 3345.421.** Not later than December 31, 2014, the board of 58063  
trustees of each state institution of higher education, as defined 58064  
in section 3345.011 of the Revised Code, shall do all of the 58065  
following: 58066

(A) Designate at least one person employed by the institution 58067  
to serve as the contact person for veterans and service member 58068  
affairs. Such a person shall assist and advise veterans and 58069  
service members on issues related to earning college credit for 58070  
military training, experience, and coursework. 58071

(B) Adopt a policy regarding the support and assistance the 58072  
institution will provide to veterans and service members. 58073

(C) Allow for the establishment of a student-led group on 58074  
campus for student service members and veterans and encourage 58075

other service member- and veteran-friendly organizations. 58076

(D) Integrate existing career services to create and 58077  
encourage meaningful collaborative relationships between student 58078  
service members and veterans and alumni of the institution, that 58079  
links student service members and veterans with prospective 58080  
employers, and that provides student service members and veterans 58081  
with social opportunities; and, if the institution has career 58082  
services programs, encourage the responsible office to seek and 58083  
promote partnership opportunities for internships and employment 58084  
of student service members and veterans with state, local, 58085  
national, and international employers. 58086

(E) Survey student service members and veterans to identify 58087  
their needs and challenges and make the survey available to 58088  
faculty and staff at the state institution of higher education. 58089  
And periodically conduct follow-up surveys, at a frequency 58090  
determined by the board, to gauge the institution's progress 58091  
toward meeting identified needs and challenges. 58092

The chancellor of ~~the Ohio board of regents~~ higher education 58093  
shall provide guidance to state institutions of higher education 58094  
in their compliance with this section, including the 58095  
recommendation of standardized policies on support and assistance 58096  
to veterans and service members. 58097

The person or persons designated under division (A) of this 58098  
section shall not be a person currently designated by the 58099  
institution as a veterans administration certifying official. 58100

**Sec. 3345.45.** On or before January 1, 1994, the ~~Ohio board of~~ 58101  
~~regents~~ chancellor of higher education jointly with all state 58102  
universities, as defined in section 3345.011 of the Revised Code, 58103  
shall develop standards for instructional workloads for full-time 58104  
and part-time faculty in keeping with the universities' missions 58105  
and with special emphasis on the undergraduate learning 58106

experience. The standards shall contain clear guidelines for 58107  
institutions to determine a range of acceptable undergraduate 58108  
teaching by faculty. 58109

On or before June 30, 1994, the board of trustees of each 58110  
state university shall take formal action to adopt a faculty 58111  
workload policy consistent with the standards developed under this 58112  
section. Notwithstanding section 4117.08 of the Revised Code, the 58113  
policies adopted under this section are not appropriate subjects 58114  
for collective bargaining. Notwithstanding division (A) of section 58115  
4117.10 of the Revised Code, any policy adopted under this section 58116  
by a board of trustees prevails over any conflicting provisions of 58117  
any collective bargaining agreement between an employees 58118  
organization and that board of trustees. 58119

Sec. 3345.46. (A) As used in this section: 58120

(1) "Full course load" shall be defined by the board of 58121  
trustees of each state institution of higher education. 58122

(2) "Overload fee" means a fee or increased tuition rate 58123  
charged to students who enroll in courses for a total number of 58124  
credit hours in excess of a full course load. 58125

(3) "State institution of higher education" has the same 58126  
meaning as in section 3345.011 of the Revised Code. 58127

(B) No state institution of higher education shall charge an 58128  
overload fee to any student for courses in which that student is 58129  
enrolled that exceed the full course load per semester or per 58130  
quarter, whichever is applicable, except as follows: 58131

(1) If a student is enrolled in more than eighteen credit 58132  
hours per semester, or the equivalent number of credit hours per 58133  
quarter as determined by the board of trustees of the institution, 58134  
the institution may charge an overload fee to the student for only 58135  
those credit hours taken in excess of eighteen credit hours per 58136

semester, or the equivalent number of credit hours per quarter, 58137  
whichever is applicable. 58138

(2) If a student is enrolled in a course load that exceeds 58139  
the full course load but is less than or equal to eighteen credit 58140  
hours per semester, or the equivalent number of credit hours per 58141  
quarter, whichever is applicable, the institution may charge an 58142  
overload fee to any student for a course from which the student 58143  
withdraws prior to a date specified by the board of trustees of 58144  
the state institution. 58145

**Sec. 3345.47.** (A) No state university shall require a student 58146  
to live in on-campus student housing, if the student lives within 58147  
twenty-five miles of the campus. 58148

(B) As used in this section: 58149

(1) "On-campus student housing" has the same meaning as in 58150  
section 3345.85 of the Revised Code. 58151

(2) "State university" has the same meaning as in section 58152  
3345.011 of the Revised Code. 58153

**Sec. 3345.48.** (A) As used in this section: 58154

(1) "Cohort" means a group of students who will complete 58155  
their bachelor's degree requirements and graduate from a state 58156  
university at the same time. A cohort may include transfer 58157  
students and other selected undergraduate student academic 58158  
programs as determined by the board of trustees of a state 58159  
university. 58160

(2) "Eligible student" means an undergraduate student who: 58161

(a) Is enrolled full-time in a bachelor's degree program at a 58162  
state university; 58163

(b) Is a resident of this state, as defined by the chancellor 58164  
of ~~the Ohio board of regents~~ higher education under section 58165

3333.31 of the Revised Code.	58166
(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.	58167 58168
(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.	58169 58170 58171 58172 58173
If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are not limited to, all of the following:	58174 58175 58176
(1) The number of credit hours required to earn an undergraduate degree in each major;	58177 58178
(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the chancellor. The chancellor, based on information the chancellor requires from the board of trustees, shall approve or disapprove such a request. Thereafter, the board of trustees may increase the guaranteed amount by up to the sum of the following above what has been charged in the previous academic year one time per subsequent cohort:	58179 58180 58181 58182 58183 58184 58185 58186 58187 58188 58189 58190 58191 58192 58193 58194 58195
(a) The average rate of inflation, as measured by the	58196

consumer price index prepared by the bureau of labor statistics of 58197  
the United States department of labor (all urban consumers, all 58198  
items), for the previous sixty-month period; and 58199

(b) The percentage amount the general assembly restrains 58200  
increases on in-state undergraduate instructional and general fees 58201  
for the applicable fiscal year. If the general assembly does not 58202  
enact a limit on the increase of in-state undergraduate 58203  
instructional and general fees, then no limit shall apply under 58204  
this division for the cohort that first enrolls in any academic 58205  
year for which the general assembly does not prescribe a limit. 58206

If, beginning with the academic year that starts four years 58207  
after ~~the effective date of this section~~ September 29, 2013, the 58208  
board of trustees determines that the general and instructional 58209  
fees charged under the tuition guarantee have fallen significantly 58210  
lower than those of other state universities, the board of 58211  
trustees may submit a request to increase the amount charged to a 58212  
cohort by a specified percentage to the chancellor, who shall 58213  
approve or disapprove such a request. 58214

(3) A benchmark by which the board sets annual increases in 58215  
general and instructional fees. This benchmark and any subsequent 58216  
change to the benchmark shall be subject to approval of the 58217  
chancellor. 58218

(4) Eligibility requirements for students to participate in 58219  
the program; 58220

(5) Student rights and privileges under the program; 58221

(6) Consequences to the university for students unable to 58222  
complete a degree program within four years, as follows: 58223

(a) For a student who could not complete the program in four 58224  
years due to a lack of available classes or space in classes 58225  
provided by the university, the university shall provide the 58226  
necessary course or courses for completion to the student free of 58227

charge.	58228
(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.	58229 58230 58231 58232 58233
(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section.	58234 58235 58236 58237 58238 58239
(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;	58240 58241 58242
(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.	58243 58244 58245
(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.	58246 58247 58248 58249
The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.	58250 58251 58252
(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.	58253 58254 58255
(E) Within five years after <del>the effective date of this section</del> <u>September 29, 2013</u> , the chancellor shall publish on the	58256 58257



~~board of regents~~ chancellor's web site a report that includes all 58258  
of the following: 58259

(1) The state universities that have adopted an undergraduate 58260  
tuition guarantee program under this section; 58261

(2) The details of each undergraduate tuition guarantee 58262  
program established under this section; 58263

(3) Comparative data, including general and instructional 58264  
fees, room and board, graduation rates, and retention rates, from 58265  
all state universities. 58266

(F) Except as provided in this section, no other limitation 58267  
on the increase of in-state undergraduate instructional and 58268  
general fees shall apply to a state university that has 58269  
established an undergraduate tuition guarantee program under this 58270  
section. 58271

**Sec. 3345.50.** Notwithstanding anything to the contrary in 58272  
sections 123.01 and 123.10 of the Revised Code, a state 58273  
university, a state community college, or the northeast Ohio 58274  
medical university not certified pursuant to section 123.24 of the 58275  
Revised Code may administer any capital facilities project for the 58276  
construction, reconstruction, improvement, renovation, 58277  
enlargement, or alteration of a public improvement under its 58278  
jurisdiction for which the total amount of funds expected to be 58279  
appropriated by the general assembly does not exceed four million 58280  
dollars without the supervision, control, or approval of the Ohio 58281  
facilities construction commission as specified in those sections, 58282  
if both of the following occur: 58283

(A) Within sixty days after the effective date of the section 58284  
of an act in which the general assembly initially makes an 58285  
appropriation for the project, the board of trustees of the 58286  
institution notifies the chancellor of ~~the Ohio board of regents~~ 58287

higher education in writing of its intent to administer the 58288  
capital facilities project; 58289

(B) The board of trustees complies with the guidelines 58290  
established pursuant to section 153.16 of the Revised Code and all 58291  
laws that govern the selection of consultants, preparation and 58292  
approval of contract documents, receipt of bids, and award of 58293  
contracts with respect to the project. 58294

The chancellor shall adopt rules in accordance with Chapter 58295  
119. of the Revised Code that establish criteria for the 58296  
administration by any such institution of higher education of a 58297  
capital facilities project for which the total amount of funds 58298  
expected to be appropriated by the general assembly exceeds four 58299  
million dollars. The criteria, to be developed with the Ohio 58300  
facilities construction commission and higher education 58301  
representatives selected by the chancellor, shall include such 58302  
matters as the adequacy of the staffing levels and expertise 58303  
needed for the institution to administer the project, past 58304  
performance of the institution in administering such projects, and 58305  
the amount of institutional or other nonstate money to be used in 58306  
financing the project. The chancellor and the Ohio facilities 58307  
construction commission shall approve the request of any such 58308  
institution of higher education that seeks to administer any such 58309  
capital facilities project and meets the criteria set forth in the 58310  
rules and in the requirements of division (B) of this section. 58311

**Sec. 3345.51.** (A) Notwithstanding anything to the contrary in 58312  
sections 123.20 and 123.21 of the Revised Code, a state 58313  
university, the northeast Ohio medical university, or a state 58314  
community college may administer any capital facilities project 58315  
for the construction, reconstruction, improvement, renovation, 58316  
enlargement, or alteration of a public improvement under its 58317  
jurisdiction for which funds are appropriated by the general 58318

assembly without the supervision, control, or approval of the Ohio 58319  
facilities construction commission as specified in those sections, 58320  
if all of the following occur: 58321

(1) The institution is certified by the commission under 58322  
section 123.24 of the Revised Code; 58323

(2) Within sixty days after the effective date of the section 58324  
of an act in which the general assembly initially makes an 58325  
appropriation for the project, the board of trustees of the 58326  
institution notifies the chancellor of ~~the Ohio board of regents~~ 58327  
higher education in writing of its request to administer the 58328  
capital facilities project and the chancellor approves that 58329  
request pursuant to division (B) of this section; 58330

(3) The board of trustees passes a resolution stating its 58331  
intent to comply with section 153.13 of the Revised Code and the 58332  
guidelines established pursuant to section 153.16 of the Revised 58333  
Code and all laws that govern the selection of consultants, 58334  
preparation and approval of contract documents, receipt of bids, 58335  
and award of contracts with respect to the project. 58336

(B) The chancellor shall adopt rules in accordance with 58337  
Chapter 119. of the Revised Code that establish criteria for the 58338  
administration by any such institution of higher education of a 58339  
capital facilities project for which the general assembly 58340  
appropriates funds. The criteria, to be developed with the 58341  
commission and higher education representatives selected by the 58342  
chancellor, shall include such matters as the adequacy of the 58343  
staffing levels and expertise needed for the institution to 58344  
administer the project, past performance of the institution in 58345  
administering such projects, and the amount of institutional or 58346  
other nonstate money to be used in financing the project. The 58347  
chancellor shall approve the request of any such institution of 58348  
higher education that seeks to administer any such capital 58349  
facilities project and meets the criteria set forth in the rules 58350

and the requirements of division (A) of this section. 58351

(C) Any institution that administers a capital facilities 58352  
project under this section shall conduct biennial audits for the 58353  
duration of the project to ensure that the institution is 58354  
complying with Chapters 9., 123., and 153. of the Revised Code and 58355  
that the institution is using its certification issued under 58356  
section 123.24 of the Revised Code appropriately. The chancellor, 58357  
in consultation with higher education representatives selected by 58358  
the chancellor, shall adopt rules in accordance with Chapter 119. 58359  
of the Revised Code that establish criteria for the conduct of the 58360  
audits. The criteria shall include documentation necessary to 58361  
determine compliance with Chapters 9., 123., and 153. of the 58362  
Revised Code and a method to determine whether an institution is 58363  
using its certification issued under section 123.24 of the Revised 58364  
Code appropriately. 58365

(D) The chancellor, in consultation with higher education 58366  
representatives selected by the chancellor, shall adopt rules in 58367  
accordance with Chapter 119. of the Revised Code establishing 58368  
criteria for monitoring capital facilities projects administered 58369  
by institutions under this section. The criteria shall include the 58370  
following: 58371

(1) Conditions under which the chancellor may revoke the 58372  
authority of an institution to administer a capital facilities 58373  
project under this section, including the failure of an 58374  
institution to maintain a sufficient number of employees who have 58375  
successfully completed the certification program under section 58376  
123.24 of the Revised Code; 58377

(2) A process for institutions to remedy any problems found 58378  
by an audit conducted pursuant to division (C) of this section, 58379  
including the improper use of state funds or violations of Chapter 58380  
9., 123., or 153. of the Revised Code. 58381

(E) If the chancellor revokes an institution's authority to administer a capital facilities project, the commission shall administer the capital facilities project. The chancellor also may require an institution, for which the chancellor revoked authority to administer a capital facilities project, to acquire a new local administration competency certification pursuant to section 123.24 of the Revised Code.

**Sec. 3345.54.** (A) As used in this section:

(1) "Auxiliary facilities" has the same meaning as in section 3345.12 of the Revised Code.

(2) "Conduit entity" means an organization described in section 501(c)(3) of the Internal Revenue Code qualified as a public charity under section 509(a)(2) or 509(a)(3) of the Internal Revenue Code, or any other appropriate legal entity selected by the state institution, whose corporate purpose allows it to perform the functions and obligations of a conduit entity pursuant to the terms of a financing agreement.

(3) "Conveyed property" means auxiliary facilities conveyed by a state institution to a conduit entity pursuant to a financing agreement.

(4) "Financing agreement" means a contract described in division (C) of this section.

(5) "Independent funding source" means a private entity that enters into a financing agreement with a conduit entity and a state institution.

(6) "State institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code.

(B) The board of trustees of a state institution, with the approval of the chancellor of ~~the Ohio board of regents~~ higher education and the controlling board, may enter into a financing

agreement with a conduit entity and an independent funding source 58412  
selected either through a competitive selection process or by 58413  
direct negotiations, and may convey to the conduit entity title to 58414  
any auxiliary facilities owned by the state institution pursuant 58415  
to the terms of a financing agreement. 58416

(C) A financing agreement under this section is a written 58417  
contract entered into among a state institution, a conduit entity, 58418  
and an independent funding source that provides for: 58419

(1) The conveyance of auxiliary facilities owned by a state 58420  
institution to the conduit entity for consideration deemed 58421  
adequate by the state institution; 58422

(2) The lease of the conveyed property by the conduit entity 58423  
to the independent funding source and leaseback of the conveyed 58424  
property to the conduit entity for a term not to exceed 58425  
ninety-nine years; 58426

(3) Such other terms and conditions that may be negotiated 58427  
and agreed upon by the parties, including, but not limited to, 58428  
terms regarding: 58429

(a) Payment to the state institution by the conduit entity of 58430  
revenues received by it from the operations of the conveyed 58431  
property in excess of the payments it is required to make to the 58432  
independent funding source under the lease-leaseback arrangement 58433  
described in division (C)(2) of this section; 58434

(b) Pledge, assignment, or creation of a lien in favor of the 58435  
independent funding source by the conduit entity of any revenues 58436  
derived from the conveyed property; 58437

(c) Reverter or conveyance of title to the conveyed property 58438  
to the state institution when the conveyed property is no longer 58439  
subject to a lease with the independent funding source. 58440

(4) Terms and conditions required by the chancellor or the 58441

controlling board as a condition of approval of the financing 58442  
agreement. 58443

(D) The state institution and the conduit entity may enter 58444  
into such other management agreements or other contracts regarding 58445  
the conveyed property the parties deem appropriate, including 58446  
agreements pursuant to which the state institution may maintain or 58447  
administer the conveyed property and collect and disburse revenues 58448  
from the conveyed property on behalf of the conduit entity. 58449

(E) The parties may modify or extend the term of the 58450  
financing agreement with the approval of the chancellor and the 58451  
controlling board. 58452

(F) The conveyed property shall retain its exemption from 58453  
property taxes and assessments as though title to the conveyed 58454  
property were held by the state institution during any part of a 58455  
tax year that title is held by the state institution or the 58456  
conduit entity and, if held by the conduit entity, remains subject 58457  
to the lease-leaseback arrangement described in division (C)(2) of 58458  
this section. However, as a condition of the continued exemption 58459  
of the conveyed property during the term of the lease-leaseback 58460  
arrangement the conduit entity shall apply for and maintain the 58461  
exemption as provided by law. 58462

(G) Nothing in this section is intended to abrogate, amend, 58463  
limit, or replace any existing authority state institutions may 58464  
have with respect to the conveyance, lease, lease-leaseback, 58465  
finance, or acquisition of auxiliary facilities including, but not 58466  
limited to, authority granted under sections 3345.07, 3345.11, and 58467  
3345.12 of the Revised Code. 58468

**Sec. 3345.692.** (A) Not later than September 15, 2010, and the 58469  
fifteenth day of September each year thereafter, a state 58470  
institution of higher education shall prepare and submit to the 58471  
chancellor of ~~the board of regents~~ higher education a report that 58472

describes the number and types of biobased products purchased 58473  
under section 125.092 of the Revised Code and the amount of money 58474  
spent by the state institution of higher education for those 58475  
biobased products. 58476

(B) As used in this section, "state institution of higher 58477  
education" has the same meaning as in section 3345.011 of the 58478  
Revised Code. 58479

**Sec. 3345.70.** (A) Whenever the board of trustees of a state 58480  
university, as defined under section 3345.011 of the Revised Code, 58481  
declares that the university is in a state of fiscal exigency, the 58482  
board shall do all of the following until it declares that the 58483  
university is no longer in such a state: 58484

(1) File quarterly reports on an annualized budget, comparing 58485  
the budget to actual spending with projected expenses for the 58486  
remainder of the year. Such reports shall include narrative 58487  
explanations as appropriate. 58488

(2) Place all residence hall and meal fees in a rotary 58489  
account dedicated to the upkeep and maintenance of the dormitory 58490  
buildings and to fund meal programs; 58491

(3) Place moneys for the operation of residence hall and meal 58492  
programs in separately maintained auxiliary funds in the 58493  
university accounting system; 58494

(4) File the minutes from their board of trustees meetings 58495  
with the ~~board of regents~~ chancellor of higher education within 58496  
thirty days of their meetings. 58497

(B) No state university described under division (A) of this 58498  
section shall do any of the following: 58499

(1) Use state funds for the purpose of providing grants or 58500  
scholarships to out-of-state students; 58501



(2) Use state funds to subsidize off-campus housing or 58502  
subsidize transportation to and from off-campus housing. 58503

(C) The requirements of divisions (A)(2) and (3) of this 58504  
section are subject to the provisions of any applicable bond 58505  
proceedings as defined under division (A)(9) of section 3345.12 of 58506  
the Revised Code and to any applicable pledge made as authorized 58507  
by division (R) of section 3345.12 of the Revised Code. 58508

**Sec. 3345.72.** (A) The office of budget and management shall 58509  
work with the auditor of state, the ~~Ohio board of regents~~ 58510  
chancellor of higher education, and two representatives of state 58511  
universities and colleges appointed by the chancellor ~~of the board~~ 58512  
~~of regents~~ to develop rules under this division, and shall adopt 58513  
the rules in accordance with section 111.15 of the Revised Code. 58514  
One of the chancellor's appointments shall represent a four-year 58515  
institution and one a two-year institution. The rules shall 58516  
include all of the following: 58517

(1) Criteria for determining when to declare a state 58518  
university or college under a fiscal watch, which criteria shall 58519  
include all of the following: 58520

(a) A requirement for the submission of a quarterly report 58521  
from each state university or college, within thirty days after 58522  
the end of each calendar quarter, to the ~~board of regents~~ 58523  
chancellor of higher education, the director of budget and 58524  
management, ~~the legislative budget office~~ of the legislative 58525  
service commission, and the chairpersons and ranking minority 58526  
members of the finance committees of the house of representatives 58527  
and the senate; 58528

(b) A requirement that each state university and college 58529  
shall prepare at the end of each fiscal year a financial statement 58530  
consistent with audit requirements prescribed by the auditor of 58531  
state, and shall submit the financial statement to the auditor of 58532

state within four months after the end of the fiscal year; 58533

(c) A requirement that the auditor of state shall send 58534  
written notice to the agencies and persons mentioned in division 58535  
(A)(1)(a) of this section if a state university or college fails 58536  
to submit its financial statement within the time required under 58537  
division (A)(1)(b) of this section; 58538

(d) A requirement that the auditor of state shall send 58539  
written notice to the agencies and persons mentioned in division 58540  
(A)(1)(a) of this section if an audit of a state university or 58541  
college reveals any of the following: 58542

(i) Substantive audit findings, such as an inability to make 58543  
timely payments to vendors, delays in pension retirement 58544  
contributions, or requests for advanced state funding; 58545

(ii) A significant variance between budgeted and actual 58546  
spending for a fiscal year; 58547

(iii) A significant operating budget deficit for a fiscal 58548  
year. 58549

(2) Actions to be taken by the board of trustees of a state 58550  
university or college while under a fiscal watch; 58551

(3) Criteria for determining when to declare the termination 58552  
of the fiscal watch of a state university or college; 58553

(4) The fiscal information to be reported to the ~~board of~~ 58554  
~~regents~~ chancellor of higher education by each state university or 58555  
college under a fiscal watch for purposes of making determinations 58556  
under division (D) of this section and division (A) of section 58557  
3345.74 of the Revised Code, and the frequency and deadlines for 58558  
reporting this information. 58559

(B) The ~~board of regents~~ chancellor shall adopt a resolution 58560  
declaring a state university or college to be in a state of fiscal 58561  
watch if the ~~board of regents~~ chancellor determines that the 58562

criteria adopted under division (A)(1) of this section are 58563  
satisfied with respect to that state university or college. For 58564  
purposes of making this determination, the ~~board of regents~~ 58565  
chancellor shall establish a financial tracking system and shall 58566  
use the system to regularly assess each state university or 58567  
college with respect to the criteria adopted under division (A)(1) 58568  
of this section. 58569

(C) While a state university or college is under a fiscal 58570  
watch, the board of trustees of the university or college shall 58571  
take the actions and report the fiscal information prescribed 58572  
under divisions (A)(2) and (4) of this section. 58573

(D) The ~~board of regents~~ chancellor shall adopt a resolution 58574  
declaring the termination of the fiscal watch of a state 58575  
university or college if the ~~board of regents~~ chancellor 58576  
determines that the criteria adopted under division (A)(3) of this 58577  
section are satisfied with respect to that state university or 58578  
college. 58579

(E) In making assessments and determinations under division 58580  
(B) or (D) of this section, the ~~board of regents~~ chancellor shall 58581  
use financial reports required under section 3345.05 of the 58582  
Revised Code or any other documents, records, or information 58583  
available to ~~it~~ the chancellor or the auditor of state related to 58584  
the criteria adopted under division (A)(1) or (3) of this section. 58585  
In making determinations under division (D) of this section, the 58586  
~~board of regents~~ chancellor shall also use the fiscal information 58587  
reported under division (C) of this section. 58588

(F) The ~~board of regents~~ chancellor of higher education shall 58589  
certify each action taken under division (B) or (D) of this 58590  
section to the governor, the director of budget and management, 58591  
the speaker and minority leader of the house of representatives, 58592  
the president and minority leader of the senate, ~~the legislative~~ 58593  
~~budget office of~~ the legislative service commission, and the 58594

chairpersons and ranking minority members of the finance 58595  
committees of the house and senate. 58596

(G) A determination by the ~~board of regents~~ chancellor of 58597  
higher education under this section that a fiscal watch exists or 58598  
does not exist, or that a fiscal watch is terminated or is not 58599  
terminated, is final and conclusive and not appealable. 58600

(H) If a state university or college fails to submit the 58601  
quarterly report required under division (A)(1) of this section 58602  
within thirty days after the end of a calendar quarter, the ~~board~~ 58603  
~~of regents~~ chancellor shall withhold payment of any instructional 58604  
subsidies to the university or college until it submits the 58605  
report. Upon submission of the report, the ~~board of regents~~ 58606  
chancellor shall pay the withheld subsidies to the university or 58607  
college. 58608

**Sec. 3345.73.** The office of budget and management shall work 58609  
with the auditor of state, the ~~Ohio board of regents~~ chancellor of 58610  
higher education, and two representatives of state universities 58611  
and colleges appointed by the chancellor ~~of the board of regents~~ 58612  
to develop rules under this section, and shall adopt the rules in 58613  
accordance with section 111.15 of the Revised Code. One of the 58614  
chancellor's appointments shall represent a four-year institution 58615  
and one a two-year institution. The rules shall establish the 58616  
following: 58617

(A) The financial indicators and the standards for using 58618  
those indicators that the ~~board of regents~~ chancellor is to employ 58619  
to determine whether a university or college under a fiscal watch 58620  
is experiencing sufficient fiscal difficulties to warrant 58621  
appointing a conservator under section 3345.74 of the Revised 58622  
Code; 58623

(B) The financial indicators and the standards for using 58624  
those indicators that a governance authority established for a 58625

state university or college under section 3345.75 of the Revised Code is to employ to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with section 3345.76 of the Revised Code.

The indicators and standards adopted under this section shall be designed so as to take into account at least the revenues, expenditures, assets, liabilities, and fund balances of a state university or college, and shall be designed so as to indicate the financial performance and position of a state university or college.

**Sec. 3345.74.** (A) The ~~Ohio board of regents~~ chancellor of higher education at least annually shall apply the indicators and standards adopted under division (A) of section 3345.73 of the Revised Code to determine whether a state university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant the appointment of a conservator under this section. Upon making a determination that appointment of a conservator is warranted, the ~~board of regents~~ chancellor shall request from the office of budget and management, which shall provide, certification that sufficient fiscal difficulties exist to warrant appointment of a conservator. The ~~board of regents~~ chancellor shall then certify this determination to the governor.

Notwithstanding section 3333.021 of the Revised Code, that section does not apply to certification by the ~~board of regents~~ chancellor under this section or to the declaration of a fiscal watch under section 3345.72 of the Revised Code.

A determination by the ~~board of regents~~ chancellor under this division that sufficient fiscal difficulties exist or do not exist to warrant appointing a conservator is final and conclusive and not appealable.

(B) The governor may appoint a conservator for any state university or college under a fiscal watch, upon certification by the ~~Ohio board of regents~~ chancellor under division (A) of this section that the appointment is warranted. The governor shall consult with the speaker ~~and~~ and minority leader of the house of representatives and the president and minority leader of the senate before making the appointment. From the time a conservator is appointed until the time the governor issues an order terminating the governance authority under division (B) of section 3345.76 of the Revised Code, the governor may remove any member of the board of trustees of the state university or college from office and not fill the vacancy.

(C) Upon appointment of a conservator under this section for a state university or college, all of the following shall occur effective immediately:

(1) All duties, responsibilities, and powers of the board of trustees of the university or college are suspended;

(2) The management and control of the state university or college is assumed by the conservator;

(3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this

section and any such validation, cure, right, privilege, remedy, 58688  
obligation, or liability shall be administered by the conservator. 58689  
No action or proceeding pending on the effective date of the 58690  
assumption by the conservator of the board's authority is affected 58691  
by that assumption and any such action or proceeding shall be 58692  
prosecuted or defended in the name of the conservator. 58693

(5) The conservator assumes custody of all equipment, 58694  
records, files, effects, and all other property real or personal 58695  
of the state university or college; 58696

(6) All authority and duties of the president or chief 58697  
executive officer, and the pay of the president or chief executive 58698  
officer, are suspended. 58699

(D) The conservator for a state university or college shall 58700  
conduct a preliminary performance evaluation of the president or 58701  
chief executive officer of the university or college and provide a 58702  
copy of findings and any recommendations to the governance 58703  
authority established for the university or college under section 58704  
3345.75 of the Revised Code. 58705

(E) A conservator appointed under this section shall be 58706  
immune, indemnified, and held harmless from civil liability, 58707  
including any cause of action, legal, equitable, or otherwise, for 58708  
any action taken or duties performed by the conservator in good 58709  
faith and in furtherance of the performance of the duties of the 58710  
conservator under this section. 58711

(F) The governor shall set the compensation for a conservator 58712  
appointed for a state university or college. The expenses and 58713  
compensation of the conservator and others employed by the 58714  
conservator shall be paid out of the operating funds and revenues 58715  
of that university or college. 58716

**Sec. 3345.75.** (A) Not later than thirty days after the date 58717

of the appointment of a conservator for a state university or 58718  
college under section 3345.74 of the Revised Code, the governor 58719  
shall appoint, with the advice and consent of the senate, a 58720  
governance authority for the university or college consisting of 58721  
five members. The members shall serve at the pleasure of the 58722  
governor and any vacancies shall be filled in the same manner as 58723  
an original appointment. 58724

The governor shall designate one of the members of the 58725  
governance authority as the chairperson and shall call the first 58726  
meeting of the authority. A majority of the members of a 58727  
governance authority constitutes a quorum and the affirmative vote 58728  
of a majority of the members shall be necessary for any action 58729  
taken by an authority. Meetings of a governance authority shall be 58730  
called in the manner and at the times prescribed by the authority, 58731  
but the authority shall meet at least four times annually and at 58732  
other times necessary for the best interest of the university or 58733  
college. A governance authority may adopt procedures for the 58734  
conduct of its business. 58735

The members of a governance authority shall not receive 58736  
compensation for their services, but shall be paid their 58737  
reasonable and necessary expenses while engaged in the discharge 58738  
of their official duties. 58739

(B)(1) A governance authority established under this section 58740  
shall appoint an executive director who shall serve at the 58741  
pleasure of the authority and with the compensation and other 58742  
terms and conditions established by it. With the approval of the 58743  
chairperson of the authority, the executive director may appoint 58744  
additional personnel as the director considers appropriate. The 58745  
executive director shall oversee the day-to-day operation of the 58746  
university or college under the direction and supervision of the 58747  
authority. 58748

(2) The governance authority shall conduct a final 58749



performance evaluation of the president or chief executive officer 58750  
of the university or college. Following the evaluation, the 58751  
governance authority may reinstate any duties, authority, or pay 58752  
previously suspended under division (C)(6) of section 3345.74 of 58753  
the Revised Code, or may terminate the president or chief 58754  
executive officer in accordance with the terms of the person's 58755  
employment contract. 58756

(C) Upon appointment of all members of a governance authority 58757  
under this section and upon the effective date for the 58758  
commencement of the duties of the executive director appointed by 58759  
that authority under this section, all authority, 58760  
responsibilities, duties, and references assumed by or conferred 58761  
upon the conservator under divisions (C)(2) to (6) of section 58762  
3345.74 of the Revised Code terminate and all of the following 58763  
shall occur, effective immediately: 58764

(1) The management and control of the state university or 58765  
college is assumed by the governance authority; 58766

(2) Notwithstanding any section of the Revised Code, all 58767  
duties, responsibilities, and powers assigned by law to the board 58768  
of trustees or to the conservator are assigned to the governance 58769  
authority and the governance authority becomes the successor to, 58770  
assumes the lawful obligations of, and otherwise constitutes the 58771  
continuation of the board of trustees and the conservator for 58772  
purposes of all pending legal actions, contracts or other 58773  
agreements, and obligations of the university or college; 58774

(3) Wherever the board of trustees or conservator is referred 58775  
to in any contract or legal document, the reference is deemed to 58776  
refer to the governance authority. No validation, cure, right, 58777  
privilege, remedy, obligation, or liability is lost or impaired by 58778  
reason of the assumption of the authority of the board of trustees 58779  
and the conservator by the governance authority under this section 58780  
and any such validation, cure, right, privilege, remedy, 58781

obligation, or liability shall be administered by the governance 58782  
authority. No action or proceeding pending on the effective date 58783  
of the assumption by the governance authority of the authority of 58784  
the board of trustees and the conservator is affected by that 58785  
assumption and any such action or proceeding shall be prosecuted 58786  
or defended in the name of the governance authority. 58787

(4) The governance authority assumes custody of all 58788  
equipment, records, files, effects, and all other property real or 58789  
personal of the state university or college. 58790

(D) A governance authority and executive director appointed 58791  
under this section shall be immune, indemnified, and held harmless 58792  
from civil liability, including any cause of action, legal, 58793  
equitable, or otherwise, for any action taken or duties performed 58794  
by the governance authority and executive director in good faith 58795  
and in furtherance of the performance of the duties of the 58796  
governance authority and executive director under this section. 58797

(E) The expenses of a governance authority and the expenses 58798  
and compensation of an executive director appointed for a state 58799  
university or college under this section and others employed by 58800  
the executive director under this section shall be paid out of the 58801  
operating funds and revenues of that university or college. 58802

(F) A governance authority appointed under this section shall 58803  
prepare, in accordance with rules adopted by the office of budget 58804  
and management, and submit to the ~~board of regents~~ chancellor of 58805  
higher education, the governor, the speaker and minority leader of 58806  
the house of representatives, and the president and minority 58807  
leader of the senate a quarterly report setting forth all of the 58808  
following: 58809

(1) The general condition of the university or college; 58810

(2) The amounts of receipts and disbursements and the items 58811  
for which the disbursements were made; 58812

(3) The numbers of professors, officers, teachers, and other employees and the position and compensation of each and the numbers of students by courses of instruction;	58813 58814 58815
(4) An estimate of expenses for the ensuing quarter;	58816
(5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments;	58817 58818 58819 58820
(6) Any other matters the governance authority considers useful to report.	58821 58822
(G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution.	58823 58824 58825 58826 58827 58828 58829
<b>Sec. 3345.76.</b> (A) A governance authority appointed for a state university or college under section 3345.75 of the Revised Code at least annually shall apply the indicators and standards adopted under division (B) of section 3345.73 of the Revised Code to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with this section. Upon making a determination that termination of the governance authority is warranted, the governance authority shall certify this determination to the governor.	58830 58831 58832 58833 58834 58835 58836 58837 58838 58839
A determination by a governance authority under this division that sufficient fiscal stability exists or does not exist to warrant terminating that governance authority is final and	58840 58841 58842

conclusive and not appealable. 58843

(B) The governor may issue an order, effective as provided 58844  
under division (D) of this section, terminating the governance 58845  
authority appointed under section 3345.75 of the Revised Code, 58846  
upon the occurrence of either of the following: 58847

(1) Certification by the governance authority for that state 58848  
university or college the termination of that governance authority 58849  
is warranted; 58850

(2) A finding that in the governor's opinion termination of 58851  
the governance authority is in the best interests of the state, 58852  
that state university or college, and the students of that state 58853  
university or college. 58854

(C) Upon issuance of an order under division (B) of this 58855  
section, the governor shall fill each vacancy on the board of 58856  
trustees of the university or college for the unexpired portion of 58857  
the member's term or, if the term for the member has already 58858  
expired, for the unexpired portion of the succeeding term. 58859

(D) Thirty days after the date on which the ~~Ohio board of~~ 58860  
~~regents~~ chancellor of higher education determines that all 58861  
vacancies on the board of trustees have been filled, all 58862  
authority, responsibilities, duties, and references assumed by or 58863  
conferred upon the governance authority of that university or 58864  
college under division (C) of section 3345.75 of the Revised Code 58865  
terminate and all of the following shall occur: 58866

(1) The management and control of the state university or 58867  
college by the board of trustees shall be resumed; 58868

(2) The board becomes the successor to, assumes the lawful 58869  
obligations of, and otherwise constitutes the continuation of the 58870  
conservator and the governance authority for purposes of all 58871  
pending legal actions, contracts or other agreements, and 58872  
obligations of the university or college; 58873

(3) Wherever the conservator or the governance authority is referred to in any contract or legal document, the reference is deemed to refer to the board of trustees. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the resumption by the board of trustees of the authority of the conservator and the governance authority, and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the board of trustees. No action or proceeding pending on the effective date of the resumption by the board of trustees of the authority of the conservator and the governance authority is affected by that resumption, and any such action or proceeding shall be prosecuted or defended in the name of the board of trustees.

(4) The board of trustees resumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college;

(5) Employment of the executive director appointed for the university or college under section 3345.75 of the Revised Code is terminated;

(6) The duties, authority, and pay of the president or chief executive officer of the university or college suspended under division (C)(6) of section 3345.74 and not reinstated under division (B)(2) of section 3345.75 of the Revised Code are reinstated to the person holding that position, unless otherwise provided for by the board of trustees.

**Sec. 3345.81.** Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees and certificates awarded to students. The plan shall be consistent with the mission and

strategic priorities of the institution, include ~~measurable~~ 58905  
measurable student completion goals, and align with the state's 58906  
workforce development priorities. Upon adoption by the board of 58907  
trustees, each institution of higher education shall provide a 58908  
copy of its plan to the chancellor of ~~the Ohio board of regents~~ 58909  
higher education. 58910

The board of trustees of each institution of higher education 58911  
shall update its plan at least once every two years and provide a 58912  
copy of their updated plan to the chancellor upon adoption. 58913

**Sec. 3345.86.** (A) As used in this section, an "eligible 58914  
institution" means a community college established under Chapter 58915  
3354. of the Revised Code, a university branch established under 58916  
Chapter 3355. of the Revised Code, a technical college established 58917  
under Chapter 3357. of the Revised Code, or a state community 58918  
college established under Chapter 3358. of the Revised Code. 58919

(B) An individual who is at least twenty-two years of age and 58920  
who is an eligible individual as defined in section 3317.23 of the 58921  
Revised Code may enroll in an eligible institution for up to two 58922  
~~cumulative~~ consecutive school years for the purpose of completing 58923  
the requirements to earn a high school diploma. An individual 58924  
enrolled under this division may elect to satisfy these 58925  
requirements by successfully completing a competency-based 58926  
~~instructional~~ educational program, as defined in section 3317.02 58927  
of the Revised Code, that complies with the standards adopted by 58928  
the ~~state board~~ department of education under section 3317.231 of 58929  
the Revised Code. 58930

The eligible institution in which the individual enrolls 58931  
shall report that individual's enrollment on a full-time 58932  
equivalency basis to the department ~~of education~~. 58933

(C)(1) For each eligible institution that enrolls individuals 58934

under division (B) of this section, the department annually shall 58935  
certify the enrollment and attendance, on a full-time equivalency 58936  
basis, of each individual reported by the institution under that 58937  
division. 58938

(2) For each individual enrolled in an eligible institution 58939  
under division (B) of this section, the department annually shall 58940  
pay ~~to~~ the institution ~~an amount equal to the following:~~ 58941

~~\$5,000 X the individual's enrollment on a full time 58942  
equivalency basis as certified under division (C)(1) of this 58943  
section X the portion of the school year in which the individual 58944  
is enrolled in the institution expressed as a percentage up to 58945  
\$5,000, as determined by the department based on the extent of the 58946  
individual's successful completion of the graduation requirements 58947  
prescribed under sections 3313.603, 3313.61, 3313.611, and 58948  
3313.614 of the Revised Code. 58949~~

(D) If an individual enrolled in an eligible institution 58950  
under division (B) of this section completes the requirements to 58951  
earn a high school diploma, the institution shall certify the 58952  
completion of those requirements to the city, local, or exempted 58953  
village school district in which the individual resides. Upon 58954  
receiving certification under this division, the city, local, or 58955  
exempted village school district in which the individual resides 58956  
shall issue a high school diploma to the individual within sixty 58957  
days of receipt of the certification. 58958

(E) An eligible institution that enrolls individuals under 58959  
division (B) of this section shall be subject to the program 58960  
administration standards adopted by the ~~state board~~ department 58961  
under section 3317.231 of the Revised Code, as applicable. 58962

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18~~7~~ 58963  
~~inclusive,~~ of the Revised Code: 58964

(A) "Community college district" means a political subdivision of the state and a body corporate with all the powers of a corporation, comprised of the territory of one or more contiguous counties having together a total population of not less than seventy-five thousand preceding the establishment of such district, and organized for the purpose of establishing, owning, and operating a community college within the territory of such district.

(B) "Contiguous counties" means counties so located that each such county shares at least one boundary in common with at least one other such county in the group of counties referred to as being "contiguous."

(C) "Community college" means a public institution of education beyond the high school organized for the principal purpose of providing for the people of the community college district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for bachelor's programs offered under section 3354.071 of the Revised Code, instructional programs shall not exceeding exceed two years' in duration.

A university maintained and operated by a municipality located in a county having a total population equal to the requirement for a community college district as set forth in division (A) of section 3354.01 of the Revised Code and is found by the ~~Ohio board of regents~~ chancellor of higher education to offer instructional programs which are needed in the community and which are equivalent to those required of community colleges shall be, for the purposes of receiving state or federal financial aid only, considered a community college and shall receive the same state financial assistance granted to community colleges but only



in respect to students enrolled in their first and second year of 58997  
post high school education in the kinds of instructional programs 58998  
offered by the municipal university. 58999

(D) "Arts and sciences program" means a both of the 59000  
following: 59001

(1) A curricular program of two years or less duration, 59002  
provided within a community college, planned and intended to 59003  
enable students to gain academic credit for courses generally 59004  
comparable to courses offered in the first two years in accredited 59005  
colleges and universities in the state, and designed either to 59006  
enable students to transfer to such colleges and universities for 59007  
the purpose of earning baccalaureate degrees or to enable students 59008  
to terminate academic study after two years with a proportionate 59009  
recognition of academic achievement. 59010

(2) A bachelor's degree program approved and offered under 59011  
section 3354.071 of the Revised Code. 59012

(E) "Adult-education program" means the dissemination of post 59013  
high school educational service and knowledge, by a community 59014  
college, for the occupational, cultural, or general educational 59015  
benefit of adult persons, such educational service and knowledge 59016  
not being offered for the primary purpose of enabling such persons 59017  
to obtain academic credit or other formal academic recognition. 59018

(F) "Charter amendment" means a change in the official plan 59019  
of a community college for the purpose of acquiring additional 59020  
lands or structures, disposing of or transferring lands or 59021  
structures, erection of structures, or creating or abolishing of 59022  
one or more academic departments corresponding to generally 59023  
recognized fields of academic study. 59024

(G) "Technical program" means a post high school curricular 59025  
program of two years or less duration, provided within a community 59026  
college, planned and intended to enable students to gain academic 59027

credit for courses designed to prepare such students to meet the 59028  
occupational requirements of the community. 59029

(H) "Operating costs" means all expenses for all purposes of 59030  
the community college district except expenditures for permanent 59031  
improvements having an estimated life of usefulness of five years 59032  
or more as certified by the fiscal officer of the community 59033  
college district. 59034

**Sec. 3365.02.** (A) There is hereby established the college 59035  
credit plus program under which, beginning with the 2015-2016 59036  
school year, a secondary grade student who is a resident of this 59037  
state may enroll at a college, on a full- or part-time basis, and 59038  
complete nonsectarian, nonremedial courses for high school and 59039  
college credit. The program shall govern arrangements in which a 59040  
secondary grade student enrolls in a college and, upon successful 59041  
completion of coursework taken under the program, receives 59042  
transcripted credit from the college, ~~except for any of the.~~ The 59043  
following are not governed by the college credit plus program: 59044

(1) An agreement governing an early college high school 59045  
program that meets any of the exemption criteria under division 59046  
(E) of section 3313.6013 of the Revised Code; 59047

(2) An advanced placement course or international 59048  
baccalaureate diploma course, as described in divisions (A)(2) and 59049  
(3) of section 3313.6013 of the Revised Code; 59050

(3) ~~Until July 1, 2016, a~~ A career-technical education 59051  
program that is approved by the department of education under 59052  
section 3317.161 of the Revised Code and grants articulated credit 59053  
to students participating in that program. However, any portion of 59054  
an approved program that results in the conferral of transcripted 59055  
credit upon the completion of the course shall be governed by the 59056  
college credit plus program. 59057

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter.

If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter. Additionally, the school shall not be subject to any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program.

(D) The chancellor ~~of the Ohio board of regents~~, in accordance with Chapter 119. of the Revised Code and in consultation with the superintendent of public instruction, shall adopt rules governing the program.

Sec. 3365.034. (A) Notwithstanding anything to the contrary in the Revised Code, a student who is eligible to participate in

the college credit plus program under section 3365.03 or 3365.033 59089  
of the Revised Code may participate in the program during the 59090  
summer term of a public or participating private college or an 59091  
eligible out-of-state college participating in the program. 59092

Unless otherwise specified, if a student participates in the 59093  
college credit plus program under this section, all requirements 59094  
of the program shall apply. 59095

(B)(1) In order for a public secondary school student to 59096  
participate under this section, the student shall meet the 59097  
criteria in division (A)(1) of section 3365.03 of the Revised 59098  
Code, except that the student or the student's parent shall inform 59099  
the principal, or equivalent, of the student's school by the date 59100  
designated by rule of the chancellor of higher education, pursuant 59101  
to division (E) of this section, of the student's intent to 59102  
participate in the program during the summer term. 59103

(2) In order for a nonpublic secondary school student, a 59104  
nonchartered nonpublic secondary school student, or a 59105  
home-instructed student to participate under this section, the 59106  
student shall meet the applicable criteria in division (A)(2) of 59107  
section 3365.03 of the Revised Code, except that the parent or 59108  
guardian of a nonchartered nonpublic secondary school student or a 59109  
home-instructed student shall notify the department of education 59110  
by the date designated by rule of the chancellor of higher 59111  
education, pursuant to division (E) of this section, of the 59112  
student's intent to participate in the program during the summer 59113  
term. 59114

(C) If a participant under this section elects to have the 59115  
college reimbursed under section 3365.07 of the Revised Code for 59116  
courses taken under the program, the department shall reimburse 59117  
the college in the same manner as for students who participate 59118  
during the school year in accordance with that section, except 59119

that the department shall make the applicable payments each 59120  
September, or as soon as possible thereafter. 59121

(D) Notwithstanding section 3327.01 of the Revised Code, the 59122  
participant or the participant's parent or guardian shall be 59123  
responsible for any transportation related to participation in the 59124  
program during the summer term. 59125

(E) The chancellor of higher education, in accordance with 59126  
Chapter 119. of the Revised Code and in consultation with the 59127  
superintendent of public instruction, shall adopt rules for the 59128  
administration of this section. The rules shall include the dates 59129  
by which the student or student's parent must provide notification 59130  
of the student's intent to participate in the program during the 59131  
summer term. 59132

**Sec. 3365.07.** The department of education shall calculate and 59133  
pay state funds to colleges for participants in the college credit 59134  
plus program under division (B) of section 3365.06 of the Revised 59135  
Code pursuant to this section. For a nonpublic secondary school 59136  
participant, a nonchartered nonpublic secondary school 59137  
participant, or a home-instructed participant, the department 59138  
shall pay state funds pursuant to this section only if that 59139  
participant is awarded funding according to rules adopted by the 59140  
chancellor of ~~the Ohio board of regents~~ higher education, in 59141  
consultation with the superintendent of public instruction, 59142  
pursuant to section 3365.071 of the Revised Code. The program 59143  
shall be the sole mechanism by which state funds are paid to 59144  
colleges for students to earn ~~college-level~~ transcribed credit 59145  
for college courses while enrolled in both a secondary school and 59146  
a college, with the exception of ~~the programs listed~~ state funds 59147  
paid to colleges according to an agreement described in division 59148  
(A)(1) of section 3365.02 of the Revised Code. 59149

(A) For each public or nonpublic secondary school participant 59150

enrolled in a public college:	59151
(1) If no agreement has been entered into under division	59152
(A)(2) of this section, both of the following shall apply:	59153
(a) The department shall pay to the college the applicable	59154
amount as follows:	59155
(i) For a participant enrolled in a college course delivered	59156
on the college campus, at another location operated by the	59157
college, or online, the default ceiling amount;	59158
(ii) For a participant enrolled in a college course delivered	59159
at the participant's secondary school but taught by college	59160
faculty, fifty per cent of the default ceiling amount;	59161
(iii) For a participant enrolled in a college course	59162
delivered at the participant's secondary school and taught by a	59163
high school teacher who has met the credential requirements	59164
established for purposes of the program in rules adopted by the	59165
chancellor <del>of the Ohio board of regents</del> , the default floor amount.	59166
(b) The participant's secondary school shall pay for	59167
textbooks, and the college shall waive payment of all other fees	59168
related to participation in the program.	59169
(2) The governing entity of a participant's secondary school	59170
and the college may enter into an agreement to establish an	59171
alternative payment structure for tuition, textbooks, and fees.	59172
Under such an agreement, payments for each participant made by the	59173
department shall be not less than the default floor amount, unless	59174
approved by the chancellor, and not more than the default ceiling	59175
amount. The chancellor shall approve an agreement that includes a	59176
payment below the default floor amount, as long as the provisions	59177
of the agreement comply with all other requirements of this	59178
chapter to ensure program quality. If no agreement is entered into	59179
under division (A)(2) of this section, both of the following shall	59180
apply:	59181

(a) The department shall pay to the college the applicable 59182  
default amounts prescribed by division (A)(1)(a) of this section, 59183  
depending upon the method of delivery and instruction. 59184

(b) In accordance with division (A)(1)(b) of this section, 59185  
the participant's secondary school shall pay for textbooks, and 59186  
the college shall waive payment of all other fees related to 59187  
participation in the program. 59188

(3) No participant that is enrolled in a public college shall 59189  
be charged for any tuition, textbooks, or other fees related to 59190  
participation in the program. 59191

(B) For each public secondary school participant enrolled in 59192  
a private college: 59193

(1) If no agreement has been entered into under division 59194  
(B)(2) of this section, the department shall pay to the college 59195  
the applicable amount calculated in the same manner as in division 59196  
(A)(1)(a) of this section. 59197

(2) The governing entity of a participant's secondary school 59198  
and the college may enter into an agreement to establish an 59199  
alternative payment structure for tuition, textbooks, and fees. 59200  
Under such an agreement, payments shall be not less than the 59201  
default floor amount, unless approved by the chancellor, and not 59202  
more than the default ceiling amount. 59203

If an agreement is entered into under division (B)(2) of this 59204  
section, both of the following shall apply: 59205

(a) The department shall make a payment to the college for 59206  
each participant that is equal to the default floor amount, unless 59207  
approved by the chancellor to pay an amount below the default 59208  
floor amount. The chancellor shall approve an agreement that 59209  
includes a payment below the default floor amount, as long as the 59210  
provisions of the agreement comply with all other requirements of 59211  
this chapter to ensure program quality. 59212

(b) Payment for costs for the participant that exceed the 59213  
amount paid by the department pursuant to division (B)(2)(a) of 59214  
this section shall be negotiated by the school and the college. 59215  
The agreement may include a stipulation permitting the charging of 59216  
a participant. 59217

However, under no circumstances shall: 59218

(i) Payments for a participant made by the department under 59219  
~~this~~ division (B)(2) of this section exceed the default ceiling 59220  
amount; 59221

(ii) The amount charged to a participant under division 59222  
(B)(2) of this section exceed the difference between the maximum 59223  
per participant charge amount and the default floor amount; 59224

(iii) The sum of the payments made by the department for a 59225  
participant and the amount charged to that participant under 59226  
division (B)(2) of this section exceed the following amounts, as 59227  
applicable: 59228

(I) For a participant enrolled in a college course delivered 59229  
on the college campus, at another location operated by the 59230  
college, or online, the maximum per participant charge amount; 59231

(II) For a participant enrolled in a college course delivered 59232  
at the participant's secondary school but taught by college 59233  
faculty, one hundred twenty-five dollars; 59234

(III) For a participant enrolled in a college course 59235  
delivered at the participant's secondary school and taught by a 59236  
high school teacher who has met the credential requirements 59237  
established for purposes of the program in rules adopted by the 59238  
chancellor ~~of the Ohio board of regents~~, one hundred dollars. 59239

(iv) A participant that is identified as economically 59240  
disadvantaged according to rules adopted by the department be 59241  
charged under division (B)(2) of this section for any tuition, 59242



textbooks, or other fees related to participation in the program. 59243

(C) For each nonpublic secondary school participant enrolled 59244  
in a private or eligible out-of-state college, the department 59245  
shall pay to the college the applicable amount calculated in the 59246  
same manner as in division (A)(1)(a) of this section. Payment for 59247  
costs for the participant that exceed the amount paid by the 59248  
department shall be negotiated by the governing body of the 59249  
nonpublic secondary school and the college. 59250

However, under no circumstances shall: 59251

(1) The payments for a participant made by the department 59252  
under this division exceed the default ceiling amount. 59253

(2) Any nonpublic secondary school participant, who is 59254  
enrolled in that secondary school with a scholarship awarded under 59255  
either the educational choice scholarship pilot program, as 59256  
prescribed by sections 3310.01 to 3310.17, or the pilot project 59257  
scholarship program, as prescribed by sections 3313.974 to 59258  
3313.979 of the Revised Code, and who qualifies as a low-income 59259  
student under either of those programs, be charged for any 59260  
tuition, textbooks, or other fees related to participation in the 59261  
college credit plus program. 59262

(D) For each nonchartered nonpublic secondary school 59263  
participant and each home-instructed participant enrolled in a 59264  
public, private, or eligible out-of-state college, the department 59265  
shall pay to the college the default ceiling amount, if that 59266  
participant is enrolled in a college course delivered on the 59267  
college campus, at another location operated by the college, or 59268  
online. 59269

(E) Not later than thirty days after the end of each term, 59270  
each college expecting to receive payment for the costs of a 59271  
participant under this section shall notify the department of the 59272  
number of enrolled credit hours for each participant. 59273

(F) Each January and July, or as soon as possible thereafter, 59274  
the department shall make the applicable payments under this 59275  
section to each college, which provided proper notification to the 59276  
department under division (E) of this section, for the number of 59277  
enrolled credit hours for participants enrolled in the college 59278  
under division (B) of section 3365.06 of the Revised Code. The 59279  
department shall not make any payments to a college under this 59280  
section if a participant withdrew from a course prior to the date 59281  
on which a withdrawal from the course would have negatively 59282  
affected the participant's transcribed grade, as prescribed by 59283  
the college's established withdrawal policy. 59284

(1) Payments made for public secondary school participants 59285  
under this section shall be deducted from the school foundation 59286  
payments made to the participant's school district or, if the 59287  
participant is enrolled in a community school, a STEM school, or a 59288  
college-preparatory boarding school, from the payments made to 59289  
that school under section 3314.08, 3326.33, or 3328.34 of the 59290  
Revised Code. If the participant is enrolled in a joint vocational 59291  
school district, a portion of the amount shall be deducted from 59292  
the payments to the joint vocational school district and a portion 59293  
shall be deducted from the payments to the participant's city, 59294  
local, or exempted village school district in accordance with the 59295  
full-time equivalency of the student's enrollment in each 59296  
district. Amounts deducted under division (F)(1) of this section 59297  
shall be calculated in accordance with rules adopted by the 59298  
chancellor, in consultation with the state superintendent, 59299  
pursuant to division (B) of section 3365.071 of the Revised Code. 59300

(2) Payments made for nonpublic secondary school 59301  
participants, nonchartered nonpublic secondary school 59302  
participants, and home-instructed participants under this section 59303  
shall be deducted from moneys appropriated by the general assembly 59304  
for such purpose. Payments shall be allocated and distributed in 59305

accordance with rules adopted by the chancellor, in consultation 59306  
with the state superintendent, pursuant to division (A) of section 59307  
3365.071 of the Revised Code. 59308

(G) Any public college that enrolls a student under division 59309  
(B) of section 3365.06 of the Revised Code may include that 59310  
student in the calculation used to determine its state share of 59311  
instruction funds appropriated to the ~~Ohio board of regents~~ 59312  
department of higher education by the general assembly. 59313

Sec. 3365.14. (A) Notwithstanding anything to the contrary in 59314  
the Revised Code, all public and participating private colleges, 59315  
and eligible out-of-state colleges participating in the program, 59316  
shall offer an associate degree pathway that enables participants 59317  
to earn an associate degree upon completion of the pathway. In 59318  
order to complete the pathway and earn an associate degree, 59319  
participants shall be required to earn at least sixty, but not 59320  
more than seventy-two, credit hours, or the equivalent number of 59321  
hours for colleges operating on a quarter schedule. 59322

(B) Participants enrolled in the associate degree pathway 59323  
under this section may enroll in more than sixty credit hours, or 59324  
the equivalent number of quarter hours, over a period of two 59325  
school years. However, no participant shall enroll in more than 59326  
seventy-two credit hours, or the equivalent number of quarter 59327  
hours, over that same period. 59328

(C) If a participant enrolls in the pathway under this 59329  
section and elects to have the college reimbursed under section 59330  
3365.07 of the Revised Code for courses taken under the program, 59331  
the department shall reimburse the college in the same manner as 59332  
for other participants in accordance with that section. However, 59333  
the chancellor of higher education, in accordance with Chapter 59334  
119. of the Revised Code and in consultation with the 59335  
superintendent of public instruction, shall adopt rules 59336

prescribing a method to calculate payments made for participants 59337  
under this section that reflects the increased number of credit 59338  
hours required under the pathway. 59339

**Sec. 3365.15.** The chancellor of ~~the Ohio board of regents~~ 59340  
higher education and the superintendent of public instruction 59341  
jointly shall do all of the following: 59342

(A) Adopt data reporting guidelines specifying the types of 59343  
data that public and participating nonpublic secondary schools and 59344  
public and participating private colleges, including eligible 59345  
out-of-state colleges participating in the program, must annually 59346  
collect, report, and track under division (G) of section 3365.04 59347  
and division (H) of section 3365.05 of the Revised Code. The types 59348  
of data shall include all of the following: 59349

(1) For each secondary school and college: 59350

(a) The number of participants disaggregated by grade level, 59351  
socioeconomic status, race, gender, and disability; 59352

(b) The number of completed courses and credit hours, 59353  
disaggregated by the college in which participants were enrolled; 59354

(c) The number of courses in which participants enrolled, 59355  
disaggregated by subject area and level of difficulty. 59356

(2) For each secondary school, the number of students who 59357  
were denied participation in the program under division (A)(1)(a) 59358  
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 59359  
Revised Code. Each participating nonpublic secondary school shall 59360  
also include the number of students who were denied participation 59361  
due to the student not being awarded funding by the department of 59362  
education pursuant to section 3365.071 of the Revised Code. 59363

(3) For each college: 59364

(a) The number of students who applied to enroll in the 59365  
college under the program but were not granted admission; 59366

(b) The average number of completed courses per participant; 59367

(c) The average grade point average for participants in 59368  
college courses under the program. 59369

The guidelines adopted under this division shall also include 59370  
policies and procedures for the collection, reporting, and 59371  
tracking of such data. 59372

(B) Annually compile the data required under division (A) of 59373  
this section. Not later than the thirty-first day of December of 59374  
each year, the data from the previous school year shall be posted 59375  
in a prominent location on both the ~~board of regents'~~ chancellor 59376  
of higher education's and the department of education's web sites. 59377

(C) Submit a biennial report detailing the status of the 59378  
college credit plus program, including an analysis of quality 59379  
assurance measures related to the program, to the governor, the 59380  
president of the senate, the speaker of the house of 59381  
representatives, and the chairpersons of the education committees 59382  
of the senate and house of representatives. The first report shall 59383  
be submitted not later than December 31, 2017, and each subsequent 59384  
report shall be submitted not later than the thirty-first day of 59385  
December every two years thereafter. 59386

(D) Establish a college credit plus advisory committee to 59387  
assist in the development of performance metrics and the 59388  
monitoring of the program's progress. At least one member of the 59389  
advisory committee shall be a school guidance counselor. 59390

The chancellor shall also, in consultation with the 59391  
superintendent, create a standard packet of information for the 59392  
college credit plus program directed toward students and parents 59393  
that are interested in the program. 59394

**Sec. 3501.01.** As used in the sections of the Revised Code 59395  
relating to elections and political communications: 59396

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.	59397 59398
(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.	59399 59400 59401
(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.	59402 59403 59404
(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in <del>February</del> , May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in <del>February</del> or May, except as authorized by a municipal or county charter, but may be held on the first Tuesday after the first Monday in March.	59405 59406 59407 59408 59409 59410 59411 59412 59413 59414
(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.	59415 59416 59417 59418 59419 59420 59421 59422
(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise	59423 59424 59425 59426 59427

specified, presidential primary elections are included in 59428  
references to primary elections. In years in which a presidential 59429  
primary election is held, all primary elections shall be held on 59430  
the first Tuesday after the first Monday in March except as 59431  
otherwise authorized by a municipal or county charter. 59432

(F) "Political party" means any group of voters meeting the 59433  
requirements set forth in section 3517.01 of the Revised Code for 59434  
the formation and existence of a political party. 59435

(1) "Major political party" means any political party 59436  
organized under the laws of this state whose candidate for 59437  
governor or nominees for presidential electors received not less 59438  
than twenty per cent of the total vote cast for such office at the 59439  
most recent regular state election. 59440

(2) "Minor political party" means any political party 59441  
organized under the laws of this state that meets either of the 59442  
following requirements: 59443

(a) Except as otherwise provided in this division, the 59444  
political party's candidate for governor or nominees for 59445  
presidential electors received less than twenty per cent but not 59446  
less than three per cent of the total vote cast for such office at 59447  
the most recent regular state election. A political party that 59448  
meets the requirements of this division remains a political party 59449  
for a period of four years after meeting those requirements. 59450

(b) The political party has filed with the secretary of 59451  
state, subsequent to its failure to meet the requirements of 59452  
division (F)(2)(a) of this section, a petition that meets the 59453  
requirements of section 3517.01 of the Revised Code. 59454

A newly formed political party shall be known as a minor 59455  
political party until the time of the first election for governor 59456  
or president which occurs not less than twelve months subsequent 59457  
to the formation of such party, after which election the status of 59458

such party shall be determined by the vote for the office of 59459  
governor or president. 59460

(G) "Dominant party in a precinct" or "dominant political 59461  
party in a precinct" means that political party whose candidate 59462  
for election to the office of governor at the most recent regular 59463  
state election at which a governor was elected received more votes 59464  
than any other person received for election to that office in such 59465  
precinct at such election. 59466

(H) "Candidate" means any qualified person certified in 59467  
accordance with the provisions of the Revised Code for placement 59468  
on the official ballot of a primary, general, or special election 59469  
to be held in this state, or any qualified person who claims to be 59470  
a write-in candidate, or who knowingly assents to being 59471  
represented as a write-in candidate by another at either a 59472  
primary, general, or special election to be held in this state. 59473

(I) "Independent candidate" means any candidate who claims 59474  
not to be affiliated with a political party, and whose name has 59475  
been certified on the office-type ballot at a general or special 59476  
election through the filing of a statement of candidacy and 59477  
nominating petition, as prescribed in section 3513.257 of the 59478  
Revised Code. 59479

(J) "Nonpartisan candidate" means any candidate whose name is 59480  
required, pursuant to section 3505.04 of the Revised Code, to be 59481  
listed on the nonpartisan ballot, including all candidates for 59482  
judicial office, for member of any board of education, for 59483  
municipal or township offices in which primary elections are not 59484  
held for nominating candidates by political parties, and for 59485  
offices of municipal corporations having charters that provide for 59486  
separate ballots for elections for these offices. 59487

(K) "Party candidate" means any candidate who claims to be a 59488  
member of a political party and who has been certified to appear 59489



on the office-type ballot at a general or special election as the 59490  
nominee of a political party because the candidate has won the 59491  
primary election of the candidate's party for the public office 59492  
the candidate seeks, has been nominated under section 3517.012, or 59493  
is selected by party committee in accordance with section 3513.31 59494  
of the Revised Code. 59495

(L) "Officer of a political party" includes, but is not 59496  
limited to, any member, elected or appointed, of a controlling 59497  
committee, whether representing the territory of the state, a 59498  
district therein, a county, township, a city, a ward, a precinct, 59499  
or other territory, of a major or minor political party. 59500

(M) "Question or issue" means any question or issue certified 59501  
in accordance with the Revised Code for placement on an official 59502  
ballot at a general or special election to be held in this state. 59503

(N) "Elector" or "qualified elector" means a person having 59504  
the qualifications provided by law to be entitled to vote. 59505

(O) "Voter" means an elector who votes at an election. 59506

(P) "Voting residence" means that place of residence of an 59507  
elector which shall determine the precinct in which the elector 59508  
may vote. 59509

(Q) "Precinct" means a district within a county established 59510  
by the board of elections of such county within which all 59511  
qualified electors having a voting residence therein may vote at 59512  
the same polling place. 59513

(R) "Polling place" means that place provided for each 59514  
precinct at which the electors having a voting residence in such 59515  
precinct may vote. 59516

(S) "Board" or "board of elections" means the board of 59517  
elections appointed in a county pursuant to section 3501.06 of the 59518  
Revised Code. 59519

(T) "Political subdivision" means a county, township, city, village, or school district.	59520 59521
(U) "Election officer" or "election official" means any of the following:	59522 59523
(1) Secretary of state;	59524
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	59525 59526 59527 59528
(3) Director of a board of elections;	59529
(4) Deputy director of a board of elections;	59530
(5) Member of a board of elections;	59531
(6) Employees of a board of elections;	59532
(7) Precinct election officials;	59533
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	59534 59535
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	59536 59537 59538 59539 59540 59541 59542
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	59543 59544 59545 59546
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides	59547 59548

state-funded programs primarily engaged in providing services to 59549  
persons with disabilities and that is required by the National 59550  
Voter Registration Act of 1993 to implement a program designed and 59551  
administered by the secretary of state for registering voters, or 59552  
any other public or government office or agency that implements a 59553  
program designed and administered by the secretary of state for 59554  
registering voters, including the department of job and family 59555  
services, the program administered under section 3701.132 of the 59556  
Revised Code by the department of health, the department of mental 59557  
health and addiction services, the department of developmental 59558  
disabilities, the opportunities for Ohioans with disabilities 59559  
agency, and any other agency the secretary of state designates. 59560  
"Designated agency" does not include public high schools and 59561  
vocational schools, public libraries, or the office of a county 59562  
treasurer. 59563

(Y) "National Voter Registration Act of 1993" means the 59564  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 59565  
U.S.C.A. 1973gg. 59566

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 59567  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 59568

(AA) "Photo identification" means a document that meets each 59569  
of the following requirements: 59570

(1) It shows the name of the individual to whom it was 59571  
issued, which shall conform to the name in the poll list or 59572  
signature pollbook. 59573

(2) It shows the current address of the individual to whom it 59574  
was issued, which shall conform to the address in the poll list or 59575  
signature pollbook, except for a driver's license or a state 59576  
identification card issued under section 4507.50 of the Revised 59577  
Code, which may show either the current or former address of the 59578  
individual to whom it was issued, regardless of whether that 59579

address conforms to the address in the poll list or signature 59580  
pollbook. 59581

(3) It shows a photograph of the individual to whom it was 59582  
issued. 59583

(4) It includes an expiration date that has not passed. 59584

(5) It was issued by the government of the United States or 59585  
this state. 59586

**Sec. 3501.12.** (A) The annual compensation of members of the 59587  
board of elections shall be determined on the basis of the 59588  
population of the county according to the next preceding federal 59589  
census, and shall be paid monthly out of the appropriations made 59590  
to the board and upon vouchers or payrolls certified by the 59591  
chairperson, or a member of the board designated by it, and 59592  
countersigned by the director or in the director's absence by the 59593  
deputy director. Upon presentation of any such voucher or payroll, 59594  
the county auditor shall issue a warrant upon the county treasurer 59595  
for the amount thereof as in the case of vouchers or payrolls for 59596  
county offices and the treasurer shall pay such warrant. 59597

~~(A) Except as provided in divisions (B) and (C) of this~~ 59598  
~~section (B) In calendar year 2015,~~ the amount of annual 59599  
compensation of ~~members~~ each member of the board of elections 59600  
shall be as follows: 59601

(1) ~~Eighty-five~~ Ninety-two dollars and eighty-nine cents for 59602  
each full one thousand of the first one hundred thousand 59603  
population; 59604

(2) ~~Forty~~ Forty-four dollars and ~~fifty~~ twenty-six cents for 59605  
each full one thousand of the second one hundred thousand 59606  
population; 59607

(3) ~~Twenty-two~~ Twenty-four dollars and four cents for each 59608  
full one thousand of the third one hundred thousand population; 59609

(4) ~~Six~~ Seven dollars and ~~seventy-five~~ thirty-seven cents for 59610  
each full one thousand above three hundred thousand population. 59611

~~(B) Except as provided in division (C) of this section~~ (C) In 59612  
calendar year 2015, the compensation of a member of the board 59613  
shall not be less than three thousand ~~three~~ six hundred 59614  
~~seventy-five~~ eighty-seven dollars and shall not exceed ~~twenty~~ 59615  
twenty-one thousand eight hundred fifty-five dollars annually. 59616

~~(C) In calendar year 2001, the annual compensation of each~~ 59617  
~~member of the board shall be computed after increasing the dollar~~ 59618  
~~amounts specified in divisions (A) and (B) of this section by~~ 59619  
~~three per cent.~~ 59620

~~(D) In calendar year 2002, the annual compensation of each~~ 59621  
~~member of the board shall be computed after increasing by three~~ 59622  
~~per cent the dollar amounts used to compute the compensation of a~~ 59623  
~~member under division (C) of this section.~~ 59624

~~(E) In calendar year 2003 and thereafter, the annual~~ 59625  
~~compensation of each member of the board shall be computed after~~ 59626  
~~increasing by three per cent the dollar amounts used to compute~~ 59627  
~~the compensation of a member under division (D) of this section~~ 59628

(D) In calendar year 2016, the annual compensation of each 59629  
member of the board shall be computed after increasing the dollar 59630  
amounts specified in divisions (B) and (C) of this section by five 59631  
per cent. Such compensation shall not be less than four thousand 59632  
eight hundred thirty dollars. 59633

(E) In calendar year 2017, the annual compensation of each 59634  
member of the board shall be computed after increasing the dollar 59635  
amounts specified in division (D) of this section by five per 59636  
cent. Such compensation shall not be less than six thousand 59637  
dollars. 59638

(F) In calendar year 2018 and thereafter, the annual 59639  
compensation of each member of the board shall be the dollar 59640

amounts computed under division (E) of this section. 59641

For the purposes of this section, members of boards of 59642  
elections shall be deemed to be appointed and not elected, and 59643  
therefore not subject to Section 20 of Article II of the Ohio 59644  
Constitution. 59645

**Sec. 3501.17.** (A) The expenses of the board of elections 59646  
shall be paid from the county treasury, in pursuance of 59647  
appropriations by the board of county commissioners, in the same 59648  
manner as other county expenses are paid. If the board of county 59649  
commissioners fails to appropriate an amount sufficient to provide 59650  
for the necessary and proper expenses of the board of elections 59651  
pertaining to the conduct of elections, the board of elections may 59652  
apply to the court of common pleas within the county, which shall 59653  
fix the amount necessary to be appropriated and the amount shall 59654  
be appropriated. Payments shall be made upon vouchers of the board 59655  
of elections certified to by its chairperson or acting chairperson 59656  
and the director or deputy director, upon warrants of the county 59657  
auditor. 59658

The board of elections shall not incur any obligation 59659  
involving the expenditure of money unless there are moneys 59660  
sufficient in the funds appropriated therefor to meet the 59661  
obligation. If the board of elections requests a transfer of funds 59662  
from one of its appropriation items to another, the board of 59663  
county commissioners shall adopt a resolution providing for the 59664  
transfer except as otherwise provided in section 5705.40 of the 59665  
Revised Code. The expenses of the board of elections shall be 59666  
apportioned among the county and the various subdivisions as 59667  
provided in this section, and the amount chargeable to each 59668  
subdivision shall be paid as provided in division (J) of this 59669  
section or withheld by the county auditor from the moneys payable 59670  
thereto at the time of the next tax settlement. At the time of 59671

submitting budget estimates in each year, the board of elections 59672  
shall submit to the taxing authority of each subdivision, upon the 59673  
request of the subdivision, an estimate of the amount to be paid 59674  
or withheld from the subdivision during the current or next fiscal 59675  
year. 59676

A board of township trustees may, by resolution, request that 59677  
the county auditor withhold expenses charged to the township from 59678  
a specified township fund that is to be credited with revenue at a 59679  
tax settlement. The resolution shall specify the tax levy ballot 59680  
issue, the date of the election on the levy issue, and the 59681  
township fund from which the expenses the board of elections 59682  
incurs related to that ballot issue shall be withheld. 59683

(B) Except as otherwise provided in division (F) of this 59684  
section, the compensation of the members of the board of elections 59685  
and of the director, deputy director, and regular employees in the 59686  
board's offices, other than compensation for overtime worked; the 59687  
expenditures for the rental, furnishing, and equipping of the 59688  
office of the board and for the necessary office supplies for the 59689  
use of the board; the expenditures for the acquisition, repair, 59690  
care, and custody of the polling places, booths, guardrails, and 59691  
other equipment for polling places; the cost of tally sheets, 59692  
maps, flags, ballot boxes, and all other permanent records and 59693  
equipment; the cost of all elections held in and for the state and 59694  
county; and all other expenses of the board which are not 59695  
chargeable to a political subdivision in accordance with this 59696  
section shall be paid in the same manner as other county expenses 59697  
are paid. 59698

(C) The compensation of precinct election officials and 59699  
intermittent employees in the board's offices; the cost of 59700  
renting, moving, heating, and lighting polling places and of 59701  
placing and removing ballot boxes and other fixtures and equipment 59702  
thereof, including voting machines, marking devices, and automatic 59703

tabulating equipment; the cost of printing and delivering ballots, 59704  
cards of instructions, registration lists required under section 59705  
3503.23 of the Revised Code, and other election supplies, 59706  
including the supplies required to comply with division (H) of 59707  
section 3506.01 of the Revised Code; the cost of contractors 59708  
engaged by the board to prepare, program, test, and operate voting 59709  
machines, marking devices, and automatic tabulating equipment; and 59710  
all other expenses of conducting primaries and elections in the 59711  
odd-numbered years shall be charged to the subdivisions in and for 59712  
which such primaries or elections are held. The charge for each 59713  
primary or general election in odd-numbered years for each 59714  
subdivision shall be determined in the following manner: first, 59715  
the total cost of all chargeable items used in conducting such 59716  
elections shall be ascertained; second, the total charge shall be 59717  
divided by the number of precincts participating in such election, 59718  
in order to fix the cost per precinct; third, the cost per 59719  
precinct shall be prorated by the board of elections to the 59720  
subdivisions conducting elections for the nomination or election 59721  
of offices in such precinct; fourth, the total cost for each 59722  
subdivision shall be determined by adding the charges prorated to 59723  
it in each precinct within the subdivision. 59724

(D) The entire cost of special elections held on a day other 59725  
than the day of a primary or general election, both in 59726  
odd-numbered or in even-numbered years, shall be charged to the 59727  
subdivision. Where a special election is held on the same day as a 59728  
primary or general election in an even-numbered year, the 59729  
subdivision submitting the special election shall be charged only 59730  
for the cost of ballots and advertising. Where a special election 59731  
is held on the same day as a primary or general election in an 59732  
odd-numbered year, the subdivision submitting the special election 59733  
shall be charged for the cost of ballots and advertising for such 59734  
special election, in addition to the charges prorated to such 59735  
subdivision for the election or nomination of candidates in each 59736



precinct within the subdivision, as set forth in the preceding paragraph. 59737  
59738

(E) Where a special election is held on the day specified by 59739  
division (E) of section 3501.01 of the Revised Code for the 59740  
holding of a primary election, for the purpose of submitting to 59741  
the voters of the state constitutional amendments proposed by the 59742  
general assembly, and a subdivision conducts a special election on 59743  
the same day, the entire cost of the special election shall be 59744  
divided proportionally between the state and the subdivision based 59745  
upon a ratio determined by the number of issues placed on the 59746  
ballot by each, except as otherwise provided in division (G) of 59747  
this section. Such proportional division of cost shall be made 59748  
only to the extent funds are available for such purpose from 59749  
amounts appropriated by the general assembly to the secretary of 59750  
state. If a primary election is also being conducted in the 59751  
subdivision, the costs shall be apportioned as otherwise provided 59752  
in this section. 59753

(F) When a precinct is open during a general, primary, or 59754  
special election solely for the purpose of submitting to the 59755  
voters a statewide ballot issue, the state shall bear the entire 59756  
cost of the election in that precinct and shall reimburse the 59757  
county for all expenses incurred in opening the precinct. 59758

(G)(1) The state shall bear the entire cost of advertising in 59759  
newspapers statewide ballot issues, explanations of those issues, 59760  
and arguments for or against those issues, as required by Section 59761  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 59762  
and any other section of law. Appropriations made to the 59763  
controlling board shall be used to reimburse the secretary of 59764  
state for all expenses the secretary of state incurs for such 59765  
advertising under division (G) of section 3505.062 of the Revised 59766  
Code. 59767

(2) There is hereby created in the state treasury the 59768

statewide ballot advertising fund. The fund shall receive 59769  
transfers approved by the controlling board, and shall be used by 59770  
the secretary of state to pay the costs of advertising state 59771  
ballot issues as required under division (G)(1) of this section. 59772  
Any such transfers may be requested from and approved by the 59773  
controlling board prior to placing the advertising, in order to 59774  
facilitate timely provision of the required advertising. 59775

(H) The cost of renting, heating, and lighting registration 59776  
places; the cost of the necessary books, forms, and supplies for 59777  
the conduct of registration; and the cost of printing and posting 59778  
precinct registration lists shall be charged to the subdivision in 59779  
which such registration is held. 59780

(I) At the request of a majority of the members of the board 59781  
of elections, the board of county commissioners may, by 59782  
resolution, establish an elections revenue fund. Except as 59783  
otherwise provided in this division, the purpose of the fund shall 59784  
be to accumulate revenue withheld by or paid to the county under 59785  
this section for the payment of any expense related to the duties 59786  
of the board of elections specified in section 3501.11 of the 59787  
Revised Code, upon approval of a majority of the members of the 59788  
board of elections. The fund shall not accumulate any revenue 59789  
withheld by or paid to the county under this section for the 59790  
compensation of the members of the board of elections or of the 59791  
director, deputy director, or other regular employees in the 59792  
board's offices, other than compensation for overtime worked. 59793

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 59794  
Revised Code, the board of county commissioners may, by 59795  
resolution, transfer money to the elections revenue fund from any 59796  
other fund of the political subdivision from which such payments 59797  
lawfully may be made. Following an affirmative vote of a majority 59798  
of the members of the board of elections, the board of county 59799  
commissioners may, by resolution, rescind an elections revenue 59800

fund established under this division. If an elections revenue fund 59801  
is rescinded, money that has accumulated in the fund shall be 59802  
transferred to the county general fund. 59803

(J)(1) Not less than fifteen business days before the 59804  
deadline for submitting a question or issue for placement on the 59805  
ballot at a special election, the board of elections shall prepare 59806  
and file with the board of county commissioners and the office of 59807  
the secretary of state the estimated cost, based on the factors 59808  
enumerated in this section, for preparing for and conducting an 59809  
election on one question or issue, one nomination for office, or 59810  
one election to office in each precinct in the county at that 59811  
special election and shall divide that cost by the number of 59812  
registered voters in the county. 59813

(2) The board of elections shall provide to a political 59814  
subdivision seeking to submit a question or issue, a nomination 59815  
for office, or an election to office for placement on the ballot 59816  
at a special election with the estimated cost for preparing for 59817  
and conducting that election, which shall be calculated either by 59818  
multiplying the number of registered voters in the political 59819  
subdivision with the cost calculated under division (J)(1) of this 59820  
section or by multiplying the cost per precinct with the number or 59821  
precincts in the political subdivision. A political subdivision 59822  
submitting a question or issue, a nomination for office, or an 59823  
election to office for placement on the ballot at that special 59824  
election shall pay to the county elections revenue fund sixty-five 59825  
per cent of the estimated cost of the election not less than ten 59826  
business days after the deadline for submitting a question or 59827  
issue for placement on the ballot for that special election. 59828

(3) Not later than sixty days after the date of a special 59829  
election, the board of elections shall provide to each political 59830  
subdivision the true and accurate cost for the question or issue, 59831  
nomination for office, or election to office that the subdivision 59832

submitted to the voters on the special election ballots. If the 59833  
board of elections determines that a subdivision paid less for the 59834  
cost of preparing and conducting a special election under division 59835  
(J)(2) of this section than the actual cost calculated under this 59836  
division, the subdivision shall remit to the county elections 59837  
revenue fund the difference between the payment made under 59838  
division (J)(2) of this section and the final cost calculated 59839  
under this division within thirty days after being notified of the 59840  
final cost. If the board of elections determines that a 59841  
subdivision paid more for the cost of preparing and conducting a 59842  
special election under division (J)(2) of this section than the 59843  
actual cost calculated under this division, the board of elections 59844  
promptly shall notify the board of county commissioners of that 59845  
difference. The board of county commissioners shall remit from the 59846  
county elections revenue fund to the political subdivision the 59847  
difference between the payment made under division (J)(2) of this 59848  
section and the final cost calculated under this division within 59849  
thirty days after receiving that notification. 59850

(K) As used in this section: 59851

(1) "Political subdivision" and "subdivision" mean any board 59852  
of county commissioners, board of township trustees, legislative 59853  
authority of a municipal corporation, board of education, or any 59854  
other board, commission, district, or authority that is empowered 59855  
to levy taxes or permitted to receive the proceeds of a tax levy, 59856  
regardless of whether the entity receives tax settlement moneys as 59857  
described in division (A) of this section; 59858

(2) "Statewide ballot issue" means any ballot issue, whether 59859  
proposed by the general assembly or by initiative or referendum, 59860  
that is submitted to the voters throughout the state. 59861

**Sec. 3599.03.** (A)(1) Except to carry on activities specified 59862  
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 59863

section 3517.1012, division (B) of section 3517.1013, division 59864  
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 59865  
Code and except as provided in divisions (D), (E), and (F) of this 59866  
section, no corporation, no nonprofit corporation, and no labor 59867  
organization, directly or indirectly, shall pay or use, or offer, 59868  
advise, consent, or agree to pay or use, the corporation's money 59869  
or property, or the labor organization's money, including dues, 59870  
initiation fees, or other assessments paid by members, or 59871  
property, for or in aid of or opposition to a political party, a 59872  
candidate for election or nomination to public office, a political 59873  
action committee including a political action committee of the 59874  
corporation or labor organization, a legislative campaign fund, or 59875  
any organization that supports or opposes any such candidate, or 59876  
for any partisan political purpose, shall violate any law 59877  
requiring the filing of an affidavit or statement respecting such 59878  
use of those funds, or shall pay or use the corporation's or labor 59879  
organization's money for the expenses of a social fund-raising 59880  
event for its political action committee if an employee's or labor 59881  
organization member's right to attend such an event is predicated 59882  
on the employee's or member's contribution to the corporation's or 59883  
labor organization's political action committee. 59884

(2) Whoever violates division (A)(1) of this section shall be 59885  
fined not less than five hundred nor more than five thousand 59886  
dollars. 59887

(B)(1) No officer, stockholder, attorney, or agent of a 59888  
corporation or nonprofit corporation, no member, including an 59889  
officer, attorney, or agent, of a labor organization, and no 59890  
candidate, political party official, or other individual shall 59891  
knowingly aid, advise, solicit, or receive money or other property 59892  
in violation of division (A)(1) of this section. 59893

(2) Whoever violates division (B)(1) of this section shall be 59894  
fined not more than one thousand dollars, or imprisoned not more 59895

than one year, or both. 59896

(C) A corporation, a nonprofit corporation, or a labor 59897  
organization may use its funds or property for or in aid of or 59898  
opposition to a proposed or certified ballot issue. Such use of 59899  
funds or property shall be reported on a form prescribed by the 59900  
secretary of state. Reports of contributions in connection with 59901  
statewide ballot issues shall be filed with the secretary of 59902  
state. Reports of contributions in connection with local issues 59903  
shall be filed with the board of elections of the most populous 59904  
county of the district in which the issue is submitted or to be 59905  
submitted to the electors. Reports made pursuant to this division 59906  
shall be filed by the times specified in divisions (A)(1) and (2) 59907  
of section 3517.10 of the Revised Code. 59908

(D) A nonprofit corporation that is a membership association 59909  
and that is exempt from taxation under subsection 501(c)(6) of the 59910  
Internal Revenue Code may transfer contributions received as part 59911  
of a regular dues payment from member partnerships and other 59912  
unincorporated businesses as defined in division (I)(6) of section 59913  
3517.10 of the Revised Code to its political action committee. 59914  
Contributions received under this division shall be itemized and 59915  
allocated to individuals subject to contribution limits. 59916

(E)(1) Any gift made pursuant to section 3517.101 of the 59917  
Revised Code does not constitute a violation of this section or of 59918  
any other section of the Revised Code. 59919

(2) Any gift made pursuant to division (A)(2) of section 59920  
3517.1012 of the Revised Code does not constitute a violation of 59921  
this section. 59922

(3) Any gift made pursuant to division (B) of section 59923  
3517.1013 of the Revised Code does not constitute a violation of 59924  
this section. 59925

(4) Any donation made pursuant to division (C)(1) of section 59926

3517.1014 of the Revised Code does not constitute a violation of 59927  
this section. 59928

~~(E)~~(F) Any compensation or fees paid by a financial 59929  
institution to a state political party for services rendered 59930  
pursuant to division (B) of section 3517.19 of the Revised Code do 59931  
not constitute a violation of this section or of any other section 59932  
of the Revised Code. 59933

~~(F)~~(G)(1) The use by a nonprofit corporation of its money or 59934  
property for communicating information for a purpose specified in 59935  
division (A) of this section is not a violation of that division 59936  
if the stockholders, members, donors, trustees, or officers of the 59937  
nonprofit corporation are the predominant recipients of the 59938  
communication. 59939

(2) The placement of a campaign sign on the property of a 59940  
corporation, nonprofit corporation, or labor organization is not a 59941  
use of property in violation of division (A) of this section by 59942  
that corporation, nonprofit corporation, or labor organization. 59943

(3) The use by a corporation or labor organization of its 59944  
money or property for communicating information for a purpose 59945  
specified in division (A) of this section is not a violation of 59946  
that division if it is not a communication made by mass broadcast 59947  
such as radio or television or made by advertising in a newspaper 59948  
of general circulation but is a communication sent exclusively to 59949  
members, employees, officers, or trustees of that labor 59950  
organization or shareholders, employees, officers, or directors of 59951  
that corporation or to members of the immediate families of any 59952  
such individuals or if the communication intended to be so sent 59953  
exclusively is unintentionally sent as well to a de minimis number 59954  
of other individuals. 59955

~~(G)~~(H) In addition to the laws listed in division (A) of 59956  
section 4117.10 of the Revised Code that prevail over conflicting 59957

agreements between employee organizations and public employers, 59958  
this section prevails over any conflicting provisions of 59959  
agreements between labor organizations and public employers that 59960  
are entered into on or after March 31, 2005, pursuant to Chapter 59961  
4117. of the Revised Code. 59962

~~(H)~~(I) As used in this section, "labor organization" has the 59963  
same meaning as in section 3517.01 of the Revised Code. 59964

**Sec. 3701.023.** (A) The department of health shall review 59965  
applications for eligibility for the program for medically 59966  
handicapped children that are submitted to the department by city 59967  
and general health districts and physician providers approved in 59968  
accordance with division (C) of this section. The department shall 59969  
determine whether the applicants meet the medical and financial 59970  
eligibility requirements established by the director of health 59971  
pursuant to division (A)(1) of section 3701.021 of the Revised 59972  
Code, and by the department in the manual of operational 59973  
procedures and guidelines for the program for medically 59974  
handicapped children developed pursuant to division (B) of that 59975  
section. Referrals of potentially eligible children for the 59976  
program may be submitted to the department on behalf of the child 59977  
by parents, guardians, public health nurses, or any other 59978  
interested person. The department of health may designate other 59979  
agencies to refer applicants to the department of health. 59980

(B) In accordance with the procedures established in rules 59981  
adopted under division (A)(4) of section 3701.021 of the Revised 59982  
Code, the department of health shall authorize a provider or 59983  
providers to provide to any Ohio resident under twenty-one years 59984  
of age, without charge to the resident or the resident's family 59985  
and without restriction as to the economic status of the resident 59986  
or the resident's family, diagnostic services necessary to 59987  
determine whether the resident has a medically handicapping or 59988



potentially medically handicapping condition. 59989

(C) The department of health shall review the applications of 59990  
health professionals, hospitals, medical equipment suppliers, and 59991  
other individuals, groups, or agencies that apply to become 59992  
providers. The department shall enter into a written agreement 59993  
with each applicant who is determined, pursuant to the 59994  
requirements set forth in rules adopted under division (A)(2) of 59995  
section 3701.021 of the Revised Code, to be eligible to be a 59996  
provider in accordance with the provider agreement required by the 59997  
medicaid program. No provider shall charge a medically handicapped 59998  
child or the child's parent or guardian for services authorized by 59999  
the department under division (B) or (D) of this section. 60000

The department, in accordance with rules adopted under 60001  
division (A)(3) of section 3701.021 of the Revised Code, may 60002  
disqualify any provider from further participation in the program 60003  
for violating any requirement set forth in rules adopted under 60004  
division (A)(2) of that section. The disqualification shall not 60005  
take effect until a written notice, specifying the requirement 60006  
violated and describing the nature of the violation, has been 60007  
delivered to the provider and the department has afforded the 60008  
provider an opportunity to appeal the disqualification under 60009  
division (H) of this section. 60010

(D) The department of health shall evaluate applications from 60011  
city and general health districts and approved physician providers 60012  
for authorization to provide treatment services, service 60013  
coordination, and related goods to children determined to be 60014  
eligible for the program for medically handicapped children 60015  
pursuant to division (A) of this section. The department shall 60016  
authorize necessary treatment services, service coordination, and 60017  
related goods for each eligible child in accordance with an 60018  
individual plan of treatment for the child. As an alternative, the 60019  
department may authorize payment of health insurance premiums on 60020

behalf of eligible children when the department determines, in 60021  
accordance with criteria set forth in rules adopted under division 60022  
(A)(9) of section 3701.021 of the Revised Code, that payment of 60023  
the premiums is cost-effective. 60024

(E) The department of health shall pay, from appropriations 60025  
to the department, any necessary expenses, including but not 60026  
limited to, expenses for diagnosis, treatment, service 60027  
coordination, supportive services, transportation, and accessories 60028  
and their upkeep, provided to medically handicapped children, 60029  
provided that the provision of the goods or services is authorized 60030  
by the department under division (B) or (D) of this section. Money 60031  
appropriated to the department of health may also be expended for 60032  
reasonable administrative costs incurred by the program. The 60033  
department of health also may purchase liability insurance 60034  
covering the provision of services under the program for medically 60035  
handicapped children by physicians and other health care 60036  
professionals. 60037

Payments made to providers by the department of health 60038  
pursuant to this division for inpatient hospital care, outpatient 60039  
care, and all other medical assistance furnished to eligible 60040  
recipients shall be made in accordance with rules adopted by the 60041  
director of health pursuant to division (A) of section 3701.021 of 60042  
the Revised Code. 60043

The departments of health and medicaid shall jointly 60044  
implement procedures to ensure that duplicate payments are not 60045  
made under the program for medically handicapped children and the 60046  
medicaid program and to identify and recover duplicate payments. 60047

(F) At the time of applying for participation in the program 60048  
for medically handicapped children, a medically handicapped child 60049  
or the child's parent or guardian shall disclose the identity of 60050  
any third party against whom the child or the child's parent or 60051  
guardian has or may have a right of recovery for goods and 60052

services provided under division (B) or (D) of this section. The 60053  
department of health shall require a medically handicapped child 60054  
who receives services from the program or the child's parent or 60055  
guardian to apply for all third-party benefits for which the child 60056  
may be eligible and require the child, parent, or guardian to 60057  
apply all third-party benefits received to the amount determined 60058  
under division (E) of this section as the amount payable for goods 60059  
and services authorized under division (B) or (D) of this section. 60060  
The department is the payer of last resort and shall pay for 60061  
authorized goods or services, up to the amount determined under 60062  
division (E) of this section for the authorized goods or services, 60063  
only to the extent that payment for the authorized goods or 60064  
services is not made through third-party benefits. When a third 60065  
party fails to act on an application or claim for benefits by a 60066  
medically handicapped child or the child's parent or guardian, the 60067  
department shall pay for the goods or services only after ninety 60068  
days have elapsed since the date the child, parents, or guardians 60069  
made an application or claim for all third-party benefits. 60070  
Third-party benefits received shall be applied to the amount 60071  
determined under division (E) of this section. Third-party 60072  
payments for goods and services not authorized under division (B) 60073  
or (D) of this section shall not be applied to payment amounts 60074  
determined under division (E) of this section. Payment made by the 60075  
department shall be considered payment in full of the amount 60076  
determined under division (E) of this section. Medicaid payments 60077  
for persons eligible for the medicaid program shall be considered 60078  
payment in full of the amount determined under division (E) of 60079  
this section. 60080

(G) The department of health shall administer a program to 60081  
provide services to Ohio residents who are twenty-one or more 60082  
years of age who have cystic fibrosis and who meet the eligibility 60083  
requirements established in rules adopted by the director of 60084  
health pursuant to division (A)(7) of section 3701.021 of the 60085

Revised Code, subject to all provisions of this section, but not 60086  
subject to section 3701.024 of the Revised Code. 60087

(H) The department of health shall provide for appeals, in 60088  
accordance with rules adopted under section 3701.021 of the 60089  
Revised Code, of denials of applications for the program for 60090  
medically handicapped children under division (A) or (D) of this 60091  
section, disqualification of providers, or amounts paid under 60092  
division (E) of this section. Appeals under this division are not 60093  
subject to Chapter 119. of the Revised Code. 60094

The department may designate ombudspersons to assist 60095  
medically handicapped children or their parents or guardians, upon 60096  
the request of the children, parents, or guardians, in filing 60097  
appeals under this division and to serve as children's, parents', 60098  
or guardians' advocates in matters pertaining to the 60099  
administration of the program for medically handicapped children 60100  
and eligibility for program services. The ombudspersons shall 60101  
receive no compensation but shall be reimbursed by the department, 60102  
in accordance with rules of the office of budget and management, 60103  
for their actual and necessary travel expenses incurred in the 60104  
performance of their duties. 60105

(I) The department of health, and city and general health 60106  
districts providing service coordination pursuant to division 60107  
(A)(2) of section 3701.024 of the Revised Code, shall provide 60108  
service coordination in accordance with the standards set forth in 60109  
the rules adopted under section 3701.021 of the Revised Code, 60110  
without charge, and without restriction as to economic status. 60111

(J)(1) The department of health may establish a manufacturer 60112  
discount program under which a manufacturer of a drug or 60113  
nutritional formula is permitted to enter into an agreement with 60114  
the department to provide a discount on the price of the drug or 60115  
nutritional formula distributed to medically handicapped children 60116  
participating in the program for medically handicapped children. 60117

The program shall be administered in accordance with rules adopted 60118  
under section 3701.021 of the Revised Code. 60119

(2) If a manufacturer enters into an agreement with the 60120  
department as described in division (J)(1) of this section, the 60121  
manufacturer and the department may negotiate the amount and terms 60122  
of the discount. 60123

(3) In lieu of establishing a discount program as described 60124  
in division (J)(1) of this section, the department and a 60125  
manufacturer of a drug or nutritional formula may discuss a 60126  
donation of drugs, nutritional formulas, or money by the 60127  
manufacturer to the department. 60128

(K) As used in this division "209(b) option" has the same 60129  
meaning as in section 5166.01 of the Revised Code. 60130

The program for medically handicapped children and the 60131  
program the department of health administers pursuant to division 60132  
(G) of this section shall continue to assist individuals who have 60133  
cystic fibrosis and are enrolled in those programs in qualifying 60134  
for medicaid under the spenddown process in the same manner it 60135  
assists such individuals on the effective date of this amendment, 60136  
regardless of whether the department of medicaid continues to 60137  
implement the 209(b) option or, after terminating the 209(b) 60138  
option, establishes the medicaid waiver component described in 60139  
section 5166.33 of the Revised Code. 60140

**Sec. 3701.045.** (A) The department of health, in consultation 60141  
with the children's trust fund board established under section 60142  
3109.15 of the Revised Code and any bodies acting as child 60143  
fatality review boards on October 5, 2000, shall adopt rules in 60144  
accordance with Chapter 119. of the Revised Code that establish a 60145  
procedure for county or regional child fatality review boards to 60146  
follow in conducting a review of the death of a child. The rules 60147  
shall do all of the following: 60148

- (1) Establish the format for the annual reports required by section 307.626 of the Revised Code; 60149  
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- (2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 60151  
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- (3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures; 60156  
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- (4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained; 60161  
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- (5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code. 60166  
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- (B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might 60172  
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prevent future deaths. The department and the children's trust 60180  
fund board jointly shall provide a copy of the report to the 60181  
governor, the speaker of the house of representatives, the 60182  
president of the senate, the minority leaders of the house of 60183  
representatives and the senate, each county or regional child 60184  
fatality review board, and each county or regional family and 60185  
children first council. 60186

Sec. 3701.139. (A) The hope for a smile program is hereby 60187  
established. The primary objective of the program is to improve 60188  
the oral health of school-age children, which the general assembly 60189  
declares to be one of the most unmet health care needs of this 60190  
state. Services provided under the program shall be targeted at 60191  
school-age children who are indigent and uninsured, although other 60192  
children may be served. The hope for a smile advisory council 60193  
established under division (H) of this section may recommend 60194  
additional populations to be targeted. 60195

(B) The program shall be operated as a collaboration between 60196  
the department of health and the following: 60197

(1) The Ohio dental association; 60198

(2) The Ohio dental hygienists' association; 60199

(3) The Ohio state university college of dentistry and the 60200  
dental hygiene program at that college; 60201

(4) Case western reserve university school of dental 60202  
medicine; 60203

(5) Shawnee state university; 60204

(6) James A. Rhodes state college; 60205

(7) Columbus state community college; 60206

(8) Cuyahoga community college, metropolitan campus; 60207

(9) Youngstown state university; 60208

<u>(10) Lorain county community college;</u>	60209
<u>(11) Lakeland community college;</u>	60210
<u>(12) University of Cincinnati;</u>	60211
<u>(13) Sinclair community college;</u>	60212
<u>(14) Owens community college;</u>	60213
<u>(15) Stark state college.</u>	60214
<u>(C) With assistance from the director of administrative</u>	60215
<u>services and using the state's purchasing power, the director of</u>	60216
<u>health shall use money from one or more of the following sources</u>	60217
<u>to purchase or secure the use of, maintain, and operate one bus</u>	60218
<u>equipped as a mobile dental unit:</u>	60219
<u>(1) The economic development programs fund created under</u>	60220
<u>section 3772.17 of the Revised Code;</u>	60221
<u>(2) The hope for a smile program fund created under division</u>	60222
<u>(G) of this section;</u>	60223
<u>(3) Any other source of public funds that the director of</u>	60224
<u>administrative services or director of health determines is</u>	60225
<u>available and may be used for the program.</u>	60226
<u>(D) Dentists, dental hygienists, and the faculty and staff of</u>	60227
<u>the dentistry and dental hygiene educational programs of this</u>	60228
<u>state shall staff the bus. The faculty and staff of the</u>	60229
<u>educational programs may permit students enrolled in the programs</u>	60230
<u>to participate in staffing the bus.</u>	60231
<u>The individuals staffing the bus shall travel to schools in</u>	60232
<u>Ohio. In scheduling visits to those schools, priority shall be</u>	60233
<u>given to schools that are attended by high numbers of children who</u>	60234
<u>are in the program's targeted population. During each visit, the</u>	60235
<u>individuals who provide services to the children shall provide the</u>	60236
<u>services in accordance with their authority to practice under</u>	60237
<u>Chapter 4715. of the Revised Code.</u>	60238



(E) Dentists and dental hygienists who provide services free of charge under the program may deduct the fair market value of those services in computing Ohio adjusted gross income under section 5747.01 of the Revised Code. 60239  
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Participation in the program by students of dentistry and dental hygiene educational programs in this state shall be recognized by the governor and the general assembly as a workforce and economic development initiative. 60243  
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(F) The director of health shall apply on the program's behalf to the department of medicaid for a medicaid provider agreement. The director shall make arrangements with private entities that provide health care insurance or other forms of health care coverage in this state as the director considers necessary for the program to be reimbursed for services provided to children who have health care insurance or coverage through those entities. 60247  
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(G) The program may accept grants, donations, and awards. The program may seek payments from the medicaid program for services provided to children who are medicaid recipients. The program may seek reimbursement from private entities that provide health care insurance or other forms of health care coverage for services provided to children who have insurance or coverage through those. The program may apply for money allocated by the United States department of labor or other entities for workforce or economic development initiatives. 60255  
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Any amounts received from a source described in this division shall be deposited into the state treasury to the credit of the hope for a smile program fund, which is hereby created. Any interest earned on money in the fund shall be credited to the fund. The amounts credited to the fund shall be used solely to pay the costs of the program. 60264  
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(H) The director of health shall establish an advisory council, to be known as the hope for a smile advisory council, to advise the director on matters regarding the implementation and administration of the program. The director shall appoint the council's members, which shall include representatives of the Ohio dental association, the Ohio dental hygienists' association, the Ohio state university college of dentistry and the dental hygiene program at that college, the case western reserve university school of dental medicine, the Ohio council of dental hygiene directors, and other entities considered appropriate by the director. 60270  
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(I) In consultation with the hope for a smile advisory council, the director of health shall adopt rules as the director considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 60281  
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(J) Not later than the first day of July each year, the director of health, with input from the hope for a smile advisory council, shall prepare a report on progress the program has made in achieving the objective expressed in division (A) of this section, saving money for the medicaid program and other safety net programs, and promoting workforce and economic development in this state. The director shall submit each report to the governor and, in accordance with section 101.68 of the Revised Code, to the general assembly. 60286  
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**Sec. 3701.142. (A) As used in this section:** 60295

(1) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code. 60296  
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(2) "Community health worker services" means the services described in section 4723.81 of the Revised Code. 60298  
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(B) The director of health shall adopt rules specifying 60300  
healthy behaviors to be promoted and facilitated by certified 60301  
community health workers who provide community health worker 60302  
services and other services covered by medicaid managed care 60303  
organizations under section 5167.15 of the Revised Code. Before 60304  
adopting the rules, the director shall consult with members of the 60305  
Ohio perinatal quality collaborative or a successor organization. 60306  
The director may consult with other health care organizations as 60307  
the director determines to be appropriate. 60308

(C) The director of health, in consultation with the medicaid 60309  
director, shall adopt rules specifying both of the following: 60310

(1) The urban and rural communities, identified by zip code 60311  
or portions of zip codes that are contiguous, that have the 60312  
highest infant mortality rates in this state; 60313

(2) The licensed health professionals, in addition to 60314  
physicians, who may recommend that a medicaid recipient receive 60315  
the services covered by medicaid managed care organizations under 60316  
section 5167.15 of the Revised Code. 60317

(D) The rules adopted under this section shall be adopted in 60318  
accordance with Chapter 119. of the Revised Code. 60319

**Sec. 3701.344.** (A) As used in this section and sections 60320  
3701.345, 3701.346, and 3701.347 of the Revised Code, "private 60321  
water system" means any water system for the provision of water 60322  
for human consumption, if the system has fewer than fifteen 60323  
service connections and does not regularly serve an average of at 60324  
least twenty-five individuals daily at least sixty days out of the 60325  
year. "Private water system" includes any well, spring, cistern, 60326  
pond, hauled water, or recycled water and any equipment for the 60327  
collection, transportation, filtration, disinfection, treatment, 60328  
or storage of such water extending from and including the source 60329  
of the water to the point of discharge from any pressure tank or 60330

other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; or, in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection. "Private water system" does not include the water service line extending from the point of discharge to a structure.

(B) Notwithstanding section 3701.347 of the Revised Code and subject to division (C) of this section, rules adopted by the director of health regarding private water systems shall provide for the following:

(1) Except as otherwise provided in this division, boards of health of city or general health districts shall be given the exclusive power to establish fees in accordance with section 3709.09 of the Revised Code for administering and enforcing the rules. The fees shall establish a different rate for administering and enforcing the rules relative to private water systems serving single-family dwelling houses and nonsingle-family dwelling houses. Except for an amount established by the director, pursuant to division (B)(5) of this section, for each new private water system installation, no portion of any fee for administering and enforcing the rules shall be returned to the department of health. If the director of health determines that a board of health of a city or general health district is unable to administer and enforce a private water system program in the district, the director shall administer and enforce such a program in the district and establish fees for such administration and enforcement.

(2) Boards of health of city or general health districts shall be given the exclusive power to determine the number of inspections necessary for determining the safe drinking characteristics of a private water system.

(3) Private water systems contractors, as a condition of

doing business in this state, shall annually register with, and 60363  
comply with surety bonding requirements of, the department of 60364  
health. No such contractor shall be permitted to register if the 60365  
contractor fails to comply with all applicable rules adopted by 60366  
the director and the board of health of the city or general health 60367  
district. The annual registration fee for private water systems 60368  
contractors shall be sixty-five dollars. The director, by rule 60369  
adopted in accordance with Chapter 119. of the Revised Code, may 60370  
increase the annual registration fee. 60371

(4) Subject to rules adopted by the director, boards of 60372  
health of city or general health districts shall have the option 60373  
of determining whether bacteriological examinations shall be 60374  
performed at approved laboratories of the state or at approved 60375  
private laboratories. 60376

(5) The director may establish fees for each new private 60377  
water system installation, which shall be collected by the 60378  
appropriate board of health and transmitted to the director 60379  
pursuant to section 3709.092 of the Revised Code. 60380

(6) All fees received by the director of health under 60381  
divisions (B)(1), (3), and (5) of this section shall be deposited 60382  
in the state treasury to the credit of the general operations fund 60383  
created in section 3701.83 of the Revised Code for use in the 60384  
administration and enforcement of sections 3701.344 to 3701.347 of 60385  
the Revised Code and the rules pertaining to private water systems 60386  
adopted under those sections. 60387

(7) The director shall define "well," "spring," "cistern," 60388  
"pond," "hauled water," and "recycled water" for purposes of this 60389  
section and the rules adopted under it. 60390

(C) To the extent that rules adopted under division (B) of 60391  
this section require health districts to follow specific 60392  
procedures or use prescribed forms, no such procedure or form 60393

shall be implemented until it is approved by majority vote of an approval board of health commissioners, hereby created. Members of the board shall be the officers of the association of Ohio health commissioners, or any successor organization, and membership on the board shall be coterminous with holding an office of the association. No health district is required to follow a procedure or use a form required by a rule adopted under division (B) of this section without the approval of the board.

(D) A board of health shall collect well log filing fees on behalf of the division of ~~soil and~~ water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

(E) A water system that will be used in agriculture and that does not provide water for human consumption shall not be required to obtain a permit or license issued under, pay any fees assessed or levied under, or comply with any rule adopted under sections 3701.34 to 3701.347 of the Revised Code.

**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply ~~if~~ in either of the following circumstances:

(a) If the parents of the child object thereto to the screening on the grounds that the screening it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening.

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate.

The council shall consist of fourteen members appointed by the director. In making appointments, the director shall select individuals and representatives of entities with interest and expertise in newborn screening, including such individuals and entities as health care professionals, hospitals, children's hospitals, regional genetic centers, regional sickle cell centers, newborn screening coordinators, and members of the public.

The department of health shall provide meeting space, staff services, and other technical assistance required by the council in carrying out its duties. Members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in attending meetings of the council or performing assignments for the council.

The council is not subject to sections 101.82 to 101.87 of the Revised Code.

(C)(1) The (a) Subject to division (C)(1)(b) of this section, the director of health shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the disorders for which each newborn child must be screened.

(b) In adopting the rules, the director shall specify Krabbe disease as a disorder for which a newborn child who is born on or after July 1, 2016, must be screened. The rules shall limit the

screening requirement for Krabbe disease to the process known as 60455  
"first tier testing," which is a screening for Krabbe disease that 60456  
is accomplished by measuring galactocerebrosidase activity using 60457  
mass spectrometry. 60458

(2) The newborn screening advisory council shall evaluate 60459  
genetic, metabolic, and endocrine disorders to assist the director 60460  
in determining which disorders should be included in the 60461  
screenings required under this section. In determining whether a 60462  
disorder should be included, the council shall consider all of the 60463  
following: 60464

(a) The disorder's incidence, mortality, and morbidity; 60465

(b) Whether the disorder causes disability if diagnosis, 60466  
treatment, and early intervention are delayed; 60467

(c) The potential for successful treatment of the disorder; 60468

(d) The expected benefits to children and society in relation 60469  
to the risks and costs associated with screening for the disorder; 60470

(e) Whether a screening for the disorder can be conducted 60471  
without taking an additional blood sample or specimen. 60472

(3) Based on the considerations specified in division (C)(2) 60473  
of this section, the council shall make recommendations to the 60474  
director of health for the adoption of rules under division (C)(1) 60475  
of this section. The director shall promptly and thoroughly review 60476  
each recommendation the council submits. 60477

(D) The director shall adopt rules in accordance with Chapter 60478  
119. of the Revised Code establishing standards and procedures for 60479  
the screenings required by this section. The rules shall include 60480  
standards and procedures for all of the following: 60481

(1) Causing rescreenings to be performed when initial 60482  
screenings have abnormal results; 60483

(2) Designating the person or persons who will be responsible 60484



for causing screenings and rescreenings to be performed; 60485

(3) Giving to the parents of a child notice of the required 60486  
initial screening and the possibility that rescreenings may be 60487  
necessary; 60488

(4) Communicating to the parents of a child the results of 60489  
the child's screening and any rescreenings that are performed; 60490

(5) Giving notice of the results of an initial screening and 60491  
any rescreenings to the person who caused the child to be screened 60492  
or rescreened, or to another person or government entity when the 60493  
person who caused the child to be screened or rescreened cannot be 60494  
contacted; 60495

(6) Referring children who receive abnormal screening or 60496  
rescreening results to providers of follow-up services, including 60497  
the services made available through funds disbursed under division 60498  
(F) of this section. 60499

(E)(1) Except as provided in divisions (E)(2) and (3) of this 60500  
section, all newborn screenings required by this section shall be 60501  
performed by the public health laboratory authorized under section 60502  
3701.22 of the Revised Code. 60503

(2) If the director determines that the public health 60504  
laboratory is unable to perform screenings for all of the 60505  
disorders specified in the rules adopted under division (C) of 60506  
this section, the director shall select another laboratory to 60507  
perform the screenings. The director shall select the laboratory 60508  
by issuing a request for proposals. The director may accept 60509  
proposals submitted by laboratories located outside this state. At 60510  
the conclusion of the selection process, the director shall enter 60511  
into a written contract with the selected laboratory. If the 60512  
director determines that the laboratory is not complying with the 60513  
terms of the contract, the director shall immediately terminate 60514  
the contract and another laboratory shall be selected and 60515

contracted with in the same manner. 60516

(3) Any rescreening caused to be performed pursuant to this 60517  
section may be performed by the public health laboratory or one or 60518  
more other laboratories designated by the director. Any laboratory 60519  
the director considers qualified to perform rescreenings may be 60520  
designated, including a laboratory located outside this state. If 60521  
more than one laboratory is designated, the person responsible for 60522  
causing a rescreening to be performed is also responsible for 60523  
selecting the laboratory to be used. 60524

(F)(1) The director shall adopt rules in accordance with 60525  
Chapter 119. of the Revised Code establishing a fee that shall be 60526  
charged and collected in addition to or in conjunction with any 60527  
laboratory fee that is charged and collected for performing the 60528  
screenings required by this section. The fee, which shall be not 60529  
less than fourteen dollars, shall be disbursed as follows: 60530

(a) Not less than ten dollars and twenty-five cents shall be 60531  
deposited in the state treasury to the credit of the genetics 60532  
services fund, which is hereby created. Not less than seven 60533  
dollars and twenty-five cents of each fee credited to the genetics 60534  
services fund shall be used to defray the costs of the programs 60535  
authorized by section 3701.502 of the Revised Code. Not less than 60536  
three dollars from each fee credited to the genetics services fund 60537  
shall be used to defray costs of phenylketonuria programs. 60538

(b) Not less than three dollars and seventy-five cents shall 60539  
be deposited into the state treasury to the credit of the sickle 60540  
cell fund, which is hereby created. Money credited to the sickle 60541  
cell fund shall be used to defray costs of programs authorized by 60542  
section 3701.131 of the Revised Code. 60543

(2) In adopting rules under division (F)(1) of this section, 60544  
the director shall not establish a fee that differs according to 60545  
whether a screening is performed by the public health laboratory 60546

or by another laboratory selected by the director pursuant to 60547  
division (E)(2) of this section. 60548

**Sec. 3701.60.** Every hospital agency, as defined in section 60549  
140.01 of the Revised Code, ~~shall~~ may offer a uterine cytologic 60550  
examination for cancer to every female in-patient ~~eighteen~~ 60551  
twenty-one years ~~or~~ of age or over unless contrary orders are 60552  
given by the attending physician or unless the examination has 60553  
been performed within the preceding year. Any female in-patient 60554  
may refuse ~~such~~ the examination. ~~The~~ If the examination is 60555  
offered, the hospital agency shall ~~in all cases~~ maintain records 60556  
to show the examination results ~~of the examination,~~ or that the 60557  
examination ~~was not applicable or~~ was refused. 60558

**Sec. 3701.602.** (A) As used in this section, "eligible 60559  
nonprofit corporation" means a nonprofit corporation that meets 60560  
all of the following requirements: 60561

(1) The nonprofit corporation is exempt from federal income 60562  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 60563

(2) For at least ten years before the effective date of this 60564  
section, the primary purpose of the nonprofit corporation, or the 60565  
nonprofit corporation's predecessor in interest, has been granting 60566  
the wishes of individuals under the age of eighteen who have been 60567  
diagnosed with a life-threatening medical condition. 60568

(3) The nonprofit corporation has spent at least one million 60569  
dollars per year for each of the last three years in furtherance 60570  
of the purpose described in division (A)(2) of this section. 60571

(B) There is hereby created in the state treasury the wishes 60572  
for sick children income tax contribution fund, which shall 60573  
consist of money contributed to it under section 5747.113 of the 60574  
Revised Code and of contributions made directly to it. Any person 60575  
may contribute directly to the fund in addition to or 60576

independently of the income tax refund contribution system 60577  
established in section 5747.113 of the Revised Code. 60578

The department of health shall distribute all funds 60579  
contributed under this section to an eligible nonprofit 60580  
corporation that will use the contributions to grant the wishes of 60581  
individuals who are under the age of eighteen, are residents of 60582  
this state, and have been diagnosed with a life-threatening 60583  
medical condition. Not later than six months after the effective 60584  
date of this section, the department shall develop guidelines 60585  
under which an eligible nonprofit corporation may apply to receive 60586  
funding under this section. 60587

**Sec. 3701.65.** (A) There is hereby created in the state 60588  
treasury the "choose life" fund. The fund shall consist of the 60589  
contributions that are paid to the registrar of motor vehicles by 60590  
applicants who voluntarily elect to obtain "choose life" license 60591  
plates pursuant to section 4503.91 of the Revised Code and any 60592  
money returned to the fund under division (E)(1)(d) of this 60593  
section. All investment earnings of the fund shall be credited to 60594  
the fund. 60595

(B)(1) At least annually, the director of health shall 60596  
distribute the money in the fund to any private, nonprofit 60597  
organization that is eligible to receive funds under this section 60598  
and that applies for funding under division (C) of this section. 60599

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 60600  
~~the county in which the organization applying for funding is~~ 60601  
~~located and to each county~~ in proportion to the number of "choose 60602  
life" license plates issued during the preceding year to vehicles 60603  
registered in each county. The director shall distribute funds 60604  
allocated for a county ~~to one or more eligible organizations~~ 60605  
~~located in contiguous counties if no eligible organization located~~ 60606  
~~within the county applies for funding. Within each county,~~ 60607

~~eligible organizations that apply for funding shall share equally~~ 60608  
~~in the funds available for distribution to organizations located~~ 60609  
~~within that county as follows:~~ 60610

(a) To one or more eligible organizations located within the 60611  
county; 60612

(b) If no eligible organization located within the county 60613  
applies for funding, to one or more eligible organizations located 60614  
in contiguous counties; 60615

(c) If no eligible organization located within the county or 60616  
a contiguous county applies for funding, to one or more eligible 60617  
organizations within any other county. 60618

(3) The director shall ensure that any funds allocated for a 60619  
county are distributed equally among eligible organizations that 60620  
apply for funding within the county. 60621

(C) Any organization seeking funds under this section 60622  
annually shall apply for distribution of the funds based on the 60623  
county in which the organization is located. An organization also 60624  
may apply for funding in a ~~contiguous~~ county in which it is not 60625  
located if it demonstrates that it provides services for pregnant 60626  
women residing in that ~~contiguous~~ county. The director shall 60627  
develop an application form and may determine the schedule and 60628  
procedures that an organization shall follow when annually 60629  
applying for funds. The application shall inform the applicant of 60630  
the conditions for receiving and using funds under division (E) of 60631  
this section. The application shall require evidence that the 60632  
organization meets all of the following requirements: 60633

(1) Is a private, nonprofit organization; 60634

(2) Is committed to counseling pregnant women about the 60635  
option of adoption; 60636

(3) Provides services within the state to pregnant women who 60637

are planning to place their children for adoption, including 60638  
counseling and meeting the material needs of the women; 60639

(4) Does not charge women for any services received; 60640

(5) Is not involved or associated with any abortion 60641  
activities, including counseling for or referrals to abortion 60642  
clinics, providing medical abortion-related procedures, or 60643  
pro-abortion advertising; 60644

(6) Does not discriminate in its provision of any services on 60645  
the basis of race, religion, color, age, marital status, national 60646  
origin, handicap, gender, or age; 60647

(7) If the organization is applying for funding in a county 60648  
in which it is not located, provides services for pregnant women 60649  
residing in that county. 60650

(D) The director shall not distribute funds to an 60651  
organization that does not provide verifiable evidence of the 60652  
requirements specified in the application under division (C) of 60653  
this section and shall not provide additional funds to any 60654  
organization that fails to comply with division (E) of this 60655  
section in regard to its previous receipt of funds under this 60656  
section. 60657

(E)(1) An organization receiving funds under this section 60658  
shall do all of the following: 60659

(a) Use not more than sixty per cent of the funds distributed 60660  
to it for the material needs of pregnant women who are planning to 60661  
place their children for adoption or for infants awaiting 60662  
placement with adoptive parents, including clothing, housing, 60663  
medical care, food, utilities, and transportation; 60664

(b) Use not more than forty per cent of the funds distributed 60665  
to it for counseling, training, or advertising; 60666

(c) Not use any of the funds distributed to it for 60667

administrative expenses, legal expenses, or capital expenditures; 60668

(d) Annually return to the fund created under division (A) of 60669  
this section any unused money that exceeds ten per cent of the 60670  
money distributed to the organization. 60671

(2) The organization annually shall submit to the director an 60672  
audited financial statement verifying its compliance with division 60673  
(E)(1) of this section. 60674

(F) The director, in accordance with Chapter 119. of the 60675  
Revised Code, shall adopt rules to implement this section. 60676

It is not the intent of the general assembly that the 60677  
department create a new position within the department to 60678  
implement and administer this section. It is the intent of the 60679  
general assembly that the implementation and administration of 60680  
this section be accomplished by existing department personnel. 60681

Sec. 3701.70. (A) The director of health shall establish 60682  
guidelines for a state-level review of deaths of children under 60683  
eighteen years of age who, at the time of death, were residents of 60684  
this state. 60685

(B) The purpose of a review conducted pursuant to guidelines 60686  
adopted under this section is to decrease the incidence of 60687  
preventable child deaths by doing all of the following: 60688

(1) Promoting cooperation, collaboration, and communication 60689  
between all groups, professions, agencies, or entities that serve 60690  
families and children; 60691

(2) Maintaining a comprehensive database of child deaths that 60692  
occur in this state in order to develop an understanding of the 60693  
causes and incidence of those deaths; 60694

(3) Recommending and developing plans for implementing state 60695  
and local service and program changes and changes to the groups, 60696  
professions, agencies, or entities that serve families and 60697

children that might prevent child deaths. 60698

(C) The guidelines shall provide that the director may not 60699  
conduct a review while an investigation of the child's death or 60700  
prosecution of a person for causing the death is pending, unless 60701  
the prosecuting attorney agrees to allow the review. At the 60702  
director's request, the law enforcement agency conducting the 60703  
criminal investigation, on the conclusion of the investigation, 60704  
and the prosecuting attorney, on the conclusion of the 60705  
prosecution, shall notify the director of the conclusion. 60706

**Sec. 3701.701.** (A)(1) Notwithstanding section 3701.243 and 60707  
any other section of the Revised Code pertaining to 60708  
confidentiality, any individual, public children services agency, 60709  
private child placing agency, or agency that provides services 60710  
specifically to individuals or families, law enforcement agency, 60711  
or other public or private entity that provided services to a 60712  
child whose death is being reviewed by the director of health 60713  
pursuant to guidelines established under section 3701.70 of the 60714  
Revised Code, on the request of the director, shall submit to the 60715  
director a summary sheet of information. 60716

(a) With respect to a request made to a health care entity, 60717  
the summary sheet shall contain only information available and 60718  
reasonably drawn from the child's medical record created by the 60719  
health care entity. 60720

(b) With respect to a request made to any other individual or 60721  
entity, the summary sheet shall contain only information available 60722  
and reasonably drawn from any record involving the child that the 60723  
individual or entity develops in the normal course of business. 60724

(c) On the request of the director, an individual or entity 60725  
may, at the individual's or entity's discretion, make any 60726  
additional information, documents, or reports available to the 60727  
director. 60728



(2) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, in the case of a child one year of age or younger whose death is being reviewed by the director, on the request of the director, a health care entity that provided services to the child's mother shall submit to the director a summary sheet of information available and reasonably drawn from the mother's medical record created by the health care entity. Before submitting the summary sheet, the health care entity shall attempt to obtain the mother's consent to do so, but lack of consent shall not preclude the entity from submitting the summary sheet. 60729  
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(3) For purposes of the review, the director shall have access to confidential information provided to the director under this section or division (H)(4) of section 2151.421 of the Revised Code, and the director shall preserve the confidentiality of that information. 60740  
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(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a child to the director pursuant to guidelines established under section 3701.70 of the Revised Code while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. 60745  
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**Sec. 3701.702.** (A) An individual or public or private entity providing information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, document, or reports to the director. 60752  
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(B) Each person participating in a review conducted pursuant 60759

to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the person's participation in the review. 60760  
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**Sec. 3701.703.** (A) Except as provided in division (B) of this section and sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, all statements made by persons participating in a review conducted pursuant to those guidelines, and all work products of the director are confidential and shall be used by the director only in the exercise of the proper functions of the department of health. 60764  
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(B) The director may disclose the confidential information described in division (A) of this section to a fetal and infant mortality review team. 60773  
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(C) No person shall knowingly permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 60776  
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(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the second degree. 60779  
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**Sec. 3701.834.** There is hereby created in the state treasury the public health emergency preparedness fund. All federal funds the department of health receives to conduct public health emergency preparedness and response activities shall be credited to the fund. The department shall use money in the fund to pay expenses related to public health emergency preparedness and response activities. 60781  
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**Sec. 3701.95.** (A) As used in this section, "government 60788

program providing public benefits" has the same meaning as in 60789  
section 191.01 of the Revised Code. 60790

(B) The director of health shall identify each government 60791  
program providing benefits, other than the help me grow program 60792  
established by the department of health pursuant to section 60793  
3701.61 of the Revised Code, that has the goal of reducing infant 60794  
mortality and negative birth outcomes or the goal of reducing 60795  
disparities among women who are pregnant or capable of becoming 60796  
pregnant and who belong to a racial or ethnic minority. A program 60797  
shall be identified only if it provides education, training, and 60798  
support services related to those goals to program participants in 60799  
their homes. The director may consult with the Ohio partnership to 60800  
build stronger families for assistance with identifying the 60801  
programs. 60802

(C) An administrator of a program identified under division 60803  
(B) of this section shall report to the director data on program 60804  
performance indicators that are used to assess progress toward 60805  
achieving program goals. The administrator shall report the data 60806  
in the format and within the time frames specified in rules 60807  
adopted under division (D) of this section. Using the data 60808  
reported under this division, the director shall prepare an annual 60809  
report assessing the performance of each government program 60810  
identified pursuant to division (B) of this section during the 60811  
immediately preceding twelve-month period. In addition, the report 60812  
shall summarize and provide an analysis of the information 60813  
contained in the "information for medical and health use only" 60814  
section of the birth records for individuals born during the prior 60815  
twelve-month period. 60816

The director shall provide a copy of the report to the 60817  
general assembly and the joint medicaid oversight committee. The 60818  
copy to the general assembly shall be provided in accordance with 60819  
section 101.68 of the Revised Code. 60820

(D) The director shall adopt rules specifying program performance indicators on which data must be reported by the administrators described in division (C) of this section as well as the format and time frames in which the data must be reported. To the extent possible, the program performance indicators specified in the rules shall be consistent with federal reporting requirements for federally funded home visiting services. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 3702.304.** (A)(1) The director of health may grant a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code if the ambulatory surgical facility submits to the director a complete variance application, prescribed by the director, and the director determines after reviewing the application that the facility is capable of achieving the purpose of a written transfer agreement in the absence of one. The director's determination is final.

(2) Not later than sixty days after receiving a variance application from an ambulatory surgical facility, the director shall grant or deny the variance. A variance application that has not been approved within sixty days is considered denied.

(B) A variance application is complete for purposes of division (A)(1) of this section if it contains or includes as attachments all of the following:

(1) A statement explaining why application of the requirement would cause the facility undue hardship and why the variance will not jeopardize the health and safety of any patient;

(2) A letter, contract, or memorandum of understanding signed by the facility and one or more consulting physicians who have admitting privileges at a minimum of one local hospital, memorializing the physician or physicians' agreement to provide

back-up coverage when medical care beyond the level the facility  
can provide is necessary; 60852  
60853

(3) For each consulting physician described in division 60854  
(B)(2) of this section: 60855

(a) A signed statement in which the physician attests that 60856  
the physician is familiar with the facility and its operations, 60857  
and agrees to provide notice to the facility of any changes in the 60858  
physician's ability to provide back-up coverage; 60859

(b) The estimated travel time from the physician's main 60860  
residence or office to each local hospital where the physician has 60861  
admitting privileges; 60862

(c) Written verification that the facility has a record of 60863  
the name, telephone numbers, and practice specialties of the 60864  
physician; 60865

(d) Written verification from the state medical board that 60866  
the physician possesses a valid certificate to practice medicine 60867  
and surgery or osteopathic medicine and surgery issued under 60868  
Chapter 4731. of the Revised Code; 60869

(e) Documented verification that each hospital at which the 60870  
physician has admitting privileges has been informed in writing by 60871  
the physician that the physician is a consulting physician for the 60872  
ambulatory surgical facility and has agreed to provide back-up 60873  
coverage for the facility when medical care beyond the care the 60874  
facility can provide is necessary. 60875

(4) A copy of the facility's operating procedures or 60876  
protocols that, at a minimum, do all of the following: 60877

(a) Address how back-up coverage by consulting physicians is 60878  
to occur, including how back-up coverage is to occur when 60879  
consulting physicians are temporarily unavailable; 60880

(b) Specify that each consulting physician is required to 60881

notify the facility, without delay, when the physician is unable 60882  
to expeditiously admit patients to a local hospital and provide 60883  
for continuity of patient care; 60884

(c) Specify that a patient's medical record maintained by the 60885  
facility must be transferred contemporaneously with the patient 60886  
when the patient is transferred from the facility to a hospital. 60887

(5) Any other information the director considers necessary. 60888

(C) The director's decision to grant, refuse, or rescind a 60889  
variance is final. 60890

(D) The director shall consider each application for a 60891  
variance independently without regard to any decision the director 60892  
may have made on a prior occasion to grant or deny a variance to 60893  
that ambulatory surgical facility or any other facility. 60894

Sec. 3702.309. (A) If a variance application is denied under 60895  
section 3702.304 of the Revised Code, the license of such an 60896  
ambulatory surgical facility is automatically suspended. The 60897  
director of health shall reinstate the license if one of the 60898  
following occurs: 60899

(1) The facility files with the director a copy of a written 60900  
transfer agreement that meets the requirements of section 3702.303 60901  
of the Revised Code. 60902

(2) The director grants the facility a variance pursuant to 60903  
the requirements and procedures under section 3702.304 of the 60904  
Revised Code; 60905

(3) The license is required to be reinstated pursuant to an 60906  
order issued in accordance with sections 119.01 to 119.13 of the 60907  
Revised Code. 60908

(B) If a facility's license remains under suspension pursuant 60909  
to this section after the expiration date of the license, in order 60910  
to operate as an ambulatory surgical facility it must apply for a 60911

new license under section 3702.30 of the Revised Code. 60912

Sec. 3702.3010. A local hospital shall not be further than 60913  
thirty miles from an ambulatory surgical facility: 60914

(A) With which the local hospital has a written transfer 60915  
agreement under section 3702.303 of the Revised Code; or 60916

(B) Whose consulting physicians under a variance granted 60917  
under section 3702.304 of the Revised Code have admitting 60918  
privileges at the local hospital. 60919

**Sec. 3702.74.** (A) A primary care physician who has signed a 60920  
letter of intent under section 3702.73 of the Revised Code and the 60921  
director of health may enter into a contract for the physician's 60922  
participation in the physician loan repayment program. The 60923  
physician's employer or other funding source may also be a party 60924  
to the contract. 60925

(B) The contract shall include all of the following 60926  
obligations: 60927

(1) The primary care physician agrees to provide primary care 60928  
services in the health resource shortage area identified in the 60929  
letter of intent for the number of hours and duration specified in 60930  
the contract; 60931

(2) When providing primary care services in the health 60932  
resource shortage area, the primary care physician agrees to do 60933  
all of the following: 60934

(a) Provide primary care services in an outpatient or 60935  
ambulatory setting approved by the department of health; 60936

(b) Provide primary care services without regard to a 60937  
patient's ability to pay; 60938

(c) Meet the requirements for a medicaid provider agreement 60939  
and enter into the agreement with the department of medicaid to 60940

provide primary care services to medicaid recipients. 60941

(3) The department of health agrees, as provided in section 60942  
3702.75 of the Revised Code, to repay, so long as the primary care 60943  
physician performs the service obligation agreed to under division 60944  
(B)(1) of this section, all or part of the principal and interest 60945  
of a government or other educational loan taken by the primary 60946  
care physician for expenses described in section 3702.75 of the 60947  
Revised Code; 60948

(4) The primary care physician agrees to pay the department 60949  
of health an amount established by rules adopted under section 60950  
3702.79 of the Revised Code if the physician fails to complete the 60951  
service obligation agreed to under division (B)(1) of this 60952  
section. 60953

(C) The contract shall include the following terms as agreed 60954  
upon by the parties: 60955

(1) The primary care physician's required length of service 60956  
in the health resource shortage area, which must be at least two 60957  
years; 60958

(2) The number of weekly hours the primary care physician 60959  
will be engaged in full-time practice or part-time practice in the 60960  
health resource shortage area; 60961

(3) The maximum amount that the department will repay on 60962  
behalf of the primary care physician; 60963

(4) The extent to which the primary care physician's teaching 60964  
activities will be counted toward the physician's full-time 60965  
practice or part-time practice hours under the contract. 60966

(D) If the amount specified in division (C)(3) of this 60967  
section includes federal funds ~~from the bureau of clinician~~ 60968  
~~recruitment and service in the United States department of health~~ 60969  
~~and human services~~, the amount of state funds repaid on the 60970



individual's behalf shall be the same as the amount of those 60971  
federal funds. 60972

**Sec. 3702.91.** (A) As used in this section: 60973

(1) "Full-time practice" and "part-time practice" have the 60974  
same meanings as in section 3702.71 of the Revised Code; 60975

(2) "Teaching activities" means ~~supervising~~ providing 60976  
clinical education to dental students and dental residents and 60977  
dental health profession students at the service site specified in 60978  
the ~~letter of intent~~ contract described in division (B) of this 60979  
section ~~3702.90 of the Revised Code~~. 60980

(B) An individual who has signed a letter of intent may enter 60981  
into a contract with the director of health for participation in 60982  
the dentist loan repayment program. The dentist's employer or 60983  
other funding source may also be a party to the contract. 60984

(C) The contract shall include all of the following 60985  
obligations: 60986

(1) The individual agrees to provide dental services in the 60987  
dental health resource shortage area identified in the letter of 60988  
intent for the number of hours and duration specified in the 60989  
contract. 60990

(2) When providing dental services in the dental health 60991  
resource shortage area, the individual agrees to do all of the 60992  
following: 60993

(a) Provide dental services in a service site approved by the 60994  
department of health; 60995

(b) Provide dental services without regard to a patient's 60996  
ability to pay; 60997

(c) Meet the requirements for a medicaid provider agreement 60998  
and enter into the agreement with the department of medicaid to 60999

provide dental services to medicaid recipients. 61000

(3) The department of health agrees, as provided in section 61001  
3702.85 of the Revised Code, to repay, so long as the individual 61002  
performs the service obligation agreed to under division (C)(1) of 61003  
this section, all or part of the principal and interest of a 61004  
government or other educational loan taken by the individual for 61005  
expenses described in section 3702.85 of the Revised Code. 61006

(4) The individual agrees to pay the department of health an 61007  
amount established by rules adopted under section 3702.86 of the 61008  
Revised Code, if the individual fails to complete the service 61009  
obligation agreed to under division (C)(1) of this section. 61010

(D) The contract shall include the following terms as agreed 61011  
upon by the parties: 61012

(1) The individual's required length of service in the dental 61013  
health resource shortage area, which must be at least two years; 61014

(2) The number of weekly hours the individual will be engaged 61015  
in full-time practice or part-time practice; 61016

(3) The maximum amount that the department will repay on 61017  
behalf of the individual; 61018

(4) The extent to which the individual's teaching activities 61019  
will be counted toward the individual's full-time practice or 61020  
part-time practice hours under the contract. 61021

(E) If the amount specified in division (D)(3) of this 61022  
section includes federal funds ~~from the bureau of clinician~~ 61023  
~~recruitment and service in the United States department of health~~ 61024  
~~and human services~~, the amount of state funds repaid on the 61025  
individual's behalf shall be the same as the amount of those 61026  
federal funds. 61027

**Sec. 3704.05.** (A) No person shall cause, permit, or allow 61028  
emission of an air contaminant in violation of any rule adopted by 61029

the director of environmental protection under division (E) of 61030  
section 3704.03 of the Revised Code unless the person is the 61031  
holder of a variance that is issued under division (H) of that 61032  
section and consistent with the federal Clean Air Act permitting 61033  
the emission of the contaminant in excess of that permitted by the 61034  
rule or the person is the holder of an operating permit that 61035  
includes a compliance schedule issued pursuant to rules adopted 61036  
under division (G) of section 3704.03 of the Revised Code. 61037

(B) No person who is the holder of a variance issued under 61038  
division (H) of section 3704.03 of the Revised Code shall cause, 61039  
permit, or allow emission of an air contaminant or contaminants 61040  
listed therein in violation of the conditions of the variance or 61041  
fail to obey an order of the director issued under authority of 61042  
that division. 61043

(C) No person who is the holder of a permit issued under 61044  
division (F) or (G) of section 3704.03 of the Revised Code shall 61045  
violate any of its terms or conditions. 61046

(D) No person shall fail to install and maintain monitoring 61047  
devices or to submit reports or other information as may be 61048  
required under division (I) of section 3704.03 of the Revised 61049  
Code. 61050

(E) No person to whom a permit or variance has been issued 61051  
shall refuse entry to an authorized representative of the director 61052  
or the environmental protection agency as provided in division 61053  
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 61054  
the person in making an investigation. 61055

(F) No person shall fail to submit plans and specifications 61056  
as required by section 3704.03 of the Revised Code. 61057

(G) No person shall violate any order, rule, or determination 61058  
of the director issued, adopted, or made under this chapter. 61059

(H) No person shall do any of the following: 61060

(1) Falsify any plans, specifications, data, reports, records, or other information required to be kept or submitted to the director by this chapter or rules adopted under it;

(2) Make any false material statement, representation, or certification in any form, notice, or report required by the Title V permit program;

(3) Render inaccurate any monitoring device required by a Title V permit.

Violation of division (H)(1), (2), or (3) of this section is not also falsification under section 2921.13 of the Revised Code.

(I) No person shall knowingly falsify an inspection certificate submitted to another under section 3704.14 or Chapter 4503. of Revised Code. Violation of this division is not also falsification under section 2921.13 of the Revised Code.

(J) No person shall do either of the following:

(1) With regard to the Title V permit program, fail to pay any administrative penalty assessed in accordance with rules adopted under division (S) of section 3704.03 of the Revised Code or any fee assessed under section 3745.11 of the Revised Code;

(2) Violate any applicable requirement of a Title V permit or any permit condition, except for an emergency as defined in 40 C.F.R. 70.6 (g), or filing requirement of the Title V permit program, any duty to allow or carry out inspection, entry, or monitoring activities, or any rule adopted or order issued by the director pursuant to the Title V permit program.

(K) On and after the three hundred sixty-sixth day following the administrator's final approval of the Title V permit program, or on and after the three hundred sixty-sixth day following the commencement of operation of a new major source required to comply with section 112(g) or part C or D of Title I of the federal Clean

Air Act, whichever is later, no person shall operate any such 61091  
source that is required to obtain a Title V permit under section 61092  
3704.036 of the Revised Code or rules adopted under it unless such 61093  
a permit has been issued authorizing operation of the source or 61094  
unless a complete and timely application for the issuance, 61095  
renewal, or modification of a Title V permit for the source has 61096  
been submitted to the director under that section. 61097

**Sec. 3704.14.** (A)(1) If the director of environmental 61098  
protection determines that implementation of a motor vehicle 61099  
inspection and maintenance program is necessary for the state to 61100  
effectively comply with the federal Clean Air Act after June 30, 61101  
~~2011~~ 2015, the director may provide for the implementation of the 61102  
program in those counties in this state in which such a program is 61103  
federally mandated. Upon making such a determination, the director 61104  
of environmental protection may request the director of 61105  
administrative services to extend the terms of the contract that 61106  
was entered into under the authority of Am. Sub. H.B. ~~±~~ 153 of the 61107  
~~128th~~ 129th general assembly. Upon receiving the request, the 61108  
director of administrative services shall extend the contract, 61109  
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 61110  
The contract shall be extended for a period of up to ~~twelve~~ 61111  
twenty-four months with the contractor who conducted the motor 61112  
vehicle inspection and maintenance program under that contract. 61113

(2) Prior to the expiration of the contract extension that is 61114  
authorized by division (A)(1) of this section, the director of 61115  
environmental protection shall request the director of 61116  
administrative services to enter into a contract with a vendor to 61117  
operate a decentralized motor vehicle inspection and maintenance 61118  
program in each county in this state in which such a program is 61119  
federally mandated through June 30, ~~2015~~ 2019, with an option for 61120  
the state to renew the contract for a period of up to twenty-four 61121  
months through June 30, ~~2017~~ 2021. The contract shall ensure that 61122

the decentralized motor vehicle inspection and maintenance program 61123  
achieves at least the same emission reductions as achieved by the 61124  
program operated under the authority of the contract that was 61125  
extended under division (A)(1) of this section. The director of 61126  
administrative services shall select a vendor through a 61127  
competitive selection process in compliance with Chapter 125. of 61128  
the Revised Code. 61129

(3) Notwithstanding any law to the contrary, the director of 61130  
administrative services shall ensure that a competitive selection 61131  
process regarding a contract to operate a decentralized motor 61132  
vehicle inspection and maintenance program in this state 61133  
incorporates the following, which shall be included in the 61134  
contract: 61135

(a) For purposes of expanding the number of testing locations 61136  
for consumer convenience, a requirement that the vendor utilize 61137  
established local businesses, auto repair facilities, or leased 61138  
properties to operate state-approved inspection and maintenance 61139  
testing facilities; 61140

(b) A requirement that the vendor selected to operate the 61141  
program provide notification of the program's requirements to each 61142  
owner of a motor vehicle that is required to be inspected under 61143  
the program. The contract shall require the notification to be 61144  
provided not later than sixty days prior to the date by which the 61145  
owner of the motor vehicle is required to have the motor vehicle 61146  
inspected. The director of environmental protection and the vendor 61147  
shall jointly agree on the content of the notice. However, the 61148  
notice shall include at a minimum the locations of all inspection 61149  
facilities within a specified distance of the address that is 61150  
listed on the owner's motor vehicle registration; 61151

(c) A requirement that the vendor comply with testing 61152  
methodology and supply the required equipment approved by the 61153  
director of environmental protection as specified in the 61154

competitive selection process in compliance with Chapter 125. of 61155  
the Revised Code. 61156

(4) A decentralized motor vehicle inspection and maintenance 61157  
program operated under this section shall comply with division (B) 61158  
of this section. The director of environmental protection shall 61159  
administer the decentralized motor vehicle inspection and 61160  
maintenance program operated under this section. 61161

(B) The decentralized motor vehicle inspection and 61162  
maintenance program authorized by this section, at a minimum, 61163  
shall do all of the following: 61164

(1) Comply with the federal Clean Air Act; 61165

(2) Provide for the issuance of inspection certificates; 61166

(3) Provide for a new car exemption for motor vehicles four 61167  
years old or newer and provide that a new motor vehicle is exempt 61168  
for four years regardless of whether legal title to the motor 61169  
vehicle is transferred during that period. 61170

(C) The director of environmental protection shall adopt 61171  
rules in accordance with Chapter 119. of the Revised Code that the 61172  
director determines are necessary to implement this section. The 61173  
director may continue to implement and enforce rules pertaining to 61174  
the motor vehicle inspection and maintenance program previously 61175  
implemented under former section 3704.14 of the Revised Code as 61176  
that section existed prior to its repeal and reenactment by Am. 61177  
Sub. H.B. 66 of the 126th general assembly, provided that the 61178  
rules do not conflict with this section. 61179

(D) There is hereby created in the state treasury the auto 61180  
emissions test fund, which shall consist of money received by the 61181  
director from any cash transfers, state and local grants, and 61182  
other contributions that are received for the purpose of funding 61183  
the program established under this section. The director of 61184  
environmental protection shall use money in the fund solely for 61185

the implementation, supervision, administration, operation, and 61186  
enforcement of the motor vehicle inspection and maintenance 61187  
program established under this section. Money in the fund shall 61188  
not be used for either of the following: 61189

(1) To pay for the inspection costs incurred by a motor 61190  
vehicle dealer so that the dealer may provide inspection 61191  
certificates to an individual purchasing a motor vehicle from the 61192  
dealer when that individual resides in a county that is subject to 61193  
the motor vehicle inspection and maintenance program; 61194

(2) To provide payment for more than one free passing 61195  
emissions inspection or a total of three emissions inspections for 61196  
a motor vehicle in any three-hundred-sixty-five-day period. The 61197  
owner or lessee of a motor vehicle is responsible for inspection 61198  
fees that are related to emissions inspections beyond one free 61199  
passing emissions inspection or three total emissions inspections 61200  
in any three-hundred-sixty-five-day period. Inspection fees that 61201  
are charged by a contractor conducting emissions inspections under 61202  
a motor vehicle inspection and maintenance program shall be 61203  
approved by the director of environmental protection. 61204

(E) The motor vehicle inspection and maintenance program 61205  
established under this section expires upon the termination of all 61206  
contracts entered into under this section and shall not be 61207  
implemented beyond the final date on which termination occurs. 61208

**Sec. 3705.08.** (A) The director of health, by rule, shall 61209  
prescribe the form of records and certificates required by this 61210  
chapter. Records and certificates shall include the items and 61211  
information prescribed by the director, including the items 61212  
recommended by the national center for health statistics of the 61213  
United States department of health and human services, subject to 61214  
approval of and modification by the director. 61215

(B) All birth certificates shall include a statement setting 61216



forth the names of the child's parents and a line for the mother's 61217  
and the father's signature. 61218

(C) All death certificates shall include, in the medical 61219  
certification portion of the certificate, a space to indicate, if 61220  
the deceased individual is female and the manner of death is 61221  
determined to be a suspicious or violent death, whether any of the 61222  
following conditions apply to the individual: 61223

(1) Not pregnant within the past year; 61224

(2) Pregnant at the time of death; 61225

(3) Not pregnant, but had been pregnant within forty-two days 61226  
prior to the time of death; 61227

(4) Not pregnant, but had been pregnant within forty-three 61228  
days to one year prior to the time of death; 61229

(5) Unknown whether pregnant within the past year. 61230

(D)(1) The director shall prescribe methods, forms, and 61231  
blanks and shall furnish necessary postage, forms, and blanks for 61232  
obtaining registration of births, deaths, and other vital 61233  
statistics in each registration district, and for preserving the 61234  
records of the office of vital statistics, and no forms or blanks 61235  
shall be used other than those prescribed by the director. 61236

(2) All birth, fetal death, and death records and 61237  
certificates shall be ~~printed legibly or typewritten in unfading~~ 61238  
~~black ink and~~ signed. Except as provided in division (G) of 61239  
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 61240  
division (D) of section 3705.15, or section 3705.16 of the Revised 61241  
Code, ~~a signature required on~~ a birth, fetal death, or death 61242  
certificate shall be ~~written~~ signed by the person required to sign 61243  
~~and a facsimile signature shall not be used~~ the certificate. 61244

(3) All vital records shall contain the date received for 61245  
registration. 61246

(4) Information and signatures required in certificates, 61247  
records, or reports authorized by this chapter may be filed and 61248  
registered by photographic, electronic, or other means as 61249  
prescribed by the director. 61250

Sec. 3705.231. A local registrar shall allow an individual to 61251  
photograph or otherwise copy a birth or death record. 61252

Sec. 3707.57. (A) As used in this section: 61253

(1) "Bloodborne pathogens" means the human immunodeficiency 61254  
virus (HIV), hepatitis B virus, and hepatitis C virus. 61255

(2) "Board of health" means the board of health of a city or 61256  
general health district or the authority having the duties of a 61257  
board of health under section 3709.05 of the Revised Code. 61258

(B) A board of health may establish a bloodborne infectious 61259  
disease prevention program. The cost of the program is the 61260  
responsibility of the board of health. 61261

(C) A board of health that establishes a bloodborne 61262  
infectious disease prevention program shall determine the manner 61263  
in which the program is operated and the individuals who are 61264  
eligible to participate. The program shall do all of the 61265  
following: 61266

(1) If resources are available, provide on-site screening for 61267  
bloodborne pathogens; 61268

(2) Provide education to each program participant regarding 61269  
exposure to bloodborne pathogens; 61270

(3) Identify health and supportive services providers and 61271  
substance abuse treatment programs available in the area served by 61272  
the prevention program and, as appropriate, develop and enter into 61273  
referral agreements with the identified providers and programs; 61274

(4) Encourage each program participant to seek appropriate 61275

medical care, mental health services, substance abuse treatment, 61276  
or social services and, as appropriate, make referrals to health 61277  
and supportive services providers and substance abuse treatment 61278  
programs with which the prevention program has entered into 61279  
referral agreements; 61280

(5) Use a recordkeeping system that ensures that the identity 61281  
of each program participant remains anonymous; 61282

(6) Comply with applicable state and federal laws governing 61283  
participant confidentiality; 61284

(7) Provide each program participant with documentation 61285  
identifying the individual as an active participant in the 61286  
program. 61287

(D) A bloodborne infectious disease prevention program may 61288  
collect demographic information about each program participant, 61289  
including the zip code applicable to the participant's address, 61290  
and the participant's comorbidity diagnosis, if any. The program 61291  
may report the information to the department of mental health and 61292  
addiction services. 61293

(E)(1) Before establishing a bloodborne infectious disease 61294  
prevention program, the board of health shall consult with all of 61295  
the following: 61296

(a) Interested parties from the health district represented 61297  
by the board, including all of the following: 61298

(i) Law enforcement representatives; 61299

(ii) Prosecutors, as defined in section 2935.01 of the 61300  
Revised Code; 61301

(iii) Representatives of community addiction services 61302  
providers certified under section 5119.36 of the Revised Code; 61303

(iv) Persons recovering from substance abuse; 61304

(v) Relevant private, nonprofit organizations, including 61305

<u>hepatitis C and HIV advocacy organizations;</u>	61306
<u>(vi) Residents of the health district;</u>	61307
<u>(vii) The board of alcohol, drug addiction, and mental health</u>	61308
<u>services that serves the area in which the health district is</u>	61309
<u>located.</u>	61310
<u>(b) Representatives selected by the governing authority of</u>	61311
<u>the city, village, or township in which the program is proposed to</u>	61312
<u>be established.</u>	61313
<u>(2) If the board of health, after consulting with the</u>	61314
<u>interested parties and representatives listed in division (D)(1)</u>	61315
<u>of this section, decides to establish a bloodborne infectious</u>	61316
<u>disease prevention program, the board shall provide written notice</u>	61317
<u>of the proposed location to the governing authority of the city,</u>	61318
<u>village, or township in which the program is to be located. The</u>	61319
<u>governing authority retains all zoning rights.</u>	61320
<u>(F)(1) If carrying out a duty under a component of a</u>	61321
<u>bloodborne infectious disease prevention program would be</u>	61322
<u>considered a violation of any of the following, an employee or</u>	61323
<u>volunteer of the program, when carrying out the duty, is not</u>	61324
<u>subject to criminal prosecution for the violation:</u>	61325
<u>(a) Section 2923.24 of the Revised Code;</u>	61326
<u>(b) Section 2925.12 of the Revised Code;</u>	61327
<u>(c) Division (C)(1) of section 2925.14 of the Revised Code</u>	61328
<u>regarding the prohibition against illegal possession of drug</u>	61329
<u>paraphernalia;</u>	61330
<u>(d) Division (C) or (D) of section 3719.172 of the Revised</u>	61331
<u>Code regarding the prohibition against furnishing a hypodermic</u>	61332
<u>needle to another person.</u>	61333
<u>(2) If participating in a component of a bloodborne</u>	61334
<u>infectious disease prevention program would be considered a</u>	61335

violation of any of the following, a program participant who is 61336  
within one thousand feet of a program facility and is in 61337  
possession of documentation from the program identifying the 61338  
individual as an active participant in the program is not subject 61339  
to criminal prosecution for the violation: 61340

(a) Section 2923.24 of the Revised Code; 61341

(b) Section 2925.12 of the Revised Code; 61342

(c) Division (C)(1) of section 2925.14 of the Revised Code 61343  
regarding the prohibition against illegal possession of drug 61344  
paraphernalia. 61345

(G) A board of health that establishes a bloodborne 61346  
infectious disease prevention program shall include details about 61347  
the program in its annual report prepared under section 3707.47 of 61348  
the Revised Code. 61349

**Sec. 3709.03.** (A) There is hereby created in each general 61350  
health district a district advisory council. A council shall 61351  
consist of the president of the board of county commissioners, the 61352  
chief executive of each municipal corporation not constituting a 61353  
city health district, and the president of the board of township 61354  
trustees of each township. The board of county commissioners, the 61355  
legislative body of a municipal corporation, and the board of 61356  
township trustees of a township may select an alternate from among 61357  
themselves to serve if the president, the chief executive, or the 61358  
president of the board of township trustees is unable to attend 61359  
any meeting of the district advisory council. When attending a 61360  
meeting on behalf of a council member, the alternate may vote on 61361  
any matter on which the member is authorized to vote. 61362

The council shall organize by selecting a chair and secretary 61363  
from among its members. The council shall adopt bylaws governing 61364  
its meetings, the transaction of business, and voting procedures. 61365

The council shall meet annually in March at a place 61366  
determined by the chair and the health commissioner for the 61367  
purpose of electing the chair and the secretary, making necessary 61368  
appointments to the board of health, receiving and considering the 61369  
annual or special reports from the board of health, and making 61370  
recommendations to the board of health or to the department of 61371  
health in regard to matters for the betterment of health and 61372  
sanitation within the district or for needed legislation. The 61373  
secretary of the council shall notify the district health 61374  
commissioner and the director of health of the proceedings of such 61375  
meeting. 61376

Special meetings of the council shall be held on the order of 61377  
any of the following: 61378

(1) The director of health; 61379

(2) The board of health; 61380

(3) The lesser of five or a majority of district advisory 61381  
council members. 61382

The district health commissioner shall attend all meetings of 61383  
the council. 61384

(B) The district advisory council shall appoint ~~four~~ five 61385  
members of the board of health, ~~and the remaining member shall be~~ 61386  
~~appointed by the~~ unless the board of health has established a 61387  
health district licensing council ~~established~~ under section 61388  
3709.41 of the Revised Code, in which case, the district advisory 61389  
council shall appoint four members of the board of health, and the 61390  
health district licensing council shall appoint one member of the 61391  
board of health. At least one member of the board of health shall 61392  
be a physician. Appointments shall be made with due regard to 61393  
equal representation of all parts of the district. 61394

(C) If at an annual or special meeting at which a member of 61395  
the board of health is to be appointed fewer than a majority of 61396

the members of the district council are present, the council, by 61397  
the majority vote of council members present, may organize an 61398  
executive committee to make the appointment. An executive 61399  
committee shall consist of five council members, including the 61400  
president of the board of county commissioners, the council chair, 61401  
the council secretary, and two additional council members selected 61402  
by majority affirmative vote of the council members present at the 61403  
meeting. The additional members selected shall include one 61404  
representative of municipal corporations in the district that are 61405  
not city health districts and one representative of townships in 61406  
the district. If an individual is eligible for more than one 61407  
position on the executive committee due to holding a particular 61408  
office, the individual shall fill one position on the committee 61409  
and the other position shall be filled by a member selected by a 61410  
majority affirmative vote of the council members present at the 61411  
meeting. A council member's alternate for annual meetings may 61412  
serve as the member's alternate at meetings of the executive 61413  
committee. 61414

Not later than thirty days after an executive committee is 61415  
organized, the committee shall meet and the council chair shall 61416  
present to the committee the matter of appointing a member of the 61417  
board of health. The committee shall appoint the board member by 61418  
majority affirmative vote. In the case of a combined health 61419  
district, the executive committee shall appoint only members of 61420  
the board of health that are to be appointed by the district 61421  
advisory council, unless the contract for administration of health 61422  
affairs in the combined district provides otherwise. If a majority 61423  
affirmative vote is not reached within thirty days after the 61424  
executive committee is organized, the director of health shall 61425  
appoint the member of the board of health under the authority 61426  
conferred by section 3709.03 of the Revised Code. 61427

If the council fails to meet or appoint a member of the board 61428

of health as required by this section or section 3709.02 of the Revised Code, the director of health may appoint the member.

**Sec. 3709.05.** (A) Unless an administration of public health different from that specifically provided in this section is established and maintained under authority of its charter, or unless a combined city health district is formed under section 3709.051 of the Revised Code, the legislative authority of each city constituting a city health district shall establish a board of health. The board of health shall be composed of ~~four~~ five members appointed by the mayor and confirmed by the legislative authority ~~and one member appointed by the,~~ unless the board of health has established a health district licensing council established under section 3709.41 of the Revised Code, in which case, the mayor shall appoint four members of the board of health, confirmed by the legislative authority, and the health district licensing council shall appoint one member of the board of health.

(B) Each member of the board shall be paid a sum not to exceed eighty dollars a day for the member's attendance at each meeting of the board. No member shall receive compensation for attendance at more than eighteen meetings in any year.

(C) Each member of the board shall receive travel expenses at rates established by the director of budget and management pursuant to section 126.31 of the Revised Code to cover the actual and necessary travel expenses incurred for travel to and from meetings that take place outside the county in which the member resides, except that any member may receive travel expenses for registration for any conference that takes place inside the county in which the member resides.

(D) A majority of the members constitutes a quorum, and the mayor shall be president of the board.

(E) The term of office of the members shall be five years



from the date of appointment, except that of those first 61460  
appointed, one shall serve for five years, one for four years, one 61461  
for three years, one for two years, and one for one year, and 61462  
thereafter one shall be appointed each year. 61463

A vacancy in the membership of the board shall be filled in 61464  
like manner as an original appointment and shall be for the 61465  
unexpired term. 61466

**Sec. 3709.07.** Except as provided in section 3709.071 of the 61467  
Revised Code, when it is proposed that one or more city health 61468  
districts unite with a general health district in the formation of 61469  
a single district, the district advisory council of the general 61470  
health district shall meet and vote on the question of union. It 61471  
shall require a majority affirmative vote of the members of the 61472  
district advisory council to carry the question. The legislative 61473  
authority of each city shall likewise vote on the question. A 61474  
majority voting affirmatively shall be required for approval. When 61475  
the majority of the district advisory council and the legislative 61476  
authority have voted affirmatively, the chair of the council and 61477  
the chief executive of each city shall enter into a contract for 61478  
the administration of health affairs in the combined district. 61479  
Such contract shall state the proportion of the expenses of the 61480  
board of health or health department of the combined district to 61481  
be paid by the city or cities and by the original general health 61482  
district. The contract may provide that the administration of the 61483  
combined district shall be taken over by either the board of 61484  
health or health department of one of the cities, by the board of 61485  
health of the general health district, or by a combined board of 61486  
health. Such contract shall prescribe the date on which such 61487  
change of administration shall be made. A copy of such contract 61488  
shall be filed with the director of health. 61489

The combined district shall constitute a general health 61490

district, and the board of health or health department of the 61491  
city, the board of health of the original general health district, 61492  
or the combined board of health, as may be agreed in the contract, 61493  
shall have, within the combined district, all the powers granted 61494  
to, and perform all the duties required of, the board of health of 61495  
a general health district. 61496

The district advisory council of the combined general health 61497  
district shall consist of the members of the district advisory 61498  
council of the original general health district and the chief 61499  
executive of each city constituting a city health district, each 61500  
member having one vote. 61501

If the contract provides that the administration of the 61502  
combined district shall be taken over by a combined board of 61503  
health, rather than the board of health of the original health 61504  
district, the contract shall set forth the number of members of 61505  
such board, their terms of office, and the manner of appointment 61506  
or election of officers. One of the members of such combined board 61507  
of health shall be a physician, and one member shall be an 61508  
individual appointed by the health district licensing council, if 61509  
such council is established under section 3709.41 of the Revised 61510  
Code. The contract may also provide for the representation of 61511  
areas by one or more members and shall, in such event, specify the 61512  
territory to be included in each such area. 61513

The appointment of any member of the combined board who is 61514  
designated by the provisions of the contract to represent a city 61515  
shall be made by the chief executive and approved by the 61516  
legislative authority of such city. If a member is designated by 61517  
the contract to represent more than one city, the member shall be 61518  
appointed by majority vote of the chief executives of all cities 61519  
included in any such area. Except for the member appointed by the 61520  
health district licensing council, if such council is established, 61521  
the appointment of all members of the combined board who are 61522

designated to represent the balance of the district shall be made 61523  
by the district advisory council. 61524

The service status of any person employed by a city or 61525  
general health district shall not be affected by the creation of a 61526  
combined district. 61527

**Sec. 3709.41.** (A) ~~There is hereby created in~~ The board of 61528  
health of each city and ~~in~~ of each general health district may 61529  
establish a health district licensing council, to be appointed by 61530  
the entity that has responsibility for appointing the board of 61531  
health in the health district. The members of the council shall 61532  
consist of one representative of each business activity for which 61533  
the board of health operates a licensing program. To be appointed 61534  
and remain a member, an individual shall be a resident of the 61535  
health district for which the council was created. 61536

The appointing authority shall make initial appointments to 61537  
the council not later than thirty days after ~~November 21, 2001~~ the 61538  
board of health establishes the council. Of the initial 61539  
appointments to the council, one-third of the members, rounded to 61540  
the nearest whole number, shall serve for a term ending three 61541  
years after ~~November 21, 2001~~ the date of appointment; one-third, 61542  
rounded to the nearest whole number, shall serve for a term ending 61543  
four years after ~~November 21, 2001~~ the date of appointment; and 61544  
the remaining members shall serve for a term ending five years 61545  
after ~~November 21, 2001~~ the date of appointment. Thereafter, terms 61546  
of office shall be five years, with each term ending on the same 61547  
day of the same month as did the term that it succeeds. 61548

Each member shall hold office from the date of the member's 61549  
appointment until the end of the term for which the member was 61550  
appointed. Members may be reappointed. 61551

Vacancies shall be filled in the manner provided for original 61552  
appointments. Any member appointed to fill a vacancy occurring 61553

prior to the expiration of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

Members shall serve without compensation, except to the extent that serving on the council is part of their regular duties of employment.

(B) Each health district licensing council shall organize by selecting from among its members a chairperson, a secretary, and any other officers it considers necessary. Each council shall adopt bylaws for the regulation of its affairs and the conduct of its business.

Each council shall meet at least annually or at more frequent intervals if specified in its bylaws. In addition to the mandatory meetings, a council shall meet at the call of the chairperson or the request of a majority of the council members.

(C) Pursuant to sections 3709.03, 3709.05, and 3709.07 of the Revised Code, the health district licensing council, if established by the board of health, shall appoint one ~~of its members to serve as a~~ member of the board of health. The council shall appoint one of its members to serve as an alternate board of health member if for any reason the original member is required to abstain from voting on a particular issue being considered by the board of health. While serving on behalf of the original member, the alternate member has the same powers and duties as the original member.

**Sec. 3714.051.** (A)(1) Not later than one hundred eighty days after ~~the effective date of this section~~ December 22, 2005, and in accordance with rules adopted under section 3714.02 of the Revised

Code, the director of environmental protection shall establish a 61585  
program for the issuance of permits to install for new 61586  
construction and demolition debris facilities. 61587

(2) On and after ~~the effective date of this section~~ December 61588  
22, 2005, no person shall establish a new construction and 61589  
demolition debris facility without first obtaining a permit to 61590  
install issued by the board of health of the health district in 61591  
which the facility is or is to be located or from the director if 61592  
the facility is or is to be located in a health district that is 61593  
not on the approved list under section 3714.09 of the Revised Code 61594  
or if a board of health requests the director to issue the permit 61595  
to install under division (G) of this section. 61596

(B) The director, the director's authorized representative, a 61597  
board of health, or an authorized representative of the board may 61598  
assist an applicant for a permit to install during the permitting 61599  
process by providing guidance and technical assistance. 61600

(C) An applicant for a permit to install shall submit an 61601  
application to a board of health or the director, as applicable, 61602  
on a form that the director prescribes. The applicant shall 61603  
include with the application all of the following: 61604

(1) The name and address of the applicant, of all partners if 61605  
the applicant is a partnership or of all officers and directors if 61606  
the applicant is a corporation, and of any other person who has a 61607  
right to control or in fact controls management of the applicant 61608  
or the selection of officers, directors, or managers of the 61609  
applicant; 61610

(2) The designs and plans for the construction and demolition 61611  
debris facility that include the location or proposed location of 61612  
the facility, design and construction plans and specifications, 61613  
anticipated beginning and ending dates for work performed, and any 61614  
other related information that the director requires by rule; 61615

(3) The information required under section 3714.052 of the Revised Code; 61616  
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(4) An application fee of two thousand dollars. A board of health shall deposit money collected under division (C)(4) of this section into the special fund of the health district created under section 3714.07 of the Revised Code. The director shall transmit money collected under division (C)(4) of this section to the treasurer of state to be credited to the ~~construction and demolition debris facility oversight~~ waste management fund created in ~~that~~ section 3734.061 of the Revised Code. Not later than six months after a facility that is issued a permit to install begins accepting construction and demolition debris for disposal, a board of health or the director, as applicable, shall refund the application fee received under division (C)(4) of this section to the person that submitted the application for the permit to install. 61618  
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(5) Any other information required by the director in accordance with rules adopted under section 3714.02 of the Revised Code. 61632  
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(D) A permit to install may be issued with terms and conditions that a board of health or the director, as applicable, finds necessary to ensure that the facility will comply with this chapter and rules adopted under it and to protect public health and safety and the environment. 61635  
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(E) A permit to install shall expire after a time period specified by the director or board of health, as applicable, in accordance with rules adopted under section 3714.02 of the Revised Code unless the applicant has undertaken a continuing program of construction or has entered into a binding contractual obligation to undertake and complete a continuing program of construction within a reasonable time, in which case the director or board, as applicable, may extend the expiration date of a permit to install 61640  
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upon request of the applicant. 61648

(F) The director or a board of health, as applicable, may 61649  
issue, deny, modify, suspend, or revoke a permit to install in 61650  
accordance with rules. 61651

(G) A board of health shall notify the director of its 61652  
receipt of an application for a permit to install. A board of 61653  
health, or its authorized representative, may request the director 61654  
to review an application, or part of an application, for a permit 61655  
to install and also may request that the director issue or deny it 61656  
when the board determines that additional expertise is required. 61657  
The director shall comply with such a request. 61658

Upon a board of health's issuance of a permit to install for 61659  
a new construction and demolition debris facility under this 61660  
section, the board shall mail a copy of the permit to the director 61661  
together with approved plans, specifications, and information 61662  
regarding the facility. 61663

**Sec. 3714.07.** (A)(1) For the purpose of assisting boards of 61664  
health and the environmental protection agency in administering 61665  
and enforcing this chapter and rules adopted under it, there is 61666  
hereby levied a fee of thirty cents per cubic yard or sixty cents 61667  
per ton, as applicable, on both of the following: 61668

(a) The disposal of construction and demolition debris at a 61669  
construction and demolition debris facility that is licensed under 61670  
this chapter or at a solid waste facility that is licensed under 61671  
Chapter 3734. of the Revised Code; 61672

(b) The disposal of asbestos or asbestos-containing materials 61673  
or products at a construction and demolition debris facility that 61674  
is licensed under this chapter or at a solid waste facility that 61675  
is licensed under Chapter 3734. of the Revised Code. 61676

(2) The owner or operator of a construction and demolition 61677

debris facility or a solid waste facility shall determine if cubic 61678  
yards or tons will be used as the unit of measurement. If basing 61679  
the fee on cubic yards, the owner or operator shall utilize either 61680  
the maximum cubic yard capacity of the container, or the hauling 61681  
volume of the vehicle, that transports the construction and 61682  
demolition debris to the facility or the cubic yards actually 61683  
logged for disposal by the owner or operator in accordance with 61684  
rules adopted under section 3714.02 of the Revised Code. If basing 61685  
the fee on tonnage, the owner or operator shall use certified 61686  
scales to determine the tonnage of construction and demolition 61687  
debris that is disposed of. 61688

(3) The owner or operator of a construction and demolition 61689  
debris facility or a solid waste facility shall calculate the 61690  
amount of money generated from the fee levied under division 61691  
(A)(1) of this section and shall hold that amount as a trustee for 61692  
the health district having jurisdiction over the facility, if that 61693  
district is on the approved list under section 3714.09 of the 61694  
Revised Code, or for the state. The owner or operator shall 61695  
prepare and file with the appropriate board of health or the 61696  
director of environmental protection monthly returns indicating 61697  
the total volume or weight, as applicable, of construction and 61698  
demolition debris and asbestos or asbestos-containing materials or 61699  
products disposed of at the facility and the total amount of money 61700  
generated during that month from the fee levied under division 61701  
(A)(1) of this section on the disposal of construction and 61702  
demolition debris and asbestos or asbestos-containing materials or 61703  
products. Not later than thirty days after the last day of the 61704  
month to which the return applies, the owner or operator shall 61705  
mail to the board of health or the director the return for that 61706  
month together with the amount of money calculated under division 61707  
(A)(3) of this section on the disposal of construction and 61708  
demolition debris and asbestos or asbestos-containing materials or 61709  
products during that month or may submit the return and money 61710



electronically in a manner approved by the director. The owner or 61711  
operator may request, in writing, an extension of not more than 61712  
thirty days after the last day of the month to which the return 61713  
applies. A request for extension may be denied. If the owner or 61714  
operator submits the money late, the owner or operator shall pay a 61715  
penalty of ten per cent of the amount of the money due for each 61716  
month that it is late. 61717

(4) Of the money that is submitted by a construction and 61718  
demolition debris facility or a solid waste facility on a per 61719  
cubic yard or per ton basis under this section, a board of health 61720  
shall transmit three cents per cubic yard or six cents per ton, as 61721  
applicable, to the director not later than forty-five days after 61722  
the receipt of the money. The money retained by a board of health 61723  
under this section shall be paid into a special fund, which is 61724  
hereby created in each health district, and used solely for the 61725  
following purposes: 61726

(a) To administer and enforce this chapter and rules adopted 61727  
under it; 61728

(b) To abate abandoned accumulations of construction and 61729  
demolition debris as provided in section 3714.074 of the Revised 61730  
Code. 61731

The director shall transmit all money received under this 61732  
section to the treasurer of state to be ~~credited~~ deposited in the 61733  
state treasury to the ~~construction and demolition debris facility~~ 61734  
~~oversight~~ credit of the waste management fund, ~~which is hereby~~ 61735  
created in ~~the state treasury~~ section 3734.061 of the Revised 61736  
Code. ~~The fund shall be administered by the director, and money~~ 61737  
~~credited to the fund shall be used exclusively for the~~ 61738  
~~administration and enforcement of this chapter and rules adopted~~ 61739  
~~under it.~~ 61740

(B) The board of health of a health district or the director 61741

may enter into an agreement with the owner or operator of a 61742  
construction and demolition debris facility or a solid waste 61743  
facility for the quarterly payment of money generated from the 61744  
disposal fee as calculated in division (A)(3) of this section. The 61745  
board of health shall notify the director of any such agreement. 61746  
Not later than forty-five days after receipt of the quarterly 61747  
payment, the board of health shall transmit the amount established 61748  
in division (A)(4) of this section to the director. The money 61749  
retained by the board of health shall be deposited in the special 61750  
fund of the district as required under that division. Upon receipt 61751  
of the money from a board of health, the director shall transmit 61752  
the money to the treasurer of state to be credited to the 61753  
~~construction and demolition debris facility oversight~~ waste 61754  
management fund. 61755

(C) If a construction and demolition debris facility or a 61756  
solid waste facility is located within the territorial boundaries 61757  
of a municipal corporation or the unincorporated area of a 61758  
township, the municipal corporation or township may appropriate up 61759  
to four cents per cubic yard or up to eight cents per ton of the 61760  
disposal fee required to be paid by the facility under division 61761  
(A)(1) of this section for the same purposes that a municipal 61762  
corporation or township may levy a fee under division (C) of 61763  
section 3734.57 of the Revised Code. 61764

The legislative authority of the municipal corporation or 61765  
township may appropriate the money from the fee by enacting an 61766  
ordinance or adopting a resolution establishing the amount of the 61767  
fee to be appropriated. Upon doing so, the legislative authority 61768  
shall mail a certified copy of the ordinance or resolution to the 61769  
board of health of the health district in which the construction 61770  
and demolition debris facility or the solid waste facility is 61771  
located or, if the facility is located in a health district that 61772  
is not on the approved list under section 3714.09 of the Revised 61773

Code, to the director. Upon receipt of the copy of the ordinance 61774  
or resolution and not later than forty-five days after receipt of 61775  
money generated from the fee, the board or the director, as 61776  
applicable, shall transmit to the treasurer or other appropriate 61777  
officer of the municipal corporation or clerk of the township that 61778  
portion of the money generated from the disposal fee by the owner 61779  
or operator of the facility that is required by the ordinance or 61780  
resolution to be paid to that municipal corporation or township. 61781

Money received by the treasurer or other appropriate officer 61782  
of a municipal corporation under this division shall be paid into 61783  
the general fund of the municipal corporation. Money received by 61784  
the clerk of a township under this division shall be paid into the 61785  
general fund of the township. The treasurer or other officer of 61786  
the municipal corporation or the clerk of the township, as 61787  
appropriate, shall maintain separate records of the money received 61788  
under this division. 61789

The legislative authority of a municipal corporation or 61790  
township may cease appropriating money under this division by 61791  
repealing the ordinance or resolution that was enacted or adopted 61792  
under this division. 61793

The director shall adopt rules in accordance with Chapter 61794  
119. of the Revised Code establishing requirements for prorating 61795  
the amount of the fee that may be appropriated under this division 61796  
by a municipal corporation or township in which only a portion of 61797  
a construction and demolition debris facility is located within 61798  
the territorial boundaries of the municipal corporation or 61799  
township. 61800

(D) The board of county commissioners of a county in which a 61801  
construction and demolition debris facility or a solid waste 61802  
facility is located may appropriate up to three cents per cubic 61803  
yard or up to six cents per ton of the disposal fee required to be 61804  
paid by the facility under division (A)(1) of this section for the 61805

same purposes that a solid waste management district may levy a fee under division (B) of section 3734.57 of the Revised Code.

The board of county commissioners may appropriate the money from the fee by adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the board of county commissioners shall mail a certified copy of the resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the resolution and not later than forty-five days after receipt of money generated from the fee, the board of health or the director, as applicable, shall transmit to the treasurer of the county that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the resolution to be paid to that county.

Money received by a county treasurer under this division shall be paid into the general fund of the county. The county treasurer shall maintain separate records of the money received under this division.

A board of county commissioners may cease appropriating money under this division by repealing the resolution that was adopted under this division.

(E)(1) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if there is no construction and demolition debris facility licensed under this chapter within thirty-five miles of the solid waste facility as determined by a facility's property boundaries.

(2) This section does not apply to the disposal of

construction and demolition debris at a solid waste facility that 61837  
is licensed under Chapter 3734. of the Revised Code if the owner 61838  
or operator of the facility chooses to collect fees on the 61839  
disposal of the construction and demolition debris and asbestos or 61840  
asbestos-containing materials or products that are identical to 61841  
the fees that are collected under Chapters 343. and 3734. of the 61842  
Revised Code on the disposal of solid wastes at that facility. 61843

(3) This section does not apply to the disposal of source 61844  
separated materials that are exclusively composed of reinforced or 61845  
nonreinforced concrete, asphalt, clay tile, building or paving 61846  
brick, or building or paving stone at a construction and 61847  
demolition debris facility that is licensed under this chapter 61848  
when either of the following applies: 61849

(a) The materials are placed within the limits of 61850  
construction and demolition debris placement at the facility as 61851  
specified in the license issued to the facility under section 61852  
3714.06 of the Revised Code, are not placed within the unloading 61853  
zone of the facility, and are used as a fire prevention measure in 61854  
accordance with rules adopted by the director under section 61855  
3714.02 of the Revised Code. 61856

(b) The materials are not placed within the unloading zone of 61857  
the facility or within the limits of construction and demolition 61858  
debris placement at the facility as specified in the license 61859  
issued to the facility under section 3714.06 of the Revised Code, 61860  
but are used as fill material, either alone or in conjunction with 61861  
clean soil, sand, gravel, or other clean aggregates, in legitimate 61862  
fill operations for construction purposes at the facility or to 61863  
bring the facility up to a consistent grade. 61864

**Sec. 3714.073.** (A) In addition to the fee levied under 61865  
division (A)(1) of section 3714.07 of the Revised Code, beginning 61866  
July 1, 2005, there is hereby levied on the disposal of 61867

construction and demolition debris at a construction and 61868  
demolition debris facility that is licensed under this chapter or 61869  
at a solid waste facility that is licensed under Chapter 3734. of 61870  
the Revised Code and on the disposal of asbestos or 61871  
asbestos-containing materials or products at a construction and 61872  
demolition debris facility that is licensed under this chapter or 61873  
at a solid waste facility that is licensed under Chapter 3734. of 61874  
the Revised Code the following fees: 61875

(1) A fee of twelve and one-half cents per cubic yard or 61876  
twenty-five cents per ton, as applicable, the proceeds of which 61877  
shall be deposited in the state treasury to the credit of the soil 61878  
and water conservation district assistance fund created in section 61879  
~~1515.14~~ 940.15 of the Revised Code; 61880

(2) A fee of thirty-seven and one-half cents per cubic yard 61881  
or seventy-five cents per ton, as applicable, the proceeds of 61882  
which shall be deposited in the state treasury to the credit of 61883  
the recycling and litter prevention fund created in section 61884  
3736.03 of the Revised Code. 61885

(B) The owner or operator of a construction and demolition 61886  
debris facility or a solid waste facility, as a trustee of the 61887  
state, shall calculate the amount of money generated from the fees 61888  
levied under this section and remit the money from the fees in the 61889  
manner that is established in divisions (A)(2) and (3) of section 61890  
3714.07 of the Revised Code for the fee that is levied under 61891  
division (A)(1) of that section and may enter into an agreement 61892  
for the quarterly payment of money generated from the fees in the 61893  
manner established in division (B) of that section for the 61894  
quarterly payment of money generated from the fee that is levied 61895  
under division (A)(1) of that section. 61896

(C) The amount of money that is calculated by the owner or 61897  
operator of a construction and demolition debris facility or a 61898

solid waste facility and remitted to a board of health or the 61899  
director of environmental protection, as applicable, pursuant to 61900  
this section shall be transmitted by the board or director to the 61901  
treasurer of state not later than forty-five days after the 61902  
receipt of the money to be credited to the soil and water 61903  
conservation district assistance fund or the recycling and litter 61904  
prevention fund, as applicable. 61905

(D) This section does not apply to the disposal of 61906  
construction and demolition debris at a solid waste facility that 61907  
is licensed under Chapter 3734. of the Revised Code if the owner 61908  
or operator of the facility chooses to collect fees on the 61909  
disposal of the construction and demolition debris and asbestos or 61910  
asbestos-containing materials or products that are identical to 61911  
the fees that are collected under Chapters 343. and 3734. of the 61912  
Revised Code on the disposal of solid wastes at that facility. 61913

(E) This section does not apply to the disposal of source 61914  
separated materials that are exclusively composed of reinforced or 61915  
nonreinforced concrete, asphalt, clay tile, building or paving 61916  
brick, or building or paving stone at a construction and 61917  
demolition debris facility that is licensed under this chapter 61918  
when either of the following applies: 61919

(1) The materials are placed within the limits of 61920  
construction and demolition debris placement at the facility as 61921  
specified in the license issued to the facility under section 61922  
3714.06 of the Revised Code, are not placed within the unloading 61923  
zone of the facility, and are used as a fire prevention measure in 61924  
accordance with rules adopted by the director under section 61925  
3714.02 of the Revised Code. 61926

(2) The materials are not placed within the unloading zone of 61927  
the facility or within the limits of construction and demolition 61928  
debris placement at the facility as specified in the license 61929  
issued to the facility under section 3714.06 of the Revised Code, 61930

but are used as fill material, either alone or in conjunction with  
clean soil, sand, gravel, or other clean aggregates, in legitimate  
fill operations for construction purposes at the facility or to  
bring the facility up to a consistent grade.

**Sec. 3714.08.** (A) At least annually, the board of health of a  
health district or the director of environmental protection shall  
cause each construction and demolition debris facility for which  
the board or the director, as appropriate, issued a license under  
section 3714.06 of the Revised Code to be inspected and shall  
cause a record to be made of each inspection. The board or the  
director shall require each such facility to be in substantial  
compliance with this chapter and rules adopted under it.

(B) Within thirty days after the issuance of a license, the  
board of health shall certify to the director of environmental  
protection that the construction and demolition debris facility  
has been inspected and is in substantial compliance with this  
chapter and rules adopted under it. Each board of health shall  
provide the director with such other information as ~~he~~ the  
director may require from time to time.

(C) The board of health or its authorized representative and  
the director or ~~his~~ the director's authorized representative, upon  
proper identification and upon stating the purpose and necessity  
of an inspection, may enter at reasonable times upon any public or  
private property, real or personal, to inspect or investigate,  
obtain samples, and examine or copy records to determine  
compliance with this chapter and rules adopted under it. The board  
of health or its authorized representative or the director or ~~his~~  
the director's authorized representative may apply for, and any  
judge of a court of record may issue, an appropriate search  
warrant necessary to achieve the purposes of this chapter and  
rules adopted under it within the court's territorial



jurisdiction. If entry is refused or inspection or investigation 61962  
is refused, hindered, or thwarted, the board of health or the 61963  
director may suspend or revoke the construction and demolition 61964  
debris facility's license. 61965

(D) If the entry authorized by division (C) of this section 61966  
is refused or if the inspection or investigation so authorized is 61967  
refused, hindered, or thwarted by intimidation or otherwise and if 61968  
the director, the board of health, or authorized representative of 61969  
either applies for and obtains a search warrant under division (C) 61970  
of this section to conduct the inspection or investigation, the 61971  
owner or operator of the premises where entry was refused or 61972  
inspection or investigation was refused, hindered, or thwarted is 61973  
liable to the director or board of health for the reasonable costs 61974  
incurred by either for ~~the~~ all of the following: 61975

(1) The regular salaries and fringe benefit costs of 61976  
personnel assigned to conduct the inspection or investigation from 61977  
the time the entry, inspection, or investigation was refused, 61978  
hindered, or thwarted until the search warrant is executed; ~~for~~ 61979  
~~the~~ 61980

(2) The salary, fringe benefits, and travel expenses of the 61981  
attorney general, prosecuting attorney of the county, or city 61982  
director of law, or an authorized assistant, incurred in obtaining 61983  
the search warrant; ~~and for expenses~~ 61984

(3) Expenses necessarily incurred for the assistance of local 61985  
law enforcement officers in executing the search warrant. ~~In~~ 61986

In the application for a search warrant, the director or 61987  
board of health may request and the court, in its order granting 61988  
the search warrant, may order the owner or operator of the 61989  
premises to reimburse the director or board of health for such of 61990  
those costs as the court finds reasonable. From moneys recovered 61991  
under this division, the director shall reimburse the attorney 61992

general for the costs incurred by ~~him~~ the attorney general or ~~his~~ the attorney general's authorized assistant in connection with proceedings for obtaining the search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the search warrant, and shall deposit the remainder in the state treasury to the credit of the ~~construction and demolition debris facility oversight~~ waste management fund created in section ~~3714.07~~ 3734.061 of the Revised Code. From moneys recovered under this division, the board of health shall reimburse the prosecuting attorney of the county or the city director of law for the costs incurred by ~~him~~ the prosecuting attorney or the city director of law or ~~his~~ the authorized assistant of the prosecuting attorney or the city director of law in connection with proceedings for obtaining the search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the search warrant, and shall deposit the remainder of any such moneys to the credit of the special fund of the health district created in section 3714.07 of the Revised Code.

**Sec. 3714.09.** (A) The director of environmental protection shall place each health district that is on the approved list under division (A) or (B) of section 3734.08 of the Revised Code on the approved list for the purposes of issuing permits to install and licenses under this chapter. Any survey or resurvey of any such health district conducted under section 3734.08 of the Revised Code shall also determine whether there is substantial compliance with this chapter. If the director removes any such health district from the approved list under division (B) of that section, the director shall also remove the health district from the approved list under this division and shall administer and enforce this chapter in the health district until the health

district is placed on the approved list under division (B) of 62025  
section 3734.08 of the Revised Code or division (B)(1) of this 62026  
section. 62027

(B)(1) Upon the request of the board of health of a health 62028  
district that is not on the approved list under division (A) or 62029  
(B) of section 3734.08 of the Revised Code, the director may place 62030  
the board on the approved list for the purpose of permitting and 62031  
licensing construction and demolition debris facilities under this 62032  
chapter if the director determines that the board is both capable 62033  
of and willing to enforce all of the applicable requirements of 62034  
this chapter and rules adopted under it. 62035

(2) The director shall annually survey each health district 62036  
on the approved list under division (B)(1) of this section to 62037  
determine whether there is substantial compliance with this 62038  
chapter and rules adopted under it. Upon determining that there is 62039  
substantial compliance, the director shall place the health 62040  
district on the approved list under that division. The director 62041  
shall make a resurvey when in the director's opinion a resurvey is 62042  
necessary and shall remove from the approved list under division 62043  
(B)(1) of this section any health district not substantially 62044  
complying with this chapter and rules adopted under it. 62045

(3) If, after a survey or resurvey is made under division 62046  
(B)(2) of this section, the director determines that a health 62047  
district is not eligible to be placed on the approved list or to 62048  
continue on that list, the director shall certify that fact to the 62049  
board of health of the health district and shall administer and 62050  
enforce this chapter and rules adopted under it in the health 62051  
district until such time as the health district is placed on the 62052  
approved list. 62053

(4) Whenever the director is required to administer and 62054  
enforce this chapter in any health district under division (A) or 62055  
(B)(3) of this section, the director is hereby vested with all of 62056

the authority and all the duties granted to or imposed upon a 62057  
board of health under this chapter and rules adopted under it 62058  
within the health district. All disposal fees required to be paid 62059  
to a board of health by section 3714.07 of the Revised Code and 62060  
all such previous fees paid to the board, together with any money 62061  
from construction and demolition debris facility license fees that 62062  
were required to be paid to the board under section 3714.07 of the 62063  
Revised Code as that section existed prior to April 15, 2005, that 62064  
have not been expended or encumbered shall be paid to the director 62065  
and deposited by the director in the state treasury to the credit 62066  
of the ~~construction and demolition debris facility oversight~~ waste  
management fund created in section ~~3714.07~~ 3734.061 of the Revised 62067  
Code. 62068  
62069

(C) Nothing in this chapter limits the authority of the 62070  
director to initiate and pursue any administrative remedy or to 62071  
request the attorney general, the prosecuting attorney of the 62072  
appropriate county, or the city director of law of the appropriate 62073  
city to initiate and pursue any appropriate judicial remedy 62074  
available under this chapter to enforce any provision of this 62075  
chapter and any rules or terms or conditions of any permit or 62076  
license or order adopted or issued under this chapter with respect 62077  
to any construction and demolition debris facility regardless of 62078  
whether the facility is located in a health district that is on 62079  
the approved list under this section. 62080

**Sec. 3718.03.** (A) There is hereby created the sewage 62081  
treatment system technical advisory committee consisting of the 62082  
director of health or the director's designee and thirteen members 62083  
who are knowledgeable about sewage treatment systems and 62084  
technologies. The director or the director's designee shall serve 62085  
as committee secretary and may vote on actions taken by the 62086  
committee. Of the thirteen members, five shall be appointed by the 62087  
governor, four shall be appointed by the president of the senate, 62088

and four shall be appointed by the speaker of the house of 62089  
representatives. 62090

(1) Of the members appointed by the governor, one shall 62091  
represent academia and shall be active in teaching or research in 62092  
the area of on-site wastewater treatment, one shall be a 62093  
representative of the public who is not employed by the state or 62094  
any of its political subdivisions and who does not have a 62095  
pecuniary interest in sewage treatment systems, one shall be a 62096  
registered professional engineer employed by the environmental 62097  
protection agency, one shall be selected from among soil 62098  
scientists in the division of soil and water ~~resources~~ 62099  
conservation in the department of ~~natural resources~~ agriculture, 62100  
and one shall be a representative of a statewide organization 62101  
representing townships. 62102

(2) Of the members appointed by the president of the senate, 62103  
one shall be a health commissioner who is a member of and 62104  
recommended by the association of Ohio health commissioners, one 62105  
shall represent the interests of manufacturers of sewage treatment 62106  
systems, one shall represent installers and service providers, and 62107  
one shall be a person with demonstrated experience in the design 62108  
of sewage treatment systems. 62109

(3) Of the members appointed by the speaker of the house of 62110  
representatives, one shall be a health commissioner who is a 62111  
member of and recommended by the association of Ohio health 62112  
commissioners, one shall represent the interests of manufacturers 62113  
of sewage treatment systems, one shall be a sanitarian who is 62114  
registered under Chapter 4736. of the Revised Code and who is a 62115  
member of the Ohio environmental health association, and one shall 62116  
be a registered professional engineer with experience in sewage 62117  
treatment systems. 62118

(B) Terms of members appointed to the committee shall be for 62119  
three years, with each term ending on the same day of the same 62120

month as did the term that it succeeds. Each member shall serve 62121  
from the date of appointment until the end of the term for which 62122  
the member was appointed. 62123

Members may be reappointed. Vacancies shall be filled in the 62124  
same manner as provided for original appointments. Any member 62125  
appointed to fill a vacancy occurring prior to the expiration date 62126  
of the term for which the member was appointed shall hold office 62127  
for the remainder of that term. A member shall continue to serve 62128  
after the expiration date of the member's term until the member's 62129  
successor is appointed or until a period of sixty days has 62130  
elapsed, whichever occurs first. The applicable appointing 62131  
authority may remove a member from the committee for failure to 62132  
attend two consecutive meetings without showing good cause for the 62133  
absences. 62134

(C) The technical advisory committee annually shall select 62135  
from among its members a chairperson and a vice-chairperson. The 62136  
secretary shall keep a record of its proceedings. A majority vote 62137  
of the members of the full committee is necessary to take action 62138  
on any matter. The committee may adopt bylaws governing its 62139  
operation, including bylaws that establish the frequency of 62140  
meetings. 62141

(D) Serving as a member of the sewage treatment system 62142  
technical advisory committee does not constitute holding a public 62143  
office or position of employment under the laws of this state and 62144  
does not constitute grounds for removal of public officers or 62145  
employees from their offices or positions of employment. Members 62146  
of the committee shall serve without compensation for attending 62147  
committee meetings. 62148

(E) A member of the committee shall not have a conflict of 62149  
interest with the position. For the purposes of this division, 62150  
"conflict of interest" means the taking of any action that 62151  
violates any provision of Chapter 102. or 2921. of the Revised 62152

Code. 62153

(F) The sewage treatment system technical advisory committee 62154  
shall do all of the following: 62155

(1) Develop with the department of health standards, 62156  
guidelines, and protocols for approving or disapproving a sewage 62157  
treatment system or components of a system under section 3718.04 62158  
of the Revised Code. Any guideline requiring the submission of 62159  
scientific information or testing data shall specify, in writing, 62160  
the protocol and format to be used in submitting the information 62161  
or data. 62162

(2) Develop with the department an application form to be 62163  
submitted to the director by an applicant for approval or 62164  
disapproval of a sewage treatment system or components of a system 62165  
and specify the information that must be included with an 62166  
application form; 62167

(3) Make recommendations to the director regarding the 62168  
approval or disapproval of an application sent to the director 62169  
under section 3718.04 of the Revised Code requesting approval of a 62170  
sewage treatment system or components of a system; 62171

(4) Pursue and recruit in an active manner the research, 62172  
development, introduction, and timely approval of innovative and 62173  
cost-effective sewage treatment systems and components of a system 62174  
for use in this state, which shall include conducting pilot 62175  
projects to assess the effectiveness of a system or components of 62176  
a system. 62177

(G) The chairperson of the committee shall prepare and submit 62178  
an annual report concerning the activities of the committee to the 62179  
general assembly not later than ninety days after the end of the 62180  
calendar year. The report shall discuss the number of applications 62181  
submitted under section 3718.04 of the Revised Code for the 62182  
approval of a new sewage treatment system or a component of a 62183

system, the number of such systems and components that were 62184  
approved, any information that the committee considers beneficial 62185  
to the general assembly, and any other information that the 62186  
chairperson determines is beneficial to the general assembly. If 62187  
other members of the committee determine that certain information 62188  
should be included in the report, they shall submit the 62189  
information to the chairperson not later than thirty days after 62190  
the end of the calendar year. 62191

(H) The department shall provide meeting space for the 62192  
committee. The committee shall be assisted in its duties by the 62193  
staff of the department. 62194

(I) Sections 101.82 to 101.87 of the Revised Code do not 62195  
apply to the sewage treatment system technical advisory committee. 62196

**Sec. 3734.01.** As used in this chapter: 62197

(A) "Board of health" means the board of health of a city or 62198  
general health district or the authority having the duties of a 62199  
board of health in any city as authorized by section 3709.05 of 62200  
the Revised Code. 62201

(B) "Director" means the director of environmental 62202  
protection. 62203

(C) "Health district" means a city or general health district 62204  
as created by or under authority of Chapter 3709. of the Revised 62205  
Code. 62206

(D) "Agency" means the environmental protection agency. 62207

(E) "Solid wastes" means such unwanted residual solid or 62208  
semisolid material as results from industrial, commercial, 62209  
agricultural, and community operations, excluding earth or 62210  
material from construction, mining, or demolition operations, or 62211  
other waste materials of the type that normally would be included 62212  
in demolition debris, nontoxic fly ash and bottom ash, including 62213



at least ash that results from the combustion of coal and ash that 62214  
results from the combustion of coal in combination with scrap 62215  
tires where scrap tires comprise not more than fifty per cent of 62216  
heat input in any month, spent nontoxic foundry sand, nontoxic, 62217  
nonhazardous, unwanted fired and unfired, glazed and unglazed, 62218  
structural products made from shale and clay products, and slag 62219  
and other substances that are not harmful or inimical to public 62220  
health, and includes, but is not limited to, garbage, scrap tires, 62221  
combustible and noncombustible material, street dirt, and debris. 62222  
"Solid wastes" does not include any material that is an infectious 62223  
waste or a hazardous waste. 62224

(F) "Disposal" means the discharge, deposit, injection, 62225  
dumping, spilling, leaking, emitting, or placing of any solid 62226  
wastes or hazardous waste into or on any land or ground or surface 62227  
water or into the air, except if the disposition or placement 62228  
constitutes storage or treatment or, if the solid wastes consist 62229  
of scrap tires, the disposition or placement constitutes a 62230  
beneficial use or occurs at a scrap tire recovery facility 62231  
licensed under section 3734.81 of the Revised Code. 62232

(G) "Person" includes the state, any political subdivision 62233  
and other state or local body, the United States and any agency or 62234  
instrumentality thereof, and any legal entity defined as a person 62235  
under section 1.59 of the Revised Code. 62236

(H) "Open burning" means the burning of solid wastes in an 62237  
open area or burning of solid wastes in a type of chamber or 62238  
vessel that is not approved or authorized in rules adopted by the 62239  
director under section 3734.02 of the Revised Code or, if the 62240  
solid wastes consist of scrap tires, in rules adopted under 62241  
division (V) of this section or section 3734.73 of the Revised 62242  
Code, or the burning of treated or untreated infectious wastes in 62243  
an open area or in a type of chamber or vessel that is not 62244  
approved in rules adopted by the director under section 3734.021 62245

of the Revised Code. 62246

(I) "Open dumping" means the depositing of solid wastes into 62247  
a body or stream of water or onto the surface of the ground at a 62248  
site that is not licensed as a solid waste facility under section 62249  
3734.05 of the Revised Code or, if the solid wastes consist of 62250  
scrap tires, as a scrap tire collection, storage, monocell, 62251  
monofill, or recovery facility under section 3734.81 of the 62252  
Revised Code; the depositing of solid wastes that consist of scrap 62253  
tires onto the surface of the ground at a site or in a manner not 62254  
specifically identified in divisions (C)(2) to (5), (7), or (10) 62255  
of section 3734.85 of the Revised Code; the depositing of 62256  
untreated infectious wastes into a body or stream of water or onto 62257  
the surface of the ground; or the depositing of treated infectious 62258  
wastes into a body or stream of water or onto the surface of the 62259  
ground at a site that is not licensed as a solid waste facility 62260  
under section 3734.05 of the Revised Code. 62261

(J) "Hazardous waste" means any waste or combination of 62262  
wastes in solid, liquid, semisolid, or contained gaseous form that 62263  
in the determination of the director, because of its quantity, 62264  
concentration, or physical or chemical characteristics, may do 62265  
either of the following: 62266

(1) Cause or significantly contribute to an increase in 62267  
mortality or an increase in serious irreversible or incapacitating 62268  
reversible illness; 62269

(2) Pose a substantial present or potential hazard to human 62270  
health or safety or to the environment when improperly stored, 62271  
treated, transported, disposed of, or otherwise managed. 62272

"Hazardous waste" includes any substance identified by 62273  
regulation as hazardous waste under the "Resource Conservation and 62274  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 62275  
amended, and does not include any substance that is subject to the 62276

"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 62277  
amended. 62278

(K) "Treat" or "treatment," when used in connection with 62279  
hazardous waste, means any method, technique, or process designed 62280  
to change the physical, chemical, or biological characteristics or 62281  
composition of any hazardous waste; to neutralize the waste; to 62282  
recover energy or material resources from the waste; to render the 62283  
waste nonhazardous or less hazardous, safer to transport, store, 62284  
or dispose of, or amenable for recovery, storage, further 62285  
treatment, or disposal; or to reduce the volume of the waste. When 62286  
used in connection with infectious wastes, "treat" or "treatment" 62287  
means any method, technique, or process that renders the wastes 62288  
noninfectious so that it is no longer an infectious waste and is 62289  
no longer an infectious substance as defined in applicable federal 62290  
law, including, without limitation, steam sterilization and 62291  
incineration, and, in the instance of wastes identified in 62292  
division (R)(7) of this section, to substantially reduce or 62293  
eliminate the potential for the wastes to cause lacerations or 62294  
puncture wounds. 62295

(L) "Manifest" means the form used for identifying the 62296  
quantity, composition, origin, routing, and destination of 62297  
hazardous waste during its transportation from the point of 62298  
generation to the point of disposal, treatment, or storage. 62299

(M) "Storage," when used in connection with hazardous waste, 62300  
means the holding of hazardous waste for a temporary period in 62301  
such a manner that it remains retrievable and substantially 62302  
unchanged physically and chemically and, at the end of the period, 62303  
is treated; disposed of; stored elsewhere; or reused, recycled, or 62304  
reclaimed in a beneficial manner. When used in connection with 62305  
solid wastes that consist of scrap tires, "storage" means the 62306  
holding of scrap tires for a temporary period in such a manner 62307  
that they remain retrievable and, at the end of that period, are 62308

beneficially used; stored elsewhere; placed in a scrap tire 62309  
monocell or monofill facility licensed under section 3734.81 of 62310  
the Revised Code; processed at a scrap tire recovery facility 62311  
licensed under that section or a solid waste incineration or 62312  
energy recovery facility subject to regulation under this chapter; 62313  
or transported to a scrap tire monocell, monofill, or recovery 62314  
facility, any other solid waste facility authorized to dispose of 62315  
scrap tires, or a facility that will beneficially use the scrap 62316  
tires, that is located in another state and is operating in 62317  
compliance with the laws of the state in which the facility is 62318  
located. 62319

(N) "Facility" means any site, location, tract of land, 62320  
installation, or building used for incineration, composting, 62321  
sanitary landfilling, or other methods of disposal of solid wastes 62322  
or, if the solid wastes consist of scrap tires, for the 62323  
collection, storage, or processing of the solid wastes; for the 62324  
transfer of solid wastes; for the treatment of infectious wastes; 62325  
or for the storage, treatment, or disposal of hazardous waste. 62326

(O) "Closure" means the time at which a hazardous waste 62327  
facility will no longer accept hazardous waste for treatment, 62328  
storage, or disposal, the time at which a solid waste facility 62329  
will no longer accept solid wastes for transfer or disposal or, if 62330  
the solid wastes consist of scrap tires, for storage or 62331  
processing, or the effective date of an order revoking the permit 62332  
for a hazardous waste facility or the registration certificate, 62333  
permit, or license for a solid waste facility, as applicable. 62334  
"Closure" includes measures performed to protect public health or 62335  
safety, to prevent air or water pollution, or to make the facility 62336  
suitable for other uses, if any, including, but not limited to, 62337  
the removal of processing residues resulting from solid wastes 62338  
that consist of scrap tires; the establishment and maintenance of 62339  
a suitable cover of soil and vegetation over cells in which 62340

hazardous waste or solid wastes are buried; minimization of 62341  
erosion, the infiltration of surface water into such cells, the 62342  
production of leachate, and the accumulation and runoff of 62343  
contaminated surface water; the final construction of facilities 62344  
for the collection and treatment of leachate and contaminated 62345  
surface water runoff, except as otherwise provided in this 62346  
division; the final construction of air and water quality 62347  
monitoring facilities, except as otherwise provided in this 62348  
division; the final construction of methane gas extraction and 62349  
treatment systems; or the removal and proper disposal of hazardous 62350  
waste or solid wastes from a facility when necessary to protect 62351  
public health or safety or to abate or prevent air or water 62352  
pollution. With regard to a solid waste facility that is a scrap 62353  
tire facility, "closure" includes the final construction of 62354  
facilities for the collection and treatment of leachate and 62355  
contaminated surface water runoff and the final construction of 62356  
air and water quality monitoring facilities only if those actions 62357  
are determined to be necessary. 62358

(P) "Premises" means either of the following: 62359

(1) Geographically contiguous property owned by a generator; 62360

(2) Noncontiguous property that is owned by a generator and 62361  
connected by a right-of-way that the generator controls and to 62362  
which the public does not have access. Two or more pieces of 62363  
property that are geographically contiguous and divided by public 62364  
or private right-of-way or rights-of-way are a single premises. 62365

(Q) "Post-closure" means that period of time following 62366  
closure during which a hazardous waste facility is required to be 62367  
monitored and maintained under this chapter and rules adopted 62368  
under it, including, without limitation, operation and maintenance 62369  
of methane gas extraction and treatment systems, or the period of 62370  
time after closure during which a scrap tire monocell or monofill 62371  
facility licensed under section 3734.81 of the Revised Code is 62372

required to be monitored and maintained under this chapter and 62373  
rules adopted under it. 62374

(R) "Infectious wastes" means any wastes or combination of 62375  
wastes that include cultures and stocks of infectious agents and 62376  
associated biologicals, human blood and blood products, and 62377  
substances that were or are likely to have been exposed to or 62378  
contaminated with or are likely to transmit an infectious agent or 62379  
zoonotic agent, including all of the following: 62380

(1) Laboratory wastes; 62381

(2) Pathological wastes; 62382

(3) Animal blood and blood products; 62383

(4) Animal carcasses and parts; 62384

(5) Waste materials from the rooms of humans, or the 62385  
enclosures of animals, that have been isolated because of 62386  
diagnosed communicable disease that are likely to transmit 62387  
infectious agents. Such waste materials from the rooms of humans 62388  
do not include any wastes of patients who have been placed on 62389  
blood and body fluid precautions under the universal precaution 62390  
system established by the centers for disease control in the 62391  
public health service of the United States department of health 62392  
and human services, except to the extent specific wastes generated 62393  
under the universal precautions system have been identified as 62394  
infectious wastes by rules adopted under division (R)(7) of this 62395  
section. 62396

(6) Sharp wastes used in the treatment, diagnosis, or 62397  
inoculation of human beings or animals; 62398

(7) Any other waste materials generated in the diagnosis, 62399  
treatment, or immunization of human beings or animals, in research 62400  
pertaining thereto, or in the production or testing of 62401  
biologicals, that the director of health, by rules adopted in 62402

accordance with Chapter 119. of the Revised Code, identifies as 62403  
infectious wastes after determining that the wastes present a 62404  
substantial threat to human health when improperly managed because 62405  
they are contaminated with, or are likely to be contaminated with, 62406  
infectious agents. 62407

As used in this division, "blood products" does not include 62408  
patient care waste such as bandages or disposable gowns that are 62409  
lightly soiled with blood or other body fluids unless those wastes 62410  
are soiled to the extent that the generator of the wastes 62411  
determines that they should be managed as infectious wastes. 62412

(S) "Infectious agent" means a type of microorganism, 62413  
pathogen, virus, or proteinaceous infectious particle that can 62414  
cause or significantly contribute to disease in or death of human 62415  
beings. 62416

(T) "Zoonotic agent" means a type of microorganism, pathogen, 62417  
or virus that causes disease in vertebrate animals, is 62418  
transmissible to human beings, and can cause or significantly 62419  
contribute to disease in or death of human beings. 62420

(U) "Solid waste transfer facility" means any site, location, 62421  
tract of land, installation, or building that is used or intended 62422  
to be used primarily for the purpose of transferring solid wastes 62423  
that were generated off the premises of the facility from vehicles 62424  
or containers into other vehicles for transportation to a solid 62425  
waste disposal facility. "Solid waste transfer facility" does not 62426  
include any facility that consists solely of portable containers 62427  
that have an aggregate volume of fifty cubic yards or less nor any 62428  
facility where legitimate recycling activities are conducted. 62429

(V) "Beneficially use" includes: 62430

(1) With regard to scrap tires, to use a scrap tire in a 62431  
manner that results in a commodity for sale or exchange or in any 62432  
other manner authorized as a beneficial use in rules adopted by 62433

the director in accordance with Chapter 119. of the Revised Code; 62434

(2) With regard to material from a horizontal well that has 62435  
come in contact with a refined oil-based substance and that is not 62436  
technologically enhanced naturally occurring radioactive material, 62437  
to use the material in any manner authorized as a beneficial use 62438  
in rules adopted by the director under section 3734.125 of the 62439  
Revised Code. 62440

(W) "Commercial car," "commercial tractor," "farm machinery," 62441  
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 62442  
the same meanings as in section 4501.01 of the Revised Code. 62443

(X) "Construction equipment" means road rollers, traction 62444  
engines, power shovels, power cranes, and other equipment used in 62445  
construction work, or in mining or producing or processing 62446  
aggregates, and not designed for or used in general highway 62447  
transportation. 62448

(Y) "Motor vehicle salvage dealer" has the same meaning as in 62449  
section 4738.01 of the Revised Code. 62450

(Z) "Scrap tire" means an unwanted or discarded tire. 62451

(AA) "Scrap tire collection facility" means any facility that 62452  
meets all of the following qualifications: 62453

(1) The facility is used for the receipt and storage of whole 62454  
scrap tires from the public prior to their transportation to a 62455  
scrap tire storage, monocell, monofill, or recovery facility 62456  
licensed under section 3734.81 of the Revised Code; a solid waste 62457  
incineration or energy recovery facility subject to regulation 62458  
under this chapter; a premises within the state where the scrap 62459  
tires will be beneficially used; or a scrap tire storage, 62460  
monocell, monofill, or recovery facility, any other solid waste 62461  
disposal facility authorized to dispose of scrap tires, or a 62462  
facility that will beneficially use the scrap tires, that is 62463  
located in another state, and that is operating in compliance with 62464



the laws of the state in which the facility is located. 62465

(2) The facility exclusively stores scrap tires in portable 62466  
containers. 62467

(3) The aggregate storage of the portable containers in which 62468  
the scrap tires are stored does not exceed five thousand cubic 62469  
feet. 62470

(BB) "Scrap tire monocell facility" means an individual site 62471  
within a solid waste landfill that is used exclusively for the 62472  
environmentally sound storage or disposal of whole scrap tires or 62473  
scrap tires that have been shredded, chipped, or otherwise 62474  
mechanically processed. 62475

(CC) "Scrap tire monofill facility" means an engineered 62476  
facility used or intended to be used exclusively for the storage 62477  
or disposal of scrap tires, including at least facilities for the 62478  
submergence of whole scrap tires in a body of water. 62479

(DD) "Scrap tire recovery facility" means any facility, or 62480  
portion thereof, for the processing of scrap tires for the purpose 62481  
of extracting or producing usable products, materials, or energy 62482  
from the scrap tires through a controlled combustion process, 62483  
mechanical process, or chemical process. "Scrap tire recovery 62484  
facility" includes any facility that uses the controlled 62485  
combustion of scrap tires in a manufacturing process to produce 62486  
process heat or steam or any facility that produces usable heat or 62487  
electric power through the controlled combustion of scrap tires in 62488  
combination with another fuel, but does not include any solid 62489  
waste incineration or energy recovery facility that is designed, 62490  
constructed, and used for the primary purpose of incinerating 62491  
mixed municipal solid wastes and that burns scrap tires in 62492  
conjunction with mixed municipal solid wastes, or any tire 62493  
retreading business, tire manufacturing finishing center, or tire 62494  
adjustment center having on the premises of the business a single, 62495

covered scrap tire storage area at which not more than four 62496  
thousand scrap tires are stored. 62497

(EE) "Scrap tire storage facility" means any facility where 62498  
whole scrap tires are stored prior to their transportation to a 62499  
scrap tire monocell, monofill, or recovery facility licensed under 62500  
section 3734.81 of the Revised Code; a solid waste incineration or 62501  
energy recovery facility subject to regulation under this chapter; 62502  
a premises within the state where the scrap tires will be 62503  
beneficially used; or a scrap tire storage, monocell, monofill, or 62504  
recovery facility, any other solid waste disposal facility 62505  
authorized to dispose of scrap tires, or a facility that will 62506  
beneficially use the scrap tires, that is located in another 62507  
state, and that is operating in compliance with the laws of the 62508  
state in which the facility is located. 62509

(FF) "Used oil" means any oil that has been refined from 62510  
crude oil, or any synthetic oil, that has been used and, as a 62511  
result of that use, is contaminated by physical or chemical 62512  
impurities. "Used oil" includes only those substances identified 62513  
as used oil by the United States environmental protection agency 62514  
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 62515  
U.S.C.A. 6901a, as amended. 62516

(GG) "Accumulated speculatively" has the same meaning as in 62517  
rules adopted by the director under section 3734.12 of the Revised 62518  
Code. 62519

(HH) "Horizontal well" has the same meaning as in section 62520  
1509.01 of the Revised Code. 62521

(II) "Technologically enhanced naturally occurring 62522  
radioactive material" has the same meaning as in section 3748.01 62523  
of the Revised Code. 62524

**Sec. 3734.02.** (A) The director of environmental protection, 62525

in accordance with Chapter 119. of the Revised Code, shall adopt 62526  
and may amend, suspend, or rescind rules having uniform 62527  
application throughout the state governing solid waste facilities 62528  
and the inspections of and issuance of permits and licenses for 62529  
all solid waste facilities in order to ensure that the facilities 62530  
will be located, maintained, and operated, and will undergo 62531  
closure and post-closure care, in a sanitary manner so as not to 62532  
create a nuisance, cause or contribute to water pollution, create 62533  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 62534  
257.3-8, as amended. The rules may include, without limitation, 62535  
financial assurance requirements for closure and post-closure care 62536  
and corrective action and requirements for taking corrective 62537  
action in the event of the surface or subsurface discharge or 62538  
migration of explosive gases or leachate from a solid waste 62539  
facility, or of ground water contamination resulting from the 62540  
transfer or disposal of solid wastes at a facility, beyond the 62541  
boundaries of any area within a facility that is operating or is 62542  
undergoing closure or post-closure care where solid wastes were 62543  
disposed of or are being disposed of. The rules shall not concern 62544  
or relate to personnel policies, salaries, wages, fringe benefits, 62545  
or other conditions of employment of employees of persons owning 62546  
or operating solid waste facilities. The director, in accordance 62547  
with Chapter 119. of the Revised Code, shall adopt and may amend, 62548  
suspend, or rescind rules governing the issuance, modification, 62549  
revocation, suspension, or denial of variances from the director's 62550  
solid waste rules, including, without limitation, rules adopted 62551  
under this chapter governing the management of scrap tires. 62552

Variances shall be issued, modified, revoked, suspended, or 62553  
rescinded in accordance with this division, rules adopted under 62554  
it, and Chapter 3745. of the Revised Code. The director may order 62555  
the person to whom a variance is issued to take such action within 62556  
such time as the director may determine to be appropriate and 62557  
reasonable to prevent the creation of a nuisance or a hazard to 62558

the public health or safety or the environment. Applications for 62559  
variances shall contain such detail plans, specifications, and 62560  
information regarding objectives, procedures, controls, and other 62561  
pertinent data as the director may require. The director shall 62562  
grant a variance only if the applicant demonstrates to the 62563  
director's satisfaction that construction and operation of the 62564  
solid waste facility in the manner allowed by the variance and any 62565  
terms or conditions imposed as part of the variance will not 62566  
create a nuisance or a hazard to the public health or safety or 62567  
the environment. In granting any variance, the director shall 62568  
state the specific provision or provisions whose terms are to be 62569  
varied and also shall state specific terms or conditions imposed 62570  
upon the applicant in place of the provision or provisions. ~~The~~ 62571

The director may hold a public hearing on an application for 62572  
a variance or renewal of a variance at a location in the county 62573  
where the operations that are the subject of the application for 62574  
the variance are conducted. The director shall give not less than 62575  
twenty days' notice of the hearing to the applicant by certified 62576  
mail or by another type of mail accompanied by a receipt and shall 62577  
publish at least one notice of the hearing in a newspaper with 62578  
general circulation in the county where the hearing is to be held. 62579  
The director shall make available for public inspection at the 62580  
principal office of the environmental protection agency a current 62581  
list of pending applications for variances and a current schedule 62582  
of pending variance hearings. The director shall make a complete 62583  
stenographic record of testimony and other evidence submitted at 62584  
the hearing. ~~Within~~ 62585

Within ten days after the hearing, the director shall make a 62586  
written determination to issue, renew, or deny the variance and 62587  
shall enter the determination and the basis for it into the record 62588  
of the hearing. The director shall issue, renew, or deny an 62589  
application for a variance or renewal of a variance within six 62590

months of the date upon which the director receives a complete 62591  
application with all pertinent information and data required. No 62592  
variance shall be issued, revoked, modified, or denied until the 62593  
director has considered the relative interests of the applicant, 62594  
other persons and property affected by the variance, and the 62595  
general public. Any variance granted under this division shall be 62596  
for a period specified by the director and may be renewed from 62597  
time to time on such terms and for such periods as the director 62598  
determines to be appropriate. No application shall be denied and 62599  
no variance shall be revoked or modified without a written order 62600  
stating the findings upon which the denial, revocation, or 62601  
modification is based. A copy of the order shall be sent to the 62602  
applicant or variance holder by certified mail or by another type 62603  
of mail accompanied by a receipt. 62604

(B) The director shall prescribe and furnish the forms 62605  
necessary to administer and enforce this chapter. The director may 62606  
cooperate with and enter into agreements with other state, local, 62607  
or federal agencies to carry out the purposes of this chapter. The 62608  
director may exercise all incidental powers necessary to carry out 62609  
the purposes of this chapter. 62610

~~The director may use moneys in the infectious waste 62611  
management fund created in section 3734.021 of the Revised Code 62612  
exclusively for administering and enforcing the provisions of this 62613  
chapter governing the management of infectious wastes. 62614~~

(C) Except as provided in this division and divisions (N)(2) 62615  
and (3) of this section, no person shall establish a new solid 62616  
waste facility or infectious waste treatment facility, or modify 62617  
an existing solid waste facility or infectious waste treatment 62618  
facility, without submitting an application for a permit with 62619  
accompanying detail plans, specifications, and information 62620  
regarding the facility and method of operation and receiving a 62621  
permit issued by the director, except that no permit shall be 62622

required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director has denied a permit for which an application was required under division (A)(3) of section 3734.05 of the Revised Code, or for which the director has disapproved plans and specifications required to be filed by an order issued under division (A)(5) of that section, after the date prescribed for commencement of closure of the facility in the order issued under division (A)(6) of section 3734.05 of the Revised Code denying the permit application or approval.

On and after the effective date of the rules adopted under division (A) of this section and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, no person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the director and receiving a permit issued by the director.

No person shall establish a new compost facility or continue to operate an existing compost facility that accepts exclusively source separated yard wastes without submitting a completed registration for the facility to the director in accordance with rules adopted under divisions (A) and (N)(3) of this section.

This division does not apply to a generator of infectious wastes that does any of the following:

(1) Treats, by methods, techniques, and practices established by rules adopted under division (B)(2)(a) of section 3734.021 of the Revised Code, any of the following:

(a) Infectious wastes that are generated on any premises that are owned or operated by the generator; 62654  
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(b) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code; 62656  
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(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code. 62659  
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(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code; 62662  
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(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 62665  
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(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 62667  
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(b) Chapter 918. of the Revised Code; 62669

(c) Chapter 953. of the Revised Code. 62670

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the 62671  
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Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred



dollars, payable upon application for a hazardous waste facility 62714  
 installation and operation permit and upon application for a 62715  
 renewal permit issued under division (H) of section 3734.05 of the 62716  
 Revised Code, to be credited to the hazardous waste facility 62717  
 management fund created in section 3734.18 of the Revised Code. 62718  
 The term of a hazardous waste facility installation and operation 62719  
 permit shall not exceed ten years. 62720

In addition to the application fee, there is hereby levied an 62721  
 annual permit fee to be paid by the permit holder upon the 62722  
 anniversaries of the date of issuance of the hazardous waste 62723  
 facility installation and operation permit and of any subsequent 62724  
 renewal permits and to be credited to the hazardous waste facility 62725  
 management fund. Annual permit fees totaling forty thousand 62726  
 dollars or more for any one facility may be paid on a quarterly 62727  
 basis with the first quarterly payment each year being due on the 62728  
 anniversary of the date of issuance of the hazardous waste 62729  
 facility installation and operation permit and of any subsequent 62730  
 renewal permits. The annual permit fee shall be determined for 62731  
 each permit holder by the director in accordance with the 62732  
 following schedule: 62733

TYPE OF BASIC				62734
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	62735
Storage facility using: 62736				
Containers	On-site, off-site, and			62737
	satellite		\$ 500	62738
Tanks	On-site, off-site, and			62739
	satellite		500	62740
Waste pile	On-site, off-site, and			62741
	satellite		3,000	62742
Surface impoundment	On-site and satellite		8,000	62743
	Off-site		10,000	62744
Disposal facility using:				62745

Deep well injection	On-site and satellite	15,000	62746
	Off-site	25,000	62747
Landfill	On-site and satellite	25,000	62748
	Off-site	40,000	62749
Land application	On-site and satellite	2,500	62750
	Off-site	5,000	62751
Surface impoundment	On-site and satellite	10,000	62752
	Off-site	20,000	62753
Treatment facility using:			62754
Tanks	On-site, off-site, and		62755
	satellite	700	62756
Surface impoundment	On-site and satellite	8,000	62757
	Off-site	10,000	62758
Incinerator	On-site and satellite	5,000	62759
	Off-site	10,000	62760
Other forms			62761
of treatment	On-site, off-site, and		62762
	satellite	1,000	62763

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations

pertaining to interim status adopted under the "Resource  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.  
6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility  
described in division (E)(3)(a) or (b) of this section, division  
(I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous  
waste identified or listed under this chapter and rules adopted  
under it, regardless of whether generated on or off the premises  
where the waste is stored, treated, or disposed of, or transport  
or cause to be transported any hazardous waste identified or  
listed under this chapter and rules adopted under it to any other  
premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit  
issued in accordance with this chapter;

(2) A facility in another state operating under a license or  
permit issued in accordance with the "Resource Conservation and  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as  
amended;

(3) A facility in another nation operating in accordance with  
the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86  
Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division  
(E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating,  
collecting, storing, treating, disposing of, or transporting solid  
wastes, infectious wastes, or hazardous waste, or processing solid  
wastes that consist of scrap tires, in such quantities or under

such circumstances that, in the determination of the director, are 62841  
unlikely to adversely affect the public health or safety or the 62842  
environment from any requirement to obtain a registration 62843  
certificate, permit, or license or comply with the manifest system 62844  
or other requirements of this chapter. Such an exemption shall be 62845  
consistent with and equivalent to any regulations adopted by the 62846  
administrator of the United States environmental protection agency 62847  
under the "Resource Conservation and Recovery Act of 1976," 90 62848  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 62849  
provided in this chapter. 62850

(H) No person shall engage in filling, grading, excavating, 62851  
building, drilling, or mining on land where a hazardous waste 62852  
facility, or a solid waste facility, was operated without prior 62853  
authorization from the director, who shall establish the procedure 62854  
for granting such authorization by rules adopted in accordance 62855  
with Chapter 119. of the Revised Code. 62856

A public utility that has main or distribution lines above or 62857  
below the land surface located on an easement or right-of-way 62858  
across land where a solid waste facility was operated may engage 62859  
in any such activity within the easement or right-of-way without 62860  
prior authorization from the director for purposes of performing 62861  
emergency repair or emergency replacement of its lines; of the 62862  
poles, towers, foundations, or other structures supporting or 62863  
sustaining any such lines; or of the appurtenances to those 62864  
structures, necessary to restore or maintain existing public 62865  
utility service. A public utility may enter upon any such easement 62866  
or right-of-way without prior authorization from the director for 62867  
purposes of performing necessary or routine maintenance of those 62868  
portions of its existing lines; of the existing poles, towers, 62869  
foundations, or other structures sustaining or supporting its 62870  
lines; or of the appurtenances to any such supporting or 62871  
sustaining structure, located on or above the land surface on any 62872

such easement or right-of-way. Within twenty-four hours after 62873  
commencing any such emergency repair, replacement, or maintenance 62874  
work, the public utility shall notify the director or the 62875  
director's authorized representative of those activities and shall 62876  
provide such information regarding those activities as the 62877  
director or the director's representative may request. Upon 62878  
completion of the emergency repair, replacement, or maintenance 62879  
activities, the public utility shall restore any land of the solid 62880  
waste facility disturbed by those activities to the condition 62881  
existing prior to the commencement of those activities. 62882

(I) No owner or operator of a hazardous waste facility, in 62883  
the operation of the facility, shall cause, permit, or allow the 62884  
emission therefrom of any particulate matter, dust, fumes, gas, 62885  
mist, smoke, vapor, or odorous substance that, in the opinion of 62886  
the director, unreasonably interferes with the comfortable 62887  
enjoyment of life or property by persons living or working in the 62888  
vicinity of the facility, or that is injurious to public health. 62889  
Any such action is hereby declared to be a public nuisance. 62890

(J) Notwithstanding any other provision of this chapter, in 62891  
the event the director finds an imminent and substantial danger to 62892  
public health or safety or the environment that creates an 62893  
emergency situation requiring the immediate treatment, storage, or 62894  
disposal of hazardous waste, the director may issue a temporary 62895  
emergency permit to allow the treatment, storage, or disposal of 62896  
the hazardous waste at a facility that is not otherwise authorized 62897  
by a hazardous waste facility installation and operation permit to 62898  
treat, store, or dispose of the waste. The emergency permit shall 62899  
not exceed ninety days in duration and shall not be renewed. The 62900  
director shall adopt, and may amend, suspend, or rescind, rules in 62901  
accordance with Chapter 119. of the Revised Code governing the 62902  
issuance, modification, revocation, and denial of emergency 62903  
permits. 62904

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;

(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;

(4) Persons who successfully complete the course shall be certified by the director;

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the

effective date of the rules adopted under this division, are 62936  
responsible for enforcing the solid waste or infectious waste 62937  
provisions of this chapter and the rules adopted under them shall 62938  
complete the course and be certified by the director not later 62939  
than January 1, 1995; 62940

(b) All employees of a board of health who, after the 62941  
effective date of the rules adopted under division (L) of this 62942  
section, become responsible for enforcing the solid waste or 62943  
infectious waste provisions of this chapter and rules adopted 62944  
under them and who do not hold a current and valid certification 62945  
from the director at that time shall complete the course and be 62946  
certified by the director within two years after becoming 62947  
responsible for performing those activities. 62948

No person shall fail to obtain the certification required 62949  
under this division. 62950

(M) The director shall not issue a permit under section 62951  
3734.05 of the Revised Code to establish a solid waste facility, 62952  
or to modify a solid waste facility operating on December 21, 62953  
1988, in a manner that expands the disposal capacity or geographic 62954  
area covered by the facility, that is or is to be located within 62955  
the boundaries of a state park established or dedicated under 62956  
Chapter 1541. of the Revised Code, a state park purchase area 62957  
established under section 1541.02 of the Revised Code, any unit of 62958  
the national park system, or any property that lies within the 62959  
boundaries of a national park or recreation area, but that has not 62960  
been acquired or is not administered by the secretary of the 62961  
United States department of the interior, located in this state, 62962  
or any candidate area located in this state and identified for 62963  
potential inclusion in the national park system in the edition of 62964  
the "national park system plan" submitted under paragraph (b) of 62965  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 62966  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 62967



application for the permit, unless the facility or proposed 62968  
facility is or is to be used exclusively for the disposal of solid 62969  
wastes generated within the park or recreation area and the 62970  
director determines that the facility or proposed facility will 62971  
not degrade any of the natural or cultural resources of the park 62972  
or recreation area. The director shall not issue a variance under 62973  
division (A) of this section and rules adopted under it, or issue 62974  
an exemption order under division (G) of this section, that would 62975  
authorize any such establishment or expansion of a solid waste 62976  
facility within the boundaries of any such park or recreation 62977  
area, state park purchase area, or candidate area, other than a 62978  
solid waste facility exclusively for the disposal of solid wastes 62979  
generated within the park or recreation area when the director 62980  
determines that the facility will not degrade any of the natural 62981  
or cultural resources of the park or recreation area. 62982

(N)(1) The rules adopted under division (A) of this section, 62983  
other than those governing variances, do not apply to scrap tire 62984  
collection, storage, monocell, monofill, and recovery facilities. 62985  
Those facilities are subject to and governed by rules adopted 62986  
under sections 3734.70 to 3734.73 of the Revised Code, as 62987  
applicable. 62988

(2) Division (C) of this section does not apply to scrap tire 62989  
collection, storage, monocell, monofill, and recovery facilities. 62990  
The establishment and modification of those facilities are subject 62991  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 62992  
Code, as applicable. 62993

(3) The director may adopt, amend, suspend, or rescind rules 62994  
under division (A) of this section creating an alternative system 62995  
for authorizing the establishment, operation, or modification of a 62996  
solid waste compost facility in lieu of the requirement that a 62997  
person seeking to establish, operate, or modify a solid waste 62998  
compost facility apply for and receive a permit under division (C) 62999

of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised Code to a solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code.

(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally

occurring radioactive material if that material contains or is 63031  
contaminated with radium-226, radium-228, or any combination of 63032  
radium-226 and radium-228 at concentrations equal to or greater 63033  
than five picocuries per gram above natural background. 63034

(3) The owner or operator of a solid waste facility may 63035  
receive and process for purposes other than transfer or disposal 63036  
technologically enhanced naturally occurring radioactive material 63037  
that contains or is contaminated with radium-226, radium-228, or 63038  
any combination of radium-226 and radium-228 at concentrations 63039  
equal to or greater than five picocuries per gram above natural 63040  
background, provided that the owner or operator has obtained and 63041  
maintains all other necessary authorizations, including any 63042  
authorization required by rules adopted by the director of health 63043  
under section 3748.04 of the Revised Code. 63044

(4) The director of environmental protection may adopt rules 63045  
in accordance with Chapter 119. of the Revised Code governing the 63046  
receipt, acceptance, processing, handling, management, and 63047  
disposal by solid waste facilities of material that contains or is 63048  
contaminated with radioactive material, including, without 63049  
limitation, technologically enhanced naturally occurring 63050  
radioactive material that contains or is contaminated with 63051  
radium-226, radium-228, or any combination of radium-226 and 63052  
radium-228 at concentrations less than five picocuries per gram 63053  
above natural background. Rules adopted by the director may 63054  
include at a minimum both of the following: 63055

(a) Requirements in accordance with which the owner or 63056  
operator of a solid waste facility must monitor leachate and 63057  
ground water for radium-226, radium-228, and other radionuclides; 63058

(b) Requirements in accordance with which the owner or 63059  
operator of a solid waste facility must develop procedures to 63060  
ensure that technologically enhanced naturally occurring 63061  
radioactive material accepted at the facility neither contains nor 63062

is contaminated with radium-226, radium-228, or any combination of 63063  
radium-226 and radium-228 at concentrations equal to or greater 63064  
than five picocuries per gram above natural background. 63065

(Q) Notwithstanding any other provision of this section, the 63066  
owner or operator of a solid waste facility shall not receive, 63067  
accept, process, handle, manage, or dispose of technologically 63068  
enhanced naturally occurring radioactive material associated with 63069  
drilling operations without first obtaining representative 63070  
analytical results to determine compliance with divisions (P)(2) 63071  
and (3) of this section and rules adopted under it. 63072

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, 63073  
managed, treated, and disposed of in accordance with rules adopted 63074  
under this section. 63075

(B) The director of environmental protection, in accordance 63076  
with Chapter 119. of the Revised Code, shall adopt rules necessary 63077  
or appropriate to protect human health or safety or the 63078  
environment that do both of the following: 63079

(1) Establish standards for generators of infectious wastes 63080  
that include, without limitation, the following requirements and 63081  
authorizations that: 63082

(a) All generators of infectious wastes: 63083

(i) Either treat all specimen cultures and cultures of viable 63084  
infectious agents on the premises where they are generated to 63085  
render them noninfectious by methods, techniques, or practices 63086  
prescribed by rules adopted under division (B)(2)(a) of this 63087  
section before they are transported off that premises for disposal 63088  
or ensure that such wastes are treated to render them 63089  
noninfectious at an infectious waste treatment facility off that 63090  
premises prior to disposal of the wastes; 63091

(ii) Transport and dispose of infectious wastes, if a 63092

generator produces fewer than fifty pounds of infectious wastes 63093  
during any one month that are subject to and packaged and labeled 63094  
in accordance with federal requirements, in the same manner as 63095  
solid wastes. Such generators who treat specimen cultures and 63096  
cultures of viable infectious agents on the premises where they 63097  
are generated shall not be considered treatment facilities as 63098  
"treatment" and "facility" are defined in section 3734.01 of the 63099  
Revised Code. 63100

(iii) Dispose of infectious wastes subject to and treated in 63101  
accordance with rules adopted under division (B)(1)(a)(i) of this 63102  
section in the same manner as solid wastes; 63103

(iv) May take wastes generated in providing care to a patient 63104  
by an emergency medical services organization, as defined in 63105  
section 4765.01 of the Revised Code, to and leave them at a 63106  
hospital, as defined in section 3727.01 of the Revised Code, for 63107  
treatment at a treatment facility owned or operated by the 63108  
hospital or, in conjunction with infectious wastes generated by 63109  
the hospital, at another treatment facility regardless of whether 63110  
the wastes were generated in providing care to the patient at the 63111  
scene of an emergency or during the transportation of the patient 63112  
to a hospital; 63113

(v) May take wastes generated by an individual for purposes 63114  
of the individual's own care or treatment to and leave them at a 63115  
hospital, as defined in section 3727.01 of the Revised Code, for 63116  
treatment at a treatment facility owned or operated by the 63117  
hospital or, in conjunction with infectious wastes generated by 63118  
the hospital, at another treatment facility. 63119

(b) Each generator of fifty pounds or more of infectious 63120  
wastes during any one month: 63121

(i) Register with the environmental protection agency as a 63122  
generator of infectious wastes and obtain a registration 63123

certificate. The fee for issuance of a generator registration 63124  
certificate is one hundred forty dollars payable at the time of 63125  
application. The registration certificate applies to all the 63126  
premises owned or operated by the generator in this state where 63127  
infectious wastes are generated and shall list the address of each 63128  
such premises. If a generator owns or operates facilities for the 63129  
treatment of infectious wastes it generates, the certificate shall 63130  
list the address and method of treatment used at each such 63131  
facility. 63132

A generator registration certificate is valid for three years 63133  
from the date of issuance and shall be renewed for a term of three 63134  
years upon the generator's submission of an application for 63135  
renewal and payment of a one hundred forty dollar renewal fee. 63136

The rules may establish a system of staggered renewal dates 63137  
with approximately one-third of such certificates subject to 63138  
renewal each year. The applicable renewal date shall be prescribed 63139  
on each registration certificate. Registration fees shall be 63140  
prorated according to the time remaining in the registration cycle 63141  
to the nearest year. 63142

The registration and renewal fees collected under division 63143  
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 63144  
state treasury to the ~~infectious wastes management~~ credit of the 63145  
waste management fund, ~~hereby created in the state treasury~~ 63146  
section 3734.061 of the Revised Code. 63147

(ii) Segregate infectious wastes from other wastes at the 63148  
point of generation. Nothing in this section and rules adopted 63149  
under it prohibits a generator of infectious wastes from 63150  
designating and managing any wastes, in addition to those defined 63151  
as infectious wastes under section 3734.01 of the Revised Code, as 63152  
infectious wastes. After designating any such other wastes as 63153  
infectious, the generator shall manage those wastes in compliance 63154  
with the requirements of this chapter and rules adopted under it 63155

applicable to the management of infectious wastes. 63156

(iii) Either treat the infectious wastes that it generates at 63157  
a facility owned or operated by the generator by methods, 63158  
techniques, or practices prescribed by rules adopted under 63159  
division (B)(2)(a) of this section to render them noninfectious, 63160  
or designate the wastes for treatment off that premises at an 63161  
infectious waste treatment facility holding a license issued under 63162  
division (B) of section 3734.05 of the Revised Code, at an 63163  
infectious waste treatment facility that is located in another 63164  
state that is in compliance with applicable state and federal 63165  
laws, or at a treatment facility authorized by rules adopted under 63166  
division (B)(2)(d) of this section, prior to disposal of the 63167  
wastes. After being treated to render them noninfectious, the 63168  
wastes shall be disposed of at a solid waste disposal facility 63169  
holding a license issued under division (A) of section 3734.05 of 63170  
the Revised Code or at a disposal facility in another state that 63171  
is in compliance with applicable state and federal laws. 63172

(iv) Not compact or grind any type of infectious wastes prior 63173  
to treatment in accordance with rules adopted under division 63174  
(B)(2)(a) of this section; 63175

(v) May discharge untreated liquid or semiliquid infectious 63176  
wastes consisting of blood, blood products, body fluids, and 63177  
excreta into a disposal system, as defined in section 6111.01 of 63178  
the Revised Code, unless the discharge of those wastes into a 63179  
disposal system is inconsistent with the terms and conditions of 63180  
the permit for the system issued under Chapter 6111. of the 63181  
Revised Code; 63182

(vi) May transport or cause to be transported infectious 63183  
wastes that have been treated to render them noninfectious in the 63184  
same manner as solid wastes are transported. 63185

(2) Establish standards for owners and operators of 63186

infectious waste treatment facilities that include, without 63187  
limitation, the following requirements and authorizations that: 63188

(a) Require treatment of all wastes received to be performed 63189  
in accordance with methods, techniques, and practices approved by 63190  
the director; 63191

(b) Govern the location, design, construction, and operation 63192  
of infectious waste treatment facilities. The rules adopted under 63193  
division (B)(2)(b) of this section shall require that a new 63194  
infectious waste incineration facility be located so that the 63195  
incinerator unit and all areas where infectious wastes are handled 63196  
on the premises where the facility is proposed to be located are 63197  
at least three hundred feet inside the property line of the tract 63198  
of land on which the facility is proposed to be located and are at 63199  
least one thousand feet from any domicile, school, prison, or jail 63200  
that is in existence on the date on which the application for the 63201  
permit to establish the incinerator is submitted under division 63202  
(B)(2)(b) of section 3734.05 of the Revised Code. 63203

(c) Establish quality control and testing procedures to 63204  
ensure compliance with the rules adopted under division (B)(2)(b) 63205  
of this section; 63206

(d) Authorize infectious wastes to be treated at a facility 63207  
that holds a license or renewal of a license to operate a 63208  
crematory facility issued under Chapter 4717., and a permit issued 63209  
under Chapter 3704., of the Revised Code to the extent that the 63210  
treatment of those wastes is consistent with that permit and its 63211  
terms and conditions. The rules adopted under divisions (B)(2)(b) 63212  
and (c) of this section do not apply to a facility holding such a 63213  
license and permit. 63214

In adopting the rules required by divisions (B)(2)(a) to (d) 63215  
of this section, the director shall consider and, to the maximum 63216  
feasible extent, utilize existing standards and guidelines 63217



established by professional and governmental organizations having 63218  
expertise in the fields of infection control and infectious wastes 63219  
management. 63220

(e) Require shipping papers to accompany shipments of wastes 63221  
that have been treated to render them noninfectious. The shipping 63222  
papers shall include only the following elements: 63223

(i) The name of the owner or operator of the facility where 63224  
the wastes were treated and the address of the treatment facility; 63225  
63226

(ii) A certification by the owner or operator of the 63227  
treatment facility where the wastes were treated indicating that 63228  
the wastes have been treated by the methods, techniques, and 63229  
practices prescribed in rules adopted under division (B)(2)(a) of 63230  
this section. 63231

(C) This section and rules adopted under it do not apply to 63232  
the treatment or disposal of wastes consisting of dead animals or 63233  
parts thereof, or the blood of animals: 63234

(1) By the owner of the animal after slaughter by the owner 63235  
on the owner's premises to obtain meat for consumption by the 63236  
owner and the members of the owner's household; 63237

(2) In accordance with Chapter 941. of the Revised Code; or 63238

(3) By persons who are subject to any of the following: 63239

(a) Inspection under the "Federal Meat Inspection Act," 81 63240  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 63241

(b) Chapter 918. of the Revised Code; 63242

(c) Chapter 953. of the Revised Code. 63243

(D) As used in this section, "generator" means a person who 63244  
produces infectious wastes at a specific premises. 63245

(E) Rules adopted under this section shall not concern or 63246

relate to personnel policies, salaries, wages, fringe benefits, or 63247  
other conditions of employment of employees of persons owning or 63248  
operating infectious waste treatment facilities. 63249

(F)(1) The director, in accordance with Chapter 119. of the 63250  
Revised Code, shall adopt rules governing the issuance, 63251  
modification, revocation, suspension, and denial of variances from 63252  
the rules adopted under division (B) of this section. Variances 63253  
shall be issued, modified, revoked, suspended, or denied in 63254  
accordance with division (F) of this section, rules adopted under 63255  
it, and Chapter 3745. of the Revised Code. 63256

(2) A person who desires to obtain a variance or renew a 63257  
variance from the rules adopted under division (B) of this section 63258  
shall submit to the director an application as prescribed by the 63259  
director. The application shall contain detail plans, 63260  
specifications, and information regarding objectives, procedures, 63261  
controls, and any other information that the director may require. 63262  
The director shall issue, renew, or deny a variance or renewal of 63263  
a variance within six months of the date on which the director 63264  
receives a complete application with all required information and 63265  
data. 63266

(3) The director may hold a public hearing on an application 63267  
submitted under division (F) of this section for a variance at a 63268  
location in the county in which the operations that are the 63269  
subject of the application for a variance or renewal of variance 63270  
are conducted. Not less than twenty days before the hearing, the 63271  
director shall provide to the applicant notice of the hearing by 63272  
certified mail or by another type of mail that is accompanied by a 63273  
receipt and shall publish notice of the hearing at least one time 63274  
in a newspaper of general circulation in the county in which the 63275  
hearing is to be held. The director shall make a complete 63276  
stenographic record of testimony and other evidence submitted at 63277  
the hearing. Not later than ten days after the hearing, the 63278

director shall make a written determination to issue, renew, or 63279  
deny the variance and shall enter the determination and the basis 63280  
for it into the record of the hearing. 63281

(4) A variance shall not be issued, modified, revoked, or 63282  
denied under division (F) of this section until the director has 63283  
considered the relative interests of the applicant, other persons 63284  
and property that will be affected by the variance, and the 63285  
general public. The director shall grant a variance only if the 63286  
applicant demonstrates to the director's satisfaction that the 63287  
requested action will not create a nuisance or a hazard to the 63288  
health or safety of the public or to the environment. In granting 63289  
a variance, the director shall state the specific provision or 63290  
provisions whose terms are to be varied and also shall state 63291  
specific terms or conditions imposed on the applicant in place of 63292  
the provision or provisions. 63293

(5) A variance granted under division (F) of this section 63294  
shall be for a period specified by the director and may be renewed 63295  
from time to time on terms and for periods that the director 63296  
determines to be appropriate. The director may order the person to 63297  
whom a variance has been issued to take action within the time 63298  
that the director determines to be appropriate and reasonable to 63299  
prevent the creation of a nuisance or a hazard to the health or 63300  
safety of the public or to the environment. 63301

(6) An application submitted under division (F) of this 63302  
section shall not be denied and a variance shall not be revoked or 63303  
modified under that division without a written order of the 63304  
director stating the findings on which the denial, revocation, or 63305  
modification is based. A copy of the order shall be sent to the 63306  
applicant or holder of a variance by certified mail or by another 63307  
type of mail that is accompanied by a receipt. 63308

(7) The director shall make available for public inspection 63309  
at the principal office of the environmental protection agency a 63310

current list of pending applications for variances submitted under 63311  
division (F) of this section and a current schedule of pending 63312  
variance hearings under it. 63313

**Sec. 3734.029.** (A)(1) Except as otherwise provided in 63314  
division (A)(2) of this section, the standards of quality for 63315  
compost products established in rules adopted under division (A) 63316  
of section 3734.028 of the Revised Code apply to compost products 63317  
produced by a facility composting dead animals that is subject to 63318  
section ~~1511.022~~ 939.04 of the Revised Code in addition to compost 63319  
products produced by facilities subject to this chapter. 63320

(2) The standards of quality established in rules adopted 63321  
under division (A) of section 3734.028 of the Revised Code do not 63322  
apply to the use, distribution for use, or giving away of the 63323  
compost products produced by a composting facility subject to 63324  
section ~~1511.022~~ 939.04 of the Revised Code when either of the 63325  
following applies: 63326

(a) The composting is conducted by the person who raises the 63327  
animals and the compost product is used in agricultural operations 63328  
owned or operated by that person, regardless of whether the person 63329  
owns the animals; 63330

(b) The composting is conducted by the person who owns the 63331  
animals, but does not raise them and the compost product is used 63332  
in agricultural operations either by a person who raises the 63333  
animals or by a person who raises grain that is used to feed them 63334  
and that is supplied by the owner of the animals. 63335

(B) No owner or operator of a composting facility that is 63336  
subject to regulation under section ~~1511.022~~ 939.04 of the Revised 63337  
Code shall sell or offer for sale at retail or wholesale, 63338  
distribute for use, or give away any compost product that does not 63339  
comply with the standard of quality applicable under division (A) 63340  
of this section for the use for which the product is being sold, 63341

offered for sale, distributed, or given away. 63342

No person shall violate this division. 63343

Sec. 3734.061. (A) There is hereby created in the state 63344  
treasury the waste management fund. The fund shall consist of 63345  
money credited to it under division (C)(4) of section 3714.051, 63346  
divisions (A)(4) and (B) of section 3714.07, division (D) of 63347  
section 3714.08, division (B)(4) of section 3714.09, division (B) 63348  
of section 3734.021, division (D)(4) of section 3734.07, division 63349  
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 63350  
the Revised Code. 63351

(B) The director of environmental protection shall use money 63352  
in the fund as follows: 63353

(1) Money credited to the fund under division (C)(4) of 63354  
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 63355  
division (D) of section 3714.08, and division (B)(4) of section 63356  
3714.09 of the Revised Code exclusively for the administration and 63357  
enforcement of Chapter 3714. of the Revised Code and rules adopted 63358  
under it; 63359

(2) Money credited to the fund under division (B) of section 63360  
3734.551 and division (A)(2) of section 3734.57 of the Revised 63361  
Code exclusively to pay the costs of administering and enforcing 63362  
the laws pertaining to solid wastes, infectious wastes, and 63363  
construction and demolition debris, including ground water 63364  
evaluations related to solid wastes, infectious wastes, and 63365  
construction and demolition debris, under this chapter and Chapter 63366  
3714. of the Revised Code and any rules adopted under those 63367  
chapters and addressing violations of Chapters 3704. and 6111. of 63368  
the Revised Code at facilities; 63369

(3) Money credited to the fund under division (B) of section 63370  
3734.021 and division (D)(4) of section 3734.07 of the Revised 63371

Code exclusively for the administration and enforcement of the 63372  
provisions of this chapter governing the management of infectious 63373  
wastes and rules adopted under them. 63374

**Sec. 3734.07.** (A) Before a license is initially issued and 63375  
annually thereafter, or more often if necessary, the board of 63376  
health shall cause each solid waste facility and infectious waste 63377  
treatment facility to be inspected and a record to be made of each 63378  
inspection and shall require each solid waste facility and 63379  
infectious waste treatment facility in the health district to be 63380  
in substantial compliance with this chapter and the rules adopted 63381  
under it. 63382

(B) Within thirty days after the issuance of a license, the 63383  
board of health shall certify to the director of environmental 63384  
protection that the solid waste facility or infectious waste 63385  
treatment facility has been inspected and is in substantial 63386  
compliance with this chapter and the rules adopted under it. Each 63387  
board of health shall provide the director with such other 63388  
information as he may require from time to time. 63389

(C) The board of health or its authorized representative and 63390  
the director or ~~his~~ the director's authorized representative, upon 63391  
proper identification and upon stating the purpose and necessity 63392  
of an inspection, may enter at reasonable times upon any private 63393  
or public property, real or personal, to inspect or investigate, 63394  
obtain samples, and examine or copy any records to determine 63395  
compliance with this chapter and the rules adopted under it. The 63396  
board of health or its authorized representative or the director 63397  
or ~~his~~ the director's authorized representative may apply for, and 63398  
any judge of a court of record may issue, an appropriate search 63399  
warrant necessary to achieve the purposes of this chapter and the 63400  
rules adopted under it within the court's territorial 63401  
jurisdiction. If entry is refused or inspection or investigation 63402

is refused, hindered, or thwarted, the board of health may suspend 63403  
or revoke the operating license of the solid waste facility or 63404  
infectious waste treatment facility that refused entry, or the 63405  
director may suspend or revoke the license or permit of the solid 63406  
waste facility, hazardous waste facility, or infectious waste 63407  
treatment facility that refused entry. 63408

(D) If the entry authorized by division (C) of this section 63409  
is refused or if the inspection or investigation so authorized is 63410  
refused, hindered, or thwarted by intimidation or otherwise and 63411  
the director, board of health, or authorized representative of 63412  
either applies for and obtains a search warrant under division (C) 63413  
of this section to conduct the inspection or investigation, the 63414  
owner or operator of the premises where entry was refused or 63415  
inspection or investigation was refused, hindered, or thwarted is 63416  
liable to the director or board of health for the reasonable costs 63417  
incurred by either for the regular salaries and fringe benefit 63418  
costs of personnel assigned to conduct the inspection or 63419  
investigation from the time the entry, inspection, or 63420  
investigation was refused, hindered, or thwarted until the search 63421  
warrant is executed; for the salary, fringe benefits, and travel 63422  
expenses of the attorney general, prosecuting attorney of the 63423  
county, or city director of law, or an authorized assistant, 63424  
incurred in obtaining the search warrant; and for expenses 63425  
necessarily incurred for the assistance of local law enforcement 63426  
officers in executing the search warrant. In the application for 63427  
the search warrant, the director or board of health may request 63428  
and the court, in its order granting the search warrant, may order 63429  
the owner or operator of the premises to reimburse the director or 63430  
board of health for such of those costs as the court finds 63431  
reasonable. ~~From~~ 63432

From moneys recovered under this division, the director shall 63433  
reimburse the attorney general for the costs incurred by ~~him~~ the 63434

attorney general or ~~his~~ the attorney general's authorized 63435  
assistant in connection with proceedings for obtaining the search 63436  
warrant; shall reimburse the political subdivision in which the 63437  
premises is located for the assistance of its law enforcement 63438  
officers in executing the search warrant; and shall deposit the 63439  
remainder of any such moneys to the credit of the following, as 63440  
applicable: 63441

(1) The hazardous waste facility management fund created in 63442  
section 3734.18 of the Revised Code if the inspection or 63443  
investigation pertained to compliance with the hazardous waste 63444  
provisions of this chapter or a rule, order, or term or condition 63445  
of a permit adopted or issued under them or with a rule adopted 63446  
under section 3734.121 of the Revised Code ~~to the credit of the;~~ 63447

(2) The general revenue fund if the inspection or 63448  
investigation pertained to compliance with the solid waste 63449  
provisions of this chapter or rules, orders, or terms and 63450  
conditions of a permit, license, or variance adopted or issued 63451  
under them, other than the provisions governing solid wastes that 63452  
consist of scrap tires; ~~to the credit of the~~ 63453

(3) The scrap tire management fund created in section 3734.82 63454  
of the Revised Code if the inspection or investigation pertained 63455  
to compliance with the provisions of this chapter governing solid 63456  
wastes that consist of scrap tires or rules, orders, or terms and 63457  
conditions of a permit, license, or variance adopted or issued 63458  
under them; ~~or to the credit of the infectious~~ 63459

(4) The waste management fund created in section ~~3734.021~~ 63460  
3734.061 of the Revised Code if the inspection or investigation 63461  
pertained to compliance with the infectious waste provisions of 63462  
this chapter or rules, orders, or terms and conditions of a permit 63463  
or license issued under them. ~~From~~ 63464

From moneys recovered under this division, the board of 63465



health shall reimburse the prosecuting attorney of the county or 63466  
city director of law for the costs incurred by ~~him~~ the prosecuting 63467  
attorney or city director of law or an authorized assistant in 63468  
connection with proceedings for obtaining the search warrant; 63469  
shall reimburse the political subdivision in which the premises is 63470  
located for the assistance of its law enforcement officers in 63471  
executing the search warrant; and shall deposit the remainder of 63472  
any such moneys to the special infectious waste fund of the health 63473  
district created under division (C) of section 3734.06 of the 63474  
Revised Code if the inspection or investigation pertained to 63475  
compliance with the infectious waste provisions of this chapter or 63476  
rules, orders, or terms and conditions of a permit or license 63477  
issued under them; to the credit of the special fund of the health 63478  
district created under division (B) of section 3734.06 of the 63479  
Revised Code if the inspection or investigation pertained to 63480  
compliance with the solid waste provisions of this chapter or 63481  
rules, orders, or terms and conditions of a permit, license, or 63482  
variance adopted or issued under them, other than the provisions 63483  
governing solid wastes that consist of scrap tires; or to the 63484  
credit of the special fund of the health district created under 63485  
division (F) of section 3734.82 of the Revised Code if the 63486  
inspection or investigation pertained to compliance with the 63487  
provisions of this chapter governing solid wastes that consist of 63488  
scrap tires or rules, orders, or terms and conditions of a permit, 63489  
license, or variance adopted or issued under them. 63490

Sec. 3734.49. (A) There is hereby created within the 63491  
environmental protection agency the materials management advisory 63492  
council consisting of the following thirteen members who shall be 63493  
appointed by the governor with the advice and consent of the 63494  
senate: 63495

(1) One member who is an employee of a health district whose 63496  
duties include enforcement of the solid waste provisions of this 63497

<u>chapter;</u>	63498
<u>(2) One member representing the interests of counties;</u>	63499
<u>(3) One member representing the interests of municipal corporations;</u>	63500 63501
<u>(4) One member representing the interests of townships;</u>	63502
<u>(5) One member representing the interests of solid waste management districts;</u>	63503 63504
<u>(6) One member representing a statewide environmental advocacy organization;</u>	63505 63506
<u>(7) One member representing the public;</u>	63507
<u>(8) Six members, representing private industry, with knowledge of or experience in waste management, recycling, or litter prevention programs. Those members also shall represent a broad range of interests, including manufacturing, wholesale, retail, labor, raw materials, commercial recycling, and solid waste management.</u>	63508 63509 63510 63511 63512 63513
<u>(B)(1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section.</u>	63514 63515 63516
<u>(2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016:</u>	63517 63518
<u>(a) The member representing the interests of counties;</u>	63519
<u>(b) The member representing the interests of solid waste management districts;</u>	63520 63521
<u>(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.</u>	63522 63523
<u>(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017:</u>	63524 63525
<u>(a) The member who is an employee of a health district whose</u>	63526

duties include enforcement of the solid waste provisions of this chapter; 63527  
63528

(b) The member representing the interests of municipal corporations; 63529  
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(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs. 63531  
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(4) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2018: 63533  
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(a) The member representing the interests of townships; 63535

(b) The member representing a statewide environmental advocacy organization; 63536  
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(c) The member representing the public. 63538

Thereafter, terms of office shall be for three years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In the event of death, removal, resignation, or incapacity of a member, the governor, with the advice and consent of the senate, shall appoint a successor who shall hold office for the remainder of the term for which the successor's predecessor was appointed. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members may be reappointed. The governor at any time may remove a member for misfeasance, nonfeasance, or malfeasance in office. 63539  
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(C) The advisory council shall hold at least two meetings each year. Special meetings may be held at the request of the chairperson or a majority of the members. The director of environmental protection shall select from among the advisory council's members a chairperson. The advisory council annually shall select from among its members a vice-chairperson and a 63551  
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secretary to keep a record of its proceedings. Not later than two 63557  
hundred days after the selection of the first chairperson of the 63558  
advisory council, the advisory council shall adopt bylaws 63559  
governing its procedural operations. A majority vote of the 63560  
members of the advisory council is necessary to take action on any 63561  
matter. 63562

(D) Membership on the advisory council does not constitute 63563  
holding a public office or position of employment under the laws 63564  
of this state and does not constitute grounds for removal of 63565  
public officers or employees from their offices or positions of 63566  
employment. 63567

(E) A member of the advisory council shall serve without 63568  
compensation for attending advisory council meetings, but shall be 63569  
reimbursed for all ordinary and necessary expenses incurred in the 63570  
performance of duties as a member. 63571

(F) The advisory council shall do all of the following: 63572

(1) Advise and assist the director with preparation of the 63573  
state solid waste management plan and periodic revisions to the 63574  
plan under section 3734.50 of the Revised Code; 63575

(2) Approve or disapprove the draft state solid waste 63576  
management plan and periodic revisions prior to adoption of the 63577  
plan under section 3734.50 of the Revised Code; 63578

(3) Annually review implementation of the state solid waste 63579  
management plan; 63580

(4) Prepare and submit an annual report to the general 63581  
assembly on the state's solid waste management system and efforts 63582  
towards achieving the goals, restrictions, and objectives 63583  
established under divisions (A) to (C) of section 3734.50 of the 63584  
Revised Code. The report may recommend legislative action. 63585

(5) Triennially advise the director in conducting a review of 63586

the progress made toward achieving the objectives, restrictions, and goals established under divisions (A) to (C) of section 3734.50 of the Revised Code; 63587  
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(6) With the approval of the director, establish criteria by which to certify, and certify, agencies of the state and political subdivisions for receipt of grants for activities or projects that are intended to accomplish the purposes of any of the programs established under section 3736.02 or 3736.05 of the Revised Code; 63590  
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(7) Advise the director on establishing and implementing statewide source reduction, recycling, recycling market development, and litter prevention programs; 63595  
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(8) Research and respond to questions posed to the advisory council by the director; 63598  
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(9) Establish and develop formal and informal partnerships with other entities that foster a productive marketplace for the collection and use of recycled materials. 63600  
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63602

**Sec. 3734.50.** The director of environmental protection, with the advice of the ~~solid waste~~ materials management advisory council created in section ~~3734.51~~ 3734.49 of the Revised Code, shall prepare a state solid waste management plan to do all of the following: 63603  
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(A) Reduce reliance on the use of landfills for management of solid wastes; 63608  
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(B) Establish objectives for solid waste reduction, recycling, reuse, and minimization and a schedule for implementing those objectives; 63610  
63611  
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(C) Establish restrictions on the types of solid wastes disposed of by landfilling for which alternative management methods are available, such as yard wastes, and a schedule for implementing those restrictions. The objectives under division (B) 63613  
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of this section and restrictions under this division need not be 63617  
of uniform application throughout the state or as to categories of 63618  
solid waste generators. Rather, in establishing those objectives 63619  
and restrictions, the director shall take into consideration the 63620  
feasibility of waste reduction, recycling, reuse, and minimization 63621  
measures and landfilling restrictions in urban, suburban, and 63622  
rural areas and also shall take into consideration the extent to 63623  
which those measures have been implemented by specific categories 63624  
of solid waste generators and political subdivisions prior to June 63625  
24, 1988. 63626

(D) Establish revised general criteria for the location of 63627  
solid waste facilities; 63628

(E) Examine alternative methods for disposal of fly ash and 63629  
bottom ash resulting from the burning of mixed municipal solid 63630  
wastes; 63631

(F) Establish a statewide strategy for managing scrap tires, 63632  
which shall include identification of locations within the state 63633  
that qualify as scrap tire facilities and accumulations. In 63634  
developing the strategy, the director shall examine the 63635  
feasibility of recycling or recovering materials or energy from 63636  
scrap tires and landfilling scrap tires in abandoned coal strip 63637  
mines as well as other methods for managing scrap tires. 63638

(G) Establish a strategy that contains specific 63639  
recommendations for legislative and administrative action to 63640  
promote markets for products containing recycled materials 63641  
generally and for promoting the use by state government of 63642  
products containing recycled materials; 63643

(H) Establish a program for the proper separation and 63644  
disposal of hazardous waste generated by households. 63645

The director shall adopt the state solid waste management 63646  
plan within one year after June 24, 1988. After completion of a 63647

draft plan, the director shall hold a public hearing on the draft 63648  
plan at each of five different locations within the state. After 63649  
receiving public comments on the draft plan, the director may make 63650  
such revisions to it as ~~he~~ the director considers appropriate 63651  
based on the comments received and shall submit the draft plan 63652  
with any revisions to the advisory council for approval. If the 63653  
advisory council approves the draft plan, the director shall adopt 63654  
it as the state solid waste management plan. If the advisory 63655  
council disapproves the draft plan, the director, with the advice 63656  
of the advisory council, shall prepare a new draft plan and 63657  
proceed in the same manner as for the initial draft plan to hold 63658  
hearings on, revise, and submit the new draft plan to the advisory 63659  
council for approval, and adopt the new draft plan. 63660

Not later than one year after adoption of the plan, the 63661  
director shall adopt rules in accordance with Chapter 119. of the 63662  
Revised Code establishing the objectives and restrictions of the 63663  
state plan, and schedules for implementing them, under divisions 63664  
(B) and (C) of this section as mandatory elements of the solid 63665  
waste management plans of county and joint solid waste management 63666  
districts under division (A) of section 3734.53 of the Revised 63667  
Code. Within one year after adoption of the plan, the director 63668  
shall adopt rules in accordance with Chapter 119. of the Revised 63669  
Code, which rules are hereby deemed to constitute rules adopted 63670  
under division (A) of section 3734.02 of the Revised Code, 63671  
establishing revised general location criteria for solid waste 63672  
facilities, other than solid waste transfer facilities, and 63673  
standards for the disposal of fly ash and bottom ash resulting 63674  
from the burning of mixed municipal solid waste. 63675

Triennially the director, with the advice of the advisory 63676  
council, shall conduct a thorough review of the progress made 63677  
toward achieving the goals set forth in divisions (A) to (H) of 63678  
this section. Based upon the findings of ~~his~~ the review, the 63679

director, in accordance with the procedures of this section, may 63680  
prepare and adopt a revised state solid waste management plan. If 63681  
the revised plan modifies any of the objectives, restrictions, or 63682  
implementation schedules established under division (B) or (C) of 63683  
this section, the director, not later than one year after adoption 63684  
of the revised plan, shall amend the existing rules adopted under 63685  
this section in a manner consistent with those revisions. 63686

If any revision to the plan or enactment or amendment of a 63687  
statute by the general assembly that takes effect on or after 63688  
April 16, 1993, establishes a restriction on the landfilling or 63689  
burning or other thermal processing in an incinerator or energy 63690  
recovery facility of any type of solid waste with mixed municipal 63691  
solid waste, or prescribes for a type of solid waste a management 63692  
method alternative to landfilling or thermal processing with mixed 63693  
municipal solid waste, the estimated reduction in the quantity of 63694  
solid wastes being disposed of by landfilling or thermal 63695  
processing that results from the implementation of the restriction 63696  
or alternative management method within a county or joint solid 63697  
waste management district constitutes a reduction in solid waste 63698  
generation within the district for purposes of determining the 63699  
district's compliance with the waste reduction objective 63700  
established under division (C) of this section and any revisions 63701  
thereof and the rules and amendments thereto adopted under this 63702  
section to implement that objective. 63703

**Sec. 3734.551.** (A) The board of county commissioners of a 63704  
county or board of directors of a joint solid waste management 63705  
district that is ordered to implement an initial or amended solid 63706  
waste management plan prepared by the director of environmental 63707  
protection under section 3734.521, 3734.55, or 3734.56 of the 63708  
Revised Code and that is levying fees under division (A) or (B) of 63709  
section 3734.574 of the Revised Code shall reimburse the director 63710  
from moneys in the special fund of the district created in 63711



division (G) of section 3734.57 of the Revised Code for the 63712  
expenses incurred by the director in preparing and ordering the 63713  
implementation of the plan or amended plan for all of the 63714  
following purposes, as applicable: 63715

(1) Postage; 63716

(2) Copying and duplicating; 63717

(3) Notices published in newspapers; 63718

(4) A court reporter to record testimony at public hearings 63719  
and transcribe the record of those hearings; 63720

(5) Facility rental for holding public information sessions 63721  
or public hearings; 63722

(6) Conducting a survey of industrial solid waste generators 63723  
within the district and other primary data collection activities 63724  
when the necessary data are not available from the district, 63725  
including, without limitation, the costs of conducting the survey 63726  
or data collection by contract; 63727

(7) Fuel, meals, and lodging for the staff of the 63728  
environmental protection agency when travel to the district is 63729  
necessary to conduct data collection and other plan preparation 63730  
activities; 63731

(8) Necessary long-distance telephone calls. 63732

(B) Upon ordering a district to implement a plan or amended 63733  
plan under section 3734.521, 3734.55, or 3734.56 of the Revised 63734  
Code, the director shall send to the board of county commissioners 63735  
or directors an itemized demand for the expenses enumerated in 63736  
division (A) of this section that were incurred by the director in 63737  
preparing and ordering the implementation of the plan or amended 63738  
plan. The board of county commissioners or directors shall pay to 63739  
the director the amount stated in the demand within sixty days 63740  
after receiving it. Moneys received by the director under this 63741

division shall be deposited in the state treasury to the credit of 63742  
the ~~solid waste~~ management fund created in ~~division (A) of~~ section 63743  
~~3734.57~~ 3734.061 of the Revised Code. 63744

**Sec. 3734.57.** (A) The following fees are hereby levied on the 63745  
transfer or disposal of solid wastes in this state: 63746

(1) ~~One dollar~~ Ninety cents per ton through June 30, ~~2016~~ 63747  
~~2018~~, ~~thirty per cent~~ twenty cents of the proceeds of which shall 63748  
be deposited in the state treasury to the credit of the hazardous 63749  
waste facility management fund created in section 3734.18 of the 63750  
Revised Code and ~~seventy per cent~~ cents of the proceeds of which 63751  
shall be deposited in the state treasury to the credit of the 63752  
hazardous waste clean-up fund created in section 3734.28 of the 63753  
Revised Code; 63754

(2) An additional ~~one dollar~~ seventy-five cents per ton 63755  
through June 30, ~~2016~~ 2018, the proceeds of which shall be 63756  
deposited in the state treasury to the credit of the ~~solid waste~~ 63757  
management fund, ~~which is hereby~~ created in section 3734.061 of 63758  
the Revised Code. ~~The environmental protection agency shall use~~ 63759  
~~money in the solid waste fund to pay the costs of administering~~ 63760  
~~and enforcing the laws pertaining to solid wastes, infectious~~ 63761  
~~wastes, and construction and demolition debris, including, without~~ 63762  
~~limitation, ground water evaluations related to solid wastes,~~ 63763  
~~infectious wastes, and construction and demolition debris, under~~ 63764  
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 63765  
~~adopted under them, providing compliance assistance to small~~ 63766  
~~businesses, and paying a share of the administrative costs of the~~ 63767  
~~environmental protection agency pursuant to section 3745.014 of~~ 63768  
~~the Revised Code.~~ 63769

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 63770  
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 63771  
deposited in the state treasury to the credit of the environmental 63772

protection fund created in section 3745.015 of the Revised Code; 63773

(4) An additional twenty-five cents per ton through June 30, 63774  
~~2016~~ 2018, the proceeds of which shall be deposited in the state 63775  
treasury to the credit of the soil and water conservation district 63776  
assistance fund created in section ~~1515.14~~ 940.15 of the Revised 63777  
Code. 63778

In the case of solid wastes that are taken to a solid waste 63779  
transfer facility located in this state prior to being transported 63780  
for disposal at a solid waste disposal facility located in this 63781  
state or outside of this state, the fees levied under this 63782  
division shall be collected by the owner or operator of the 63783  
transfer facility as a trustee for the state. The amount of fees 63784  
required to be collected under this division at such a transfer 63785  
facility shall equal the total tonnage of solid wastes received at 63786  
the facility multiplied by the fees levied under this division. In 63787  
the case of solid wastes that are not taken to a solid waste 63788  
transfer facility located in this state prior to being transported 63789  
to a solid waste disposal facility, the fees shall be collected by 63790  
the owner or operator of the solid waste disposal facility as a 63791  
trustee for the state. The amount of fees required to be collected 63792  
under this division at such a disposal facility shall equal the 63793  
total tonnage of solid wastes received at the facility that was 63794  
not previously taken to a solid waste transfer facility located in 63795  
this state multiplied by the fees levied under this division. Fees 63796  
levied under this division do not apply to materials separated 63797  
from a mixed waste stream for recycling by a generator or 63798  
materials removed from the solid waste stream through recycling, 63799  
as "recycling" is defined in rules adopted under section 3734.02 63800  
of the Revised Code. 63801

The owner or operator of a solid waste transfer facility or 63802  
disposal facility, as applicable, shall prepare and file with the 63803  
director of environmental protection each month a return 63804

indicating the total tonnage of solid wastes received at the 63805  
facility during that month and the total amount of the fees 63806  
required to be collected under this division during that month. In 63807  
addition, the owner or operator of a solid waste disposal facility 63808  
shall indicate on the return the total tonnage of solid wastes 63809  
received from transfer facilities located in this state during 63810  
that month for which the fees were required to be collected by the 63811  
transfer facilities. The monthly returns shall be filed on a form 63812  
prescribed by the director. Not later than thirty days after the 63813  
last day of the month to which a return applies, the owner or 63814  
operator shall mail to the director the return for that month 63815  
together with the fees required to be collected under this 63816  
division during that month as indicated on the return or may 63817  
submit the return and fees electronically in a manner approved by 63818  
the director. If the return is filed and the amount of the fees 63819  
due is paid in a timely manner as required in this division, the 63820  
owner or operator may retain a discount of three-fourths of one 63821  
per cent of the total amount of the fees that are required to be 63822  
paid as indicated on the return. 63823

The owner or operator may request an extension of not more 63824  
than thirty days for filing the return and remitting the fees, 63825  
provided that the owner or operator has submitted such a request 63826  
in writing to the director together with a detailed description of 63827  
why the extension is requested, the director has received the 63828  
request not later than the day on which the return is required to 63829  
be filed, and the director has approved the request. If the fees 63830  
are not remitted within thirty days after the last day of the 63831  
month to which the return applies or are not remitted by the last 63832  
day of an extension approved by the director, the owner or 63833  
operator shall not retain the three-fourths of one per cent 63834  
discount and shall pay an additional ten per cent of the amount of 63835  
the fees for each month that they are late. For purposes of 63836  
calculating the late fee, the first month in which fees are late 63837

begins on the first day after the deadline has passed for timely 63838  
submitting the return and fees, and one additional month shall be 63839  
counted every thirty days thereafter. 63840

The owner or operator of a solid waste facility may request a 63841  
refund or credit of fees levied under this division and remitted 63842  
to the director that have not been paid to the owner or operator. 63843  
Such a request shall be made only if the fees have not been 63844  
collected by the owner or operator, have become a debt that has 63845  
become worthless or uncollectable for a period of six months or 63846  
more, and may be claimed as a deduction, including a deduction 63847  
claimed if the owner or operator keeps accounts on an accrual 63848  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 63849  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 63850  
making a request for a refund or credit, an owner or operator 63851  
shall make reasonable efforts to collect the applicable fees. A 63852  
request for a refund or credit shall not include any costs 63853  
resulting from those efforts to collect unpaid fees. 63854

A request for a refund or credit of fees shall be made in 63855  
writing, on a form prescribed by the director, and shall be 63856  
supported by evidence that may be required in rules adopted by the 63857  
director under this chapter. After reviewing the request, and if 63858  
the request and evidence submitted with the request indicate that 63859  
a refund or credit is warranted, the director shall grant a refund 63860  
to the owner or operator or shall permit a credit to be taken by 63861  
the owner or operator on a subsequent monthly return submitted by 63862  
the owner or operator. The amount of a refund or credit shall not 63863  
exceed an amount that is equal to ninety days' worth of fees owed 63864  
to an owner or operator by a particular debtor of the owner or 63865  
operator. A refund or credit shall not be granted by the director 63866  
to an owner or operator more than once in any twelve-month period 63867  
for fees owed to the owner or operator by a particular debtor. 63868

If, after receiving a refund or credit from the director, an 63869

owner or operator receives payment of all or part of the fees, the 63870  
owner or operator shall remit the fees with the next monthly 63871  
return submitted to the director together with a written 63872  
explanation of the reason for the submittal. 63873

For purposes of computing the fees levied under this division 63874  
or division (B) of this section, any solid waste transfer or 63875  
disposal facility that does not use scales as a means of 63876  
determining gate receipts shall use a conversion factor of three 63877  
cubic yards per ton of solid waste or one cubic yard per ton for 63878  
baled waste, as applicable. 63879

The fees levied under this division and divisions (B) and (C) 63880  
of this section are in addition to all other applicable fees and 63881  
taxes and shall be paid by the customer or a political subdivision 63882  
to the owner or operator of a solid waste transfer or disposal 63883  
facility. In the alternative, the fees shall be paid by a customer 63884  
or political subdivision to a transporter of waste who 63885  
subsequently transfers the fees to the owner or operator of such a 63886  
facility. The fees shall be paid notwithstanding the existence of 63887  
any provision in a contract that the customer or a political 63888  
subdivision may have with the owner or operator or with a 63889  
transporter of waste to the facility that would not require or 63890  
allow such payment regardless of whether the contract was entered 63891  
prior to or after October 16, 2009. For those purposes, "customer" 63892  
means a person who contracts with, or utilizes the solid waste 63893  
services of, the owner or operator of a solid waste transfer or 63894  
disposal facility or a transporter of solid waste to such a 63895  
facility. 63896

(B) For the purposes specified in division (G) of this 63897  
section, the solid waste management policy committee of a county 63898  
or joint solid waste management district may levy fees upon the 63899  
following activities: 63900

(1) The disposal at a solid waste disposal facility located 63901

in the district of solid wastes generated within the district; 63902

(2) The disposal at a solid waste disposal facility within 63903  
the district of solid wastes generated outside the boundaries of 63904  
the district, but inside this state; 63905

(3) The disposal at a solid waste disposal facility within 63906  
the district of solid wastes generated outside the boundaries of 63907  
this state. 63908

The solid waste management plan of the county or joint 63909  
district approved under section 3734.521 or 3734.55 of the Revised 63910  
Code and any amendments to it, or the resolution adopted under 63911  
this division, as appropriate, shall establish the rates of the 63912  
fees levied under divisions (B)(1), (2), and (3) of this section, 63913  
if any, and shall specify whether the fees are levied on the basis 63914  
of tons or cubic yards as the unit of measurement. A solid waste 63915  
management district that levies fees under this division on the 63916  
basis of cubic yards shall do so in accordance with division (A) 63917  
of this section. 63918

The fee levied under division (B)(1) of this section shall be 63919  
not less than one dollar per ton nor more than two dollars per 63920  
ton, the fee levied under division (B)(2) of this section shall be 63921  
not less than two dollars per ton nor more than four dollars per 63922  
ton, and the fee levied under division (B)(3) of this section 63923  
shall be not more than the fee levied under division (B)(1) of 63924  
this section. 63925

Prior to the approval of the solid waste management plan of a 63926  
district under section 3734.55 of the Revised Code, the solid 63927  
waste management policy committee of a district may levy fees 63928  
under this division by adopting a resolution establishing the 63929  
proposed amount of the fees. Upon adopting the resolution, the 63930  
committee shall deliver a copy of the resolution to the board of 63931  
county commissioners of each county forming the district and to 63932

the legislative authority of each municipal corporation and 63933  
township under the jurisdiction of the district and shall prepare 63934  
and publish the resolution and a notice of the time and location 63935  
where a public hearing on the fees will be held. Upon adopting the 63936  
resolution, the committee shall deliver written notice of the 63937  
adoption of the resolution; of the amount of the proposed fees; 63938  
and of the date, time, and location of the public hearing to the 63939  
director and to the fifty industrial, commercial, or institutional 63940  
generators of solid wastes within the district that generate the 63941  
largest quantities of solid wastes, as determined by the 63942  
committee, and to their local trade associations. The committee 63943  
shall make good faith efforts to identify those generators within 63944  
the district and their local trade associations, but the 63945  
nonprovision of notice under this division to a particular 63946  
generator or local trade association does not invalidate the 63947  
proceedings under this division. The publication shall occur at 63948  
least thirty days before the hearing. After the hearing, the 63949  
committee may make such revisions to the proposed fees as it 63950  
considers appropriate and thereafter, by resolution, shall adopt 63951  
the revised fee schedule. Upon adopting the revised fee schedule, 63952  
the committee shall deliver a copy of the resolution doing so to 63953  
the board of county commissioners of each county forming the 63954  
district and to the legislative authority of each municipal 63955  
corporation and township under the jurisdiction of the district. 63956  
Within sixty days after the delivery of a copy of the resolution 63957  
adopting the proposed revised fees by the policy committee, each 63958  
such board and legislative authority, by ordinance or resolution, 63959  
shall approve or disapprove the revised fees and deliver a copy of 63960  
the ordinance or resolution to the committee. If any such board or 63961  
legislative authority fails to adopt and deliver to the policy 63962  
committee an ordinance or resolution approving or disapproving the 63963  
revised fees within sixty days after the policy committee 63964  
delivered its resolution adopting the proposed revised fees, it 63965



shall be conclusively presumed that the board or legislative 63966  
authority has approved the proposed revised fees. The committee 63967  
shall determine if the resolution has been ratified in the same 63968  
manner in which it determines if a draft solid waste management 63969  
plan has been ratified under division (B) of section 3734.55 of 63970  
the Revised Code. 63971

The committee may amend the schedule of fees levied pursuant 63972  
to a resolution adopted and ratified under this division by 63973  
adopting a resolution establishing the proposed amount of the 63974  
amended fees. The committee may repeal the fees levied pursuant to 63975  
such a resolution by adopting a resolution proposing to repeal 63976  
them. Upon adopting such a resolution, the committee shall proceed 63977  
to obtain ratification of the resolution in accordance with this 63978  
division. 63979

Not later than fourteen days after declaring the new fees to 63980  
be ratified or the fees to be repealed under this division, the 63981  
committee shall notify by certified mail the owner or operator of 63982  
each solid waste disposal facility that is required to collect the 63983  
fees of the ratification and the amount of the fees or of the 63984  
repeal of the fees. Collection of any fees shall commence or 63985  
collection of repealed fees shall cease on the first day of the 63986  
second month following the month in which notification is sent to 63987  
the owner or operator. 63988

Fees levied under this division also may be established, 63989  
amended, or repealed by a solid waste management policy committee 63990  
through the adoption of a new district solid waste management 63991  
plan, the adoption of an amended plan, or the amendment of the 63992  
plan or amended plan in accordance with sections 3734.55 and 63993  
3734.56 of the Revised Code or the adoption or amendment of a 63994  
district plan in connection with a change in district composition 63995  
under section 3734.521 of the Revised Code. 63996

Not later than fourteen days after the director issues an 63997

order approving a district's solid waste management plan, amended 63998  
plan, or amendment to a plan or amended plan that establishes, 63999  
amends, or repeals a schedule of fees levied by the district, the 64000  
committee shall notify by certified mail the owner or operator of 64001  
each solid waste disposal facility that is required to collect the 64002  
fees of the approval of the plan or amended plan, or the amendment 64003  
to the plan, as appropriate, and the amount of the fees, if any. 64004  
In the case of an initial or amended plan approved under section 64005  
3734.521 of the Revised Code in connection with a change in 64006  
district composition, other than one involving the withdrawal of a 64007  
county from a joint district, the committee, within fourteen days 64008  
after the change takes effect pursuant to division (G) of that 64009  
section, shall notify by certified mail the owner or operator of 64010  
each solid waste disposal facility that is required to collect the 64011  
fees that the change has taken effect and of the amount of the 64012  
fees, if any. Collection of any fees shall commence or collection 64013  
of repealed fees shall cease on the first day of the second month 64014  
following the month in which notification is sent to the owner or 64015  
operator. 64016

If, in the case of a change in district composition involving 64017  
the withdrawal of a county from a joint district, the director 64018  
completes the actions required under division (G)(1) or (3) of 64019  
section 3734.521 of the Revised Code, as appropriate, forty-five 64020  
days or more before the beginning of a calendar year, the policy 64021  
committee of each of the districts resulting from the change that 64022  
obtained the director's approval of an initial or amended plan in 64023  
connection with the change, within fourteen days after the 64024  
director's completion of the required actions, shall notify by 64025  
certified mail the owner or operator of each solid waste disposal 64026  
facility that is required to collect the district's fees that the 64027  
change is to take effect on the first day of January immediately 64028  
following the issuance of the notice and of the amount of the fees 64029  
or amended fees levied under divisions (B)(1) to (3) of this 64030

section pursuant to the district's initial or amended plan as so 64031  
approved or, if appropriate, the repeal of the district's fees by 64032  
that initial or amended plan. Collection of any fees set forth in 64033  
such a plan or amended plan shall commence on the first day of 64034  
January immediately following the issuance of the notice. If such 64035  
an initial or amended plan repeals a schedule of fees, collection 64036  
of the fees shall cease on that first day of January. 64037

If, in the case of a change in district composition involving 64038  
the withdrawal of a county from a joint district, the director 64039  
completes the actions required under division (G)(1) or (3) of 64040  
section 3734.521 of the Revised Code, as appropriate, less than 64041  
forty-five days before the beginning of a calendar year, the 64042  
director, on behalf of each of the districts resulting from the 64043  
change that obtained the director's approval of an initial or 64044  
amended plan in connection with the change proceedings, shall 64045  
notify by certified mail the owner or operator of each solid waste 64046  
disposal facility that is required to collect the district's fees 64047  
that the change is to take effect on the first day of January 64048  
immediately following the mailing of the notice and of the amount 64049  
of the fees or amended fees levied under divisions (B)(1) to (3) 64050  
of this section pursuant to the district's initial or amended plan 64051  
as so approved or, if appropriate, the repeal of the district's 64052  
fees by that initial or amended plan. Collection of any fees set 64053  
forth in such a plan or amended plan shall commence on the first 64054  
day of the second month following the month in which notification 64055  
is sent to the owner or operator. If such an initial or amended 64056  
plan repeals a schedule of fees, collection of the fees shall 64057  
cease on the first day of the second month following the month in 64058  
which notification is sent to the owner or operator. 64059

If the schedule of fees that a solid waste management 64060  
district is levying under divisions (B)(1) to (3) of this section 64061  
is amended or repealed, the fees in effect immediately prior to 64062

the amendment or repeal shall continue to be collected until 64063  
collection of the amended fees commences or collection of the 64064  
repealed fees ceases, as applicable, as specified in this 64065  
division. In the case of a change in district composition, money 64066  
so received from the collection of the fees of the former 64067  
districts shall be divided among the resulting districts in 64068  
accordance with division (B) of section 343.012 of the Revised 64069  
Code and the agreements entered into under division (B) of section 64070  
343.01 of the Revised Code to establish the former and resulting 64071  
districts and any amendments to those agreements. 64072

For the purposes of the provisions of division (B) of this 64073  
section establishing the times when newly established or amended 64074  
fees levied by a district are required to commence and the 64075  
collection of fees that have been amended or repealed is required 64076  
to cease, "fees" or "schedule of fees" includes, in addition to 64077  
fees levied under divisions (B)(1) to (3) of this section, those 64078  
levied under section 3734.573 or 3734.574 of the Revised Code. 64079

(C) For the purposes of defraying the added costs to a 64080  
municipal corporation or township of maintaining roads and other 64081  
public facilities and of providing emergency and other public 64082  
services, and compensating a municipal corporation or township for 64083  
reductions in real property tax revenues due to reductions in real 64084  
property valuations resulting from the location and operation of a 64085  
solid waste disposal facility within the municipal corporation or 64086  
township, a municipal corporation or township in which such a 64087  
solid waste disposal facility is located may levy a fee of not 64088  
more than twenty-five cents per ton on the disposal of solid 64089  
wastes at a solid waste disposal facility located within the 64090  
boundaries of the municipal corporation or township regardless of 64091  
where the wastes were generated. 64092

The legislative authority of a municipal corporation or 64093  
township may levy fees under this division by enacting an 64094

ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the 64127  
combustion of primarily coal, regardless of whether the disposal 64128  
facility is located on the premises where the wastes are 64129  
generated; 64130

(c) Are asbestos or asbestos-containing materials or products 64131  
disposed of at a construction and demolition debris facility that 64132  
is licensed under Chapter 3714. of the Revised Code or at a solid 64133  
waste facility that is licensed under this chapter. 64134

(2) Except as provided in section 3734.571 of the Revised 64135  
Code, any fees levied under division (B)(1) of this section apply 64136  
to solid wastes originating outside the boundaries of a county or 64137  
joint district that are covered by an agreement for the joint use 64138  
of solid waste facilities entered into under section 343.02 of the 64139  
Revised Code by the board of county commissioners or board of 64140  
directors of the county or joint district where the wastes are 64141  
generated and disposed of. 64142

(3) When solid wastes, other than solid wastes that consist 64143  
of scrap tires, are burned in a disposal facility that is an 64144  
incinerator or energy recovery facility, the fees levied under 64145  
divisions (A), (B), and (C) of this section shall be levied upon 64146  
the disposal of the fly ash and bottom ash remaining after burning 64147  
of the solid wastes and shall be collected by the owner or 64148  
operator of the sanitary landfill where the ash is disposed of. 64149

(4) When solid wastes are delivered to a solid waste transfer 64150  
facility, the fees levied under divisions (B) and (C) of this 64151  
section shall be levied upon the disposal of solid wastes 64152  
transported off the premises of the transfer facility for disposal 64153  
and shall be collected by the owner or operator of the solid waste 64154  
disposal facility where the wastes are disposed of. 64155

(5) The fees levied under divisions (A), (B), and (C) of this 64156  
section do not apply to sewage sludge that is generated by a waste 64157

water treatment facility holding a national pollutant discharge 64158  
elimination system permit and that is disposed of through 64159  
incineration, land application, or composting or at another 64160  
resource recovery or disposal facility that is not a landfill. 64161

(6) The fees levied under divisions (A), (B), and (C) of this 64162  
section do not apply to solid wastes delivered to a solid waste 64163  
composting facility for processing. When any unprocessed solid 64164  
waste or compost product is transported off the premises of a 64165  
composting facility and disposed of at a landfill, the fees levied 64166  
under divisions (A), (B), and (C) of this section shall be 64167  
collected by the owner or operator of the landfill where the 64168  
unprocessed waste or compost product is disposed of. 64169

(7) When solid wastes that consist of scrap tires are 64170  
processed at a scrap tire recovery facility, the fees levied under 64171  
divisions (A), (B), and (C) of this section shall be levied upon 64172  
the disposal of the fly ash and bottom ash or other solid wastes 64173  
remaining after the processing of the scrap tires and shall be 64174  
collected by the owner or operator of the solid waste disposal 64175  
facility where the ash or other solid wastes are disposed of. 64176

(8) The director of environmental protection may issue an 64177  
order exempting from the fees levied under this section solid 64178  
wastes, including, but not limited to, scrap tires, that are 64179  
generated, transferred, or disposed of as a result of a contract 64180  
providing for the expenditure of public funds entered into by the 64181  
administrator or regional administrator of the United States 64182  
environmental protection agency, the director of environmental 64183  
protection, or the director of administrative services on behalf 64184  
of the director of environmental protection for the purpose of 64185  
remediating conditions at a hazardous waste facility, solid waste 64186  
facility, or other location at which the administrator or regional 64187  
administrator or the director of environmental protection has 64188  
reason to believe that there is a substantial threat to public 64189

health or safety or the environment or that the conditions are 64190  
causing or contributing to air or water pollution or soil 64191  
contamination. An order issued by the director of environmental 64192  
protection under division (D)(8) of this section shall include a 64193  
determination that the amount of the fees not received by a solid 64194  
waste management district as a result of the order will not 64195  
adversely impact the implementation and financing of the 64196  
district's approved solid waste management plan and any approved 64197  
amendments to the plan. Such an order is a final action of the 64198  
director of environmental protection. 64199

(E) The fees levied under divisions (B) and (C) of this 64200  
section shall be collected by the owner or operator of the solid 64201  
waste disposal facility where the wastes are disposed of as a 64202  
trustee for the county or joint district and municipal corporation 64203  
or township where the wastes are disposed of. Moneys from the fees 64204  
levied under division (B) of this section shall be forwarded to 64205  
the board of county commissioners or board of directors of the 64206  
district in accordance with rules adopted under division (H) of 64207  
this section. Moneys from the fees levied under division (C) of 64208  
this section shall be forwarded to the treasurer or such other 64209  
officer of the municipal corporation as, by virtue of the charter, 64210  
has the duties of the treasurer or to the fiscal officer of the 64211  
township, as appropriate, in accordance with those rules. 64212

(F) Moneys received by the treasurer or other officer of the 64213  
municipal corporation under division (E) of this section shall be 64214  
paid into the general fund of the municipal corporation. Moneys 64215  
received by the fiscal officer of the township under that division 64216  
shall be paid into the general fund of the township. The treasurer 64217  
or other officer of the municipal corporation or the township 64218  
fiscal officer, as appropriate, shall maintain separate records of 64219  
the moneys received from the fees levied under division (C) of 64220  
this section. 64221



(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and

terms and conditions of permits, licenses, and variances adopted 64254  
or issued under it, other than the hazardous waste provisions of 64255  
this chapter and rules adopted and orders and terms and conditions 64256  
of permits issued under those provisions; 64257

(4) Providing financial assistance to each county within the 64258  
district to defray the added costs of maintaining roads and other 64259  
public facilities and of providing emergency and other public 64260  
services resulting from the location and operation of a solid 64261  
waste facility within the county under the district's approved 64262  
solid waste management plan or amended plan; 64263

(5) Pursuant to contracts entered into with boards of health 64264  
within the district, if solid waste facilities contained in the 64265  
district's approved plan or amended plan are located within the 64266  
district, for paying the costs incurred by those boards of health 64267  
for collecting and analyzing samples from public or private water 64268  
wells on lands adjacent to those facilities; 64269

(6) Developing and implementing a program for the inspection 64270  
of solid wastes generated outside the boundaries of this state 64271  
that are disposed of at solid waste facilities included in the 64272  
district's approved solid waste management plan or amended plan; 64273

(7) Providing financial assistance to boards of health within 64274  
the district for the enforcement of section 3734.03 of the Revised 64275  
Code or to local law enforcement agencies having jurisdiction 64276  
within the district for enforcing anti-littering laws and 64277  
ordinances; 64278

(8) Providing financial assistance to boards of health of 64279  
health districts within the district that are on the approved list 64280  
under section 3734.08 of the Revised Code to defray the costs to 64281  
the health districts for the participation of their employees 64282  
responsible for enforcement of the solid waste provisions of this 64283  
chapter and rules adopted and orders and terms and conditions of 64284

permits, licenses, and variances issued under those provisions in 64285  
the training and certification program as required by rules 64286  
adopted under division (L) of section 3734.02 of the Revised Code; 64287

(9) Providing financial assistance to individual municipal 64288  
corporations and townships within the district to defray their 64289  
added costs of maintaining roads and other public facilities and 64290  
of providing emergency and other public services resulting from 64291  
the location and operation within their boundaries of a 64292  
composting, energy or resource recovery, incineration, or 64293  
recycling facility that either is owned by the district or is 64294  
furnishing solid waste management facility or recycling services 64295  
to the district pursuant to a contract or agreement with the board 64296  
of county commissioners or directors of the district; 64297

(10) Payment of any expenses that are agreed to, awarded, or 64298  
ordered to be paid under section 3734.35 of the Revised Code and 64299  
of any administrative costs incurred pursuant to that section. In 64300  
the case of a joint solid waste management district, if the board 64301  
of county commissioners of one of the counties in the district is 64302  
negotiating on behalf of affected communities, as defined in that 64303  
section, in that county, the board shall obtain the approval of 64304  
the board of directors of the district in order to expend moneys 64305  
for administrative costs incurred. 64306

Prior to the approval of the district's solid waste 64307  
management plan under section 3734.55 of the Revised Code, moneys 64308  
in the special fund of the district arising from the fees shall be 64309  
expended for those purposes in the manner prescribed by the solid 64310  
waste management policy committee by resolution. 64311

Notwithstanding division (G)(6) of this section as it existed 64312  
prior to October 29, 1993, or any provision in a district's solid 64313  
waste management plan prepared in accordance with division 64314  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 64315  
prior to that date, any moneys arising from the fees levied under 64316

division (B)(3) of this section prior to January 1, 1994, may be 64317  
expended for any of the purposes authorized in divisions (G)(1) to 64318  
(10) of this section. 64319

(H) The director shall adopt rules in accordance with Chapter 64320  
119. of the Revised Code prescribing procedures for collecting and 64321  
forwarding the fees levied under divisions (B) and (C) of this 64322  
section to the boards of county commissioners or directors of 64323  
county or joint solid waste management districts and to the 64324  
treasurers or other officers of municipal corporations and the 64325  
fiscal officers of townships. The rules also shall prescribe the 64326  
dates for forwarding the fees to the boards and officials and may 64327  
prescribe any other requirements the director considers necessary 64328  
or appropriate to implement and administer divisions (A), (B), and 64329  
(C) of this section. 64330

**Sec. 3734.822.** (A) There is hereby created in the state 64331  
treasury the scrap tire grant fund, consisting of moneys 64332  
transferred to the fund under section 3734.82 of the Revised Code. 64333  
The director of environmental protection may make grants from the 64334  
fund for the following purposes: 64335

(1) Supporting market development activities for scrap tires 64336  
and synthetic rubber from tire manufacturing processes and tire 64337  
recycling processes; 64338

(2) Supporting scrap tire amnesty and cleanup events 64339  
sponsored by solid waste management districts. 64340

Grants awarded under division (A)(1) of this section may be 64341  
awarded to individuals, businesses, and entities certified under 64342  
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 64343

(B) Projects and activities that are eligible for grants 64344  
under division (A)(1) of this section shall be evaluated for 64345  
funding using, at a minimum, the following criteria: 64346

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state; 64347  
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(2) The degree of local financial support for a proposed project; 64349  
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(3) The technical merit and quality of a proposed project. 64351

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 64352  
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(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 2018, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section ~~1515.14~~ 940.15 of the Revised Code. 64369  
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(B) Only one sale of the same article shall be used in computing the amount of the fee due. 64375  
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**Sec. 3736.03.** (A) There is hereby created in the state 64377  
treasury the recycling and litter prevention fund, consisting of 64378  
moneys distributed to it from fees, including the fee levied under 64379  
division (A)(2) of section 3714.073 of the Revised Code, gifts, 64380  
donations, grants, reimbursements, and other sources, including 64381  
investment earnings. 64382

(B) The director of environmental protection shall do all of 64383  
the following: 64384

(1) Use moneys credited to the fund exclusively for the 64385  
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 64386  
and 3745.014 of the Revised Code, with particular emphasis on 64387  
programs relating to recycling; 64388

(2) Require recipients of grants under section 3736.05 of the 64389  
Revised Code, as a condition of receiving and retaining them, to 64390  
do all of the following: 64391

(a) Create a separate account for the grants and any cash 64392  
donations received that qualify for the donor credit allowed by 64393  
section 5733.064 of the Revised Code; 64394

(b) Make expenditures from the account exclusively for the 64395  
purposes for which the grants were received; 64396

(c) Use any auditing and accounting practices the director 64397  
considers necessary regarding the account; 64398

(d) Report to the director information regarding the amount 64399  
and donor of cash donations received as described by section 64400  
5733.064 of the Revised Code; 64401

(e) Use grants received to supplement and not to replace any 64402  
existing funding for such purposes. 64403

(3) Report to the tax commissioner information the director 64404  
receives pursuant to division (B)(2)(d) of this section. 64405

Sec. 3736.05. (A) The director of environmental protection, 64406  
pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 64407  
Revised Code, may make grants from the recycling and litter 64408  
prevention fund created in section 3736.03 of the Revised Code to 64409  
accomplish the purposes of the programs established under section 64410  
3736.02 of the Revised Code. 64411

(B) Except as provided in division (C) of this section, the 64412  
director may require any eligible applicant certified by the 64413  
~~recycling and litter prevention~~ materials management advisory 64414  
council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 64415  
Revised Code that applies for a grant for an activity or project 64416  
that is intended to further the purposes of any program 64417  
established under division (A)(1), (2), or (4) of section 3736.02 64418  
of the Revised Code to provide a matching contribution of not more 64419  
than fifty per cent of the grant. 64420

(C) Notwithstanding division (B) of this section, any grant 64421  
awarded under division (A) of this section to foster cooperative 64422  
research and development regarding recycling or the cooperative 64423  
establishment or expansion of private recycling facilities or 64424  
programs shall be made in conjunction with a contribution to the 64425  
project by a cooperating enterprise that maintains or proposes to 64426  
maintain a relevant research and development or recycling facility 64427  
or program in this state or by an agency of the state, provided 64428  
that funding provided by a state agency shall not be provided from 64429  
general revenue funds appropriated by the general assembly. No 64430  
grant made under division (A) of this section for the purposes 64431  
described in this division shall exceed the contribution made by 64432  
the cooperating enterprise or state agency. The director may 64433  
consider cooperating contributions in the form of state of the art 64434  
new equipment or in other forms if the director determines that 64435  
the contribution is essential to the successful implementation of 64436  
the project. 64437

Grants made under division (A) of this section for the 64438  
purposes described in this division shall be made in such form and 64439  
conditioned on such terms as the director considers to be 64440  
appropriate. 64441

(D)(1) The director may require any eligible applicant 64442  
certified by the ~~recycling and litter prevention~~ advisory council 64443  
under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised 64444  
Code that applies for a grant that is intended to further the 64445  
purposes of the program established under division (A)(3) of 64446  
section 3736.02 of the Revised Code, except any eligible applicant 64447  
that is or is located in a county that has a per capita income 64448  
equal to or below ninety per cent of the median county per capita 64449  
income of the state as determined by the director using the most 64450  
recently available figures from the United States census bureau, 64451  
to provide a matching contribution as follows: 64452

(a) Up to ten per cent of the grant from any eligible 64453  
applicant that is or is located in a county that has a per capita 64454  
income above ninety per cent of the median county per capita 64455  
income of the state, but equal to or below one hundred per cent of 64456  
the median county per capita income of the state; 64457

(b) Up to twenty per cent of the grant from any eligible 64458  
applicant that is or is located in a county that has a per capita 64459  
income above the median county per capita income of the state. 64460

(2) If the eligible applicant is a joint solid waste 64461  
management district or is filing a joint application on behalf of 64462  
two or more counties, the matching contribution required under 64463  
division (D)(1) of this section shall be the average of the 64464  
matching contributions of all of the counties covered by the 64465  
application as determined in accordance with that division. The 64466  
matching contribution of a county that has a per capita income 64467  
equal to or below ninety per cent of the median county per capita 64468  
income of the state shall be included as zero in calculating the 64469



average matching contribution. 64470

(E) The director shall ensure that not less than fifty per 64471  
cent of the moneys distributed as grants under this section shall 64472  
be expended for the purposes of recycling and recycling market 64473  
development. 64474

(F) No information that is submitted to, acquired by, or 64475  
exchanged with employees of the environmental protection agency 64476  
who administer or provide services under this section and that is 64477  
submitted, acquired, or exchanged in order to obtain a grant 64478  
pursuant to division (A) of this section shall be used in any 64479  
manner for the purpose of the enforcement of any requirement 64480  
established in an environmental law or used as evidence in any 64481  
judicial or administrative enforcement proceeding unless that 64482  
information reveals a clear and immediate danger to the 64483  
environment or to the health, safety, or welfare of the public. 64484

(G) Nothing in this section confers immunity on persons from 64485  
enforcement that is based on information that is obtained by the 64486  
director or the director's authorized representatives who are not 64487  
employees of the agency who administer or provide services under 64488  
this section. 64489

(H) As used in this section, "environmental law" means a law 64490  
that is administered by the environmental protection agency. 64491

**Sec. 3736.06.** (A) Agencies of the state certified pursuant to 64492  
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 64493  
a grant shall designate an employee as the liaison with the 64494  
director of environmental protection to cooperate with the 64495  
director in carrying out the director's duties under this chapter. 64496

(B) The executive and legislative authorities of municipal 64497  
corporations, counties, and townships and the boards of park 64498  
commissioners of township park districts created under section 64499

511.18 of the Revised Code, boards of park commissioners of park districts created under section 1545.04 of the Revised Code, and boards of education of city, exempted village, local, and joint vocational school districts may participate in the programs established under section 3736.02 of the Revised Code.

**Sec. 3737.17.** (A) As used in this section, a "qualifying small government" means any of the following:

(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand;

(2) A municipal corporation that has a population of not more than seven thousand five hundred;

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or

purchase an amount equal to at least five per cent of the loan amount. 64530  
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(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal. 64532  
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(D) The state fire marshal, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the administration of the small government fire department services revolving loan program. 64542  
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(E) There is hereby created in the state treasury the small government fire department services revolving loan fund, into which shall be deposited repayments by qualifying small governments of loans authorized under this section. The fund also shall consist of appropriated money. Investment earnings on money in the fund shall be credited to the fund. The state fire marshal shall use the money credited to the fund to make loans to qualifying small governments as described in this section. The state fire marshal may loan money from repaid loans credited to the fund at any time to qualifying small governments in accordance with this section. 64546  
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**Sec. 3737.84.** (A) The state fire code adopted pursuant to sections 3737.82 and 3737.83 of the Revised Code shall not contain any provision as follows: 64557  
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(1) Relating to the organization or structure of a municipal 64560

or township fire department; 64561

(2) Relating to structural building requirements covered by 64562  
the Ohio building code; 64563

(3) That would cause an employer, in complying with it, to be 64564  
in violation of the "Occupational Safety and Health Act of 1970," 64565  
84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety 64566  
Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 64567

(4) Regulating manufacturers or manufacturing facilities with 64568  
respect to occupational hazards where they are subject to 64569  
regulation by the federal occupational safety and health 64570  
administration; 64571

(5) That is inconsistent with, or in conflict with, 64572  
regulations of the federal occupational safety and health 64573  
administration or the hazardous materials regulations of the 64574  
hazardous materials regulations board of the federal highway 64575  
administration, United States department of transportation, or the 64576  
public utilities commission; 64577

(6) That establishes a minimum standard of flammability for 64578  
consumer goods in any area where the "Flammable Fabrics Act," 81 64579  
Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government 64580  
or any department or agency of the federal government to establish 64581  
national standards of flammability for consumer goods; 64582

(7) That establishes a health or safety standard for the use 64583  
of explosives in mining, for which the federal government through 64584  
its authorized agency sets health or safety standards pursuant to 64585  
section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 64586  
1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal 64587  
Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 64588  
U.S.C.A. 811; 64589

(8) That is inconsistent with, or in conflict with, section 64590  
3737.73 or Chapter 3743. of the Revised Code, or the rules adopted 64591

pursuant to that chapter; 64592

(9)(a) Restricting the dispensing of diesel fuel at a 64593  
terminal or bulk plant into a motor vehicle that is transporting 64594  
petroleum products or equipment essential to the operation of the 64595  
terminal or bulk plant, provided that the motor vehicle is owned 64596  
or leased by or operated under a contract with a person who has 64597  
been issued a motor fuel dealer's license under section 5735.02 of 64598  
the Revised Code; 64599

(b) Authorizing the dispensing of any petroleum products at a 64600  
terminal or bulk plant from an ~~above-ground~~ aboveground storage 64601  
tank at the terminal or bulk plant to a motor vehicle other than a 64602  
motor vehicle that is described in division (A)(9)(a) of this 64603  
section or to a member of the general public. 64604

As used in division (A)(9) of this section, "terminal or bulk 64605  
plant" means that portion of a property where petroleum products 64606  
are received by tank vessels, pipelines, tank cars, or tank 64607  
vehicles and are stored or blended in bulk for the purpose of 64608  
distributing the petroleum products via tank vessel, pipeline, 64609  
tank car, tank vehicle, portable tank, or container. 64610

(10) That prohibits the use of a device described in section 64611  
3381.106 of the Revised Code and used in accordance with rules 64612  
adopted pursuant to that section. 64613

(B) No penalty shall be imposed by the fire marshal on any 64614  
person for a violation of the state fire code if a penalty has 64615  
been imposed or an order issued by the federal government for a 64616  
violation of a similar provision contained in or adopted pursuant 64617  
to the federal acts referred to in this section, where the facts 64618  
that constitute the violation of the state fire code are the same 64619  
as those that constitute the violation or alleged violation of the 64620  
federal act. 64621

Sec. 3743.07. (A) Licensed manufacturers of fireworks shall 64622  
keep complete records of all fireworks in their inventory. 64623

~~(B) Licensed manufacturers of fireworks shall keep the 64624  
following records with respect to fireworks sold at wholesale or 64625  
retail for a period of three years after the date of their sale: 64626~~

~~(1) In the case of a wholesale sale, the name and address of 64627  
the purchaser; the destination to which the fireworks will be 64628  
transported; if applicable, the number of the purchaser's 64629  
wholesale license; the date of purchase; when the fireworks are to 64630  
be shipped directly out of this state by a manufacturer to a 64631  
purchaser, the manner in which the fireworks were shipped to the 64632  
purchaser; and such other information as the fire marshal may 64633  
require. 64634~~

~~(2) In the case of a retail sale, the name and address of the 64635  
purchaser; the destination to which the fireworks will be 64636  
transported; if applicable, the number of the purchaser's 64637  
exhibitor's license and the number and political subdivision 64638  
designation of the purchaser's permit for a fireworks exhibition; 64639  
the date of purchase; when the fireworks are shipped directly out 64640  
of this state by a manufacturer to a purchaser, the manner in 64641  
which the fireworks were shipped to the purchaser; and such other 64642  
information as the fire marshal may require. 64643~~

~~(C) The seller shall require each purchaser described in 64644  
division (B) of this section to complete a purchaser's form, which 64645  
shall be prescribed by the fire marshal and furnished by the 64646  
seller. On this form the purchaser shall include the information 64647  
described in division (B) of this section and the purchaser's 64648  
signature. Each purchaser's form shall contain a statement printed 64649  
in bold letters indicating that knowingly making a false statement 64650  
on the form is falsification under section 2921.13 of the Revised 64651  
Code and is a misdemeanor of the first degree. Each seller shall 64652~~

~~keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

~~(D) A licensed manufacturer of fireworks shall keep its wholesale sale and retail sale records in separate books. These records and the inventory records shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

**Sec. 3743.20.** ~~(A) Licensed wholesalers of fireworks shall keep complete records of all fireworks in their inventory.~~

~~(B) Licensed wholesalers of fireworks shall keep the following records with respect to fireworks sold at wholesale or retail for a period of three years after the date of their sale:~~

~~(1) In the case of a wholesale sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's wholesale license; the date of the purchase; when the fireworks are to be shipped directly out of this state by a wholesaler to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require;~~

~~(2) In the case of a retail sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's exhibitor's license and the number and political subdivision designation of the purchaser's permit for a fireworks exhibition; the date of purchase; when the fireworks are shipped directly out of this state by a wholesaler to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require.~~

~~(C) The seller shall require each purchaser described in~~

~~division (B) of this section to complete a purchaser's form, which shall be prescribed by the fire marshal and furnished by the seller. On this form the purchaser shall include the information described in division (B) of this section and the purchaser's signature. Each purchaser's form shall contain a statement printed in bold letters indicating that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree. Each seller shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

~~(D) A licensed wholesaler of fireworks shall keep its wholesale sale and retail sale records in separate books. These records and the inventory records shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

**Sec. 3743.44.** (A) Any person who resides in another state and who intends to obtain possession in this state of fireworks purchased in this state shall obtain possession of the fireworks only from a licensed manufacturer or licensed wholesaler and only possess the fireworks in this state while in the course of directly transporting them out of this state. ~~Ne~~

No licensed manufacturer or licensed wholesaler shall sell 1.3G fireworks to a person who resides in another state unless that person has been issued a license or permit in the state of the person's residence that authorizes the person to engage in the manufacture, wholesale sale, or retail sale of 1.3G fireworks or that authorizes the person to conduct 1.3G fireworks exhibitions in that state and that person presents a certified copy of the license. ~~Ne~~

No licensed manufacturer or licensed wholesaler shall sell fireworks to a person who resides in another state unless that



person has been issued a license or permit in the state of the 64714  
person's residence that authorizes the person to engage in the 64715  
manufacture, wholesale sale, or retail sale of fireworks in that 64716  
state or that authorizes the person to conduct fireworks 64717  
exhibitions in that state and that person presents a certified 64718  
copy of the license, or, if that person does not possess a license 64719  
or permit of that nature, only if the person presents a current 64720  
valid motor vehicle operator's license issued to the person in the 64721  
person's state of residence, or, if that person does not possess a 64722  
motor vehicle operator's license issued in that state, an 64723  
identification card issued to the person by a governmental agency 64724  
in the person's state of residence indicating that the person is a 64725  
resident of that state. If a person who is required to present a 64726  
motor vehicle operator's license or other identification card 64727  
intends to transport the fireworks purchased directly out of this 64728  
state by a motor vehicle and the person will not also be the 64729  
operator of that motor vehicle while so transporting the 64730  
fireworks, the operator of the motor vehicle also shall present 64731  
the operator's motor vehicle operator's license. 64732

(B) ~~A licensed manufacturer or licensed wholesaler selling 64733  
fireworks under this section shall require the purchaser to 64734  
complete a purchaser's form. The fire marshal shall prescribe the 64735  
form, and the licensed manufacturer or licensed wholesaler shall 64736  
furnish the form. On this form the purchaser shall include the 64737  
purchaser's name and address; the date of the purchase; a 64738  
statement that the purchaser acknowledges that the purchaser is 64739  
responsible for any illegal use of the fireworks, including any 64740  
damages caused by improper use; the number of the purchaser's 64741  
license or permit authorizing the purchaser to manufacture, sell 64742  
at wholesale, or sell at retail fireworks or to conduct fireworks 64743  
exhibitions, or the number of the purchaser's motor vehicle 64744  
operator's license or other identification card, as applicable; 64745  
such other information as the fire marshal may require; and the 64746~~

~~purchaser's signature. Each purchaser's form shall contain a statement printed in bold letters indicating that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree.~~

~~Each licensed manufacturer and licensed wholesaler shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

~~(C) Each purchaser of fireworks under this section shall transport the fireworks so purchased directly out of this state within forty-eight hours after the time of their purchase.~~

This section regulates wholesale sales and retail sales of fireworks in this state only insofar as purchasers of fireworks are residents of other states and will be obtaining possession in this state of purchased fireworks. This section does not prohibit licensed manufacturers or wholesalers from selling fireworks, in accordance with section 3743.04 or sections 3743.17 and 3743.25 of the Revised Code, to a resident of another state and from shipping the purchased fireworks directly out of this state to the purchaser.

**Sec. 3743.45.** (A) Any person who resides in this state and who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed manufacturer or licensed wholesaler.

~~A licensed manufacturer or licensed wholesaler selling 1.4G fireworks under this division shall require the purchaser to complete a purchaser's form, which shall be prescribed by the state fire marshal and furnished by the licensed manufacturer or licensed wholesaler. On this form the purchaser shall include the~~

~~purchaser's name and address; the date of the purchase; a 64778  
statement that the purchaser acknowledges that the purchaser is 64779  
responsible for any illegal use of the fireworks, including any 64780  
damages caused by improper use; such other information as the fire 64781  
marshal may require; and the purchaser's signature. Each 64782  
purchaser's form shall contain a statement printed in bold letters 64783  
indicating that knowingly making a false statement on the form is 64784  
falsification under section 2921.13 of the Revised Code and is a 64785  
misdemeanor of the first degree. 64786~~

~~Each licensed manufacturer and licensed wholesaler shall keep 64787  
each purchaser's form for a period of three years after the date 64788  
of the purchase, and such forms shall be open to inspection by the 64789  
fire marshal or the fire marshal's designated authority. 64790~~

Each purchaser of 1.4G fireworks under this division shall 64791  
transport the fireworks so purchased directly out of this state 64792  
within forty-eight hours after the time of their purchase. 64793

This division does not apply to a person who resides in this 64794  
state and who is also a licensed manufacturer, licensed 64795  
wholesaler, or licensed exhibitor of fireworks in this state. 64796

(B) No licensed manufacturer or licensed wholesaler shall 64797  
sell 1.3G fireworks to a person who resides in this state unless 64798  
that person is a licensed manufacturer, licensed wholesaler, or 64799  
licensed exhibitor of fireworks in this state. 64800

**Sec. 3743.63.** (A) No person who resides in another state and 64801  
purchases fireworks in this state shall obtain possession of the 64802  
fireworks in this state unless the person complies with section 64803  
3743.44 of the Revised Code, ~~provided that knowingly making a 64804  
false statement on the fireworks purchaser form is not a violation 64805  
of this section but is a violation of section 2921.13 of the 64806  
Revised Code. 64807~~

(B) No person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting ~~the~~ 1.3G fireworks, to transport them directly out of this state within seventy-two hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.

(C) No person who resides in this state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with section 3743.45 of the Revised Code, ~~provided that knowingly making a false statement on the fireworks purchaser form is not a violation of this section but is a violation of section 2921.13 of the Revised Code.~~

(D) No person who resides in this state and who purchases fireworks in this state under section 3743.45 of the Revised Code shall obtain possession of fireworks in this state other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this state within forty-eight hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.

**Sec. 3743.65.** (A) No person shall possess fireworks in this state or shall possess for sale or sell fireworks in this state, except a licensed manufacturer of fireworks as authorized by sections 3743.02 to 3743.08 of the Revised Code, a licensed wholesaler of fireworks as authorized by sections 3743.15 to 3743.21 of the Revised Code, a shipping permit holder as authorized by section 3743.40 of the Revised Code, an out-of-state resident as authorized by section 3743.44 of the Revised Code, a resident of this state as authorized by section 3743.45 of the

Revised Code, or a licensed exhibitor of fireworks as authorized 64839  
by sections 3743.50 to 3743.55 of the Revised Code, and except as 64840  
provided in section 3743.80 of the Revised Code. 64841

(B) Except as provided in section 3743.80 of the Revised Code 64842  
and except for licensed exhibitors of fireworks authorized to 64843  
conduct a fireworks exhibition pursuant to sections 3743.50 to 64844  
3743.55 of the Revised Code, no person shall discharge, ignite, or 64845  
explode any fireworks in this state. 64846

(C) No person shall use in a theater or public hall, what is 64847  
technically known as fireworks showers, or a mixture containing 64848  
potassium chlorate and sulphur. 64849

(D) No person shall sell fireworks of any kind to a person 64850  
under eighteen years of age. No person under eighteen years of age 64851  
shall enter a fireworks sales showroom unless that person is 64852  
accompanied by a parent, legal guardian, or other responsible 64853  
adult. No person under eighteen years of age shall touch or 64854  
possess fireworks on a licensed premises without the consent of 64855  
the licensee. A licensee may eject any person from a licensed 64856  
premises that is in any way disruptive to the safe operation of 64857  
the premises. 64858

(E) ~~No~~ Except as otherwise provided in section 3743.44 of the 64859  
Revised Code, no person, other than a licensed manufacturer, 64860  
licensed wholesaler, licensed exhibitor, or shipping permit 64861  
holder, shall possess 1.3G fireworks in this state. 64862

(F) Except as otherwise provided in division (J) of section 64863  
3743.06 and division (K) of section 3743.19 of the Revised Code, 64864  
no person shall knowingly disable a fire suppression system as 64865  
defined in section 3781.108 of the Revised Code on the premises of 64866  
a fireworks plant of a licensed manufacturer of fireworks or on 64867  
the premises of the business operations of a licensed wholesaler 64868  
of fireworks. 64869

**Sec. 3743.75.** (A) During the period beginning on June 29, 64870  
2001, and ending on December 15, ~~2015~~ 2017, the state fire marshal 64871  
shall not do any of the following: 64872

(1) Issue a license as a manufacturer of fireworks under 64873  
sections 3743.02 and 3743.03 of the Revised Code to a person for a 64874  
particular fireworks plant unless that person possessed such a 64875  
license for that fireworks plant immediately prior to June 29, 64876  
2001; 64877

(2) Issue a license as a wholesaler of fireworks under 64878  
sections 3743.15 and 3743.16 of the Revised Code to a person for a 64879  
particular location unless that person possessed such a license 64880  
for that location immediately prior to June 29, 2001; 64881

(3) Except as provided in division (B) of this section, 64882  
approve the geographic transfer of a license as a manufacturer or 64883  
wholesaler of fireworks issued under this chapter to any location 64884  
other than a location for which a license was issued under this 64885  
chapter immediately prior to June 29, 2001. 64886

(B) Division (A)(3) of this section does not apply to a 64887  
transfer that the state fire marshal approves under division (F) 64888  
of section 3743.17 of the Revised Code. 64889

(C) Notwithstanding section 3743.59 of the Revised Code, the 64890  
prohibited activities established in divisions (A)(1) and (2) of 64891  
this section, geographic transfers approved pursuant to division 64892  
(F) of section 3743.17 of the Revised Code, and storage locations 64893  
allowed pursuant to division (I) of section 3743.04 of the Revised 64894  
Code or division (G) of section 3743.17 of the Revised Code are 64895  
not subject to any variance, waiver, or exclusion. 64896

(D) As used in division (A) of this section: 64897

(1) "Person" includes any person or entity, in whatever form 64898  
or name, that acquires possession of a manufacturer or wholesaler 64899

of fireworks license issued pursuant to this chapter by transfer 64900  
of possession of a license, whether that transfer occurs by 64901  
purchase, assignment, inheritance, bequest, stock transfer, or any 64902  
other type of transfer, on the condition that the transfer is in 64903  
accordance with division (D) of section 3743.04 of the Revised 64904  
Code or division (D) of section 3743.17 of the Revised Code and is 64905  
approved by the fire marshal. 64906

(2) "Particular location" includes a licensed premises and, 64907  
regardless of when approved, any storage location approved in 64908  
accordance with section 3743.04 or 3743.17 of the Revised Code. 64909

(3) "Such a license" includes a wholesaler of fireworks 64910  
license that was issued in place of a manufacturer of fireworks 64911  
license that existed prior to June 29, 2001, and was requested to 64912  
be canceled by the license holder pursuant to division (D) of 64913  
section 3743.03 of the Revised Code. 64914

**Sec. 3745.015.** There is hereby created in the state treasury 64915  
the environmental protection fund consisting of money credited to 64916  
the fund under division (A)(3) of section 3734.57 of the Revised 64917  
Code. The environmental protection agency shall use money in the 64918  
fund to pay the agency's costs associated with administering and 64919  
enforcing, or otherwise conducting activities under, this chapter 64920  
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 64921  
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 64922  
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 64923  
the Revised Code, including providing compliance assistance to 64924  
small businesses. 64925

**Sec. 3745.11.** (A) Applicants for and holders of permits, 64926  
licenses, variances, plan approvals, and certifications issued by 64927  
the director of environmental protection pursuant to Chapters 64928  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 64929

to the environmental protection agency for each such issuance and 64930  
each application for an issuance as provided by this section. No 64931  
fee shall be charged for any issuance for which no application has 64932  
been submitted to the director. 64933

(B) Except as otherwise provided in division (C)(2) of this 64934  
section, beginning July 1, 1994, each person who owns or operates 64935  
an air contaminant source and who is required to apply for and 64936  
obtain a Title V permit under section 3704.036 of the Revised Code 64937  
shall pay the fees set forth in this division. For the purposes of 64938  
this division, total emissions of air contaminants may be 64939  
calculated using engineering calculations, emissions factors, 64940  
material balance calculations, or performance testing procedures, 64941  
as authorized by the director. 64942

The following fees shall be assessed on the total actual 64943  
emissions from a source in tons per year of the regulated 64944  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 64945  
organic compounds, and lead: 64946

(1) Fifteen dollars per ton on the total actual emissions of 64947  
each such regulated pollutant during the period July through 64948  
December 1993, to be collected no sooner than July 1, 1994; 64949

(2) Twenty dollars per ton on the total actual emissions of 64950  
each such regulated pollutant during calendar year 1994, to be 64951  
collected no sooner than April 15, 1995; 64952

(3) Twenty-five dollars per ton on the total actual emissions 64953  
of each such regulated pollutant in calendar year 1995, and each 64954  
subsequent calendar year, to be collected no sooner than the 64955  
fifteenth day of April of the year next succeeding the calendar 64956  
year in which the emissions occurred. 64957

The fees levied under this division do not apply to that 64958  
portion of the emissions of a regulated pollutant at a facility 64959  
that exceed four thousand tons during a calendar year. 64960



(C)(1) The fees assessed under division (B) of this section 64961  
are for the purpose of providing funding for the Title V permit 64962  
program. 64963

(2) The fees assessed under division (B) of this section do 64964  
not apply to emissions from any electric generating unit 64965  
designated as a Phase I unit under Title IV of the federal Clean 64966  
Air Act prior to calendar year 2000. Those fees shall be assessed 64967  
on the emissions from such a generating unit commencing in 64968  
calendar year 2001 based upon the total actual emissions from the 64969  
generating unit during calendar year 2000 and shall continue to be 64970  
assessed each subsequent calendar year based on the total actual 64971  
emissions from the generating unit during the preceding calendar 64972  
year. 64973

(3) The director shall issue invoices to owners or operators 64974  
of air contaminant sources who are required to pay a fee assessed 64975  
under division (B) or (D) of this section. Any such invoice shall 64976  
be issued no sooner than the applicable date when the fee first 64977  
may be collected in a year under the applicable division, shall 64978  
identify the nature and amount of the fee assessed, and shall 64979  
indicate that the fee is required to be paid within thirty days 64980  
after the issuance of the invoice. 64981

(D)(1) Except as provided in division (D)(3) of this section, 64982  
from January 1, 1994, through December 31, 2003, each person who 64983  
owns or operates an air contaminant source; who is required to 64984  
apply for a permit to operate pursuant to rules adopted under 64985  
division (G), or a variance pursuant to division (H), of section 64986  
3704.03 of the Revised Code; and who is not required to apply for 64987  
and obtain a Title V permit under section 3704.036 of the Revised 64988  
Code shall pay a single fee based upon the sum of the actual 64989  
annual emissions from the facility of the regulated pollutants 64990  
particulate matter, sulfur dioxide, nitrogen oxides, organic 64991  
compounds, and lead in accordance with the following schedule: 64992

Total tons per year		64993
of regulated pollutants	Annual fee	64994
emitted	per facility	64995
More than 0, but less than 50	\$ 75	64996
50 or more, but less than 100	300	64997
100 or more	700	64998

(2) Except as provided in division (D)(3) of this section, 64999  
beginning January 1, 2004, each person who owns or operates an air 65000  
contaminant source; who is required to apply for a permit to 65001  
operate pursuant to rules adopted under division (G), or a 65002  
variance pursuant to division (H), of section 3704.03 of the 65003  
Revised Code; and who is not required to apply for and obtain a 65004  
Title V permit under section 3704.03 of the Revised Code shall pay 65005  
a single fee based upon the sum of the actual annual emissions 65006  
from the facility of the regulated pollutants particulate matter, 65007  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 65008  
accordance with the following schedule: 65009

Total tons per year		65010
of regulated pollutants	Annual fee	65011
emitted	per facility	65012
More than 0, but less than 10	\$ 100	65013
10 or more, but less than 50	200	65014
50 or more, but less than 100	300	65015
100 or more	700	65016

(3)(a) As used in division (D) of this section, "synthetic 65017  
minor facility" means a facility for which one or more permits to 65018  
install or permits to operate have been issued for the air 65019  
contaminant sources at the facility that include terms and 65020  
conditions that lower the facility's potential to emit air 65021  
contaminants below the major source thresholds established in 65022  
rules adopted under section 3704.036 of the Revised Code. 65023

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, 65024

each person who owns or operates a synthetic minor facility shall 65025  
pay an annual fee based on the sum of the actual annual emissions 65026  
from the facility of particulate matter, sulfur dioxide, nitrogen 65027  
dioxide, organic compounds, and lead in accordance with the 65028  
following schedule: 65029

Combined total tons 65030		
per year of all regulated 65031	Annual fee	
pollutants emitted 65032	per facility	
Less than 10 65033	\$ 170	
10 or more, but less than 20 65034	340	
20 or more, but less than 30 65035	670	
30 or more, but less than 40 65036	1,010	
40 or more, but less than 50 65037	1,340	
50 or more, but less than 60 65038	1,680	
60 or more, but less than 70 65039	2,010	
70 or more, but less than 80 65040	2,350	
80 or more, but less than 90 65041	2,680	
90 or more, but less than 100 65042	3,020	
100 or more 65043	3,350	

(4) The fees assessed under division (D)(1) of this section 65044  
shall be collected annually no sooner than the fifteenth day of 65045  
April, commencing in 1995. The fees assessed under division (D)(2) 65046  
of this section shall be collected annually no sooner than the 65047  
fifteenth day of April, commencing in 2005. The fees assessed 65048  
under division (D)(3) of this section shall be collected no sooner 65049  
than the fifteenth day of April, commencing in 2000. The fees 65050  
assessed under division (D) of this section in a calendar year 65051  
shall be based upon the sum of the actual emissions of those 65052  
regulated pollutants during the preceding calendar year. For the 65053  
purpose of division (D) of this section, emissions of air 65054  
contaminants may be calculated using engineering calculations, 65055  
emission factors, material balance calculations, or performance 65056  
testing procedures, as authorized by the director. The director, 65057

by rule, may require persons who are required to pay the fees 65058  
assessed under division (D) of this section to pay those fees 65059  
biennially rather than annually. 65060

(E)(1) Consistent with the need to cover the reasonable costs 65061  
of the Title V permit program, the director annually shall 65062  
increase the fees prescribed in division (B) of this section by 65063  
the percentage, if any, by which the consumer price index for the 65064  
most recent calendar year ending before the beginning of a year 65065  
exceeds the consumer price index for calendar year 1989. Upon 65066  
calculating an increase in fees authorized by division (E)(1) of 65067  
this section, the director shall compile revised fee schedules for 65068  
the purposes of division (B) of this section and shall make the 65069  
revised schedules available to persons required to pay the fees 65070  
assessed under that division and to the public. 65071

(2) For the purposes of division (E)(1) of this section: 65072

(a) The consumer price index for any year is the average of 65073  
the consumer price index for all urban consumers published by the 65074  
United States department of labor as of the close of the 65075  
twelve-month period ending on the thirty-first day of August of 65076  
that year. 65077

(b) If the 1989 consumer price index is revised, the director 65078  
shall use the revision of the consumer price index that is most 65079  
consistent with that for calendar year 1989. 65080

(F) Each person who is issued a permit to install pursuant to 65081  
rules adopted under division (F) of section 3704.03 of the Revised 65082  
Code on or after July 1, 2003, shall pay the fees specified in the 65083  
following schedules: 65084

(1) Fuel-burning equipment (boilers, furnaces, or process 65085  
heaters used in the process of burning fuel for the primary 65086  
purpose of producing heat or power by indirect heat transfer) 65087  
Input capacity (maximum) 65088

(million British thermal units per hour)	Permit to install	65089
Greater than 0, but less than 10	\$ 200	65090
10 or more, but less than 100	400	65091
100 or more, but less than 300	1000	65092
300 or more, but less than 500	2250	65093
500 or more, but less than 1000	3750	65094
1000 or more, but less than 5000	6000	65095
5000 or more	9000	65096
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		65097 65098 65099
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		65100 65101
Generating capacity (mega watts)	Permit to install	65102
0 or more, but less than 10	\$ 25	65103
10 or more, but less than 25	150	65104
25 or more, but less than 50	300	65105
50 or more, but less than 100	500	65106
100 or more, but less than 250	1000	65107
250 or more	2000	65108
(3) Incinerators		65109
Input capacity (pounds per hour)	Permit to install	65110
0 to 100	\$ 100	65111
101 to 500	500	65112
501 to 2000	1000	65113
2001 to 20,000	1500	65114
more than 20,000	3750	65115
(4)(a) Process		65116
Process weight rate (pounds per hour)	Permit to install	65117
0 to 1000	\$ 200	65118
1001 to 5000	500	65119
5001 to 10,000	750	65120

10,001 to 50,000	1000	65121
more than 50,000	1250	65122

In any process where process weight rate cannot be 65123  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 65124  
combustion turbine, stationary internal combustion engine, or 65125  
process heater designed to provide direct heat or power to a 65126  
process not designed to generate electricity shall be assessed a 65127  
fee established in division (F)(4)(a) of this section. A 65128  
combustion turbine or stationary internal combustion engine 65129  
designed to generate electricity shall be assessed a fee 65130  
established in division (F)(2) of this section. 65131

(b) Notwithstanding division (F)(4)(a) of this section, any 65132  
person issued a permit to install pursuant to rules adopted under 65133  
division (F) of section 3704.03 of the Revised Code shall pay the 65134  
fees set forth in division (F)(4)(c) of this section for a process 65135  
used in any of the following industries, as identified by the 65136  
applicable two-digit, three-digit, or four-digit standard 65137  
industrial classification code according to the Standard 65138  
Industrial Classification Manual published by the United States 65139  
office of management and budget in the executive office of the 65140  
president, 1987, as revised: 65141

Major group 10, metal mining; 65142

Major group 12, coal mining; 65143

Major group 14, mining and quarrying of nonmetallic minerals; 65144

Industry group 204, grain mill products; 65145

2873 Nitrogen fertilizers; 65146

2874 Phosphatic fertilizers; 65147

3281 Cut stone and stone products; 65148

3295 Minerals and earth, ground or otherwise treated; 65149

4221 Grain elevators (storage only); 65150

5159 Farm related raw materials;		65151
5261 Retail nurseries and lawn and garden supply stores.		65152
(c) The fees set forth in the following schedule apply to the		65153
issuance of a permit to install pursuant to rules adopted under		65154
division (F) of section 3704.03 of the Revised Code for a process		65155
identified in division (F)(4)(b) of this section:		65156
Process weight rate (pounds per	Permit to install	65157
hour)		
0 to 10,000	\$ 200	65158
10,001 to 50,000	400	65159
50,001 to 100,000	500	65160
100,001 to 200,000	600	65161
200,001 to 400,000	750	65162
400,001 or more	900	65163
(5) Storage tanks		65164
Gallons (maximum useful capacity)	Permit to install	65165
0 to 20,000	\$ 100	65166
20,001 to 40,000	150	65167
40,001 to 100,000	250	65168
100,001 to 500,000	400	65169
500,001 or greater	750	65170
(6) Gasoline/fuel dispensing facilities		65171
For each gasoline/fuel		65172
dispensing facility (includes all	Permit to install	65173
units at the facility)	\$ 100	65174
(7) Dry cleaning facilities		65175
For each dry cleaning		65176
facility (includes all units	Permit to install	65177
at the facility)	\$ 100	65178
(8) Registration status		65179
For each source covered	Permit to install	65180

by registration status \$ 75 65181

(G) An owner or operator who is responsible for an asbestos 65182  
demolition or renovation project pursuant to rules adopted under 65183  
section 3704.03 of the Revised Code shall pay the fees set forth 65184  
in the following schedule: 65185

Action	Fee	
Each notification	\$75	65187
Asbestos removal	\$3/unit	65188
Asbestos cleanup	\$4/cubic yard	65189

For purposes of this division, "unit" means any combination of 65190  
linear feet or square feet equal to fifty. 65191

(H) A person who is issued an extension of time for a permit 65192  
to install an air contaminant source pursuant to rules adopted 65193  
under division (F) of section 3704.03 of the Revised Code shall 65194  
pay a fee equal to one-half the fee originally assessed for the 65195  
permit to install under this section, except that the fee for such 65196  
an extension shall not exceed two hundred dollars. 65197

(I) A person who is issued a modification to a permit to 65198  
install an air contaminant source pursuant to rules adopted under 65199  
section 3704.03 of the Revised Code shall pay a fee equal to 65200  
one-half of the fee that would be assessed under this section to 65201  
obtain a permit to install the source. The fee assessed by this 65202  
division only applies to modifications that are initiated by the 65203  
owner or operator of the source and shall not exceed two thousand 65204  
dollars. 65205

(J) Notwithstanding division (F) of this section, a person 65206  
who applies for or obtains a permit to install pursuant to rules 65207  
adopted under division (F) of section 3704.03 of the Revised Code 65208  
after the date actual construction of the source began shall pay a 65209  
fee for the permit to install that is equal to twice the fee that 65210  
otherwise would be assessed under the applicable division unless 65211  
the applicant received authorization to begin construction under 65212



division (W) of section 3704.03 of the Revised Code. This division 65213  
only applies to sources for which actual construction of the 65214  
source begins on or after July 1, 1993. The imposition or payment 65215  
of the fee established in this division does not preclude the 65216  
director from taking any administrative or judicial enforcement 65217  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 65218  
of the Revised Code, or a rule adopted under any of them, in 65219  
connection with a violation of rules adopted under division (F) of 65220  
section 3704.03 of the Revised Code. 65221

As used in this division, "actual construction of the source" 65222  
means the initiation of physical on-site construction activities 65223  
in connection with improvements to the source that are permanent 65224  
in nature, including, without limitation, the installation of 65225  
building supports and foundations and the laying of underground 65226  
pipework. 65227

(K)(1) Money received under division (B) of this section 65228  
shall be deposited in the state treasury to the credit of the 65229  
Title V clean air fund created in section 3704.035 of the Revised 65230  
Code. Annually, fifty cents per ton of each fee assessed under 65231  
division (B) of this section on actual emissions from a source and 65232  
received by the environmental protection agency pursuant to that 65233  
division shall be transferred using an interstate transfer voucher 65234  
to the state treasury to the credit of the small business 65235  
assistance fund created in section 3706.19 of the Revised Code. In 65236  
addition, annually, the amount of money necessary for the 65237  
operation of the office of ombudsperson as determined under 65238  
division (B) of that section shall be transferred to the state 65239  
treasury to the credit of the small business ombudsperson fund 65240  
created by that section. 65241

(2) Money received by the agency pursuant to divisions (D), 65242  
(F), (G), (H), (I), and (J) of this section shall be deposited in 65243  
the state treasury to the credit of the non-Title V clean air fund 65244

created in section 3704.035 of the Revised Code. 65245

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 65246  
or (c) of this section, a person issued a water discharge permit 65247  
or renewal of a water discharge permit pursuant to Chapter 6111. 65248  
of the Revised Code shall pay a fee based on each point source to 65249  
which the issuance is applicable in accordance with the following 65250  
schedule: 65251

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	65253
1,001 to 5000	100	65254
5,001 to 50,000	200	65255
50,001 to 100,000	300	65256
100,001 to 300,000	525	65257
over 300,000	750	65258

(b) Notwithstanding the fee schedule specified in division 65259  
(L)(1)(a) of this section, the fee for a water discharge permit 65260  
that is applicable to coal mining operations regulated under 65261  
Chapter 1513. of the Revised Code shall be two hundred fifty 65262  
dollars per mine. 65263

(c) Notwithstanding the fee schedule specified in division 65264  
(L)(1)(a) of this section, the fee for a water discharge permit 65265  
for a public discharger identified by I in the third character of 65266  
the permittee's NPDES permit number shall not exceed seven hundred 65267  
fifty dollars. 65268

(2) A person applying for a plan approval for a wastewater 65269  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 65270  
of the Revised Code shall pay a fee of one hundred dollars plus 65271  
sixty-five one-hundredths of one per cent of the estimated project 65272  
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 65273  
two-tenths of one per cent of the estimated project cost on and 65274  
after July 1, ~~2016~~ 2018, except that the total fee shall not 65275  
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 65276

five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 65277  
shall be paid at the time the application is submitted. 65278

(3) A person issued a modification of a water discharge 65279  
permit shall pay a fee equal to one-half the fee that otherwise 65280  
would be charged for a water discharge permit, except that the fee 65281  
for the modification shall not exceed four hundred dollars. 65282

(4) A person who has entered into an agreement with the 65283  
director under section 6111.14 of the Revised Code shall pay an 65284  
administrative service fee for each plan submitted under that 65285  
section for approval that shall not exceed the minimum amount 65286  
necessary to pay administrative costs directly attributable to 65287  
processing plan approvals. The director annually shall calculate 65288  
the fee and shall notify all persons who have entered into 65289  
agreements under that section, or who have applied for agreements, 65290  
of the amount of the fee. 65291

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 65292  
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 65293  
pursuant to Chapter 6111. of the Revised Code with an average 65294  
daily discharge flow of five thousand gallons or more shall pay a 65295  
nonrefundable annual discharge fee. Any person who fails to pay 65296  
the fee at that time shall pay an additional amount that equals 65297  
ten per cent of the required annual discharge fee. 65298

(ii) The billing year for the annual discharge fee 65299  
established in division (L)(5)(a)(i) of this section shall consist 65300  
of a twelve-month period beginning on the first day of January of 65301  
the year preceding the date when the annual discharge fee is due. 65302  
In the case of an existing source that permanently ceases to 65303  
discharge during a billing year, the director shall reduce the 65304  
annual discharge fee, including the surcharge applicable to 65305  
certain industrial facilities pursuant to division (L)(5)(c) of 65306  
this section, by one-twelfth for each full month during the 65307  
billing year that the source was not discharging, but only if the 65308

person holding the NPDES discharge permit for the source notifies 65309  
the director in writing, not later than the first day of October 65310  
of the billing year, of the circumstances causing the cessation of 65311  
discharge. 65312

(iii) The annual discharge fee established in division 65313  
(L)(5)(a)(i) of this section, except for the surcharge applicable 65314  
to certain industrial facilities pursuant to division (L)(5)(c) of 65315  
this section, shall be based upon the average daily discharge flow 65316  
in gallons per day calculated using first day of May through 65317  
thirty-first day of October flow data for the period two years 65318  
prior to the date on which the fee is due. In the case of NPDES 65319  
discharge permits for new sources, the fee shall be calculated 65320  
using the average daily design flow of the facility until actual 65321  
average daily discharge flow values are available for the time 65322  
period specified in division (L)(5)(a)(iii) of this section. The 65323  
annual discharge fee may be prorated for a new source as described 65324  
in division (L)(5)(a)(ii) of this section. 65325

(b) An NPDES permit holder that is a public discharger shall 65326  
pay the fee specified in the following schedule: 65327

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2014</del> <u>2016</u> , and	
	January 30, <del>2015</del>	
	<u>2017</u>	
5,000 to 49,999	\$ 200	65332
50,000 to 100,000	500	65333
100,001 to 250,000	1,050	65334
250,001 to 1,000,000	2,600	65335
1,000,001 to 5,000,000	5,200	65336
5,000,001 to 10,000,000	10,350	65337
10,000,001 to 20,000,000	15,550	65338
20,000,001 to 50,000,000	25,900	65339

50,000,001 to 100,000,000	41,400	65340
100,000,001 or more	62,100	65341

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, <del>2014</del> <u>2016</u> , and January 30, <del>2015</del> <u>2017</u>	
5,000 to 49,999	\$ 250	65354
50,000 to 250,000	1,200	65355
250,001 to 1,000,000	2,950	65356
1,000,001 to 5,000,000	5,850	65357
5,000,001 to 10,000,000	8,800	65358
10,000,001 to 20,000,000	11,700	65359
20,000,001 to 100,000,000	14,050	65360
100,000,001 to 250,000,000	16,400	65361
250,000,001 or more	18,700	65362

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section

shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(6) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(7) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(8) As used in division (L) of this section:

(a) "NPDES" means the federally approved national pollutant

discharge elimination system program for issuing, modifying, 65402  
revoking, reissuing, terminating, monitoring, and enforcing 65403  
permits and imposing and enforcing pretreatment requirements under 65404  
Chapter 6111. of the Revised Code and rules adopted under it. 65405

(b) "Public discharger" means any holder of an NPDES permit 65406  
identified by P in the second character of the NPDES permit number 65407  
assigned by the director. 65408

(c) "Industrial discharger" means any holder of an NPDES 65409  
permit identified by I in the second character of the NPDES permit 65410  
number assigned by the director. 65411

(d) "Major discharger" means any holder of an NPDES permit 65412  
classified as major by the regional administrator of the United 65413  
States environmental protection agency in conjunction with the 65414  
director. 65415

(M) Through June 30, ~~2016~~ 2018, a person applying for a 65416  
license or license renewal to operate a public water system under 65417  
section 6109.21 of the Revised Code shall pay the appropriate fee 65418  
established under this division at the time of application to the 65419  
director. Any person who fails to pay the fee at that time shall 65420  
pay an additional amount that equals ten per cent of the required 65421  
fee. The director shall transmit all moneys collected under this 65422  
division to the treasurer of state for deposit into the drinking 65423  
water protection fund created in section 6109.30 of the Revised 65424  
Code. 65425

Except as provided in divisions (M)(4) and (5) of this 65426  
section, fees required under this division shall be calculated and 65427  
paid in accordance with the following schedule: 65428

(1) For the initial license required under section 6109.21 of 65429  
the Revised Code for any public water system that is a community 65430  
water system as defined in section 6109.01 of the Revised Code, 65431  
and for each license renewal required for such a system prior to 65432

January 31, <del>2016</del> <u>2018</u> , the fee is:		65433
Number of service connections	Fee amount	65434
Not more than 49	\$ 112	65435
50 to 99	176	65436
Number of service connections	Average cost per connection	65437
100 to 2,499	\$ 1.92	65438
2,500 to 4,999	1.48	65439
5,000 to 7,499	1.42	65440
7,500 to 9,999	1.34	65441
10,000 to 14,999	1.16	65442
15,000 to 24,999	1.10	65443
25,000 to 49,999	1.04	65444
50,000 to 99,999	.92	65445
100,000 to 149,999	.86	65446
150,000 to 199,999	.80	65447
200,000 or more	.76	65448

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Population served	Fee amount	65462
Fewer than 150	\$ 112	65463
150 to 299	176	65464



300 to 749	384	65465
750 to 1,499	628	65466
1,500 to 2,999	1,268	65467
3,000 to 7,499	2,816	65468
7,500 to 14,999	5,510	65469
15,000 to 22,499	9,048	65470
22,500 to 29,999	12,430	65471
30,000 or more	16,820	65472

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	65485
2	112	65486
3	176	65487
4	278	65488
5	568	65489
System designated as using a surface water source	792	65490

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2016~~ 2018, and fifteen thousand dollars on and after July 1, ~~2016~~ 2018. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		65527
MMO-MUG	\$2,000	65528
MF	2,100	65529
MMO-MUG and MF	2,550	65530
organic chemical	5,400	65531
trace metals	5,400	65532
standard chemistry	2,800	65533
limited chemistry	1,550	65534

On and after July 1, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	65537
organic chemicals	3,500	65538
trace metals	3,500	65539
standard chemistry	1,800	65540
limited chemistry	1,000	65541

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2016~~ 2018, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2016~~ 2018:

Class A operator	\$ 80	65564
Class I operator	105	65565
Class II operator	120	65566
Class III operator	130	65567
Class IV operator	145	65568

On and after December 1, ~~2016~~ 2018, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	65571
Class I operator	70	65572
Class II operator	80	65573
Class III operator	90	65574
Class IV operator	100	65575

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	65584
Class I operator	35	65585
Class II operator	45	65586
Class III operator	55	65587
Class IV operator	65	65588

If a certification renewal fee is received by the director

more than thirty days, but not more than one year after the 65590  
expiration date of the certification, the person shall pay a 65591  
certification renewal fee in accordance with the following 65592  
schedule: 65593

Class A operator	\$45	65594
Class I operator	55	65595
Class II operator	65	65596
Class III operator	75	65597
Class IV operator	85	65598

A person who requests a replacement certificate shall pay a 65599  
fee of twenty-five dollars at the time the request is made. 65600

Any person applying to be a water supply system or wastewater 65601  
treatment system examination provider shall pay an application fee 65602  
of five hundred dollars. Any person approved by the director as a 65603  
water supply system or wastewater treatment system examination 65604  
provider shall pay an annual fee that is equal to ten per cent of 65605  
the fees that the provider assesses and collects for administering 65606  
water supply system or wastewater treatment system certification 65607  
examinations in this state for the calendar year. The fee shall be 65608  
paid not later than forty-five days after the end of a calendar 65609  
year. 65610

The director shall transmit all moneys collected under this 65611  
division to the treasurer of state for deposit into the drinking 65612  
water protection fund created in section 6109.30 of the Revised 65613  
Code. 65614

(P) Any person submitting an application for an industrial 65615  
water pollution control certificate under section 6111.31 of the 65616  
Revised Code, as that section existed before its repeal by H.B. 95 65617  
of the 125th general assembly, shall pay a nonrefundable fee of 65618  
five hundred dollars at the time the application is submitted. The 65619  
director shall transmit all moneys collected under this division 65620  
to the treasurer of state for deposit into the surface water 65621

protection fund created in section 6111.038 of the Revised Code. A 65622  
person paying a certificate fee under this division shall not pay 65623  
an application fee under division (S)(1) of this section. On and 65624  
after June 26, 2003, persons shall file such applications and pay 65625  
the fee as required under sections 5709.20 to 5709.27 of the 65626  
Revised Code, and proceeds from the fee shall be credited as 65627  
provided in section 5709.212 of the Revised Code. 65628

(Q) Except as otherwise provided in division (R) of this 65629  
section, a person issued a permit by the director for a new solid 65630  
waste disposal facility other than an incineration or composting 65631  
facility, a new infectious waste treatment facility other than an 65632  
incineration facility, or a modification of such an existing 65633  
facility that includes an increase in the total disposal or 65634  
treatment capacity of the facility pursuant to Chapter 3734. of 65635  
the Revised Code shall pay a fee of ten dollars per thousand cubic 65636  
yards of disposal or treatment capacity, or one thousand dollars, 65637  
whichever is greater, except that the total fee for any such 65638  
permit shall not exceed eighty thousand dollars. A person issued a 65639  
modification of a permit for a solid waste disposal facility or an 65640  
infectious waste treatment facility that does not involve an 65641  
increase in the total disposal or treatment capacity of the 65642  
facility shall pay a fee of one thousand dollars. A person issued 65643  
a permit to install a new, or modify an existing, solid waste 65644  
transfer facility under that chapter shall pay a fee of two 65645  
thousand five hundred dollars. A person issued a permit to install 65646  
a new or to modify an existing solid waste incineration or 65647  
composting facility, or an existing infectious waste treatment 65648  
facility using incineration as its principal method of treatment, 65649  
under that chapter shall pay a fee of one thousand dollars. The 65650  
increases in the permit fees under this division resulting from 65651  
the amendments made by Amended Substitute House Bill 592 of the 65652  
117th general assembly do not apply to any person who submitted an 65653  
application for a permit to install a new, or modify an existing, 65654

solid waste disposal facility under that chapter prior to 65655  
September 1, 1987; any such person shall pay the permit fee 65656  
established in this division as it existed prior to June 24, 1988. 65657  
In addition to the applicable permit fee under this division, a 65658  
person issued a permit to install or modify a solid waste facility 65659  
or an infectious waste treatment facility under that chapter who 65660  
fails to pay the permit fee to the director in compliance with 65661  
division (V) of this section shall pay an additional ten per cent 65662  
of the amount of the fee for each week that the permit fee is 65663  
late. 65664

Permit and late payment fees paid to the director under this 65665  
division shall be credited to the general revenue fund. 65666

(R)(1) A person issued a registration certificate for a scrap 65667  
tire collection facility under section 3734.75 of the Revised Code 65668  
shall pay a fee of two hundred dollars, except that if the 65669  
facility is owned or operated by a motor vehicle salvage dealer 65670  
licensed under Chapter 4738. of the Revised Code, the person shall 65671  
pay a fee of twenty-five dollars. 65672

(2) A person issued a registration certificate for a new 65673  
scrap tire storage facility under section 3734.76 of the Revised 65674  
Code shall pay a fee of three hundred dollars, except that if the 65675  
facility is owned or operated by a motor vehicle salvage dealer 65676  
licensed under Chapter 4738. of the Revised Code, the person shall 65677  
pay a fee of twenty-five dollars. 65678

(3) A person issued a permit for a scrap tire storage 65679  
facility under section 3734.76 of the Revised Code shall pay a fee 65680  
of one thousand dollars, except that if the facility is owned or 65681  
operated by a motor vehicle salvage dealer licensed under Chapter 65682  
4738. of the Revised Code, the person shall pay a fee of fifty 65683  
dollars. 65684

(4) A person issued a permit for a scrap tire monocell or 65685

monofill facility under section 3734.77 of the Revised Code shall 65686  
pay a fee of ten dollars per thousand cubic yards of disposal 65687  
capacity or one thousand dollars, whichever is greater, except 65688  
that the total fee for any such permit shall not exceed eighty 65689  
thousand dollars. 65690

(5) A person issued a registration certificate for a scrap 65691  
tire recovery facility under section 3734.78 of the Revised Code 65692  
shall pay a fee of one hundred dollars. 65693

(6) A person issued a permit for a scrap tire recovery 65694  
facility under section 3734.78 of the Revised Code shall pay a fee 65695  
of one thousand dollars. 65696

(7) In addition to the applicable registration certificate or 65697  
permit fee under divisions (R)(1) to (6) of this section, a person 65698  
issued a registration certificate or permit for any such scrap 65699  
tire facility who fails to pay the registration certificate or 65700  
permit fee to the director in compliance with division (V) of this 65701  
section shall pay an additional ten per cent of the amount of the 65702  
fee for each week that the fee is late. 65703

(8) The registration certificate, permit, and late payment 65704  
fees paid to the director under divisions (R)(1) to (7) of this 65705  
section shall be credited to the scrap tire management fund 65706  
created in section 3734.82 of the Revised Code. 65707

(S)(1) Except as provided by divisions (L), (M), (N), (O), 65708  
(P), and (S)(2) of this section, division (A)(2) of section 65709  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 65710  
and rules adopted under division (T)(1) of this section, any 65711  
person applying for a registration certificate under section 65712  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 65713  
variance, or plan approval under Chapter 3734. of the Revised Code 65714  
shall pay a nonrefundable fee of fifteen dollars at the time the 65715  
application is submitted. 65716



Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2016~~ 2018. Except as provided in division (S)(3) of this section, through June 30, ~~2016~~ 2018, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen dollars at the time of application.

In addition to the application fee established under division (S)(1) of this section, any person applying for a national pollutant discharge elimination system general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition, any person applying for a national pollutant discharge elimination system general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division (S)(3) of this section to the

treasurer of state for deposit into the surface water protection 65749  
fund created in section 6111.038 of the Revised Code. 65750

If a registration certificate is issued under section 65751  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 65752  
the application fee paid shall be deducted from the amount of the 65753  
registration certificate fee due under division (R)(1), (2), or 65754  
(5) of this section, as applicable. 65755

If a person submits an electronic application for a 65756  
registration certificate, permit, variance, or plan approval for 65757  
which an application fee is established under division (S)(1) of 65758  
this section, the person shall pay the applicable application fee 65759  
as expeditiously as possible after the submission of the 65760  
electronic application. An application for a registration 65761  
certificate, permit, variance, or plan approval for which an 65762  
application fee is established under division (S)(1) of this 65763  
section shall not be reviewed or processed until the applicable 65764  
application fee, and any other fees established under this 65765  
division, are paid. 65766

(2) Division (S)(1) of this section does not apply to an 65767  
application for a registration certificate for a scrap tire 65768  
collection or storage facility submitted under section 3734.75 or 65769  
3734.76 of the Revised Code, as applicable, if the owner or 65770  
operator of the facility or proposed facility is a motor vehicle 65771  
salvage dealer licensed under Chapter 4738. of the Revised Code. 65772

(3) A person applying for coverage under a national pollutant 65773  
discharge elimination system general discharge permit for 65774  
household sewage treatment systems shall pay the following fees: 65775

(a) A nonrefundable fee of two hundred dollars at the time of 65776  
application for initial permit coverage; 65777

(b) A nonrefundable fee of one hundred dollars at the time of 65778  
application for a renewal of permit coverage. 65779

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary 65811  
to carry out this section. 65812

(U) When the director reasonably demonstrates that the direct 65813  
cost to the state associated with the issuance of a permit to 65814  
install, license, variance, plan approval, or certification 65815  
exceeds the fee for the issuance or review specified by this 65816  
section, the director may condition the issuance or review on the 65817  
payment by the person receiving the issuance or review of, in 65818  
addition to the fee specified by this section, the amount, or any 65819  
portion thereof, in excess of the fee specified under this 65820  
section. The director shall not so condition issuances for which a 65821  
fee is prescribed in division (L)(1)(b) of this section. 65822

(V) Except as provided in divisions (L), (M), and (P) of this 65823  
section or unless otherwise prescribed by a rule of the director 65824  
adopted pursuant to Chapter 119. of the Revised Code, all fees 65825  
required by this section are payable within thirty days after the 65826  
issuance of an invoice for the fee by the director or the 65827  
effective date of the issuance of the license, permit, variance, 65828  
plan approval, or certification. If payment is late, the person 65829  
responsible for payment of the fee shall pay an additional ten per 65830  
cent of the amount due for each month that it is late. 65831

(W) As used in this section, "fuel-burning equipment," 65832  
"fuel-burning equipment input capacity," "incinerator," 65833  
"incinerator input capacity," "process," "process weight rate," 65834  
"storage tank," "gasoline dispensing facility," "dry cleaning 65835  
facility," "design flow discharge," and "new source treatment 65836  
works" have the meanings ascribed to those terms by applicable 65837  
rules or standards adopted by the director under Chapter 3704. or 65838  
6111. of the Revised Code. 65839

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 65840  
(J) of this section, and in any other provision of this section 65841  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 65842

Code: 65843

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 65844  
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(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 65847  
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(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; 65850  
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(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 65853  
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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 65857  
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(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 65860  
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(e) Emission and ambient monitoring; 65863

(f) Modeling, analyses, or demonstrations; 65864

(g) Preparing inventories and tracking emissions; 65865

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. 65866  
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(3) "Organic compound" means any chemical compound of carbon, 65873  
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 65874  
carbides or carbonates, and ammonium carbonate. 65875

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 65876  
of this section, each sewage sludge facility shall pay a 65877  
nonrefundable annual sludge fee equal to three dollars and fifty 65878  
cents per dry ton of sewage sludge, including the dry tons of 65879  
sewage sludge in materials derived from sewage sludge, that the 65880  
sewage sludge facility treats or disposes of in this state. The 65881  
annual volume of sewage sludge treated or disposed of by a sewage 65882  
sludge facility shall be calculated using the first day of January 65883  
through the thirty-first day of December of the calendar year 65884  
preceding the date on which payment of the fee is due. 65885

(2)(a) Except as provided in division (Y)(2)(d) of this 65886  
section, each sewage sludge facility shall pay a minimum annual 65887  
sewage sludge fee of one hundred dollars. 65888

(b) The annual sludge fee required to be paid by a sewage 65889  
sludge facility that treats or disposes of exceptional quality 65890  
sludge in this state shall be thirty-five per cent less per dry 65891  
ton of exceptional quality sludge than the fee assessed under 65892  
division (Y)(1) of this section, subject to the following 65893  
exceptions: 65894

(i) Except as provided in division (Y)(2)(d) of this section, 65895  
a sewage sludge facility that treats or disposes of exceptional 65896  
quality sludge shall pay a minimum annual sewage sludge fee of one 65897  
hundred dollars. 65898

(ii) A sewage sludge facility that treats or disposes of 65899  
exceptional quality sludge shall not be required to pay the annual 65900  
sludge fee for treatment or disposal in this state of exceptional 65901  
quality sludge generated outside of this state and contained in 65902  
bags or other containers not greater than one hundred pounds in 65903

capacity. 65904

A thirty-five per cent reduction for exceptional quality 65905  
sludge applies to the maximum annual fees established under 65906  
division (Y)(3) of this section. 65907

(c) A sewage sludge facility that transfers sewage sludge to 65908  
another sewage sludge facility in this state for further treatment 65909  
prior to disposal in this state shall not be required to pay the 65910  
annual sludge fee for the tons of sewage sludge that have been 65911  
transferred. In such a case, the sewage sludge facility that 65912  
disposes of the sewage sludge shall pay the annual sludge fee. 65913  
However, the facility transferring the sewage sludge shall pay the 65914  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 65915  
of this section. 65916

In the case of a sewage sludge facility that treats sewage 65917  
sludge in this state and transfers it out of this state to another 65918  
entity for disposal, the sewage sludge facility in this state 65919  
shall be required to pay the annual sludge fee for the tons of 65920  
sewage sludge that have been transferred. 65921

(d) A sewage sludge facility that generates sewage sludge 65922  
resulting from an average daily discharge flow of less than five 65923  
thousand gallons per day is not subject to the fees assessed under 65924  
division (Y) of this section. 65925

(3) No sewage sludge facility required to pay the annual 65926  
sludge fee shall be required to pay more than the maximum annual 65927  
fee for each disposal method that the sewage sludge facility uses. 65928  
The maximum annual fee does not include the additional amount that 65929  
may be charged under division (Y)(5) of this section for late 65930  
payment of the annual sludge fee. The maximum annual fee for the 65931  
following methods of disposal of sewage sludge is as follows: 65932

(a) Incineration: five thousand dollars; 65933

(b) Preexisting land reclamation project or disposal in a 65934

landfill: five thousand dollars; 65935

(c) Land application, land reclamation, surface disposal, or 65936  
any other disposal method not specified in division (Y)(3)(a) or 65937  
(b) of this section: twenty thousand dollars. 65938

(4)(a) In the case of an entity that generates sewage sludge 65939  
or a sewage sludge facility that treats sewage sludge and 65940  
transfers the sewage sludge to an incineration facility for 65941  
disposal, the incineration facility, and not the entity generating 65942  
the sewage sludge or the sewage sludge facility treating the 65943  
sewage sludge, shall pay the annual sludge fee for the tons of 65944  
sewage sludge that are transferred. However, the entity or 65945  
facility generating or treating the sewage sludge shall pay the 65946  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 65947  
of this section. 65948

(b) In the case of an entity that generates sewage sludge and 65949  
transfers the sewage sludge to a landfill for disposal or to a 65950  
sewage sludge facility for land reclamation or surface disposal, 65951  
the entity generating the sewage sludge, and not the landfill or 65952  
sewage sludge facility, shall pay the annual sludge fee for the 65953  
tons of sewage sludge that are transferred. 65954

(5) Not later than the first day of April of the calendar 65955  
year following March 17, 2000, and each first day of April 65956  
thereafter, the director shall issue invoices to persons who are 65957  
required to pay the annual sludge fee. The invoice shall identify 65958  
the nature and amount of the annual sludge fee assessed and state 65959  
the first day of May as the deadline for receipt by the director 65960  
of objections regarding the amount of the fee and the first day of 65961  
July as the deadline for payment of the fee. 65962

Not later than the first day of May following receipt of an 65963  
invoice, a person required to pay the annual sludge fee may submit 65964  
objections to the director concerning the accuracy of information 65965



regarding the number of dry tons of sewage sludge used to 65966  
calculate the amount of the annual sludge fee or regarding whether 65967  
the sewage sludge qualifies for the exceptional quality sludge 65968  
discount established in division (Y)(2)(b) of this section. The 65969  
director may consider the objections and adjust the amount of the 65970  
fee to ensure that it is accurate. 65971

If the director does not adjust the amount of the annual 65972  
sludge fee in response to a person's objections, the person may 65973  
appeal the director's determination in accordance with Chapter 65974  
119. of the Revised Code. 65975

Not later than the first day of June, the director shall 65976  
notify the objecting person regarding whether the director has 65977  
found the objections to be valid and the reasons for the finding. 65978  
If the director finds the objections to be valid and adjusts the 65979  
amount of the annual sludge fee accordingly, the director shall 65980  
issue with the notification a new invoice to the person 65981  
identifying the amount of the annual sludge fee assessed and 65982  
stating the first day of July as the deadline for payment. 65983

Not later than the first day of July, any person who is 65984  
required to do so shall pay the annual sludge fee. Any person who 65985  
is required to pay the fee, but who fails to do so on or before 65986  
that date shall pay an additional amount that equals ten per cent 65987  
of the required annual sludge fee. 65988

(6) The director shall transmit all moneys collected under 65989  
division (Y) of this section to the treasurer of state for deposit 65990  
into the surface water protection fund created in section 6111.038 65991  
of the Revised Code. The moneys shall be used to defray the costs 65992  
of administering and enforcing provisions in Chapter 6111. of the 65993  
Revised Code and rules adopted under it that govern the use, 65994  
storage, treatment, or disposal of sewage sludge. 65995

(7) Beginning in fiscal year 2001, and every two years 65996

thereafter, the director shall review the total amount of moneys 65997  
generated by the annual sludge fees to determine if that amount 65998  
exceeded six hundred thousand dollars in either of the two 65999  
preceding fiscal years. If the total amount of moneys in the fund 66000  
exceeded six hundred thousand dollars in either fiscal year, the 66001  
director, after review of the fee structure and consultation with 66002  
affected persons, shall issue an order reducing the amount of the 66003  
fees levied under division (Y) of this section so that the 66004  
estimated amount of moneys resulting from the fees will not exceed 66005  
six hundred thousand dollars in any fiscal year. 66006

If, upon review of the fees under division (Y)(7) of this 66007  
section and after the fees have been reduced, the director 66008  
determines that the total amount of moneys collected and 66009  
accumulated is less than six hundred thousand dollars, the 66010  
director, after review of the fee structure and consultation with 66011  
affected persons, may issue an order increasing the amount of the 66012  
fees levied under division (Y) of this section so that the 66013  
estimated amount of moneys resulting from the fees will be 66014  
approximately six hundred thousand dollars. Fees shall never be 66015  
increased to an amount exceeding the amount specified in division 66016  
(Y)(7) of this section. 66017

Notwithstanding section 119.06 of the Revised Code, the 66018  
director may issue an order under division (Y)(7) of this section 66019  
without the necessity to hold an adjudicatory hearing in 66020  
connection with the order. The issuance of an order under this 66021  
division is not an act or action for purposes of section 3745.04 66022  
of the Revised Code. 66023

(8) As used in division (Y) of this section: 66024

(a) "Sewage sludge facility" means an entity that performs 66025  
treatment on or is responsible for the disposal of sewage sludge. 66026

(b) "Sewage sludge" means a solid, semi-solid, or liquid 66027

residue generated during the treatment of domestic sewage in a 66028  
treatment works as defined in section 6111.01 of the Revised Code. 66029  
"Sewage sludge" includes, but is not limited to, scum or solids 66030  
removed in primary, secondary, or advanced wastewater treatment 66031  
processes. "Sewage sludge" does not include ash generated during 66032  
the firing of sewage sludge in a sewage sludge incinerator, grit 66033  
and screenings generated during preliminary treatment of domestic 66034  
sewage in a treatment works, animal manure, residue generated 66035  
during treatment of animal manure, or domestic septage. 66036

(c) "Exceptional quality sludge" means sewage sludge that 66037  
meets all of the following qualifications: 66038

(i) Satisfies the class A pathogen standards in 40 C.F.R. 66039  
503.32(a); 66040

(ii) Satisfies one of the vector attraction reduction 66041  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 66042

(iii) Does not exceed the ceiling concentration limitations 66043  
for metals listed in table one of 40 C.F.R. 503.13; 66044

(iv) Does not exceed the concentration limitations for metals 66045  
listed in table three of 40 C.F.R. 503.13. 66046

(d) "Treatment" means the preparation of sewage sludge for 66047  
final use or disposal and includes, but is not limited to, 66048  
thickening, stabilization, and dewatering of sewage sludge. 66049

(e) "Disposal" means the final use of sewage sludge, 66050  
including, but not limited to, land application, land reclamation, 66051  
surface disposal, or disposal in a landfill or an incinerator. 66052

(f) "Land application" means the spraying or spreading of 66053  
sewage sludge onto the land surface, the injection of sewage 66054  
sludge below the land surface, or the incorporation of sewage 66055  
sludge into the soil for the purposes of conditioning the soil or 66056  
fertilizing crops or vegetation grown in the soil. 66057

(g) "Land reclamation" means the returning of disturbed land to productive use. 66058  
66059

(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites. 66060  
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(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device. 66064  
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(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway. 66068  
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(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section. 66072  
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(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code. 66074  
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(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity. 66077  
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**Sec. 3745.70.** As used in sections 3745.70 to 3745.73 of the Revised Code: 66083  
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(A) "Environmental audit" means a voluntary, thorough, and discrete self-evaluation of one or more activities at one or more facilities or properties that is documented; is designed to 66085  
66086  
66087

improve compliance, or identify, correct, or prevent 66088  
noncompliance, with environmental laws; and is conducted by the 66089  
owner or operator of a facility or property or the owner's or 66090  
operator's employee or independent contractor. An environmental 66091  
audit may be conducted by the owner or operator of a facility or 66092  
property, the owner's or operator's employees, or independent 66093  
contractors. Once initiated, an audit shall be completed within a 66094  
reasonable time, not to exceed six months, unless a written 66095  
request for an extension is approved by the head officer of the 66096  
governmental agency, or division or office thereof, with 66097  
jurisdiction over the activities being audited based on a showing 66098  
of reasonable grounds. An audit shall not be considered to be 66099  
initiated until the owner or operator or the owner's or operator's 66100  
employee or independent contractor actively has begun the 66101  
self-evaluation of environmental compliance. 66102

(B) "Activity" means any process, procedure, or function that 66103  
is subject to environmental laws. 66104

(C) "Voluntary" means, with respect to an environmental audit 66105  
of a particular activity, that both of the following apply when 66106  
the audit of that activity commences: 66107

(1) The audit is not required by law, prior litigation, or an 66108  
order by a court or a government agency; 66109

(2) The owner or operator who conducts the audit does not 66110  
know or have reason to know that a government agency has commenced 66111  
an investigation or enforcement action that concerns a violation 66112  
of environmental laws involving the activity or that such an 66113  
investigation or enforcement action is imminent. 66114

(D) "Environmental audit report" means interim or final data, 66115  
documents, records, or plans that are necessary to an 66116  
environmental audit and are collected, developed, made, and 66117  
maintained in good faith as part of the audit, and may include, 66118

without limitation: 66119

(1) Analytical data, laboratory reports, field notes and 66120  
records of observations, findings, opinions, suggestions, 66121  
conclusions, drafts, memoranda, drawings, photographs, 66122  
computer-generated or electronically recorded information, maps, 66123  
charts, graphs, and surveys; 66124

(2) Reports that describe the scope, objectives, and methods 66125  
of the environmental audit, audit management policies, the 66126  
information gained by the environmental audit, and conclusions and 66127  
recommendations together with exhibits and appendices; 66128

(3) Memoranda, documents, records, and plans analyzing the 66129  
environmental audit report or discussing implementation, 66130  
prevention, compliance, and remediation issues associated with the 66131  
environmental audit. 66132

"Environmental audit report" does not mean corrective or 66133  
remedial action taken pursuant to an environmental audit. 66134

(E) "Environmental laws" means sections ~~1511.02~~ 939.02 and 66135  
1531.29, Chapters 3704., 3734., 3745., 3746., 3750., 3751., 3752., 66136  
6109., and 6111. of the Revised Code, and any other sections or 66137  
chapters of the Revised Code the principal purpose of which is 66138  
environmental protection; any federal or local counterparts or 66139  
extensions of those sections or chapters; rules adopted under any 66140  
such sections, chapters, counterparts, or extensions; and terms 66141  
and conditions of orders, permits, licenses, license renewals, 66142  
variances, exemptions, or plan approvals issued under such 66143  
sections, chapters, counterparts, or extensions. 66144

**Sec. 3750.081.** (A) Notwithstanding any provision in this 66145  
chapter to the contrary, an owner or operator of a facility that 66146  
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 66147  
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 66148

~~production statement in accordance with section 1509.11 of the~~ 66149  
Revised Code shall be deemed to have satisfied all of the 66150  
~~inventory, notification, listing, and other submission and filing~~ 66151  
requirements established under this chapter, except for the 66152  
release reporting requirements established under section 3750.06 66153  
of the Revised Code, by complying with the requirements 66154  
established in section 1509.231 of the Revised Code. 66155

(B) The emergency response commission and every local 66156  
emergency planning committee and fire department in this state 66157  
shall establish a means by which to access, view, and retrieve 66158  
information, ~~through the use of the internet or a computer disk,~~ 66159  
from the electronic database maintained by the division of oil and 66160  
gas resources management in the department of natural resources in 66161  
accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 66162  
respect to facilities regulated under Chapter 1509. of the Revised 66163  
Code, the database shall be the means of providing and receiving 66164  
the information described in division (A) of this section. 66165

**Sec. 3750.13.** (A)(1) Except as provided in division (A)(3) or 66166  
(4) of this section, the owner or operator of a facility required 66167  
to annually file an emergency and hazardous chemical inventory 66168  
form under section 3750.08 of the Revised Code shall submit with 66169  
the inventory form a filing fee of one hundred fifty dollars. In 66170  
addition to the filing fee, the owner or operator shall submit 66171  
with the inventory form the following additional fees for 66172  
reporting inventories of the individual hazardous chemicals and 66173  
extremely hazardous substances produced, used, or stored at the 66174  
facility: 66175

(a) Except as provided in division (A)(1)(b) of this section, 66176  
an additional fee of twenty dollars per hazardous chemical 66177  
enumerated on the inventory form; 66178

(b) An additional fee of one hundred fifty dollars per 66179

extremely hazardous substance enumerated on the inventory form. 66180  
The fee established in division (A)(1)(a) of this section does not 66181  
apply to the reporting of the inventory of a hazardous chemical 66182  
that is also an extremely hazardous substance to which the 66183  
inventory reporting fee established in division (A)(1)(b) of this 66184  
section applies. 66185

The total fees required to accompany any inventory form shall 66186  
not exceed twenty-five hundred dollars. 66187

(2) An owner or operator of a facility who fails to submit 66188  
such an inventory form within thirty days after the applicable 66189  
filing date prescribed in section 3750.08 of the Revised Code 66190  
shall submit with the inventory form a late filing fee in the 66191  
amount of ten per cent per year of the total fees due under 66192  
division (A)(1) or (4) of this section, in addition to the fees 66193  
due under division (A)(1) or (4) of this section. 66194

(3) The owner or operator of a facility who, during the 66195  
preceding year, was required to pay a fee to a municipal 66196  
corporation pursuant to an ordinance, rule, or requirement that 66197  
was in effect on the effective date of this section for the 66198  
reporting or providing of the names or amounts of extremely 66199  
hazardous substances or hazardous chemicals produced, used, or 66200  
stored at the facility may claim a credit against the fees due 66201  
under division (A)(1) or (4) of this section for the fees paid to 66202  
the municipal corporation pursuant to its reporting requirement. 66203  
The amount of the credit claimed in any reporting year shall not 66204  
exceed the amount of the fees due under division (A)(1) or (4) of 66205  
this section during that reporting year, and no unused portion of 66206  
the credit shall be carried over to subsequent years. In order to 66207  
claim a credit under this division, the owner or operator shall 66208  
submit with the emergency and hazardous chemical inventory form a 66209  
receipt issued by the municipal corporation or other documentation 66210  
acceptable to the commission indicating the amount of the fee paid 66211



to the municipal corporation and the date on which the fee was 66212  
paid. 66213

(4) An owner or operator who is regulated under Chapter 1509. 66214  
of the Revised Code and who submits information under section 66215  
~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five 66216  
facilities shall submit to the emergency response commission on or 66217  
before the first day of March a flat fee of fifty dollars if the 66218  
facilities meet all of the following conditions: 66219

(a) The facility exclusively stores crude oil or liquid 66220  
hydrocarbons or other fluids resulting, obtained, or produced in 66221  
connection with the production or storage of crude oil or natural 66222  
gas. 66223

(b) The crude oil, liquid hydrocarbons, or other fluids 66224  
stored at the facility are conveyed directly to it through piping 66225  
or tubing. 66226

(c) The facility is located on the same site as, or on a site 66227  
adjacent to, the well from which the crude oil, liquid 66228  
hydrocarbons, or other fluids are produced or obtained. 66229

(d) The facility is used for the storage of the crude oil, 66230  
liquid hydrocarbons, or other fluids prior to their transportation 66231  
off the premises of the facility for sale, use, or disposal. 66232

An owner or operator who submits information for more than 66233  
twenty-five facilities that meet all of the conditions prescribed 66234  
in divisions (A)(4)(a) to (d) of this section shall submit to the 66235  
commission a base fee of fifty dollars and an additional filing 66236  
fee of ten dollars for each facility reported in excess of 66237  
twenty-five, but not exceeding a total fee of nine hundred 66238  
dollars. 66239

As used in division (A)(4) of this section, "owner or 66240  
operator" means the person who actually owns or operates any such 66241  
facility and any other person who controls, is controlled by, or 66242

is under common control with the person who actually owns or 66243  
operates the facility. 66244

(B) The emergency response commission and the local emergency 66245  
planning committee of an emergency planning district may establish 66246  
fees to be paid by persons, other than public officers or 66247  
employees, obtaining copies of documents or information submitted 66248  
to the commission or a committee under this chapter. The fees 66249  
shall be established at a level calculated to defray the costs to 66250  
the commission or committee for copying the documents or 66251  
information, but shall not exceed the maximum fees established in 66252  
rules adopted under division (B)(8) of section 3750.02 of the 66253  
Revised Code. 66254

(C) Except as provided in this division and division (B) of 66255  
this section, and except for fees authorized by section 3737.22 of 66256  
the Revised Code or rules adopted under sections 3737.82 to 66257  
3737.882 of the Revised Code and collected exclusively for either 66258  
of those purposes, no committee or political subdivision shall 66259  
levy any fee, tax, excise, or other charge to carry out the 66260  
purposes of this chapter. A committee may charge the actual costs 66261  
involved in accessing any computerized data base established by 66262  
the commission under this chapter or by the United States 66263  
environmental protection agency under the "Emergency Planning and 66264  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 66265  
11001. 66266

(D) Moneys collected by the commission under this section 66267  
shall be credited to the emergency planning and community 66268  
right-to-know fund created in section 3750.14 of the Revised Code. 66269

**Sec. 3769.03.** The state racing commission shall prescribe the 66270  
rules and conditions under which horse racing may be conducted and 66271  
may issue, deny, suspend, diminish, or revoke permits to conduct 66272  
horse racing as authorized by sections 3769.01 to 3769.14 of the 66273

Revised Code. The commission may impose, in addition to any other 66274  
penalty imposed by the commission, fines in an amount not to 66275  
exceed ten thousand dollars on any permit holder or any other 66276  
person who violates the rules or orders of the commission. The 66277  
commission may prescribe the forms of wagering that are 66278  
permissible, the number of races, the procedures on wagering, and 66279  
the wagering information to be provided to the public. 66280

The commission may require totalizator equipment to display 66281  
the amount of wagering in each wagering pool. The commission shall 66282  
initiate safeguards as necessary to account for the amount of 66283  
money wagered at each track in each wagering pool. It may require 66284  
permit holders to install equipment that will provide a complete 66285  
check and analysis of the functioning of any computers and require 66286  
safeguards on their performance. The commission shall require all 66287  
permit holders, except those holding state fair, county fair, or 66288  
other fair permits, to provide a photographic recording, approved 66289  
by the commission, of the entire running of all races conducted by 66290  
the permit holder. 66291

The state racing commission may issue, deny, suspend, or 66292  
revoke licenses to those persons engaged in racing and to those 66293  
employees of permit holders as is in the public interest for the 66294  
purpose of maintaining a proper control over horse-racing 66295  
meetings. The commission, as is in the public interest for the 66296  
purpose of maintaining proper control over horse-racing meetings, 66297  
also may rule any person off a permit holder's premises. License 66298  
fees shall include registration fees and shall be set by the 66299  
commission. Each license issued by the commission, unless revoked 66300  
for cause, shall be for the period of one year from the first day 66301  
of January of the year in which it is issued, except as otherwise 66302  
provided in section 3769.07 of the Revised Code. Applicants for 66303  
licenses issued by the commission shall submit their fingerprints 66304  
to the commission, and the commission may forward the fingerprints 66305

to the federal bureau of investigation or to any other agency, or 66306  
to both, for examination. 66307

There is hereby created in the state treasury the state 66308  
racing commission operating fund. All license fees established and 66309  
collected by the commission pursuant to this section, and the 66310  
amounts specified in divisions (B) and (C) of section 3769.08 and 66311  
division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 66312  
be paid into the state treasury to the credit of the fund. Moneys 66313  
in the fund shall be expended by the commission to defray its 66314  
operating costs, salaries and expenses, and the cost of 66315  
administering and enforcing this chapter. 66316

The commission may deny a permit to any permit holder that 66317  
has defaulted in payments to the public, employees, or the 66318  
horsemen and may deny a permit to any successor purchaser of a 66319  
track for as long as any of those defaults have not been satisfied 66320  
by either the seller or purchaser. 66321

The commission shall deny a permit to any permit holder that 66322  
has defaulted in payments to the state or has defaulted in 66323  
payments required under section 3769.089 or 3769.0810 of the 66324  
Revised Code and shall deny a permit to any successor purchaser of 66325  
a track for as long as those defaults have not been satisfied by 66326  
either the seller or purchaser. 66327

Any violation of this chapter, of any rule of racing adopted 66328  
by the commission, or of any law or rule with respect to racing in 66329  
any jurisdiction shall be sufficient reason for a refusal to issue 66330  
a license, or a suspension or revocation of any license issued, 66331  
pursuant to this section. 66332

With respect to the issuance, denial, suspension, or 66333  
revocation of a license to a participant in horse racing, the 66334  
action of the commission shall be subject to Chapter 119. of the 66335  
Revised Code. 66336

The commission may sue and be sued in its own name. Any 66337  
action against the commission shall be brought in the court of 66338  
common pleas of Franklin county. Any appeal from a determination 66339  
or decision of the commission rendered in the exercise of its 66340  
powers and duties under this chapter shall be brought in the court 66341  
of common pleas of Franklin county. 66342

The commission, biennially, shall make a full report to the 66343  
governor of its proceedings for the two-year period ending with 66344  
the thirty-first day of December preceding the convening of the 66345  
general assembly and shall include its recommendations in the 66346  
report. The commission, semiannually, on the thirtieth day of June 66347  
and on the thirty-first day of December of each year, shall make a 66348  
report and accounting to the governor. 66349

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 66350  
horse-racing meeting may provide a place in the race meeting 66351  
grounds or enclosure at which the permit holder may conduct and 66352  
supervise the pari-mutuel system of wagering by patrons of legal 66353  
age on the live racing programs and simulcast racing programs 66354  
conducted by the permit holder. 66355

The pari-mutuel method of wagering upon the live racing 66356  
programs and simulcast racing programs held at or conducted within 66357  
such race track, and at the time of such horse-racing meeting, or 66358  
at other times authorized by the state racing commission, shall 66359  
not be unlawful. No other place, except that provided and 66360  
designated by the permit holder and except as provided in section 66361  
3769.26 of the Revised Code, nor any other method or system of 66362  
betting or wagering on live racing programs and simulcast racing 66363  
programs, except the pari-mutuel system, shall be used or 66364  
permitted by the permit holder; nor, except as provided in section 66365  
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 66366  
system of wagering be conducted by the permit holder on any races 66367

except the races at the race track, grounds, or enclosure for 66368  
which the person holds a permit. Each permit holder may retain as 66369  
a commission an amount not to exceed eighteen per cent of the 66370  
total of all moneys wagered on live racing programs and simulcast 66371  
racing programs. 66372

The pari-mutuel wagering authorized by this section is 66373  
subject to sections 3769.25 to 3769.28 of the Revised Code. 66374

(B) At the close of each racing day, each permit holder 66375  
authorized to conduct thoroughbred racing, out of the amount 66376  
retained on that day by the permit holder, shall pay in the manner 66377  
prescribed under section 3769.103 of the Revised Code, as a tax, a 66378  
sum equal to the following percentages of the total of all moneys 66379  
wagered on live racing programs on that day and shall separately 66380  
compute and pay in the manner prescribed under section 3769.103 of 66381  
the Revised Code, as a tax, a sum equal to the following 66382  
percentages of the total of all money wagered on simulcast racing 66383  
programs on that day: 66384

(1) One per cent of the first two hundred thousand dollars 66385  
wagered, or any part of that amount; 66386

(2) Two per cent of the next one hundred thousand dollars 66387  
wagered, or any part of that amount; 66388

(3) Three per cent of the next one hundred thousand dollars 66389  
wagered, or any part of that amount; 66390

(4) Four per cent of all sums over four hundred thousand 66391  
dollars wagered. 66392

Except as otherwise provided in section 3769.089 of the 66393  
Revised Code, each permit holder authorized to conduct 66394  
thoroughbred racing shall use for purse money a sum equal to fifty 66395  
per cent of the pari-mutuel revenues retained by the permit holder 66396  
as a commission after payment of the state tax. This fifty per 66397  
cent payment shall be in addition to the purse distribution from 66398

breakage specified in this section. 66399

Subject to division (M) of this section, from the moneys paid 66400  
to the tax commissioner by thoroughbred racing permit holders, 66401  
one-half of one per cent of the total of all moneys so wagered on 66402  
a racing day shall be paid into the Ohio fairs fund created by 66403  
section 3769.082 of the Revised Code, one and one-eighth per cent 66404  
of the total of all moneys so wagered on a racing day shall be 66405  
paid into the Ohio thoroughbred race fund created by section 66406  
3769.083 of the Revised Code, and one-quarter of one per cent of 66407  
the total of all moneys wagered on a racing day by each permit 66408  
holder shall be paid into the state racing commission operating 66409  
fund created by section 3769.03 of the Revised Code. The required 66410  
payment to the state racing commission operating fund does not 66411  
apply to county and independent fairs and agricultural societies. 66412  
The remaining moneys may be retained by the permit holder, except 66413  
as provided in this section with respect to the odd cents 66414  
redistribution. Amounts paid into the nursing home franchise 66415  
permit fee fund pursuant to this section and section 3769.26 of 66416  
the Revised Code shall be used solely for the support of the 66417  
PASSPORT program as determined in appropriations made by the 66418  
general assembly. If the PASSPORT program is abolished, the amount 66419  
that would have been paid to the nursing home franchise permit fee 66420  
fund under this chapter shall be paid to the general revenue fund 66421  
of the state. As used in this chapter, "PASSPORT program" has the 66422  
same meaning as in section 173.51 of the Revised Code. 66423

The total amount paid to the Ohio thoroughbred race fund 66424  
under this section and division (A) of section 3769.087 of the 66425  
Revised Code shall not exceed by more than six per cent the total 66426  
amount paid to this fund under this section and division (A) of 66427  
that section during the immediately preceding calendar year. 66428

Each year, the total amount calculated for payment into the 66429  
Ohio fairs fund under this division, division (C) of this section, 66430

and division (A) of section 3769.087 of the Revised Code shall be 66431  
an amount calculated using the percentages specified in this 66432  
division, division (C) of this section, and division (A) of 66433  
section 3769.087 of the Revised Code. 66434

A permit holder may contract with a thoroughbred horsemen's 66435  
organization for the organization to act as a representative of 66436  
all thoroughbred owners and trainers participating in a 66437  
horse-racing meeting conducted by the permit holder. A 66438  
"thoroughbred horsemen's organization" is any corporation or 66439  
association that represents, through membership or otherwise, more 66440  
than one-half of the aggregate of all thoroughbred owners and 66441  
trainers who were licensed and actively participated in racing 66442  
within this state during the preceding calendar year. Except as 66443  
otherwise provided in this paragraph, any moneys received by a 66444  
thoroughbred horsemen's organization shall be used exclusively for 66445  
the benefit of thoroughbred owners and trainers racing in this 66446  
state through the administrative purposes of the organization, 66447  
benevolent activities on behalf of the horsemen, promotion of the 66448  
horsemen's rights and interests, and promotion of equine research. 66449  
A thoroughbred horsemen's organization may expend not more than an 66450  
aggregate of five per cent of its annual gross receipts, or a 66451  
larger amount as approved by the organization, for dues, 66452  
assessments, and other payments to all other local, national, or 66453  
international organizations having as their primary purposes the 66454  
promotion of thoroughbred horse racing, thoroughbred horsemen's 66455  
rights, and equine research. 66456

(C) Except as otherwise provided in division (B) of this 66457  
section, at the close of each racing day, each permit holder 66458  
authorized to conduct harness or quarter horse racing, out of the 66459  
amount retained that day by the permit holder, shall pay in the 66460  
manner prescribed under section 3769.103 of the Revised Code, as a 66461  
tax, a sum equal to the following percentages of the total of all 66462



moneys wagered on live racing programs and shall separately 66463  
compute and pay in the manner prescribed under section 3769.103 of 66464  
the Revised Code, as a tax, a sum equal to the following 66465  
percentages of the total of all money wagered on simulcast racing 66466  
programs on that day: 66467

(1) One per cent of the first two hundred thousand dollars 66468  
wagered, or any part of that amount; 66469

(2) Two per cent of the next one hundred thousand dollars 66470  
wagered, or any part of that amount; 66471

(3) Three per cent of the next one hundred thousand dollars 66472  
wagered, or any part of that amount; 66473

(4) Four per cent of all sums over four hundred thousand 66474  
dollars wagered. 66475

Except as otherwise provided in division (B) and subject to 66476  
division (M) of this section, from the moneys paid to the tax 66477  
commissioner by permit holders authorized to conduct harness or 66478  
quarter horse racing, one-half of one per cent of all moneys 66479  
wagered on that racing day shall be paid into the Ohio fairs fund; 66480  
from the moneys paid to the tax commissioner by permit holders 66481  
authorized to conduct harness racing, five-eighths of one per cent 66482  
of all moneys wagered on that racing day shall be paid into the 66483  
Ohio standardbred development fund; and from the moneys paid to 66484  
the tax commissioner by permit holders authorized to conduct 66485  
quarter horse racing, five-eighths of one per cent of all moneys 66486  
wagered on that racing day shall be paid into the Ohio 66487  
thoroughbred race fund to support quarter horse development ~~fund~~ 66488  
and purses. 66489

(D) In addition, subject to division (M) of this section, 66490  
beginning on January 1, 1996, from the money paid to the tax 66491  
commissioner as a tax under this section and division (A) of 66492  
section 3769.087 of the Revised Code by harness horse permit 66493

holders, one-half of one per cent of the amount wagered on a 66494  
racing day shall be paid into the Ohio standardbred development 66495  
fund. Beginning January 1, 1998, the payment to the Ohio 66496  
standardbred development fund required under this division does 66497  
not apply to county agricultural societies or independent 66498  
agricultural societies. 66499

The total amount paid to the Ohio standardbred development 66500  
fund under this division, division (C) of this section, and 66501  
division (A) of section 3769.087 of the Revised Code and the total 66502  
amount paid to the Ohio thoroughbred race fund to support quarter 66503  
horse development ~~fund~~ and purses under this division and division 66504  
(A) of that section shall not exceed by more than six per cent the 66505  
total amount paid into the fund under this division, division (C) 66506  
of this section, and division (A) of section 3769.087 of the 66507  
Revised Code in the immediately preceding calendar year. 66508

(E) Subject to division (M) of this section, from the money 66509  
paid as a tax under this chapter by harness and quarter horse 66510  
permit holders, one-quarter of one per cent of the total of all 66511  
moneys wagered on a racing day by each permit holder shall be paid 66512  
into the state racing commission operating fund created by section 66513  
3769.03 of the Revised Code. This division does not apply to 66514  
county and independent fairs and agricultural societies. 66515

(F) Except as otherwise provided in section 3769.089 of the 66516  
Revised Code, each permit holder authorized to conduct harness 66517  
racing shall pay to the harness horsemen's purse pool a sum equal 66518  
to fifty per cent of the pari-mutuel revenues retained by the 66519  
permit holder as a commission after payment of the state tax. This 66520  
fifty per cent payment is to be in addition to the purse 66521  
distribution from breakage specified in this section. 66522

(G) In addition, each permit holder authorized to conduct 66523  
harness racing shall be allowed to retain the odd cents of all 66524  
redistribution to be made on all mutual contributions exceeding a 66525

sum equal to the next lowest multiple of ten. 66526

Forty per cent of that portion of that total sum of such odd 66527  
cents shall be used by the permit holder for purse money for Ohio 66528  
sired, bred, and owned colts, for purse money for Ohio bred 66529  
horses, and for increased purse money for horse races. Upon the 66530  
formation of the corporation described in section 3769.21 of the 66531  
Revised Code to establish a harness horsemen's health and 66532  
retirement fund, twenty-five per cent of that portion of that 66533  
total sum of odd cents shall be paid at the close of each racing 66534  
day by the permit holder to that corporation to establish and fund 66535  
the health and retirement fund. Until that corporation is formed, 66536  
that twenty-five per cent shall be paid at the close of each 66537  
racing day by the permit holder to the tax commissioner or the tax 66538  
commissioner's agent in the county seat of the county in which the 66539  
permit holder operates race meetings. The remaining thirty-five 66540  
per cent of that portion of that total sum of odd cents shall be 66541  
retained by the permit holder. 66542

(H) In addition, each permit holder authorized to conduct 66543  
thoroughbred racing shall be allowed to retain the odd cents of 66544  
all redistribution to be made on all mutuel contributions 66545  
exceeding a sum equal to the next lowest multiple of ten. Twenty 66546  
per cent of that portion of that total sum of such odd cents shall 66547  
be used by the permit holder for increased purse money for horse 66548  
races. Upon the formation of the corporation described in section 66549  
3769.21 of the Revised Code to establish a thoroughbred horsemen's 66550  
health and retirement fund, forty-five per cent of that portion of 66551  
that total sum of odd cents shall be paid at the close of each 66552  
racing day by the permit holder to that corporation to establish 66553  
and fund the health and retirement fund. Until that corporation is 66554  
formed, that forty-five per cent shall be paid by the permit 66555  
holder to the tax commissioner or the tax commissioner's agent in 66556  
the county seat of the county in which the permit holder operates 66557

race meetings, at the close of each racing day. The remaining 66558  
thirty-five per cent of that portion of that total sum of odd 66559  
cents shall be retained by the permit holder. 66560

(I) In addition, each permit holder authorized to conduct 66561  
quarter horse racing shall be allowed to retain the odd cents of 66562  
all redistribution to be made on all mutuel contributions 66563  
exceeding a sum equal to the next lowest multiple of ten, subject 66564  
to a tax of twenty-five per cent on that portion of the total sum 66565  
of such odd cents that is in excess of two thousand dollars during 66566  
a calendar year, which tax shall be paid at the close of each 66567  
racing day by the permit holder to the tax commissioner or the tax 66568  
commissioner's agent in the county seat of the county within which 66569  
the permit holder operates race meetings. Forty per cent of that 66570  
portion of that total sum of such odd cents shall be used by the 66571  
permit holder for increased purse money for horse races. The 66572  
remaining thirty-five per cent of that portion of that total sum 66573  
of odd cents shall be retained by the permit holder. 66574

(J)(1) To encourage the improvement of racing facilities for 66575  
the benefit of the public, breeders, and horse owners, and to 66576  
increase the revenue to the state from the increase in pari-mutuel 66577  
wagering resulting from those improvements, the taxes paid by a 66578  
permit holder to the state as provided for in this chapter shall 66579  
be reduced by three-fourths of one per cent of the total amount 66580  
wagered for those permit holders who make capital improvements to 66581  
existing race tracks or construct new race tracks. The percentage 66582  
of the reduction that may be taken each racing day shall equal 66583  
seventy-five per cent of the taxes levied under divisions (B) and 66584  
(C) of this section and section 3769.087 of the Revised Code, and 66585  
division (F)(2) of section 3769.26 of the Revised Code, as 66586  
applicable, divided by the calculated amount each fund should 66587  
receive under divisions (B) and (C) of this section and section 66588  
3769.087 of the Revised Code, and division (F)(2) of section 66589

3769.26 of the Revised Code and the reduction provided for in this 66590  
division. If the resulting percentage is less than one, that 66591  
percentage shall be multiplied by the amount of the reduction 66592  
provided for in this division. Otherwise, the permit holder shall 66593  
receive the full reduction provided for in this division. The 66594  
amount of the allowable reduction not received shall be carried 66595  
forward and applied against future tax liability. After any 66596  
reductions expire, any reduction carried forward shall be treated 66597  
as a reduction as provided for in this division. 66598

If more than one permit holder is authorized to conduct 66599  
racing at the facility that is being built or improved, the cost 66600  
of the new race track or capital improvement shall be allocated 66601  
between or among all the permit holders in the ratio that the 66602  
permit holders' number of racing days bears to the total number of 66603  
racing days conducted at the facility. 66604

A reduction for a new race track or a capital improvement 66605  
shall start from the day racing is first conducted following the 66606  
date actual construction of the new race track or each capital 66607  
improvement is completed and the construction cost has been 66608  
approved by the racing commission, unless otherwise provided in 66609  
this section. A reduction for a new race track or a capital 66610  
improvement shall continue for a period of twenty-five years for 66611  
new race tracks and for fifteen years for capital improvements if 66612  
the construction of the capital improvement or new race track 66613  
commenced prior to March 29, 1988, and for a period of ten years 66614  
for new race tracks or capital improvements if the construction of 66615  
the capital improvement or new race track commenced on or after 66616  
March 29, 1988, but before June 6, 2001, or until the total tax 66617  
reduction reaches seventy per cent of the approved cost of the new 66618  
race track or capital improvement, as allocated to each permit 66619  
holder, whichever occurs first. A reduction for a new race track 66620  
or a capital improvement approved after June 6, 2001, shall 66621

continue until the total tax reduction reaches one hundred per 66622  
cent of the approved cost of the new race track or capital 66623  
improvement, as allocated to each permit holder. 66624

A reduction granted for a new race track or a capital 66625  
improvement, the application for which was approved by the racing 66626  
commission after March 29, 1988, but before June 6, 2001, shall 66627  
not commence nor shall the ten-year period begin to run until all 66628  
prior tax reductions with respect to the same race track have 66629  
ended. The total tax reduction because of capital improvements 66630  
shall not during any one year exceed for all permit holders using 66631  
any one track three-fourths of one per cent of the total amount 66632  
wagered, regardless of the number of capital improvements made. 66633  
Several capital improvements to a race track may be consolidated 66634  
in an application if the racing commission approved the 66635  
application prior to March 29, 1988. No permit holder may receive 66636  
a tax reduction for a capital improvement approved by the racing 66637  
commission on or after March 29, 1988, at a race track until all 66638  
tax reductions have ended for all prior capital improvements 66639  
approved by the racing commission under this section or section 66640  
3769.20 of the Revised Code at that race track. If there are two 66641  
or more permit holders operating meetings at the same track, they 66642  
may consolidate their applications. The racing commission shall 66643  
notify the tax commissioner when the reduction of tax begins and 66644  
when it ends. 66645

Each fiscal year the racing commission shall submit a report 66646  
to the tax commissioner, the office of budget and management, and 66647  
the legislative service commission. The report shall identify each 66648  
capital improvement project undertaken under this division and in 66649  
progress at each race track, indicate the total cost of each 66650  
project, state the tax reduction that resulted from each project 66651  
during the immediately preceding fiscal year, estimate the tax 66652  
reduction that will result from each project during the current 66653

fiscal year, state the total tax reduction that resulted from all 66654  
such projects at all race tracks during the immediately preceding 66655  
fiscal year, and estimate the total tax reduction that will result 66656  
from all such projects at all race tracks during the current 66657  
fiscal year. 66658

(2) In order to qualify for the reduction in tax, a permit 66659  
holder shall apply to the racing commission in such form as the 66660  
commission may require and shall provide full details of the new 66661  
race track or capital improvement, including a schedule for its 66662  
construction and completion, and set forth the costs and expenses 66663  
incurred in connection with it. The racing commission shall not 66664  
approve an application unless the permit holder shows that a 66665  
contract for the new race track or capital improvement has been 66666  
let under an unrestricted competitive bidding procedure, unless 66667  
the contract is exempted by the controlling board because of its 66668  
unusual nature. In determining whether to approve an application, 66669  
the racing commission shall consider whether the new race track or 66670  
capital improvement will promote the safety, convenience, and 66671  
comfort of the racing public and horse owners and generally tend 66672  
towards the improvement of racing in this state. 66673

(3) If a new race track or capital improvement is approved by 66674  
the racing commission and construction has started, the tax 66675  
reduction may be authorized by the commission upon presentation of 66676  
copies of paid bills in excess of one hundred thousand dollars or 66677  
ten per cent of the approved cost, whichever is greater. After the 66678  
initial authorization, the permit holder shall present copies of 66679  
paid bills. If the permit holder is in substantial compliance with 66680  
the schedule for construction and completion of the new race track 66681  
or capital improvement, the racing commission may authorize the 66682  
continuation of the tax reduction upon the presentation of the 66683  
additional paid bills. The total amount of the tax reduction 66684  
authorized shall not exceed the percentage of the approved cost of 66685

the new race track or capital improvement specified in division 66686  
(J)(1) of this section. The racing commission may terminate any 66687  
tax reduction immediately if a permit holder fails to complete the 66688  
new race track or capital improvement, or to substantially comply 66689  
with the schedule for construction and completion of the new race 66690  
track or capital improvement. If a permit holder fails to complete 66691  
a new race track or capital improvement, the racing commission 66692  
shall order the permit holder to repay to the state the total 66693  
amount of tax reduced. The normal tax paid by the permit holder 66694  
shall be increased by three-fourths of one per cent of the total 66695  
amount wagered until the total amount of the additional tax 66696  
collected equals the total amount of tax reduced. 66697

(4) As used in this section: 66698

(a) "Capital improvement" means an addition, replacement, or 66699  
remodeling of a structural unit of a race track facility costing 66700  
at least one hundred thousand dollars, including, but not limited 66701  
to, the construction of barns used exclusively for the race track 66702  
facility, backstretch facilities for horsemen, paddock facilities, 66703  
new pari-mutuel and totalizator equipment and appurtenances to 66704  
that equipment purchased by the track, new access roads, new 66705  
parking areas, the complete reconstruction, reshaping, and 66706  
leveling of the racing surface and appurtenances, the installation 66707  
of permanent new heating or air conditioning, roof replacement or 66708  
restoration, installations of a permanent nature forming a part of 66709  
the track structure, and construction of buildings that are 66710  
located on a permit holder's premises. "Capital improvement" does 66711  
not include the cost of replacement of equipment that is not 66712  
permanently installed, ordinary repairs, painting, and maintenance 66713  
required to keep a race track facility in ordinary operating 66714  
condition. 66715

(b) "New race track" includes the reconstruction of a race 66716  
track damaged by fire or other cause that has been declared by the 66717



racing commission, as a result of the damage, to be an inadequate 66718  
facility for the safe operation of horse racing. 66719

(c) "Approved cost" includes all debt service and interest 66720  
costs that are associated with a capital improvement or new race 66721  
track and that the racing commission approves for a tax reduction 66722  
under division (J) of this section. 66723

(5) The racing commission shall not approve an application 66724  
for a tax reduction under this section if it has reasonable cause 66725  
to believe that the actions or negligence of the permit holder 66726  
substantially contributed to the damage suffered by the track due 66727  
to fire or other cause. The racing commission shall obtain any 66728  
data or information available from a fire marshal, law enforcement 66729  
official, or insurance company concerning any fire or other damage 66730  
suffered by a track, prior to approving an application for a tax 66731  
reduction. 66732

(6) The approved cost to which a tax reduction applies shall 66733  
be determined by generally accepted accounting principles and 66734  
verified by an audit of the permit holder's records upon 66735  
completion of the project by the racing commission, or by an 66736  
independent certified public accountant selected by the permit 66737  
holder and approved by the commission. 66738

(K) No other license or excise tax or fee, except as provided 66739  
in sections 3769.01 to 3769.14 of the Revised Code, shall be 66740  
assessed or collected from such licensee by any county, township, 66741  
district, municipal corporation, or other body having power to 66742  
assess or collect a tax or fee. That portion of the tax paid under 66743  
this section by permit holders for racing conducted at and during 66744  
the course of an agricultural exposition or fair, and that portion 66745  
of the tax that would have been paid by eligible permit holders 66746  
into the nursing home franchise permit fee fund as a result of 66747  
racing conducted at and during the course of an agricultural 66748  
exposition or fair, shall be deposited into the state treasury to 66749

the credit of the horse racing tax fund, which is hereby created 66750  
for the use of the agricultural societies of the several counties 66751  
in which the taxes originate. The state racing commission shall 66752  
determine eligible permit holders for purposes of the preceding 66753  
sentence, taking into account the breed of horse, the racing 66754  
dates, the geographic proximity to the fair, and the best 66755  
interests of Ohio racing. On the first day of any month on which 66756  
there is money in the fund, the tax commissioner shall provide for 66757  
payment to the treasurer of each agricultural society the amount 66758  
of the taxes collected under this section upon racing conducted at 66759  
and during the course of any exposition or fair conducted by the 66760  
society. 66761

(L) From the tax paid under this section by harness track 66762  
permit holders, the tax commissioner shall pay into the Ohio 66763  
thoroughbred race fund a sum equal to a percentage of the amount 66764  
wagered upon which the tax is paid. The percentage shall be 66765  
determined by the tax commissioner and shall be rounded to the 66766  
nearest one-hundredth. The percentage shall be such that, when 66767  
multiplied by the amount wagered upon which tax was paid by the 66768  
harness track permit holders in the most recent year for which 66769  
final figures are available, it results in a sum that 66770  
substantially equals the same amount of tax paid by the tax 66771  
commissioner during that year into the Ohio fairs fund from taxes 66772  
paid by thoroughbred permit holders. This division does not apply 66773  
to county and independent fairs and agricultural societies. 66774

(M) Twenty-five per cent of the taxes levied on thoroughbred 66775  
racing permit holders, harness racing permit holders, and quarter 66776  
horse racing permit holders under this section, division (A) of 66777  
section 3769.087 of the Revised Code, and division (F)(2) of 66778  
section 3769.26 of the Revised Code shall be paid into the nursing 66779  
home franchise permit fee fund. The tax commissioner shall pay any 66780  
money remaining, after the payment into the nursing home franchise 66781

permit fee fund and the reductions provided for in division (J) of 66782  
this section and in section 3769.20 of the Revised Code, into the 66783  
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 66784  
development fund, ~~Ohio quarter horse fund~~, and state racing 66785  
commission operating fund as prescribed in this section and 66786  
division (A) of section 3769.087 of the Revised Code. The tax 66787  
commissioner shall thereafter use and apply the balance of the 66788  
money paid as a tax by any permit holder to cover any shortage in 66789  
the accounts of such funds resulting from an insufficient payment 66790  
as a tax by any other permit holder. Subject to section 3769.101 66791  
of the Revised Code, the moneys received by the tax commissioner 66792  
shall be deposited monthly and paid by the tax commissioner into 66793  
the funds to cover the total aggregate amount due from all permit 66794  
holders to the funds, as calculated under this section and 66795  
division (A) of section 3769.087 of the Revised Code, as 66796  
applicable. If, after the payment into the nursing home franchise 66797  
permit fee fund, sufficient funds are not available from the tax 66798  
deposited by the tax commissioner to pay the required amounts into 66799  
the Ohio fairs fund, Ohio standardbred development fund, Ohio 66800  
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 66801  
racing commission operating fund, the tax commissioner shall 66802  
prorate on a proportional basis the amount paid to each of the 66803  
funds. Any shortage to the funds as a result of a proration shall 66804  
be applied against future deposits for the same calendar year when 66805  
funds are available. After this application, the tax commissioner 66806  
shall pay any remaining money paid as a tax by all permit holders 66807  
into the nursing home franchise permit fee fund. This division 66808  
does not apply to permit holders conducting racing at the course 66809  
of an agricultural exposition or fair as described in division (K) 66810  
of this section. 66811

**Sec. 3769.083.** (A) As used in this section: 66812

(1) An "accredited Ohio thoroughbred horse" means a horse 66813

conceived in this state and born in this state which is both of 66814  
the following: 66815

(a) Born of a mare that is domiciled in this state at the 66816  
time of the horse's conception, that remains continuously in the 66817  
state through the date on which the horse is born, and that is 66818  
registered as required by the rules of the state racing 66819  
commission; 66820

(b) By a stallion that stands for breeding purposes only in 66821  
this state in the year in which the horse is conceived, and that 66822  
is registered as required by the rules of the commission. 66823

(2) An "Ohio foaled horse" means a horse registered as 66824  
required by the rules of the state racing commission which is 66825  
either of the following: 66826

(a) A horse born of a mare that enters this state before 66827  
foaling and remains continuously in this state until the horse is 66828  
born; 66829

(b) A thoroughbred foal produced within the state by any 66830  
broodmare shipped into the state to foal and be bred to a 66831  
registered Ohio stallion. To qualify this foal as an Ohio foaled 66832  
horse, the broodmare shall remain in this state one year 66833  
continuously after foaling or continuously through foaling to the 66834  
cover of the Ohio stallion, whichever is sooner. All horses 66835  
previously registered as Ohio conceived and foaled shall be 66836  
considered as Ohio foaled horses effective January 1, 1976. 66837

Any thoroughbred mare may leave this state for periods of 66838  
time for purposes of activities such as veterinary treatment or 66839  
surgery, sales purposes, breeding purposes, racing purposes, and 66840  
similar activities if permission is granted by the state racing 66841  
commission and the mare is returned to this state immediately upon 66842  
the conclusion of the requested activity. 66843

(3) "Horse," "stallion," "mare," or "foal" means a horse of 66844

the thoroughbred breed as distinguished from a horse of the 66845  
standard breed or any other breed, and "race" means a race for 66846  
thoroughbred horses conducted by a permit holder of the state 66847  
racing commission. 66848

(4) "Horse" includes animals of all ages and of both sexes. 66849

(B) There is hereby created in the state treasury the Ohio 66850  
thoroughbred race fund, to consist of moneys paid into it pursuant 66851  
to sections 3769.08 and 3769.087 of the Revised Code. All 66852  
investment earnings on the cash balances in the fund shall be 66853  
credited to it. Moneys to the credit of the fund shall be 66854  
distributed on order of the state racing commission. The 66855  
commission, with the advice and assistance of the Ohio 66856  
thoroughbred racing advisory committee, shall use the fund, except 66857  
as provided in divisions (C)(2) and (3) and (D) of this section, 66858  
to promote races and provide purses for races for horses in the 66859  
following classes: 66860

(1) Accredited Ohio thoroughbred horses; 66861

(2) Ohio foaled horses. 66862

Not less than ten nor more than twenty-five per cent of the 66863  
total money to be paid from the fund for all types of races shall 66864  
be allocated to races restricted to accredited Ohio thoroughbred 66865  
horses. The commission may combine the classes of horses described 66866  
in divisions (B)(1) and (2) of this section in one race, except in 66867  
stakes races. 66868

(C)(1) Each permit holder conducting thoroughbred races shall 66869  
schedule races each week for horses in the classes named in 66870  
division (B) of this section; the number of the races shall be 66871  
prescribed by the state racing commission. The commission, 66872  
pursuant to division (B) of this section, shall prescribe the 66873  
class or classes of the races to be held by each permit holder 66874  
and, with the advice of the Ohio thoroughbred racing advisory 66875

committee, shall fix the dates and conditions of the races and the 66876  
amount of moneys to be paid from the Ohio thoroughbred race fund 66877  
to be added in each race to the minimum purse established by the 66878  
permit holder for the class of race held. 66879

(2) The commission, with the advice of the Ohio thoroughbred 66880  
racing advisory committee, may provide for stakes races to be run 66881  
each year, and fix the number of stakes races and the time, place, 66882  
and conditions under which each shall be run. The commission shall 66883  
fix the amount of moneys to be paid from the Ohio thoroughbred 66884  
race fund to be added to the purse provided for each stakes race 66885  
by the permit holder, except that, in at least four stakes races 66886  
each year, the commission shall require, if four stakes races can 66887  
be arranged, that the permit holder conducting the stakes race 66888  
provide no less than fifteen thousand dollars for the purse for 66889  
the stakes race, and the commission shall provide moneys from the 66890  
fund to be added to the purse in an amount equal to or greater 66891  
than the amount provided by the permit holder. The commission may 66892  
require a nominating, sustaining, and entry fee not to exceed one 66893  
per cent of the money added from the fund for each horse in any 66894  
stakes race, which fee shall be added to the purse for the race. 66895

Stakes races where money is added from the Ohio thoroughbred 66896  
race fund shall be open only to accredited Ohio thoroughbred 66897  
horses and Ohio foaled horses. Twenty-five per cent of the total 66898  
moneys to be paid from the fund for stakes races shall be 66899  
allocated to races for only accredited Ohio thoroughbred horses. 66900  
The commission may require a nominating, sustaining, and entry 66901  
fee, not to exceed one per cent of the money added from the fund, 66902  
for each horse in any of these stakes races. These fees shall be 66903  
accumulated by the commission and shall be paid out by the 66904  
commission at its discretion as part of the purse money for 66905  
additional races. 66906

(3) The commission may pay from the Ohio thoroughbred race 66907

fund to the breeder of a horse of class (1) or (2) of division (B) 66908  
of this section winning first, second, or third prize money of a 66909  
purse for a thoroughbred race an amount not to exceed fifteen per 66910  
cent of the first, second, or third prize money of the purse. For 66911  
the purposes of this division, the term "breeder" shall be defined 66912  
by rule of the commission. 66913

The commission also may provide for stallion owners' awards 66914  
in an amount equal to not less than three nor more than ten per 66915  
cent of the first, second, or third place share of the purse. The 66916  
award shall be paid to the owner of the stallion, provided that 66917  
the stallion was standing in this state as provided in division 66918  
(A)(1)(b) of this section at the time the horse placing first, 66919  
second, or third was conceived. 66920

(D) The state racing commission may provide for the 66921  
expenditure of moneys from the Ohio thoroughbred race fund in an 66922  
amount not to exceed in any one calendar year ten per cent of the 66923  
total amount received in the account that year to provide for 66924  
research projects directed toward improving the breeding, raising, 66925  
racing, and health and soundness of thoroughbred horses in the 66926  
state and toward education or promotion of the industry. Research 66927  
for which the moneys from the fund may be used may include, but 66928  
shall not be limited to, studies of pre-race blood testing, 66929  
post-race testing, improvement of the breed, and nutrition. 66930

(E) The state racing commission shall appoint qualified 66931  
personnel as may be required to supervise registration of horses 66932  
under the terms of this section, to determine the eligibility of 66933  
horses for accredited Ohio thoroughbred races, Ohio foaled races, 66934  
and the stakes races authorized by division (C)(2) of this 66935  
section, and to assist the Ohio thoroughbred racing advisory 66936  
committee and the commission in determining the conditions, class, 66937  
and quality of the race program to be established under this 66938  
section so as to carry out the purposes of this section. The 66939

personnel shall serve at the pleasure of the commission, and 66940  
compensation shall be fixed by the commission. The compensation of 66941  
the personnel and necessary expenses shall be paid out of the Ohio 66942  
thoroughbred race fund. 66943

The commission shall adopt rules as are necessary to carry 66944  
out this section and shall administer the stakes race program and 66945  
other races supported by the Ohio thoroughbred race fund in a 66946  
manner best designed to aid in the development of the thoroughbred 66947  
horse industry in the state, to upgrade the quality of horse 66948  
racing in the state, and to improve the quality of horses 66949  
conceived and foaled in the state. 66950

(F) The state racing commission shall adopt rules regarding 66951  
the maintenance and use of money collected for quarter horse 66952  
development and purses under division (C) of section 3769.08 and 66953  
division (A) of section 3769.087 of the Revised Code. 66954

**Sec. 3769.087.** (A) In addition to the commission of eighteen 66955  
per cent retained by each permit holder as provided in section 66956  
3769.08 of the Revised Code, each permit holder shall retain an 66957  
additional amount equal to four per cent of the total of all 66958  
moneys wagered on each racing day on all wagering pools other than 66959  
win, place, and show, of which amount retained an amount equal to 66960  
three per cent of the total of all moneys wagered on each racing 66961  
day on those pools shall be paid in the manner prescribed under 66962  
section 3769.103 of the Revised Code, as a tax. Subject to the 66963  
restrictions contained in divisions (B), (C), and (M) of section 66964  
3769.08 of the Revised Code, from such additional moneys paid to 66965  
the tax commissioner: 66966

(1) Four-sixths shall be allocated to fund distribution as 66967  
provided in division (M) of section 3769.08 of the Revised Code. 66968

(2) One-twelfth shall be paid into the Ohio fairs fund 66969  
created by section 3769.082 of the Revised Code. 66970



(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to the tax commissioner by thoroughbred racing permit holders shall be paid into the Ohio thoroughbred race fund created by section 3769.083 of the Revised Code.

(4) One-twelfth of the additional moneys paid to the tax commissioner by harness horse racing permit holders shall be paid to the Ohio standardbred development fund created by section 3769.085 of the Revised Code.

~~(5) One-twelfth of the additional moneys paid to the tax commissioner by quarter horse racing permit holders shall be paid to the Ohio quarter horse development fund created by section 3769.086 of the Revised Code.~~

~~(6)~~ One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code.

The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half.

(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. The additional amount retained under this division shall be paid in the manner prescribed under section 3769.103 of the Revised Code, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund

created by section 3769.03 of the Revised Code. 67002

(C) Unless otherwise agreed to by the video lottery sales 67003  
agent and the applicable horsemen's association recognized by the 67004  
state racing commission to represent such persons, within ninety 67005  
days after ~~the effective date of this amendment~~ September 29, 67006  
2013, for video lottery sales agents operating as such on ~~the~~ 67007  
~~effective date of this amendment~~ September 29, 2013, or within six 67008  
months after the date a video lottery sales agent begins operating 67009  
as such for video lottery sales agents not operating as such on 67010  
~~the effective date of this amendment~~ September 29, 2013, the state 67011  
racing commission shall direct through rule that a percentage of 67012  
the lottery sales agent's commission as determined by the state 67013  
lottery commission for conducting video lottery terminal gaming on 67014  
behalf of the state be paid to the state racing commission for the 67015  
benefit of breeding and racing in this state. The percentage so 67016  
determined shall not be less than nine per cent or more than 67017  
eleven per cent of the video lottery terminal income, and shall be 67018  
a sliding scale based upon capital expenditures necessary to build 67019  
the video lottery sales agent's facility. The aggregate of one 67020  
hundred per cent of video lottery terminal income minus the 67021  
lottery sales agent's commission percentage as determined by the 67022  
state lottery commission plus the percentage of the lottery sale 67023  
agent's commission, as determined by the state racing commission 67024  
or otherwise agreed to by the video lottery sales agent and the 67025  
applicable horsemen's association recognized by the state racing 67026  
commission to represent such persons, for the benefit of breeding 67027  
and racing in this state shall not exceed forty-five per cent of 67028  
the video lottery terminal income. In addition, beginning July 1, 67029  
2013, the state lottery commission shall adopt a rule to require 67030  
the lottery sales agent conducting video lottery terminal gaming 67031  
on behalf of the state to disperse to the state lottery commission 67032  
one-half of one per cent of such a lottery sales agent's 67033  
commission for the purpose of providing funding support to 67034

appropriate state agencies for programs that provide for gambling 67035  
addiction and other related addiction services. The state lottery 67036  
commission's rule also may require the lottery sales agent 67037  
conducting video lottery terminal gaming on behalf of the state to 67038  
disperse to the state lottery commission an additional amount up 67039  
to one-half of one per cent of such a lottery sales agent's 67040  
commission for that purpose. 67041

**Sec. 3769.089.** (A) As used in this chapter: 67042

(1) "Racing day" means any day authorized under a permit 67043  
holder's permit on which, at a simulcast host, either a live 67044  
racing program is conducted as authorized under section 3769.07 of 67045  
the Revised Code or a simulcast racing program is conducted as 67046  
authorized under this section. 67047

(2) "Live racing day" means a racing day on which a live 67048  
racing program is conducted by the permit holder along with 67049  
simulcasts of all other available racing programs from within this 67050  
state and simulcast racing programs from outside this state as 67051  
authorized under this section. 67052

(3) "Live racing program" means a racing program consisting 67053  
of no fewer than seven live horse races at thoroughbred tracks and 67054  
nine live races at standardbred tracks and additional horse races 67055  
simulcast from other facilities located either inside or outside 67056  
this state, in which not more than two horse races on which 67057  
pari-mutuel wagering is conducted are simulcast from facilities 67058  
located outside this state. If only one racing meeting of a 67059  
particular breed of horse is being held, no fewer than nine live 67060  
horse races shall be held on a live racing day. If, during the 67061  
course of a racing meeting at a standardbred track, the racing 67062  
secretary of the permit holder determines that there is an 67063  
insufficient number of entries to have a full field of eight 67064  
horses for each of nine races on a live racing program, then the 67065

racing secretary of the permit holder, after consultation with the Ohio harness horsemen's association, may reduce the number of live races on that live racing program, as the racing secretary may determine. The racing secretary shall not reduce the live racing program to less than seven live races. If during the course of a meeting at a thoroughbred track, the racing secretary of a permit holder determines that there is an insufficient number of entries to have a full field of eight horses for each of nine races on a live racing program, then the racing secretary of the permit holder, with the consent of the thoroughbred horsemen's association, may reduce the number of live races on that live racing program, as the racing secretary may determine. The racing secretary shall not reduce the live racing program to less than seven live races. No more than seventeen races on which pari-mutuel wagering is conducted, including both live races and races simulcast from other facilities located either inside or outside this state, shall be part of a live racing program.

(4) "Simulcast host" means a track or enclosure in this state where, on a racing day, a permit holder is doing one or both of the following:

(a) Conducting a live racing program and offering this program for simulcasting to one or more simulcast guests and satellite facilities in this state;

(b) Receiving a simulcast racing program for simulcasting to one or more simulcast guests and satellite facilities in this state.

(5) "Simulcast guest" means any track or enclosure that is receiving from a simulcast host, on a day other than a racing day, a live racing program or a simulcast racing program.

(6) "Simulcast racing program" means all simulcasts of horse races to a simulcast host or simulcast guest on a racing day or on

any other day on which pari-mutuel wagering is conducted, but does not include any simulcast horse races from inside or outside this state that are included in a simulcast host's live racing program.

(7) "Satellite facility" has the same meaning as in section 3769.25 of the Revised Code.

(8) "Collection and settlement agent" has the same meaning as in section 3769.0810 of the Revised Code.

(9) "Special racing event" means individual races in live racing programs or simulcast racing programs, and simulcast racing programs on special event days under division (C) of this section, conducted at facilities located outside this state for which the track, racing association, or state regulatory agency conducting such races charges a simulcast host a fee for the privilege of receiving a simulcast of such races into this state that is higher than the customary and regular fee charged for simulcast races because of the status or popularity of such races.

(B)(1)(a) The state racing commission shall, upon request by any permit holder, permit electronically televised simulcasts of horse races at the permit holder's track or enclosure on racing days authorized by the permit holder's permit. Except as provided in division (B) of this section, the commission shall not permit the simulcast of any simulcast racing program conducted at tracks or facilities located outside this state unless the out-of-state simulcast racing program is available at the same signal rate to all permit holders, whether serving as simulcast hosts or simulcast guests, and all satellite facilities, in this state open and operating on that day. A permit holder or satellite facility may inform the commission that it waives the right to receive the simulcast of a simulcast racing program or a race in a simulcast racing program on that day and in this event the simulcast racing program or simulcast race shall be available to all other simulcast hosts, simulcast guests, and satellite facilities open

and operating in this state on that day. 67129

(b) In order for a permit holder to offer simulcasts of horse 67130  
races conducted at facilities located outside this state, the 67131  
permit holder shall have conducted live racing programs during the 67132  
immediately preceding calendar year on a number of days that is 67133  
not less than the number of regular live racing days it conducted 67134  
in calendar year 1991, not including additional racing days 67135  
conducted in calendar year 1991 by the permit holder at a 67136  
winterized facility under a permit issued under section 3769.07 of 67137  
the Revised Code, as certified by the commission. In satisfying 67138  
the foregoing requirement for live racing days during the 67139  
immediately preceding calendar year, a permit holder may include 67140  
the number of days on which live racing programs were conducted 67141  
under a permit issued under section 3769.07 of the Revised Code 67142  
for additional racing days at a winterized facility. In addition, 67143  
in order for a permit holder to offer simulcasts of horse races 67144  
conducted at facilities located outside this state, the permit 67145  
holder shall offer all simulcasts of horse races conducted in this 67146  
state made available to it. 67147

In order for a permit holder to offer simulcasts of races 67148  
conducted at race tracks located outside this state at the same 67149  
time and during the hours in which the live races of a live racing 67150  
program are being conducted at its track, a permit holder 67151  
conducting a thoroughbred live racing program shall obtain the 67152  
consent of the thoroughbred horsemens association and a permit 67153  
holder conducting a harness live racing program shall obtain the 67154  
consent of the Ohio harness horsemens association. The consent of 67155  
the horsemen's organization shall not be unreasonably withheld, 67156  
and shall be consistent with the interest of preserving live 67157  
racing in this state. If a horsemen's organization withholds its 67158  
consent, the permit holder may file an objection with the 67159  
commission, which shall promptly consider the objection and 67160

determine whether the horsemen's organization's action in 67161  
withholding consent is without substantial merit and, if the 67162  
commission so determines, shall authorize the permit holder to 67163  
simulcast the simulcast racing programs. The determination of the 67164  
commission is final. A permit holder, as a simulcast host, may 67165  
offer simulcast racing programs at its track or enclosure of races 67166  
conducted at tracks and facilities located outside this state 67167  
prior to the commencement of, and following the conclusion of, its 67168  
live races without obtaining the consent of a horsemen's 67169  
organization under this division. 67170

(c) Division (B)(1)(b) of this section remains in effect for 67171  
each permit holder until the calendar year after that permit 67172  
holder first receives a commission as a lottery sales agent for 67173  
conducting video lottery terminal gaming on behalf of the state. 67174

(2) Notwithstanding section 3769.07 of the Revised Code and 67175  
unless otherwise agreed to by the applicable horsemen's 67176  
association and the permit holder, beginning in the calendar year 67177  
after the permit holder first receives video lottery terminal 67178  
income, one of the following applies as determined on a yearly 67179  
basis: 67180

(a) If eleven per cent of the gross gaming revenue from video 67181  
lottery terminals at the permit holder's facilities (either 67182  
existing or relocated) in the previous calendar year exceeds 67183  
fifteen million dollars, a permit holder shall conduct a minimum 67184  
of one hundred twenty-five live racing days. 67185

(b) If eleven per cent of the gross gaming revenue from video 67186  
lottery terminals at the permit holder's facilities (either 67187  
existing or relocated) in the previous calendar year exceeds 67188  
eleven million dollars, but is less than or equal to fifteen 67189  
million dollars, a permit holder shall conduct a minimum of one 67190  
hundred live racing days or the number of racing days applied for 67191  
by the permit holder in calendar year 2012, whichever is greater. 67192

(c) If eleven per cent of the gross gaming revenue from video lottery terminals at the permit holder's facilities (either existing or relocated) in the previous calendar year is less than or equal to eleven million dollars, a permit holder shall conduct a minimum of seventy-five racing days or the number of racing days applied for by the permit holder for calendar year 2012, whichever is greater.

In no case shall the minimum number of racing days for any permit holder exceed one hundred twenty-five racing days ~~or the maximum number of racing days for any permit holder exceed two hundred ten racing days.~~

(3) For the purposes of division (B)(2) of this section, for live racing conducted at a track with more than one permit, the minimum ~~and maximum~~ live racing days shall apply to those permits collectively and not as a single permit.

(4) In addition to the required live racing days, a permit holder shall simulcast a simulcast racing program on a minimum of three hundred sixty days each calendar year. The permit holder shall simulcast all simulcast racing programs conducted in this state and made available to the permit holder and simulcast racing programs conducted outside this state.

(5) The commission may make exception to the required minimum number of live racing days or simulcast racing program days in instances of natural disaster or other unexpected circumstances as defined by the commission, in its sole discretion. For any calendar year, the horsemen's association at each track may negotiate an agreement with the permit holder for that track to reduce the number of live racing days at that track to less than the minimum live racing days required by division (B)(2)(a), (b), or (c) of this section, as applicable, ~~or to increase the number of live racing days at that track to a number that is greater than the maximum live racing days permitted by division (B)(2)(c) of~~



~~this section~~, subject to the approval of the commission. These 67225  
negotiations shall not reduce the number of live racing days to 67226  
less than fifty days per calendar year. 67227

(6) To satisfy the requirement of live racing days, a permit 67228  
holder may include the number of days on which live racing 67229  
programs were conducted under a permit issued under section 67230  
3769.07 of the Revised Code for racing days authorized at a 67231  
winterized facility. 67232

(C) The commission shall allocate to each track one racing 67233  
day for each permit holder during each calendar year for the 67234  
conduct of a live racing program on which a permit holder may 67235  
conduct as few as one live horse race, with the remainder of the 67236  
horse races on that racing day on which pari-mutuel wagering is 67237  
conducted as part of the live racing program being simulcast from 67238  
other tracks and facilities located either inside or outside this 67239  
state. In addition, the commission may allocate to each permit 67240  
holder racing days on which it may as part of a live racing 67241  
program simulcast more than two horse races from facilities 67242  
located outside this state if the horse races involve a national 67243  
wagering pool and pari-mutuel wagering is conducted on the 67244  
national wagering pool, but on such a racing day there shall in no 67245  
event be more than two horse races simulcast from facilities 67246  
located outside this state included in a live racing program on 67247  
which separate pari-mutuel wagering is conducted. As used in this 67248  
division, "national wagering pool" means an interstate or 67249  
intrastate common pari-mutuel wagering pool involving two or more 67250  
selections covering two or more horse races conducted at tracks 67251  
located inside or outside this state. 67252

In emergency situations, the commission may authorize a live 67253  
racing day at a track in which all horse races on that racing day 67254  
on which pari-mutuel wagering is conducted are simulcast from 67255  
tracks and facilities located either inside or outside this state 67256

with the consent of the thoroughbred horsemens association for a 67257  
track conducting a thoroughbred live racing program and with the 67258  
consent of the Ohio harness horsemens association for a track 67259  
conducting a harness live racing program. If a horsemen's 67260  
organization withholds its consent, the permit holder may file an 67261  
objection with the commission, which shall promptly consider the 67262  
objection and determine whether the horsemen's organization's 67263  
action in withholding consent is without substantial merit and, if 67264  
the commission so determines, shall authorize the permit holder to 67265  
simulcast the simulcast racing programs. The determination of the 67266  
commission is final. 67267

(D) On any day that a racing day has been applied for at any 67268  
track in this state, each track in this state may operate as 67269  
either a simulcast host or a simulcast guest and may conduct, with 67270  
the approval of the state racing commission, pari-mutuel wagering 67271  
on all simulcasts of races conducted inside this state made 67272  
available to it plus all simulcasts of races conducted at 67273  
facilities located outside this state as determined by the 67274  
simulcast hosts. Except as otherwise provided in this section, any 67275  
simulcast host or simulcast guest may receive and conduct 67276  
simulcast racing programs that feature any breed of horse at any 67277  
time of day, as authorized by the commission. Those persons 67278  
holding state fair, county fair, or other fair permits shall not 67279  
receive a simulcast racing program on which pari-mutuel wagering 67280  
is conducted, except that a holder of a permit issued under 67281  
section 3769.07 of the Revised Code that has been authorized by 67282  
the commission to conduct races of the state fair, a county fair, 67283  
or other fair at a commercial track may receive and conduct 67284  
simulcast racing programs as a simulcast host or simulcast guest 67285  
at the same time in conjunction with the live racing program of 67286  
the state fair, county fair, or other fair permit holder conducted 67287  
at its track. 67288

The simulcast hosts, with the approval of the state racing commission, shall determine which simulcast racing programs offered by race tracks located outside this state will be simulcast at their tracks and at all simulcast hosts, simulcast guests, and satellite facilities in this state that are open and operating during the hours that the simulcast hosts are operating. Simulcast guests and satellite facilities shall receive all approved simulcast racing programs offered by simulcast hosts. In addition, a simulcast host and simulcast guest, with the approval of the commission, may also receive simulcast horse races and simulcast racing programs not agreed to by simulcast hosts.

A simulcast host that normally operates during the day only may serve as a simulcast host for only day-simulcast racing programs, which include all simulcast racing programs that commence at a track located outside this state on or before four p.m. A simulcast host that normally operates during the evening only may serve as a simulcast host for only evening-simulcast racing programs, which include all simulcast racing programs that commence at a track located outside this state on or after three p.m. A simulcast host that normally operates during the evening, but that under its permit conducts live racing programs during the day, may serve as a simulcast host for day-simulcast racing programs. A permit holder that is offering at its track simulcast racing programs that commence at a track located outside this state on or before four p.m. and simulcast racing programs that commence at a track located outside this state on or after three p.m. may serve as a simulcast host for both the day-simulcast racing program and the evening-simulcast racing program only if no other permit holder is serving as a simulcast host for the other simulcast racing programs. The times listed in this and the immediately following paragraphs are standard time as described in section 1.04 of the Revised Code and in the "Uniform Time Act of 1966," 80 Stat. 107, 15 U.S.C. 260 to 265.

~~If a simulcast host is conducting a racing program that features thoroughbred or quarter horses on the same day that another simulcast host is conducting a live racing program that features harness horses at a track located in the same county as, or within twenty miles of, the track of the first simulcast host, the first simulcast host shall not conduct pari-mutuel wagering on simulcast racing programs that commence after four p.m. on that day and the second simulcast host shall not conduct wagering on simulcast racing programs that commence before three p.m. on that day.~~

A simulcast host that is conducting a live racing program and is simulcasting that program to other simulcast hosts and simulcast guests in this state shall receive from each simulcast host and each simulcast guest receiving the simulcast an intrastate simulcast fee of one and three-eighths per cent of the amounts wagered on such simulcast racing program at its facilities. The simulcast hosts and simulcast guests receiving such simulcast racing program shall pay the intrastate simulcast fee to the collection and settlement agent, and the fee shall be disbursed by the agent, at the time and in the manner provided in section 3769.0810 of the Revised Code.

(E)(1) The moneys wagered on simulcast racing programs on a racing day shall be separated from the moneys wagered on the live racing program on that racing day. From the moneys wagered on the simulcast races, each permit holder may retain as a commission the percentage of the amount wagered as specified in sections 3769.08 and 3769.087 of the Revised Code, as applicable, and shall pay, in the manner prescribed under section 3769.103 of the Revised Code, as a tax, the tax specified in sections 3769.08 and 3769.087 of the Revised Code, as applicable. From the tax collected, the tax commissioner shall make the distributions to the respective funds, and in the proper amounts, as required by sections 3769.08 and

3769.087 of the Revised Code, as applicable. Except as provided in 67354  
division (E)(2) of this section, from the amount remaining after 67355  
the payment of state taxes on the moneys wagered on live racing 67356  
programs and on the moneys wagered on simulcast racing programs, a 67357  
permit holder shall retain an amount equal to two and 67358  
three-eighths per cent of the amount wagered on live racing 67359  
programs and on intrastate and interstate simulcast racing 67360  
programs simulcast at its track and on the amount wagered on the 67361  
live racing programs and simulcast racing programs at a satellite 67362  
facility allocated to it under section 3769.26 of the Revised 67363  
Code, as a fee to pay for those costs associated with the 67364  
reception and transmission of simulcasts and the administrative 67365  
cost of the conduct of live racing programs and simulcast racing 67366  
programs. From the remaining balance, one-half shall be retained 67367  
by the permit holder for purses. On a day when a permit holder 67368  
conducts a live racing program, all purse money generated from 67369  
wagering on live racing programs and on simulcast racing programs 67370  
at its track shall be used for that permit holder's purse account. 67371  
On a day when a permit holder operates as a simulcast host with no 67372  
live racing program, or operates as a simulcast guest, all purse 67373  
money generated from wagering on intrastate and interstate 67374  
simulcast racing programs shall be paid to the state racing 67375  
commission for deposit into the Ohio combined simulcast horse 67376  
racing purse fund created under this section. In addition, on a 67377  
day when a permit holder serves as a simulcast host for a 67378  
satellite facility, all purse money generated from amounts wagered 67379  
at the satellite facility allocated to the permit holder under 67380  
section 3769.26 of the Revised Code shall be paid to the 67381  
commission for deposit into the Ohio simulcast horse racing purse 67382  
fund. 67383

(2) If there are not four satellite facilities in operation 67384  
in this state within one year after September 19, 1996, or if 67385  
there are not seven satellite facilities in operation in this 67386

state within two years after September 19, 1996, or if there are 67387  
not ten satellite facilities in operation in this state within 67388  
three years after September 19, 1996, then in any such event the 67389  
amount to be retained as a fee by the permit holder under division 67390  
(E)(1) of this section shall be one and seven-eighths per cent 67391  
until such time as the number of satellite facilities specified in 67392  
division (E)(2) of this section are in operation. For good cause 67393  
shown, the thoroughbred horsemens association and Ohio harness 67394  
horsemens association may waive the requirements of division 67395  
(E)(2) of this section or extend the date for compliance as to any 67396  
year by filing a written notification with the state racing 67397  
commission. 67398

(3) If a simulcast racing program simulcast by a simulcast 67399  
host at its track or enclosure and to other simulcast hosts, 67400  
simulcast guests, and satellite facilities in this state is a 67401  
special racing event, the permit holder offering the special 67402  
racing event and other simulcast hosts, simulcast guests, and 67403  
satellite facilities receiving the special racing event shall not 67404  
retain the fee provided under division (E)(1) or (2) of this 67405  
section but shall retain from the moneys wagered on the special 67406  
racing event an amount equal to the fee charged by the track, 67407  
racing association, or state regulatory agency simulcasting the 67408  
special racing event to the simulcast host. From the remaining 67409  
balance, one-half shall be retained by the permit holder for 67410  
purses in the manner provided in division (E)(1) of this section. 67411

A permit holder proposing to simulcast a special racing event 67412  
as a simulcast host shall advise its horsemen's organization of 67413  
the proposed schedule of the special racing event and obtain its 67414  
consent to this schedule. The consent of the horsemen's 67415  
organization shall not be unreasonably withheld and shall be 67416  
consistent with the interest of preserving live racing in this 67417  
state. If the horsemen's organization withholds its consent, the 67418

permit holder may file an objection with the state racing 67419  
commission, which shall promptly consider the objection and 67420  
determine whether the organization's action in withholding consent 67421  
is without substantial merit and, if the commission so determines, 67422  
shall authorize the permit holder to simulcast the special racing 67423  
event. The determination of the commission is final. 67424

(F) There is hereby created in the state treasury the Ohio 67425  
combined simulcast horse racing purse fund, to consist of moneys 67426  
paid into it by permit holders pursuant to division (E) of this 67427  
section and by satellite facilities pursuant to division (F) of 67428  
section 3769.26 of the Revised Code. Moneys to the credit of the 67429  
fund, including interest earned thereon, may be used by the 67430  
commission for the costs of administering this division and the 67431  
balance shall be distributed among permit holders no less 67432  
frequently than monthly to each permit holder's purse account on 67433  
order of the commission. 67434

For each calendar year, permit holders at each track shall 67435  
receive a share of each distribution of the Ohio combined 67436  
simulcast horse racing purse fund in the same percentage, rounded 67437  
to the nearest one-hundredth of the amount of each distribution, 67438  
as the average total amount wagered at the track on racing days at 67439  
which live racing programs were conducted, including the amount 67440  
allocated to the track under section 3769.26 of the Revised Code 67441  
for live races, during the five calendar years immediately 67442  
preceding the year for which the distribution is made bears to the 67443  
average annual total amount wagered at all tracks in the state 67444  
operating under permits issued by the state racing commission 67445  
under section 3769.07, 3769.071, or 3769.072 of the Revised Code 67446  
on all racing days at which live racing programs were conducted, 67447  
including the amount allocated to the tracks under section 3769.26 67448  
of the Revised Code for live races, during the five calendar years 67449  
immediately preceding the year for which the distribution is made. 67450

By the thirty-first day of January of each year the commission 67451  
shall calculate the share of the permit holders at each track for 67452  
that year, shall enter the share percentages in its official 67453  
records, and shall notify all permit holders of the share 67454  
percentages of all tracks for that calendar year. 67455

The permit holders at each track, with the approval of the 67456  
commission, shall allocate their share of the fund as distributed 67457  
to the purse account of each permit holder for each race meeting. 67458

The commission shall cause to be kept accurate records of its 67459  
administration of the fund, including all administrative expenses 67460  
incurred by it and charged to the fund, and of distributions to 67461  
permit holders. These records are public records available for 67462  
inspection at any time during the regular business hours of the 67463  
commission by any permit holder or horsemen's organization, by an 67464  
authorized agent of the permit holder or horsemen's organization, 67465  
or by any other person. 67466

(G) Upon the approval of the commission, a permit holder 67467  
conducting live racing programs may transmit electronically 67468  
televised simulcasts of horse races conducted at the permit 67469  
holder's track to racing associations, tracks, and facilities 67470  
located outside this state for the conduct of pari-mutuel wagering 67471  
thereon, at the times, on the terms, and for the fee agreed upon 67472  
by the permit holder and the receiving racing association, track, 67473  
or facility. From the fees paid to the permit holder for such 67474  
simulcasts, a permit holder shall retain for the costs of 67475  
administration a fee in an amount equal to one per cent of the 67476  
amount wagered on the races simulcast by the permit holder. From 67477  
the remaining balance of the fee, one-half shall be retained by 67478  
the permit holder for purses, except that notwithstanding the fee 67479  
arrangement between the permit holder and the receiving racing 67480  
association, track, or facility, the permit holder shall deposit 67481  
into its purse account not less than an amount equal to 67482



three-fourths of one per cent of the amount wagered at racing 67483  
associations, tracks, and facilities located outside the state on 67484  
the races simulcast by the permit holder. 67485

All televised simulcasts of horse races conducted in this 67486  
state to racing associations, tracks, and facilities located 67487  
outside this state shall comply with the "Interstate Horse Racing 67488  
Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. The consent 67489  
of the horsemen's organization at the track of the permit holder 67490  
applying to the commission to simulcast horse races conducted at 67491  
the permit holder's track to racing associations, tracks, and 67492  
facilities located outside this state shall be consistent with the 67493  
interest of preserving live racing. 67494

(H)(1) The state racing commission may authorize any permit 67495  
holder that is authorized to conduct live horse racing on racing 67496  
days and that conducts pari-mutuel wagering on simulcasts of horse 67497  
races under this section that are conducted at race tracks either 67498  
inside or outside this state to conduct, supervise, and 67499  
participate in interstate and intrastate common pari-mutuel 67500  
wagering pools on those races in the manner provided in division 67501  
(H) of this section. Except as otherwise expressly provided in 67502  
division (H) of this section or in the rules of the state racing 67503  
commission, the provisions of this chapter that govern pari-mutuel 67504  
wagering apply to interstate or intrastate common pari-mutuel 67505  
wagering pools. 67506

(2) Subject to the approval of the state racing commission, 67507  
the types of wagering, calculation of the commission retained by 67508  
the permit holder, tax rates, distribution of winnings, and rules 67509  
of racing in effect for pari-mutuel wagering pools at the host 67510  
track may govern wagers placed at a receiving track in this state 67511  
and merged into an interstate or intrastate common pari-mutuel 67512  
wagering pool. Breakage from interstate or intrastate common 67513  
pari-mutuel wagering pools shall be calculated in accordance with 67514

the rules that govern the host track and shall be distributed 67515  
among the tracks participating in the interstate or intrastate 67516  
common wagering pool in a manner agreed to by the participating 67517  
tracks and the host track. An interstate common pari-mutuel 67518  
wagering pool formed under division (H)(3) of this section is 67519  
subject to that division rather than to division (H)(2) of this 67520  
section. 67521

(3) Subject to the approval of the state racing commission, 67522  
an interstate common pari-mutuel wagering pool may be formed 67523  
between a permit holder and one or more receiving tracks located 67524  
in states other than the state in which the host track is located. 67525  
The commission may approve types of wagering, calculation of the 67526  
commission retained by the permit holder, tax rates, distribution 67527  
of winnings, rules of racing, and calculation of breakage for such 67528  
an interstate common pari-mutuel wagering pool that differ from 67529  
those that would otherwise be applied in this state under this 67530  
chapter but that are consistent for all tracks participating in 67531  
the interstate common pari-mutuel wagering pool formed under 67532  
division (H)(3) of this section. 67533

(4) As used in division (H) of this section: 67534

(a) "Host track" means a track where live horse races are 67535  
conducted and offered for simulcasting to receiving tracks. 67536

(b) "Receiving track" means a track where simulcasts of races 67537  
from a host track are displayed and wagered on. 67538

(I) Each permit holder is responsible for paying all costs 67539  
associated with the up-link for, and reception of, simulcasts, and 67540  
the conduct and operation of simulcast racing programs, for all 67541  
fees and costs associated with serving as a simulcast host or 67542  
simulcast guest, and for any required fees payable to the tracks, 67543  
racing associations, or state regulatory agencies where simulcast 67544  
racing is conducted at tracks located outside this state. 67545

(J) No license, fee, or excise tax, other than as specified 67546  
in division (E) of this section, shall be assessed upon or 67547  
collected from a permit holder or the owners of a permit holder in 67548  
connection with, or pertaining to, the operation and conduct of 67549  
simulcast racing programs in this state, by any county, township, 67550  
municipal corporation, district, or other body having the 67551  
authority to assess or collect a tax or fee. 67552

(K)(1) Permit holders operating tracks within the same county 67553  
or adjacent counties that are conducting simulcast racing programs 67554  
under this section may enter into agreements regarding the conduct 67555  
of simulcast racing programs at their respective tracks and the 67556  
sharing of the retained commissions therefrom, for such periods of 67557  
time, upon such terms and conditions, and subject to such rights 67558  
and obligations, as the contracting permit holders consider 67559  
appropriate under the circumstances. Permit holders shall notify 67560  
the state racing commission of their entry into an agreement 67561  
pursuant to this division, the names of the permit holders that 67562  
are parties to the agreement, and the length of time the agreement 67563  
shall be in effect. 67564

(2) Permit holders and the thoroughbred horsemens association 67565  
and Ohio harness horsemens association may agree to do any of the 67566  
following: 67567

(a) Increase or reduce the fees and amounts to be retained by 67568  
the permit holders under this section; 67569

(b) Increase or reduce the fees and amounts to be allocated 67570  
to the purse accounts of permit holders under this section; 67571

(c) Increase or reduce the fees to be paid between and among 67572  
simulcast hosts and simulcast guests under this section and under 67573  
division (C) of section 3769.0810 of the Revised Code; 67574

(d) Modify, suspend, or waive the requirements set forth in 67575  
division (B) of this section as to any permit holder or as to all 67576

permit holders. 67577

All permit holders and both horsemen's organizations shall 67578  
approve such agreement. Any agreement entered into under division 67579  
(K)(2) of this section shall set forth the effective date of any 67580  
such increase or reduction, and the terms and provisions of the 67581  
agreement, and a copy of the agreement shall be filed with the 67582  
state racing commission. 67583

**Sec. 3769.101.** (A) For the purposes of receiving, 67584  
distributing, and accounting for revenue received from the taxes 67585  
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 67586  
Code, there is hereby created in the state treasury the 67587  
horse-racing tax revenue fund. 67588

(B) All moneys collected from the taxes imposed by sections 67589  
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 67590  
deposited into the horse-racing tax revenue fund. 67591

(C) On or before the fifteenth day of each month, the tax 67592  
commissioner shall pay into the nursing home franchise permit fee 67593  
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 67594  
standardbred development fund, ~~Ohio quarter horse fund~~, and state 67595  
racing commission operating fund created under this chapter the 67596  
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 67597  
Revised Code based on amounts received in the preceding month. 67598

**Sec. 3770.01.** (A) There is hereby created the state lottery 67599  
commission consisting of nine members appointed by the governor 67600  
with the advice and consent of the senate. No more than five 67601  
members of the commission shall be members of the same political 67602  
party. Of the additional and new appointments made to the 67603  
commission pursuant to the amendment of August 1, 1980, three 67604  
shall be for terms ending August 1, 1981, three shall be for terms 67605  
ending August 1, 1982, and three shall be for terms ending August 67606

1, 1983. Thereafter, terms of office shall be for three years, 67607  
each term ending on the same day of the same month of the year as 67608  
did the term which it succeeds. 67609

(B) Each member shall hold office from the date of 67610  
appointment until the end of the term for which the member was 67611  
appointed. Any member appointed to fill a vacancy occurring prior 67612  
to the expiration of the term for which the member's predecessor 67613  
was appointed shall hold office for the remainder of that term. 67614  
Any member shall continue in office subsequent to the expiration 67615  
date of the member's term until the member's successor takes 67616  
office, or until a period of sixty days has elapsed, whichever 67617  
occurs first. 67618

(C) All members of the commission shall be citizens of the 67619  
United States and residents of this state. The members of the 67620  
commission shall represent the various geographic regions of the 67621  
state. No member of the commission shall have any pecuniary 67622  
interest in any contract or license awarded by the commission. One 67623  
person appointed as a member of the commission shall ~~represent an~~ 67624  
~~organization that deals with~~ have experience or training in the 67625  
area of problem gambling and assists or other addictions and in 67626  
assistance to recovering gambling or other addicts. Each person 67627  
appointed as a member of the commission, except the member 67628  
appointed as a ~~representative of an organization that deals with~~ 67629  
having experience or training in the area of problem gambling ~~and~~ 67630  
~~assists recovering gambling addicts~~ or other addictions and in 67631  
assistance to recovering gambling or other addicts, shall have 67632  
prior experience or education in business administration, 67633  
management, sales, marketing, or advertising. 67634

(D) The commission shall elect annually one of its members to 67635  
serve as chairperson for a term of one year. Election as 67636  
chairperson shall not extend a member's appointive term. Each 67637  
member of the commission shall receive an annual salary of five 67638

thousand dollars, payable in monthly installments. Each member of 67639  
the commission also shall receive the member's actual and 67640  
necessary expenses incurred in the discharge of the member's 67641  
official duties. 67642

(E) Each member of the commission, before entering upon the 67643  
discharge of the member's official duties, shall give a bond, 67644  
payable to the treasurer of state, in the sum of ten thousand 67645  
dollars with sufficient sureties to be approved by the treasurer 67646  
of state, which bond shall be filed with the secretary of state. 67647

(F) The governor may remove any member of the commission for 67648  
malfeasance, misfeasance, or nonfeasance in office, giving the 67649  
member a copy of the charges against the member and affording the 67650  
member an opportunity to be publicly heard in person or by counsel 67651  
in the member's own defense upon not less than ten days' notice. 67652  
If the member is removed, the governor shall file in the office of 67653  
the secretary of state a complete statement of all charges made 67654  
against the member and the governor's finding on the charges, 67655  
together with a complete report of the proceedings, and the 67656  
governor's decision on the charges is final. 67657

(G) The commission shall maintain offices at locations in the 67658  
state as it may consider necessary for the efficient performance 67659  
of its functions. The director shall maintain an office in 67660  
Columbus to coordinate the activities of the state lottery 67661  
commission with other state departments. 67662

**Sec. 3770.03.** (A) The state lottery commission shall 67663  
promulgate rules under which a statewide lottery may be conducted, 67664  
which includes, and since the original enactment of this section 67665  
has included, the authority for the commission to operate video 67666  
lottery terminal games. Any reference in this chapter to tickets 67667  
shall not be construed to in any way limit the authority of the 67668  
commission to operate video lottery terminal games. Nothing in 67669

this chapter shall restrict the authority of the commission to 67670  
promulgate rules related to the operation of games utilizing video 67671  
lottery terminals as described in section 3770.21 of the Revised 67672  
Code. The rules shall be promulgated pursuant to Chapter 119. of 67673  
the Revised Code, except that instant game rules shall be 67674  
promulgated pursuant to section 111.15 of the Revised Code but are 67675  
not subject to division (D) of that section. Subjects covered in 67676  
these rules shall include, but need not be limited to, the 67677  
following: 67678

(1) The type of lottery to be conducted; 67679

(2) The prices of tickets in the lottery; 67680

(3) The number, nature, and value of prize awards, the manner 67681  
and frequency of prize drawings, and the manner in which prizes 67682  
shall be awarded to holders of winning tickets. 67683

(B) The commission shall promulgate rules, in addition to 67684  
those described in division (A) of this section, pursuant to 67685  
Chapter 119. of the Revised Code under which a statewide lottery 67686  
and statewide joint lottery games may be conducted. Subjects 67687  
covered in these rules shall include, but not be limited to, the 67688  
following: 67689

(1) The locations at which lottery tickets may be sold and 67690  
the manner in which they are to be sold. These rules may authorize 67691  
the sale of lottery tickets by commission personnel or other 67692  
licensed individuals from traveling show wagons at the state fair, 67693  
and at any other expositions the director of the commission 67694  
considers acceptable. These rules shall prohibit commission 67695  
personnel or other licensed individuals from soliciting from an 67696  
exposition the right to sell lottery tickets at that exposition, 67697  
but shall allow commission personnel or other licensed individuals 67698  
to sell lottery tickets at an exposition if the exposition 67699  
requests commission personnel or licensed individuals to do so. 67700

These rules may also address the accessibility of sales agent 67701  
locations to commission products in accordance with the "Americans 67702  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 67703  
et seq. 67704

(2) The manner in which lottery sales revenues are to be 67705  
collected, including authorization for the director to impose 67706  
penalties for failure by lottery sales agents to transfer revenues 67707  
to the commission in a timely manner; 67708

(3) The amount of compensation to be paid licensed lottery 67709  
sales agents; 67710

(4) The substantive criteria for the licensing of lottery 67711  
sales agents consistent with section 3770.05 of the Revised Code, 67712  
and procedures for revoking or suspending their licenses 67713  
consistent with Chapter 119. of the Revised Code. If 67714  
circumstances, such as the nonpayment of funds owed by a lottery 67715  
sales agent, or other circumstances related to the public safety, 67716  
convenience, or trust, require immediate action, the director may 67717  
suspend a license without affording an opportunity for a prior 67718  
hearing under section 119.07 of the Revised Code. 67719

(5) Special game rules to implement any agreements signed by 67720  
the governor that the director enters into with other lottery 67721  
jurisdictions under division (J) of section 3770.02 of the Revised 67722  
Code to conduct statewide joint lottery games. The rules shall 67723  
require that the entire net proceeds of those games that remain, 67724  
after associated operating expenses, prize disbursements, lottery 67725  
sales agent bonuses, commissions, and reimbursements, and any 67726  
other expenses necessary to comply with the agreements or the 67727  
rules are deducted from the gross proceeds of those games, be 67728  
transferred to the lottery profits education fund under division 67729  
(B) of section 3770.06 of the Revised Code. 67730

(6) Making EZPlay keno and EZPlay lucky numbers bingo 67731



self-service terminal-generated instant-win style lottery games 67732  
available to licensed lottery sales agents, with at least the 67733  
following criteria: 67734

(a) EZPlay keno shall consist of and contain the ability to 67735  
be played at multiple ticket prices as established by the 67736  
commission, and shall be available as an instant play style 67737  
lottery game on the interactive format self-service terminal and 67738  
other lottery terminals and devices. 67739

(b) EZPlay lucky numbers bingo shall consist of and contain 67740  
the ability to be played at multiple ticket prices as established 67741  
by the commission, and shall be available as both instant play and 67742  
draw style lottery games on the interactive format self-service 67743  
terminal and other lottery terminals and devices. 67744

(c) The games shall be made available using either a 67745  
clerk-facing lottery terminal or a self-service lottery terminal, 67746  
which shall not be a video lottery terminal, as available from the 67747  
commission's gaming systems vendor. 67748

(d) The games shall be available for play in graphical, 67749  
paperless, and interactive formats. "Interactive format" means the 67750  
ability of a player to initiate, play, and view the game, 67751  
including the reveal of a result, on the self-service terminal 67752  
from which the game is purchased. 67753

(e) The player shall have the option to receive a paper pay 67754  
voucher to be redeemed by a licensed lottery sales agent or 67755  
credited through a self-service lottery terminal. 67756

(f) These interactive format self-service terminals shall 67757  
only be made available to a licensed lottery sales agent that is 67758  
also a holder of a D-1, D-2, D-2x, D-3, D-3x, D-3a, or D-5 liquor 67759  
permit issued under Chapter 4303. of the Revised Code. 67760

(g) The commission shall acquire and make available at least 67761  
three thousand interactive format self-service terminals before 67762

March 1, 2016, one thousand five hundred of which shall be 67763  
acquired, deployed, and in operation before January 1, 2016. 67764

Any other subjects the commission determines are necessary 67765  
for the operation of video lottery terminal games, including the 67766  
establishment of any fees, fines, or payment schedules. 67767

(C) Chapter 2915. of the Revised Code does not apply to, 67768  
affect, or prohibit lotteries conducted pursuant to this chapter. 67769

(D) The commission may promulgate rules, in addition to those 67770  
described in divisions (A) and (B) of this section, that establish 67771  
standards governing the display of advertising and celebrity 67772  
images on lottery tickets and on other items that are used in the 67773  
conduct of, or to promote, the statewide lottery and statewide 67774  
joint lottery games. Any revenue derived from the sale of 67775  
advertising displayed on lottery tickets and on those other items 67776  
shall be considered, for purposes of section 3770.06 of the 67777  
Revised Code, to be related proceeds in connection with the 67778  
statewide lottery or gross proceeds from statewide joint lottery 67779  
games, as applicable. 67780

(E)(1) The commission shall meet with the director at least 67781  
once each month and shall convene other meetings at the request of 67782  
the chairperson or any five of the members. No action taken by the 67783  
commission shall be binding unless at least five of the members 67784  
present vote in favor of the action. A written record shall be 67785  
made of the proceedings of each meeting and shall be transmitted 67786  
forthwith to the governor, the president of the senate, the senate 67787  
minority leader, the speaker of the house of representatives, and 67788  
the house minority leader. 67789

(2) The director shall present to the commission a report 67790  
each month, showing the total revenues, prize disbursements, and 67791  
operating expenses of the state lottery for the preceding month. 67792  
As soon as practicable after the end of each fiscal year, the 67793

commission shall prepare and transmit to the governor and the 67794  
general assembly a report of lottery revenues, prize 67795  
disbursements, and operating expenses for the preceding fiscal 67796  
year and any recommendations for legislation considered necessary 67797  
by the commission. 67798

**Sec. 3770.05.** (A) As used in this section, "person" means any 67799  
~~person~~ individual, association, corporation, limited liability 67800  
company, partnership, club, trust, estate, society, receiver, 67801  
trustee, person acting in a fiduciary or representative capacity, 67802  
instrumentality of the state or any of its political subdivisions, 67803  
or any other business entity or combination of individuals meeting 67804  
the requirements set forth in this section or established by rule 67805  
or order of the state lottery commission. 67806

(B) The director of the state lottery commission may license 67807  
any person as a lottery sales agent. ~~No license shall be issued to~~ 67808  
~~any person or group of persons to engage in the sale of lottery~~ 67809  
~~tickets as the person's or group's sole occupation or business.~~ 67810

Before issuing any license to a lottery sales agent, the 67811  
director shall consider all of the following: 67812

(1) The financial responsibility and security of the 67813  
applicant and the applicant's business or activity; 67814

(2) The accessibility of the applicant's place of business or 67815  
activity to the public; 67816

(3) The sufficiency of existing licensed agents to serve the 67817  
public interest; 67818

(4) The volume of expected sales by the applicant; 67819

(5) Any other factors pertaining to the public interest, 67820  
convenience, or trust. 67821

(C) Except as otherwise provided in division (F) of this 67822  
section, the director of the state lottery commission ~~shall~~ may 67823

refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee: 67824  
67825

(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude; 67826  
67827

(2) Has been convicted of an offense that involves illegal gambling; 67828  
67829

(3) Has been found guilty of fraud or misrepresentation in any connection; 67830  
67831

(4) Has been found to have violated any rule or order of the commission; or 67832  
67833

(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits. 67834  
67835

(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee is a corporation or other business entity, and any of the following applies: 67836  
67837  
67838  
67839  
67840

(1) Any of the ~~corporation's~~ directors, officers, managers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section; 67841  
67842  
67843

(2) It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, manager, or controlling shareholder ~~of the corporation~~, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust; 67844  
67845  
67846  
67847  
67848  
67849

(3) The corporation or other business entity is not the owner or lessee of the business at which it would conduct a lottery sales agency pursuant to the license applied for; 67850  
67851  
67852

(4) Any person, firm, association, or corporation other than 67853

the applicant or licensee shares or will share in the profits of 67854  
the applicant or licensee, other than receiving dividends or 67855  
distributions as a shareholder, or participates or will 67856  
participate in the management of the affairs of the applicant or 67857  
licensee. 67858

(E)(1) The director of the state lottery commission shall 67859  
refuse to grant a license to an applicant for a lottery sales 67860  
agent license and shall revoke a lottery sales agent license if 67861  
the applicant or licensee is or has been convicted of a violation 67862  
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 67863

(2) The director shall refuse to grant a license to an 67864  
applicant for a lottery sales agent license that is a corporation 67865  
and shall revoke the lottery sales agent license of a corporation 67866  
if the corporation is or has been convicted of a violation of 67867  
division (A) or (C)(1) of section 2913.46 of the Revised Code. 67868

(F) The director of the state lottery commission shall 67869  
request the bureau of criminal identification and investigation, 67870  
the department of public safety, or any other state, local, or 67871  
federal agency to supply the director with the criminal records of 67872  
any applicant for a lottery sales agent license, and may 67873  
periodically request the criminal records of any person to whom a 67874  
lottery sales agent license has been issued. At or prior to the 67875  
time of making such a request, the director shall require an 67876  
applicant or licensee to obtain fingerprint impressions on 67877  
fingerprint cards prescribed by the superintendent of the bureau 67878  
of criminal identification and investigation at a qualified law 67879  
enforcement agency, and the director shall cause those fingerprint 67880  
cards to be forwarded to the bureau of criminal identification and 67881  
investigation, to the federal bureau of investigation, or to both 67882  
bureaus. The commission shall assume the cost of obtaining the 67883  
fingerprint cards. 67884

The director shall pay to each agency supplying criminal 67885

records for each investigation a reasonable fee, as determined by 67886  
the agency. 67887

The commission may adopt uniform rules specifying time 67888  
periods after which the persons described in divisions (C)(1) to 67889  
(5) and (D)(1) to (4) of this section may be issued a license and 67890  
establishing requirements for those persons to seek a court order 67891  
to have records sealed in accordance with law. 67892

(G)(1) Each applicant for a lottery sales agent license shall 67893  
do both of the following: 67894

(a) Pay fees to the state lottery commission, if required by 67895  
rule adopted by the director under Chapter 119. of the Revised 67896  
Code and the controlling board approves the fees; 67897

(b) Prior to approval of the application, obtain a surety 67898  
bond in an amount the director determines by rule adopted under 67899  
Chapter 119. of the Revised Code or, alternatively, with the 67900  
director's approval, deposit the same amount into a dedicated 67901  
account for the benefit of the state lottery. The director also 67902  
may approve the obtaining of a surety bond to cover part of the 67903  
amount required, together with a dedicated account deposit to 67904  
cover the remainder of the amount required. The director also may 67905  
establish an alternative program or policy, with the approval of 67906  
the commission by rule adopted under Chapter 119. of the Revised 67907  
Code, that otherwise ensures the lottery's financial interests are 67908  
adequately protected. If such an alternative program or policy is 67909  
established, an applicant or lottery sales agent, subject to the 67910  
director's approval, may be permitted to participate in the 67911  
program or proceed under that policy in lieu of providing a surety 67912  
bond or dedicated amount. 67913

A surety bond may be with any company that complies with the 67914  
bonding and surety laws of this state and the requirements 67915  
established by rules of the commission pursuant to this chapter. A 67916

dedicated account deposit shall be conducted in accordance with 67917  
policies and procedures the director establishes. 67918

A surety bond, dedicated account, other established program 67919  
or policy, or any combination of these resources, as applicable, 67920  
may be used to pay for the lottery sales agent's failure to make 67921  
prompt and accurate payments for lottery ticket sales, for missing 67922  
or stolen lottery tickets, for damage to equipment or materials 67923  
issued to the lottery sales agent, or to pay for expenses the 67924  
commission incurs in connection with the lottery sales agent's 67925  
license. 67926

(2) A lottery sales agent license is effective for at least 67927  
one year, but not more than three years. 67928

A licensed lottery sales agent, on or before the date 67929  
established by the director, shall renew the agent's license and 67930  
provide at that time evidence to the director that the surety 67931  
bond, dedicated account deposit, or both, required under division 67932  
(G)(1)(b) of this section has been renewed or is active, whichever 67933  
applies. 67934

Before the commission renews a lottery sales agent license, 67935  
the lottery sales agent shall submit a renewal fee to the 67936  
commission, if one is required by rule adopted by the director 67937  
under Chapter 119. of the Revised Code and the controlling board 67938  
approves the renewal fee. The renewal fee shall not exceed the 67939  
actual cost of administering the license renewal and processing 67940  
changes reflected in the renewal application. The renewal of the 67941  
license is effective for at least one year, but not more than 67942  
three years. 67943

(3) A lottery sales agent license shall be complete, 67944  
accurate, and current at all times during the term of the license. 67945  
Any changes to an original license application or a renewal 67946  
application may subject the applicant or lottery sales agent, as 67947

applicable, to paying an administrative fee that shall be in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code, and that the controlling board approves, and that shall not exceed the actual cost of administering and processing the changes to an application.

(4) The relationship between the commission and a lottery sales agent is one of trust. A lottery sales agent collects funds on behalf of the commission through the sale of lottery tickets for which the agent receives a compensation.

(H) Pending a final resolution of any question arising under this section, the director of the state lottery commission may issue a temporary lottery sales agent license, subject to the terms and conditions the director considers appropriate.

(I) If a lottery sales agent's rental payments for the lottery sales agent's premises are determined, in whole or in part, by the amount of retail sales the lottery sales agent makes, and if the rental agreement does not expressly provide that the amount of those retail sales includes the amounts the lottery sales agent receives from lottery ticket sales, only the amounts the lottery sales agent receives as compensation from the state lottery commission for selling lottery tickets shall be considered to be amounts the lottery sales agent receives from the retail sales the lottery sales agent makes, for the purpose of computing the lottery sales agent's rental payments.

**Sec. 3770.07.** (A)(1) Except as provided in division (A)(2) of this section, lottery prize awards shall be claimed by the holder of the winning lottery product, or by the executor or administrator, or the trustee of a trust, of the estate of a deceased holder of a winning lottery product, in a manner to be determined by the state lottery commission, within one hundred eighty days after the date on which the prize award was announced



if the lottery game is an online game, and within one hundred 67979  
eighty days after the close of the game if the lottery game is an 67980  
instant game. 67981

Any lottery prize award with a value that meets or exceeds 67982  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 67983  
subsequent analogous section of the Internal Revenue Code, shall 67984  
not be claimed by or paid to any person, as defined in section 67985  
1.59 of the Revised Code or as defined by rule or order of the 67986  
state lottery commission, until the name, address, and social 67987  
security number of each beneficial owner of the prize award are 67988  
documented for the commission. Except when a beneficial owner 67989  
otherwise consents in writing, in the case of a claim for a 67990  
lottery prize award made by one or more beneficial owners using a 67991  
trust, the name, address, and social security number of each such 67992  
beneficial owner in the commission's records as a result of such a 67993  
disclosure are confidential and shall not be subject to inspection 67994  
or copying under section 149.43 of the Revised Code as a public 67995  
record. 67996

Except as otherwise provided in division (A)(1) of this 67997  
section or as otherwise provided by law, the name and address of 67998  
any individual claiming a lottery prize award are subject to 67999  
inspection or copying under section 149.43 of the Revised Code as 68000  
a public record. 68001

(2) An eligible person serving on active military duty in any 68002  
branch of the United States armed forces during a war or national 68003  
emergency declared in accordance with federal law may submit a 68004  
delayed claim for a lottery prize award. The eligible person shall 68005  
do so by notifying the state lottery commission about the claim 68006  
not later than the five hundred fortieth day after the date on 68007  
which the prize award was announced if the lottery game is an 68008  
online game or after the date on which the lottery game closed if 68009  
the lottery game is an instant game. 68010

(3) If no valid claim to a lottery prize award is made within 68011  
the prescribed period, the prize money, the cost of goods and 68012  
services awarded as prizes, or, if goods or services awarded as 68013  
prizes are resold by the state lottery commission, the proceeds 68014  
from their sale shall be returned to the state lottery fund and 68015  
distributed in accordance with section 3770.06 of the Revised 68016  
Code. 68017

(4) The state lottery commission may share with other 68018  
governmental agencies the name, address, and social security 68019  
number of a beneficial owner disclosed to the commission under 68020  
division (A)(1) of this section, as authorized under sections 68021  
3770.071 and 3770.073 of the Revised Code. Any shared information 68022  
as disclosed pursuant to those sections that is made confidential 68023  
by division (A)(1) of this section remains confidential and shall 68024  
not be subject to inspection or copying under section 149.43 of 68025  
the Revised Code as a public record unless the applicable 68026  
beneficial owner otherwise provides written consent. 68027

(5) As used in this division: 68028

(a) "Eligible person" means a person who is entitled to a 68029  
lottery prize award and who falls into either of the following 68030  
categories: 68031

(i) While on active military duty in this state, the person, 68032  
as the result of a war or national emergency declared in 68033  
accordance with federal law, is transferred out of this state 68034  
before the one hundred eightieth day after the date on which the 68035  
winner of the lottery prize award is selected. 68036

(ii) While serving in the reserve forces in this state, the 68037  
person, as the result of a war or national emergency declared in 68038  
accordance with federal law, is placed on active military duty and 68039  
is transferred out of this state before the expiration of the one 68040  
hundred eightieth day after the date on which the prize drawing 68041

occurs for an online game or before the expiration of the one 68042  
hundred eightieth day following the close of an instant game as 68043  
determined by the commission. 68044

(b) "Active military duty" means that a person is covered by 68045  
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 68046  
U.S.C. 501 et seq., as amended, or the "Uniformed Services 68047  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 68048  
38 U.S.C. 4301 et seq., as amended. 68049

(c) "Each beneficial owner" means the ultimate recipient or, 68050  
if there is more than one, each ultimate recipient of a lottery 68051  
prize award. 68052

(B) If a prize winner, as defined in section 3770.10 of the 68053  
Revised Code, is under eighteen years of age, or is under some 68054  
other legal disability, and the prize money or the cost of goods 68055  
or services awarded as a prize exceeds one thousand dollars, the 68056  
director of the state lottery commission shall order that payment 68057  
be made to the order of the legal guardian of that prize winner. 68058  
If the amount of the prize money or the cost of goods or services 68059  
awarded as a prize is one thousand dollars or less, the director 68060  
may order that payment be made to the order of the adult member, 68061  
if any, of that prize winner's family legally responsible for the 68062  
care of that prize winner. 68063

(C) No right of any prize winner, as defined in section 68064  
3770.10 of the Revised Code, to a prize award shall be the subject 68065  
of a security interest or used as collateral. 68066

(D)(1) No right of any prize winner, as defined in section 68067  
3770.10 of the Revised Code, to a prize award shall be assignable 68068  
except as follows: when the payment is to be made to the executor 68069  
or administrator, or the trustee of a trust, of the estate of a 68070  
prize winner; when the award of a prize is disputed, any person 68071  
may be awarded a prize award to which another has claimed title, 68072

pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code.

(2)(a) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with a remaining unpaid balance of less than one hundred thousand dollars shall be subject to garnishment, attachment, execution, withholding, or deduction except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code or when the director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code.

(b) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with an unpaid balance of one hundred thousand dollars or more shall be subject to garnishment, attachment, execution, withholding, or deduction except as follows: as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when the director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code; or pursuant to the order of a court of competent jurisdiction located in this state in a proceeding in which the state lottery commission is a named party, in which case the garnishment, attachment, execution, withholding, or deduction pursuant to the order shall be subordinate to any payments to be made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.073 of the Revised Code.

(3) The state lottery commission may adopt and amend rules pursuant to Chapter 119. of the Revised Code as necessary to implement division (D) of this section, to provide for payments from prize awards subject to garnishment, attachment, execution, withholding, or deduction, and to comply with any applicable

requirements of federal law. 68105

(4) Upon making payments from a prize award as required by 68106  
division (D) of this section, the director and the state lottery 68107  
commission are discharged from all further liability for those 68108  
payments, whether they are made to an executor, administrator, 68109  
trustee, judgment creditor, or another person, or to the prize 68110  
winner, as defined in section 3770.10 of the Revised Code. 68111

(5) The state lottery commission shall adopt rules pursuant 68112  
to section 3770.03 of the Revised Code concerning the payment of 68113  
prize awards upon the death of a prize winner, as defined in 68114  
section 3770.10 of the Revised Code. Upon the death of a prize 68115  
winner, the remainder of the prize winner's prize award, to the 68116  
extent it is not subject to a transfer agreement under sections 68117  
3770.10 to 3770.14 of the Revised Code, may be paid to the 68118  
executor, administrator, or trustee in the form of a discounted 68119  
lump sum cash settlement. 68120

(E) No lottery prize award shall be awarded to or for any 68121  
officer or employee of the state lottery commission, any officer 68122  
or employee of the auditor of state actively auditing, 68123  
coordinating, or ~~certifying~~ observing commission drawings, or any 68124  
blood relative or spouse of such an officer or employee of the 68125  
commission or auditor of state living as a member of the officer's 68126  
or employee's household, nor shall any such officer, employee, 68127  
blood relative, or spouse attempt to claim a lottery prize award. 68128

(F) The director may prohibit vendors to the state lottery 68129  
commission and their employees from being awarded a lottery prize 68130  
award. 68131

(G) Upon the payment of prize awards pursuant to a provision 68132  
of this section, other than a provision of division (D) of this 68133  
section, the director and the state lottery commission are 68134  
discharged from all further liability for their payment. 68135

Installment payments of lottery prize awards shall be paid by 68136  
official check or warrant, and they shall be sent by mail delivery 68137  
to the prize winner's address within the United States or by 68138  
electronic funds transfer to an established bank account located 68139  
within the United States, or the prize winner may pick them up at 68140  
an office of the commission. 68141

**Sec. 3772.02.** (A) There is hereby created the Ohio casino 68142  
control commission described in Section 6(C)(1) of Article XV, 68143  
Ohio Constitution. 68144

(B) The commission shall consist of seven members appointed 68145  
within one month of September 10, 2010, by the governor with the 68146  
advice and consent of the senate. The governor shall forward all 68147  
appointments to the senate within twenty-four hours. 68148

(1) Each commission member is eligible for reappointment at 68149  
the discretion of the governor. No commission member shall be 68150  
appointed for more than three terms in total. 68151

(2) Each commission member shall be a resident of Ohio. 68152

(3) At least one commission member shall be experienced in 68153  
law enforcement and criminal investigation. 68154

(4) At least one commission member shall be a certified 68155  
public accountant experienced in accounting and auditing. 68156

(5) At least one commission member shall be an attorney 68157  
admitted to the practice of law in Ohio. 68158

(6) At least one commission member shall be a resident of a 68159  
county where one of the casino facilities is located. 68160

(7) Not more than four commission members shall be of the 68161  
same political party. 68162

(8) No commission member shall have any affiliation with an 68163  
Ohio casino operator or facility. 68164

(C) Commission members shall serve four-year terms, except 68165  
that when the governor makes initial appointments to the 68166  
commission under this chapter, the governor shall appoint three 68167  
members to serve four-year terms with not more than two such 68168  
members from the same political party, two members to serve 68169  
three-year terms with such members not being from the same 68170  
political party, and two members to serve two-year terms with such 68171  
members not being from the same political party. 68172

(D) Each commission member shall hold office from the date of 68173  
appointment until the end of the term for which the member was 68174  
appointed. Any member appointed to fill a vacancy occurring before 68175  
the expiration of the term for which the member's predecessor was 68176  
appointed shall hold office for the remainder of the unexpired 68177  
term. Any member shall continue in office after the expiration 68178  
date of the member's term until the member's successor takes 68179  
office, or until a period of sixty days has elapsed, whichever 68180  
occurs first. A vacancy in the commission membership shall be 68181  
filled in the same manner as the original appointment. 68182

(E) The governor shall select one member to serve as 68183  
chairperson and the commission members shall select one member 68184  
from a different party than the chairperson to serve as 68185  
vice-chairperson. The governor may remove and replace the 68186  
chairperson at any time. No such member shall serve as chairperson 68187  
for more than six successive years. The vice-chairperson shall 68188  
assume the duties of the chairperson in the absence of the 68189  
chairperson. The chairperson and vice-chairperson shall perform 68190  
but shall not be limited to additional duties as are prescribed by 68191  
commission rule. 68192

(F) A commission member is not required to devote the 68193  
member's full time to membership on the commission. Each Beginning 68194  
on the effective date of this amendment, each member of the 68195  
commission shall receive compensation of ~~thirty~~ fifty thousand 68196

dollars per year, ~~payable in monthly installments. Beginning July~~ 68197  
~~1, 2016, each member of the commission shall receive compensation~~ 68198  
~~of forty thousand dollars per year. Beginning July 1, 2017, each~~ 68199  
~~member of the commission shall receive compensation of thirty~~ 68200  
~~thousand dollars per year.~~ Each member shall receive the member's 68201  
actual and necessary expenses incurred in the discharge of the 68202  
member's official duties. 68203

(G) The governor shall not appoint an individual to the 68204  
commission, and an individual shall not serve on the commission, 68205  
if the individual has been convicted of or pleaded guilty or no 68206  
contest to a disqualifying offense as defined in section 3772.07 68207  
of the Revised Code. Members coming under indictment or bill of 68208  
information of a disqualifying offense shall resign from the 68209  
commission immediately upon indictment. 68210

(H) At least five commission members shall be present for the 68211  
commission to meet. The concurrence of four members is necessary 68212  
for the commission to take any action. All members shall vote on 68213  
the adoption of rules, and the approval of, and the suspension or 68214  
revocation of, the licenses of casino operators or management 68215  
companies, unless a member has a written leave of absence filed 68216  
with and approved by the chairperson. 68217

(I) A commission member may be removed or suspended from 68218  
office in accordance with section 3.04 of the Revised Code. 68219

(J) Each commission member, before entering upon the 68220  
discharge of the member's official duties, shall make an oath to 68221  
uphold the Ohio Constitution and laws of the state of Ohio and 68222  
shall give a bond, payable by the commission, to the treasurer of 68223  
state, in the sum of ten thousand dollars with sufficient sureties 68224  
to be approved by the treasurer of state, which bond shall be 68225  
filed with the secretary of state. 68226

(K) The commission shall hold one regular meeting each month 68227



and shall convene other meetings at the request of the chairperson 68228  
or a majority of the members. A member who fails to attend at 68229  
least three-fifths of the regular and special meetings of the 68230  
commission during any two-year period forfeits membership on the 68231  
commission. All meetings of the commission shall be open meetings 68232  
under section 121.22 of the Revised Code except as otherwise 68233  
allowed by law. 68234

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 68235  
the commission shall have authority to complete the functions of 68236  
licensing, regulating, investigating, and penalizing casino 68237  
operators, management companies, holding companies, key employees, 68238  
casino gaming employees, and gaming-related vendors. The 68239  
commission also shall have jurisdiction over all persons 68240  
participating in casino gaming authorized by Section 6(C) of 68241  
Article XV, Ohio Constitution, and this chapter. 68242

(B) All rules adopted by the commission under this chapter 68243  
shall be adopted under procedures established in Chapter 119. of 68244  
the Revised Code. The commission may contract for the services of 68245  
experts and consultants to assist the commission in carrying out 68246  
its duties under this section. 68247

(C) ~~Within six months of September 10, 2010, the~~ The 68248  
commission shall adopt ~~initial~~ rules as are necessary for 68249  
completing the functions stated in division (A) of this section 68250  
and for addressing the subjects enumerated in division (D) of this 68251  
section. 68252

(D) The commission shall adopt, and as advisable and 68253  
necessary shall amend or repeal, rules that include all of the 68254  
following: 68255

(1) The prevention of practices detrimental to the public 68256  
interest; 68257

(2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;	68258 68259 68260
(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;	68261 68262 68263
(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;	68264 68265 68266 68267
(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;	68268 68269 68270
(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;	68271 68272 68273
(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	68274 68275
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	68276 68277 68278 68279 68280 68281 68282
(9) Tournament play in any casino facility;	68283
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	68284 68285
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a	68286 68287

casino facility. 68288

(b) The name of a person participating in the program shall 68289  
be included on a list of persons excluded from all casino 68290  
facilities. 68291

(c) Except as provided by commission rule, no person who 68292  
participates in the program shall petition the commission for 68293  
admittance into a casino facility. 68294

(d) The list of persons participating in the program and the 68295  
personal information of those persons shall be confidential and 68296  
shall only be disseminated by the commission to a casino operator 68297  
and the agents and employees of the casino operator for purposes 68298  
of enforcement and to other entities, upon request of the 68299  
participant and agreement by the commission. 68300

(e) A casino operator shall make all reasonable attempts as 68301  
determined by the commission to cease all direct marketing efforts 68302  
to a person participating in the program. 68303

(f) A casino operator shall not cash the check of a person 68304  
participating in the program or extend credit to the person in any 68305  
manner. However, the program shall not exclude a casino operator 68306  
from seeking the payment of a debt accrued by a person before 68307  
participating in the program. 68308

(g) Any and all locations at which a person may register as a 68309  
participant in the program shall be published. 68310

(11) Requiring the commission to adopt standards regarding 68311  
the marketing materials of a licensed casino operator, including 68312  
allowing the commission to prohibit marketing materials that are 68313  
contrary to the adopted standards; 68314

(12) Requiring that the records, including financial 68315  
statements, of any casino operator, management company, holding 68316  
company, and gaming-related vendor be maintained in the manner 68317

prescribed by the commission and made available for inspection 68318  
upon demand by the commission, but shall be subject to section 68319  
3772.16 of the Revised Code; 68320

(13) Permitting a licensed casino operator, management 68321  
company, key employee, or casino gaming employee to question a 68322  
person suspected of violating this chapter; 68323

(14) The chips, tokens, tickets, electronic cards, or similar 68324  
objects that may be purchased by means of an agreement under which 68325  
credit is extended to a wagerer by a casino operator; 68326

(15) Establishing standards for provisional key employee 68327  
licenses for a person who is required to be licensed as a key 68328  
employee and is in exigent circumstances and standards for 68329  
provisional licenses for casino gaming employees who submit 68330  
complete applications and are compliant under an instant 68331  
background check. A provisional license shall be valid not longer 68332  
than three months. A provisional license may be renewed one time, 68333  
at the commission's discretion, for an additional three months. In 68334  
establishing standards with regard to instant background checks 68335  
the commission shall take notice of criminal records checks as 68336  
they are conducted under section 311.41 of the Revised Code using 68337  
electronic fingerprint reading devices. 68338

(16) Establishing approval procedures for third-party 68339  
engineering or accounting firms, as described in section 3772.09 68340  
of the Revised Code; 68341

(17) Prescribing the manner in which winnings, compensation 68342  
from casino gaming, and gross revenue must be computed and 68343  
reported by a licensee as described in Chapter 5753. of the 68344  
Revised Code; 68345

(18) Prescribing conditions under which a licensee's license 68346  
may be suspended or revoked as described in section 3772.04 of the 68347  
Revised Code; 68348

- (19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner; 68349  
68350
- (20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities; 68351  
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- (21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees; 68357  
68358  
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68360
- (22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code; 68361  
68362  
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- (23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; 68366  
68367  
68368
- (24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government; 68369  
68370
- (25) Establishing standards for the repair of casino gaming equipment; 68371  
68372
- (26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code; 68373  
68374  
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- (27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding 68377  
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company, or gaming-related vendor that fall below the threshold 68379  
needed to be considered an institutional investor or a holding 68380  
company, standards regarding what any employees, members, or 68381  
owners of those investors or holding companies may do and shall 68382  
not do in relation to casino facilities and casino gaming in this 68383  
state, which standards shall rationally relate to the need to 68384  
proscribe conduct that is inconsistent with passive institutional 68385  
investment status; 68386

(28) Providing for any other thing necessary and proper for 68387  
successful and efficient regulation of casino gaming under this 68388  
chapter. 68389

(E) The commission shall employ and assign gaming agents as 68390  
necessary to assist the commission in carrying out the duties of 68391  
this chapter and Chapter 2915. of the Revised Code. In order to 68392  
maintain employment as a gaming agent, the gaming agent shall 68393  
successfully complete all continuing training programs required by 68394  
the commission and shall not have been convicted of or pleaded 68395  
guilty or no contest to a disqualifying offense as defined in 68396  
section 3772.07 of the Revised Code. 68397

(F) The commission, as a law enforcement agency, and its 68398  
gaming agents, as law enforcement officers as defined in section 68399  
2901.01 of the Revised Code, shall have authority with regard to 68400  
the detection and investigation of, the seizure of evidence 68401  
allegedly relating to, and the apprehension and arrest of persons 68402  
allegedly committing gaming violations of this chapter or gambling 68403  
offenses as defined in section 2915.01 of the Revised Code or 68404  
violations of any other law of this state that may affect the 68405  
integrity of casino gaming or the operation of skill-based 68406  
amusement machines, and shall have access to casino facilities and 68407  
skill-based amusement machine facilities to carry out the 68408  
requirements of this chapter. 68409

(G) The commission may eject or exclude or authorize the 68410

ejection or exclusion of and a gaming agent may eject a person 68411  
from a casino facility for any of the following reasons: 68412

(1) The person's name is on the list of persons voluntarily 68413  
excluding themselves from all casinos in a program established 68414  
according to rules adopted by the commission; 68415

(2) The person violates or conspires to violate this chapter 68416  
or a rule adopted thereunder; or 68417

(3) The commission determines that the person's conduct or 68418  
reputation is such that the person's presence within a casino 68419  
facility may call into question the honesty and integrity of the 68420  
casino gaming operations or interfere with the orderly conduct of 68421  
the casino gaming operations. 68422

(H) A person, other than a person participating in a 68423  
voluntary exclusion program, may petition the commission for a 68424  
public hearing on the person's ejection or exclusion under this 68425  
chapter. 68426

(I) A casino operator or management company shall have the 68427  
same authority to eject or exclude a person from the management 68428  
company's casino facilities as authorized in division (G) of this 68429  
section. The licensee shall immediately notify the commission of 68430  
an ejection or exclusion. 68431

(J) The commission shall submit a written annual report with 68432  
the governor, president and minority leader of the senate, speaker 68433  
and minority leader of the house of representatives, and joint 68434  
committee on gaming and wagering before the first day of September 68435  
each year. The annual report shall cover the previous fiscal year 68436  
and shall include all of the following: 68437

(1) A statement describing the receipts and disbursements of 68438  
the commission; 68439

(2) Relevant financial data regarding casino gaming, 68440

including gross revenues and disbursements made under this	68441
chapter;	68442
(3) Actions taken by the commission;	68443
(4) An update on casino operators', management companies',	68444
and holding companies' compulsive and problem gambling plans and	68445
the voluntary exclusion program and list;	68446
(5) Information regarding prosecutions for conduct described	68447
in division (H) of section 3772.99 of the Revised Code, including,	68448
but not limited to, the total number of prosecutions commenced and	68449
the name of each person prosecuted;	68450
(6) Any additional information that the commission considers	68451
useful or that the governor, president or minority leader of the	68452
senate, speaker or minority leader of the house of	68453
representatives, or joint committee on gaming and wagering	68454
requests.	68455
(K) <del>Notwithstanding any law to the contrary, beginning on</del>	68456
<del>July 1, 2011, the</del> <u>To ensure the integrity of skill-based amusement</u>	68457
<u>machine operations, the</u> commission shall <del>assume</del> <u>have</u> jurisdiction	68458
<u>over and oversee the regulation of all persons conducting or</u>	68459
<u>participating in the conduct of skill-based amusement machines as</u>	68460
<u>is provided in the law of this state machine operations authorized</u>	68461
<u>by this chapter and Chapter 2915. of the Revised Code, including</u>	68462
<u>the authority to complete the functions of licensing, regulating,</u>	68463
<u>investigating, and penalizing those persons in a manner that is</u>	68464
<u>consistent with the commission's authority to do the same with</u>	68465
<u>respect to casino gaming. To carry out this division, the</u>	68466
<u>commission may adopt rules under Chapter 119. of the Revised Code,</u>	68467
<u>including rules establishing fees and penalties related to the</u>	68468
<u>operation of skill-based amusement machines.</u>	68469
<b>Sec. 3772.99.</b> (A) The commission shall levy and collect	68470



penalties for noncriminal violations of this chapter. Noncriminal 68471  
violations include using the term "casino" in any advertisement in 68472  
regard to a facility operating video lottery terminals, as defined 68473  
in section 3770.21 of the Revised Code, in this state. Moneys 68474  
collected from such penalty levies shall be credited to the 68475  
general revenue fund. 68476

(B) If a licensed casino operator, management company, 68477  
holding company, gaming-related vendor, or key employee violates 68478  
this chapter or engages in a fraudulent act, the commission may 68479  
suspend or revoke the license and may do either or both of the 68480  
following: 68481

(1) Suspend, revoke, or restrict the casino gaming operations 68482  
of a casino operator; 68483

(2) Require the removal of a management company, key 68484  
employee, or discontinuance of services from a gaming-related 68485  
vendor. 68486

(C) The commission shall impose civil penalties against a 68487  
person who violates this chapter under the penalties adopted by 68488  
commission rule and reviewed by the joint committee on gaming and 68489  
wagering. 68490

(D) A person who purposely or knowingly ~~or intentionally~~ does 68491  
any of the following commits a misdemeanor of the first degree on 68492  
the first offense and a felony of the fifth degree for a 68493  
subsequent offense: 68494

(1) Makes a false statement on an application submitted under 68495  
this chapter; 68496

(2) Permits a person less than twenty-one years of age to 68497  
make a wager at a casino facility; 68498

(3) Aids, induces, or causes a person less than twenty-one 68499  
years of age who is not an employee of the casino gaming operation 68500

to enter or attempt to enter a casino facility; 68501

(4) Enters or attempts to enter a casino facility while under 68502  
twenty-one years of age, unless the person enters a designated 68503  
area as described in section 3772.24 of the Revised Code; 68504

(5) Is a casino operator or employee and participates in 68505  
casino gaming other than as part of operation or employment. 68506

(E) A person who purposely or knowingly ~~or intentionally~~ does 68507  
any of the following commits a felony of the fifth degree on a 68508  
first offense and a felony of the fourth degree for a subsequent 68509  
offense. If the person is a licensee under this chapter, the 68510  
commission shall revoke the person's license after the first 68511  
offense. 68512

(1) Uses or possesses with the intent to use a device to 68513  
assist in projecting the outcome of the casino game, keeping track 68514  
of the cards played, analyzing the probability of the occurrence 68515  
of an event relating to the casino game, or analyzing the strategy 68516  
for playing or betting to be used in the casino game, except as 68517  
permitted by the commission; 68518

(2) Cheats at a casino game; 68519

(3) Manufactures, sells, or distributes any cards, chips, 68520  
dice, game, or device that is intended to be used to violate this 68521  
chapter; 68522

(4) Alters or misrepresents the outcome of a casino game on 68523  
which wagers have been made after the outcome is made sure but 68524  
before the outcome is revealed to the players; 68525

(5) Places, increases, or decreases a wager on the outcome of 68526  
a casino game after acquiring knowledge that is not available to 68527  
all players and concerns the outcome of the casino game that is 68528  
the subject of the wager; 68529

(6) Aids a person in acquiring the knowledge described in 68530

division (E)(5) of this section for the purpose of placing, 68531  
increasing, or decreasing a wager contingent on the outcome of a 68532  
casino game; 68533

(7) Claims, collects, takes, or attempts to claim, collect, 68534  
or take money or anything of value in or from a casino game with 68535  
the intent to defraud or without having made a wager contingent on 68536  
winning a casino game; 68537

(8) Claims, collects, or takes an amount of money or thing of 68538  
value of greater value than the amount won in a casino game; 68539

(9) Uses or possesses counterfeit chips, tokens, or cashless 68540  
wagering instruments in or for use in a casino game; 68541

(10) Possesses a key or device designed for opening, 68542  
entering, or affecting the operation of a casino game, drop box, 68543  
or an electronic or a mechanical device connected with the casino 68544  
game or removing coins, tokens, chips, or other contents of a 68545  
casino game. This division does not apply to a casino operator, 68546  
management company, or gaming-related vendor or their agents and 68547  
employees in the course of agency or employment. 68548

(11) Possesses materials used to manufacture a device 68549  
intended to be used in a manner that violates this chapter; 68550

(12) Operates a casino gaming operation in which wagering is 68551  
conducted or is to be conducted in a manner other than the manner 68552  
required under this chapter or a skill-based amusement machine 68553  
operation in a manner other than the manner required under Chapter 68554  
2915. of the Revised Code. 68555

(F) The possession of more than one of the devices described 68556  
in division (E)(9), (10), or (11) of this section creates a 68557  
rebuttable presumption that the possessor intended to use the 68558  
devices for cheating. 68559

(G) A person who purposely or knowingly ~~or intentionally~~ does 68560

any of the following commits a felony of the third degree. If the  
person is a licensee under this chapter, the commission shall  
revoke the person's license after the first offense. A public  
servant or party official who is convicted under this division is  
forever disqualified from holding any public office, employment,  
or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit  
to a person who is connected with the casino operator, management  
company, holding company, or gaming-related vendor, including  
their officers and employees, under an agreement to influence or  
with the intent to influence the actions of the person to whom the  
offer, promise, or gift was made in order to affect or attempt to  
affect the outcome of a casino game or an official action of a  
commission member, agent, or employee;

(2) Solicits, accepts, or receives a promise of anything of  
value or benefit while the person is connected with a casino,  
including an officer or employee of a casino operator, management  
company, or gaming-related vendor, under an agreement to influence  
or with the intent to influence the actions of the person to  
affect or attempt to affect the outcome of a casino game or an  
official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the  
following while participating in casino gaming or otherwise  
transacting with a casino facility as permitted by Chapter 3772.  
of the Revised Code commits a felony of the fifth degree on a  
first offense and a felony of the fourth degree for a subsequent  
offense:

(1) Causes or attempts to cause a casino facility to fail to  
file a report required under 31 U.S.C. 5313(a) or 5325 or any  
regulation prescribed thereunder or section 1315.53 of the Revised  
Code, or to fail to file a report or maintain a record required by  
an order issued under section 21 of the "Federal Deposit Insurance

Act" or section 123 of Pub. L. No. 91-508; 68593

(2) Causes or attempts to cause a casino facility to file a 68594  
report required under 31 U.S.C. 5313(a) or 5325 or any regulation 68595  
prescribed thereunder or section 1315.53 of the Revised Code, to 68596  
file a report or to maintain a record required by any order issued 68597  
under 31 U.S.C. 5326, or to maintain a record required under any 68598  
regulation prescribed under section 21 of the "Federal Deposit 68599  
Insurance Act" or section 123 of Pub. L. No. 91-508 that contains 68600  
a material omission or misstatement of fact; 68601

(3) With one or more casino facilities, structures a 68602  
transaction, is complicit in structuring a transaction, attempts 68603  
to structure a transaction, or is complicit in an attempt to 68604  
structure a transaction. 68605

(I) A person who is convicted of a felony described in this 68606  
chapter may be barred for life from entering a casino facility by 68607  
the commission. 68608

(J) As used in division (H) of this section: 68609

(1) To be "complicit" means to engage in any conduct of a 68610  
type described in divisions (A)(1) to (4) of section 2923.03 of 68611  
the Revised Code. 68612

(2) "Structure a transaction" has the same meaning as in 68613  
section 1315.51 of the Revised Code. 68614

(K) Premises used or occupied in violation of division 68615  
(E)(12) of this section constitute a nuisance subject to abatement 68616  
under Chapter 3767. of the Revised Code. 68617

**Sec. 3773.33.** (A) There is hereby created the Ohio athletic 68618  
commission. The commission shall consist of five voting members 68619  
appointed by the governor with the advice and consent of the 68620  
senate, not more than three of whom shall be of the same political 68621  
party, and two nonvoting members, one of whom shall be a member of 68622

the senate appointed by and to serve at the pleasure of the 68623  
president of the senate and one of whom shall be a member of the 68624  
house of representatives appointed by and to serve at the pleasure 68625  
of the speaker of the house of representatives. To be eligible for 68626  
appointment as a voting member, a person shall be a qualified 68627  
elector and a resident of the state for not less than five years 68628  
immediately preceding the person's appointment. Two voting members 68629  
shall be knowledgeable in boxing, ~~at least one voting member shall~~ 68630  
~~be knowledgeable and experienced in high school athletics, one~~ 68631  
~~voting member shall be knowledgeable and experienced in~~ 68632  
~~professional athletics, and at least one voting member shall be~~ 68633  
~~knowledgeable and experienced in collegiate athletics and mixed~~ 68634  
martial arts. One commission member shall hold the degree of 68635  
doctor of medicine or doctor of osteopathy. 68636

(B) No person shall be appointed to the commission or be an 68637  
employee of the commission who is licensed, registered, or 68638  
regulated by the commission. No member shall have any legal or 68639  
beneficial interest, direct or indirect, pecuniary or otherwise, 68640  
in any person who is licensed, registered, or regulated by the 68641  
commission or who participates in prize fights or public boxing or 68642  
wrestling matches or exhibitions. No member shall participate in 68643  
any fight, match, or exhibition other than in the member's 68644  
official capacity as a member of the commission, or as an 68645  
inspector as authorized in section 3773.52 of the Revised Code. 68646

(C) The governor shall appoint the voting members to the 68647  
commission. Of the initial appointments, two shall be for terms 68648  
ending one year after September 3, 1996, two shall be for terms 68649  
ending two years after September 3, 1996, and one shall be for a 68650  
term ending three years after September 3, 1996. Thereafter, terms 68651  
of office shall be for three years, each term ending the same day 68652  
of the same month of the year as did the term which it succeeds. 68653  
Each member shall hold office from the date of the member's 68654

appointment until the end of the term for which the member was 68655  
appointed. Any member appointed to fill a vacancy occurring prior 68656  
to the expiration of the term for which the member's predecessor 68657  
was appointed shall hold office for the remainder of the term. Any 68658  
member shall continue in office subsequent to the expiration date 68659  
of the member's term until the member's successor takes office, ~~or~~ 68660  
~~until a period of sixty days has elapsed, whichever occurs first.~~ 68661

The governor shall name one voting member as chairperson of 68662  
the commission at the time of making the appointment of any member 68663  
for a full term. Three voting members shall constitute a quorum, 68664  
and the affirmative vote of ~~three~~ the majority of voting members 68665  
shall be necessary for any action taken by the commission. No 68666  
vacancy on the commission impairs the authority of the remaining 68667  
members to exercise all powers of the commission. 68668

Voting members, when engaged in commission duties, shall 68669  
receive a per diem compensation determined in accordance with 68670  
division (J) of section 124.15 of the Revised Code, and all 68671  
members shall receive their actual and necessary expenses incurred 68672  
in the performance of their official duties. 68673

Each voting member, before entering upon the discharge of the 68674  
member's duties, shall file a surety bond payable to the treasurer 68675  
of state in the sum of ten thousand dollars. Each surety bond 68676  
shall be conditioned upon the faithful performance of the duties 68677  
of the office, executed by a surety company authorized to transact 68678  
business in this state, and filed in the office of the secretary 68679  
of state. 68680

The governor may remove any voting member for malfeasance, 68681  
misfeasance, or nonfeasance in office after giving the member a 68682  
copy of the charges against the member and affording the member an 68683  
opportunity for a public hearing, at which the member may be 68684  
represented by counsel, upon not less than ten days' notice. If 68685  
the member is removed, the governor shall file a complete 68686

statement of all charges made against the member and the 68687  
governor's finding on the charges in the office of the secretary 68688  
of state, together with a complete report of the proceedings. The 68689  
governor's decision shall be final. 68690

**Sec. 3773.41.** Any person who desires to participate in a 68691  
public boxing match ~~or exhibition, mixed martial arts event, or~~ 68692  
any other unarmed combat sport regulated by the Ohio athletic 68693  
commission as a referee, judge, matchmaker, timekeeper, or 68694  
contestant, or as a manager, trainer, or second of a contestant, 68695  
shall apply for a license from the Ohio athletic commission. The 68696  
application shall be on forms provided by the commission. Each 68697  
application shall be accompanied by the application fee prescribed 68698  
in section 3773.43 of the Revised Code. The applicant shall verify 68699  
the application under oath. 68700

The commission shall prescribe the form of the application 68701  
for a participant's license. The application shall include the 68702  
correct and ring or assumed name, if any, of the applicant, the 68703  
applicant's address, the applicant's date and place of birth, the 68704  
applicant's occupation, and a copy of the applicant's win and loss 68705  
record as a contestant, if applicable. 68706

~~An application for a contestant's license shall also include 68707  
a certified copy of the results of a physical examination of the 68708  
applicant that a licensed physician, physician assistant, clinical 68709  
nurse specialist, certified nurse practitioner, or certified 68710  
nurse midwife conducted not more than sixty days prior to the 68711  
filing of the application. 68712~~

**Sec. 3773.42.** Upon the proper filing of an application for a 68713  
referee's, judge's, matchmaker's, timekeeper's, manager's, 68714  
trainer's, contestant's, or second's license and payment of the 68715  
applicable application fee, the Ohio athletic commission shall 68716



issue the license to the applicant if it determines that the 68717  
applicant is of good moral character, is not likely to engage in 68718  
acts detrimental to the fair and honest conduct of public boxing 68719  
matches ~~or exhibitions~~, mixed martial arts events, or any other 68720  
unarmed combat sports regulated by the commission, and is 68721  
qualified to hold such a license by reason of the applicant's 68722  
knowledge and experience. 68723

A person shall not be determined to possess the knowledge and 68724  
experience necessary to qualify that person to hold a referee's 68725  
license unless all of the following conditions are met: 68726

(A) The person has completed such referee training 68727  
requirements as the commission prescribes by rule; 68728

(B) The person possesses such experience requirements as the 68729  
commission prescribes by rule; 68730

~~(C) The person has obtained a passing grade on an examination 68731  
administered by the commission and designed to test the examinee's 68732  
knowledge of the rules of the particular sport that the person 68733  
seeks to referee, the commission's rules applicable to the conduct 68734  
of matches and exhibitions in the particular sport that the person 68735  
seeks to referee, and such other aspects of officiating as the 68736  
commission determines appropriate to its determination as to 68737  
whether the applicant possesses the qualifications and 68738  
capabilities to act as a referee. 68739~~

The commission shall issue a referee's license to each person 68740  
who meets the requirements of divisions (A) ~~to (C)~~ and (B) of this 68741  
section. 68742

If upon the proper filing of an application for a 68743  
contestant's license the commission determines that the applicant 68744  
is of good moral character, is not likely to engage in acts 68745  
detrimental to the conduct of public boxing matches ~~or~~ 68746

~~exhibitions, mixed martial arts events, or any other unarmed~~ 68747  
~~combat sports regulated by the commission, and possesses~~ 68748  
sufficient knowledge and experience ~~and, in the opinion of the~~ 68749  
~~licensed physician, physician assistant, clinical nurse~~ 68750  
~~specialist, certified nurse practitioner, or certified~~ 68751  
~~nurse midwife who examined the applicant pursuant to section~~ 68752  
~~3773.41 of the Revised Code, is physically fit to engage in public~~ 68753  
~~boxing matches or exhibitions, the commission shall issue the~~ 68754  
license to the applicant. 68755

Each license issued pursuant to this section shall bear the 68756  
correct name ~~and ring,~~ or assumed name, if any, of the licensee, 68757  
the address of the licensee, the date of issue, and a ~~serial~~ 68758  
number designated by the commission, ~~the seal of the commission,~~ 68759  
~~and the signature of the commission chairperson.~~ 68760

A license issued pursuant to this section shall expire twelve 68761  
months after its date of issue unless renewed. Upon application 68762  
for renewal and payment of the renewal fee prescribed in section 68763  
3773.43 of the Revised Code, the commission shall renew the 68764  
license unless it denies the application for one or more reasons 68765  
stated in section 3123.47 or 3773.53 of the Revised Code. ~~If the~~ 68766  
~~application is for renewal of a contestant's license, the~~ 68767  
~~commission shall also require the applicant to submit the results~~ 68768  
~~of a physical examination that a licensed physician, physician~~ 68769  
~~assistant, clinical nurse specialist, certified nurse~~ 68770  
~~practitioner, or certified nurse midwife conducted not more than~~ 68771  
~~sixty days prior to the date of the application.~~ 68772

**Sec. 3781.10.** (A)(1) The board of building standards shall 68773  
formulate and adopt rules governing the erection, construction, 68774  
repair, alteration, and maintenance of all buildings or classes of 68775  
buildings specified in section 3781.06 of the Revised Code, 68776  
including land area incidental to those buildings, the- 68777

construction of industrialized units, the installation of 68778  
equipment, and the standards or requirements for materials used in 68779  
connection with those buildings. The board shall incorporate those 68780  
rules into separate residential and nonresidential building codes. 68781  
The standards shall relate to the conservation of energy and the 68782  
safety and sanitation of those buildings. 68783

(2) The rules governing nonresidential buildings are the 68784  
lawful minimum requirements specified for those buildings and 68785  
industrialized units, except that no rule other than as provided 68786  
in division (C) of section 3781.108 of the Revised Code that 68787  
specifies a higher requirement than is imposed by any section of 68788  
the Revised Code is enforceable. The rules governing residential 68789  
buildings are uniform requirements for residential buildings in 68790  
any area with a building department certified to enforce the state 68791  
residential building code. In no case shall any local code or 68792  
regulation differ from the state residential building code unless 68793  
that code or regulation addresses subject matter not addressed by 68794  
the state residential building code or is adopted pursuant to 68795  
section 3781.01 of the Revised Code. 68796

(3) The rules adopted pursuant to this section are complete, 68797  
lawful alternatives to any requirements specified for buildings or 68798  
industrialized units in any section of the Revised Code. Except as 68799  
otherwise provided in division (I) of this section, the board 68800  
shall, on its own motion or on application made under sections 68801  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 68802  
adopt, modify, amend, or repeal the rules to the extent necessary 68803  
or desirable to effectuate the purposes of sections 3781.06 to 68804  
3781.18 of the Revised Code. 68805

(B) The board shall report to the general assembly proposals 68806  
for amendments to existing statutes relating to the purposes 68807  
declared in section 3781.06 of the Revised Code that public health 68808  
and safety and the development of the arts require and shall 68809

recommend any additional legislation to assist in carrying out 68810  
fully, in statutory form, the purposes declared in that section. 68811  
The board shall prepare and submit to the general assembly a 68812  
summary report of the number, nature, and disposition of the 68813  
petitions filed under sections 3781.13 and 3781.14 of the Revised 68814  
Code. 68815

(C) On its own motion or on application made under sections 68816  
3781.12 and 3781.13 of the Revised Code, and after thorough 68817  
testing and evaluation, the board shall determine by rule that any 68818  
particular fixture, device, material, process of manufacture, 68819  
manufactured unit or component, method of manufacture, system, or 68820  
method of construction complies with performance standards adopted 68821  
pursuant to section 3781.11 of the Revised Code. The board shall 68822  
make its determination with regard to adaptability for safe and 68823  
sanitary erection, use, or construction, to that described in any 68824  
section of the Revised Code, wherever the use of a fixture, 68825  
device, material, method of manufacture, system, or method of 68826  
construction described in that section of the Revised Code is 68827  
permitted by law. The board shall amend or annul any rule or issue 68828  
an authorization for the use of a new material or manufactured 68829  
unit on any like application. No department, officer, board, or 68830  
commission of the state other than the board of building standards 68831  
or the board of building appeals shall permit the use of any 68832  
fixture, device, material, method of manufacture, newly designed 68833  
product, system, or method of construction at variance with what 68834  
is described in any rule the board of building standards adopts or 68835  
issues or that is authorized by any section of the Revised Code. 68836  
Nothing in this section shall be construed as requiring approval, 68837  
by rule, of plans for an industrialized unit that conforms with 68838  
the rules the board of building standards adopts pursuant to 68839  
section 3781.11 of the Revised Code. 68840

(D) The board shall recommend rules, codes, and standards to 68841

help carry out the purposes of section 3781.06 of the Revised Code 68842  
and to help secure uniformity of state administrative rulings and 68843  
local legislation and administrative action to the bureau of 68844  
workers' compensation, the director of commerce, any other 68845  
department, officer, board, or commission of the state, and to 68846  
legislative authorities and building departments of counties, 68847  
townships, and municipal corporations, and shall recommend that 68848  
they audit those recommended rules, codes, and standards by any 68849  
appropriate action that they are allowed pursuant to law or the 68850  
constitution. 68851

(E)(1) The board shall certify municipal, township, and 68852  
county building departments and the personnel of those building 68853  
departments, and persons and employees of individuals, firms, or 68854  
corporations as described in division (E)(7) of this section to 68855  
exercise enforcement authority, to accept and approve plans and 68856  
specifications, and to make inspections, pursuant to sections 68857  
3781.03, 3791.04, and 4104.43 of the Revised Code. 68858

(2) The board shall certify departments, personnel, and 68859  
persons to enforce the state residential building code, to enforce 68860  
the nonresidential building code, or to enforce both the 68861  
residential and the nonresidential building codes. Any department, 68862  
personnel, or person may enforce only the type of building code 68863  
for which certified. 68864

(3) The board shall not require a building department, its 68865  
personnel, or any persons that it employs to be certified for 68866  
residential building code enforcement if that building department 68867  
does not enforce the state residential building code. The board 68868  
shall specify, in rules adopted pursuant to Chapter 119. of the 68869  
Revised Code, the requirements for certification for residential 68870  
and nonresidential building code enforcement, which shall be 68871  
consistent with this division. The requirements for residential 68872  
and nonresidential certification may differ. Except as otherwise 68873

provided in this division, the requirements shall include, but are 68874  
not limited to, the satisfactory completion of an initial 68875  
examination and, to remain certified, the completion of a 68876  
specified number of hours of continuing building code education 68877  
within each three-year period following the date of certification 68878  
which shall be not less than thirty hours. The rules shall provide 68879  
that continuing education credits and certification issued by the 68880  
council of American building officials, national model code 68881  
organizations, and agencies or entities the board recognizes are 68882  
acceptable for purposes of this division. The rules shall specify 68883  
requirements that are consistent with the provisions of section 68884  
5903.12 of the Revised Code relating to active duty military 68885  
service and are compatible, to the extent possible, with 68886  
requirements the council of American building officials and 68887  
national model code organizations establish. 68888

(4) The board shall establish and collect a certification and 68889  
renewal fee for building department personnel, and persons and 68890  
employees of persons, firms, or corporations as described in this 68891  
section, who are certified pursuant to this division. 68892

(5) Any individual certified pursuant to this division shall 68893  
complete the number of hours of continuing building code education 68894  
that the board requires or, for failure to do so, forfeit 68895  
certification. 68896

(6) This division does not require or authorize the board to 68897  
certify personnel of municipal, township, and county building 68898  
departments, and persons and employees of persons, firms, or 68899  
corporations as described in this section, whose responsibilities 68900  
do not include the exercise of enforcement authority, the approval 68901  
of plans and specifications, or making inspections under the state 68902  
residential and nonresidential building codes. 68903

(7) Enforcement authority for approval of plans and 68904  
specifications and enforcement authority for inspections may be 68905

exercised, and plans and specifications may be approved and 68906  
inspections may be made on behalf of a municipal corporation, 68907  
township, or county, by any of the following who the board of 68908  
building standards certifies: 68909

(a) Officers or employees of the municipal corporation, 68910  
township, or county; 68911

(b) Persons, or employees of persons, firms, or corporations, 68912  
pursuant to a contract to furnish architectural, engineering, or 68913  
other services to the municipal corporation, township, or county; 68914

(c) Officers or employees of, and persons under contract 68915  
with, a municipal corporation, township, county, health district, 68916  
or other political subdivision, pursuant to a contract to furnish 68917  
architectural, engineering, or other services. 68918

(8) Municipal, township, and county building departments have 68919  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 68920  
4104.43 of the Revised Code, only with respect to the types of 68921  
buildings and subject matters for which they are certified under 68922  
this section. 68923

(9) A certified municipal, township, or county building 68924  
department may exercise enforcement authority, accept and approve 68925  
plans and specifications, and make inspections pursuant to 68926  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 68927  
park district created pursuant to Chapter 1545. of the Revised 68928  
Code upon the approval, by resolution, of the board of park 68929  
commissioners of the park district requesting the department to 68930  
exercise that authority and conduct those activities, as 68931  
applicable. 68932

(10) Certification shall be granted upon application by the 68933  
municipal corporation, the board of township trustees, or the 68934  
board of county commissioners and approval of that application by 68935  
the board of building standards. The application shall set forth: 68936

(a) Whether the certification is requested for residential or nonresidential buildings, or both; 68937  
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(b) The number and qualifications of the staff composing the building department; 68939  
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(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section; 68941  
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(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section; 68944  
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(e) The proposed budget for the operation of the building department. 68948  
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~~(10)~~(11) The board of building standards shall adopt rules governing all of the following: 68950  
68951

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work. 68952  
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(b) The minimum services to be provided by a certified building department. 68966  
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~~(11)~~(12) The board of building standards may revoke or 68968  
suspend certification to enforce the residential and 68969  
nonresidential building codes, on petition to the board by any 68970  
person affected by that enforcement or approval of plans, or by 68971  
the board on its own motion. Hearings shall be held and appeals 68972  
permitted on any proceedings for certification or revocation or 68973  
suspension of certification in the same manner as provided in 68974  
section 3781.101 of the Revised Code for other proceedings of the 68975  
board of building standards. 68976

~~(12)~~(13) Upon certification, and until that authority is 68977  
revoked, any county or township building department shall enforce 68978  
the residential and nonresidential building codes for which it is 68979  
certified without regard to limitation upon the authority of 68980  
boards of county commissioners under Chapter 307. of the Revised 68981  
Code or boards of township trustees under Chapter 505. of the 68982  
Revised Code. 68983

(F) In addition to hearings sections 3781.06 to 3781.18 and 68984  
3791.04 of the Revised Code require, the board of building 68985  
standards shall make investigations and tests, and require from 68986  
other state departments, officers, boards, and commissions 68987  
information the board considers necessary or desirable to assist 68988  
it in the discharge of any duty or the exercise of any power 68989  
mentioned in this section or in sections 3781.06 to 3781.18, 68990  
3791.04, and 4104.43 of the Revised Code. 68991

(G) The board shall adopt rules and establish reasonable fees 68992  
for the review of all applications submitted where the applicant 68993  
applies for authority to use a new material, assembly, or product 68994  
of a manufacturing process. The fee shall bear some reasonable 68995  
relationship to the cost of the review or testing of the 68996  
materials, assembly, or products and for the notification of 68997  
approval or disapproval as provided in section 3781.12 of the 68998  
Revised Code. 68999

(H) The residential construction advisory committee shall 69000  
provide the board with a proposal for a state residential building 69001  
code that the committee recommends pursuant to division (D)(1) of 69002  
section 4740.14 of the Revised Code. Upon receiving a 69003  
recommendation from the committee that is acceptable to the board, 69004  
the board shall adopt rules establishing that code as the state 69005  
residential building code. 69006

(I)(1) The committee may provide the board with proposed 69007  
rules to update or amend the state residential building code that 69008  
the committee recommends pursuant to division (E) of section 69009  
4740.14 of the Revised Code. 69010

(2) If the board receives a proposed rule to update or amend 69011  
the state residential building code as provided in division (I)(1) 69012  
of this section, the board either may accept or reject the 69013  
proposed rule for incorporation into the residential building 69014  
code. If the board does not act to either accept or reject the 69015  
proposed rule within ninety days after receiving the proposed rule 69016  
from the committee as described in division (I)(1) of this 69017  
section, the proposed rule shall become part of the residential 69018  
building code. 69019

(J) The board shall cooperate with the director of job and 69020  
family services when the director promulgates rules pursuant to 69021  
section 5104.05 of the Revised Code regarding safety and 69022  
sanitation in type A family day-care homes. 69023

(K) The board shall adopt rules to implement the requirements 69024  
of section 3781.108 of the Revised Code. 69025

**Sec. 3781.106.** (A) The board of building standards shall 69026  
adopt rules, in accordance with Chapter 119. of the Revised Code, 69027  
for the use of a device by a staff member of a public or private 69028  
school or institution of higher education that prevents both 69029  
ingress and egress through a door in a school building, for a 69030

finite period of time, in an emergency situation, and during 69031  
active shooter drills. The rules shall provide that the use of a 69032  
device is permissible only if the device requires minimal steps to 69033  
remove it after it is engaged. 69034

The rules shall provide that the administrative authority of 69035  
a building notify the police chief, or equivalent, of the law 69036  
enforcement agency that has jurisdiction over the building, and 69037  
the fire chief, or equivalent, of the fire department that serves 69038  
the political subdivision in which the building is located, prior 69039  
to the use of such devices in a building. 69040

The rules may require that the device be visible from the 69041  
exterior of the door. 69042

(B) The device described in division (A) of this section 69043  
shall not be permanently mounted to the door. 69044

(C) Each public and private school and institution of higher 69045  
education shall provide its staff members in-service training on 69046  
the use of the device described in division (A) of this section. 69047  
The school shall maintain a record verifying this training on 69048  
file. 69049

(D) In consultation with the state board of education and the 69050  
chancellor of higher education, the board shall determine and 69051  
include in the rules a definition of "emergency situation." These 69052  
rules shall apply to both existing and new school buildings. 69053

(E) As used in this section: 69054

(1) "Institution of higher education" means a state 69055  
institution of higher education as defined in section 3345.011 of 69056  
the Revised Code, a private nonprofit college or university 69057  
located in this state that possesses a certificate of 69058  
authorization issued pursuant to Chapter 1713. of the Revised 69059  
Code, or a school located in this state that possesses a 69060  
certificate of registration and one or more program authorizations 69061

issued by the state board of career colleges and schools under 69062  
Chapter 3332. of the Revised Code. 69063

(2) "Private school" means a chartered nonpublic school or a 69064  
nonchartered nonpublic school. 69065

(3) "Public school" means any school operated by a school 69066  
district board of education, any community school established 69067  
under Chapter 3314. of the Revised Code, any STEM school 69068  
established under Chapter 3326. of the Revised Code, and any 69069  
college-preparatory boarding school established under Chapter 69070  
3328. of the Revised Code. 69071

(4) "School building" means a structure used for the 69072  
instruction of students by a public or private school or 69073  
institution of higher education. 69074

**Sec. 3794.07. Duties of the Department of Health.** 69075

This chapter shall be enforced by the department of health 69076  
and its designees. The director of health shall within six months 69077  
of ~~the effective date of this section~~ December 7, 2006: 69078

(A) Promulgate rules in accordance with Chapter 119\_ of the 69079  
Revised Code to implement and enforce all provisions of this 69080  
chapter; 69081

(B) Promulgate rules in accordance with Chapter 119\_ of the 69082  
Revised Code to prescribe a schedule of fines for violations of 69083  
this chapter designed to foster compliance with the provisions of 69084  
this chapter. The amount of a fine for a violation of divisions 69085  
(A) and (B) of section 3794.02 ~~(A) and (B)~~ and divisions (A) and 69086  
(B) of section 3794.06 of the Revised Code shall not be less than 69087  
one hundred dollars and the maximum for a violation shall be 69088  
twenty five hundred dollars. The amount of a fine for a violation 69089  
of division (D) of section 3794.02 ~~(D)~~ of the Revised Code shall 69090  
be up to a maximum of one hundred dollars per violation. Each day 69091

of a violation shall constitute a separate violation. The schedule 69092  
of fines that apply to a proprietor shall be progressive based on 69093  
the number of prior violations by the proprietor. Violations which 69094  
occurred more than two years prior to a subsequent violation shall 69095  
not be considered if there has been no finding of a violation in 69096  
the intervening time period. The fine schedule shall set forth 69097  
specific factors that may be considered to decrease or waive the 69098  
amount of a fine that otherwise would apply. Fines shall be 69099  
doubled for intentional violations+ 69100

(C) Promulgate rules in accordance with Chapter 119 69101  
Revised Code to prescribe a procedure for providing a proprietor 69102  
or individual written notice of a report of a violation and the 69103  
opportunity to present in writing any statement or evidence to 69104  
contest the report, and prescribing procedures for making findings 69105  
whether a proprietor or individual violated a provision of this 69106  
chapter and for imposing fines for violations; 69107

(D) Establish a system for receiving reports of violations of 69108  
the provisions of this chapter from any member of the public, 69109  
including, but not limited to, by mail and one or more e-mail 69110  
addresses and toll-free telephone numbers exclusively for such 69111  
purpose. A person shall not be required to disclose his or her 69112  
identity in order to report a violation; 69113

(E) Inform proprietors of public places and places of 69114  
employment of the requirements of this chapter and how to comply 69115  
with its provisions, including, but not limited to, by providing 69116  
printed and other materials and a toll-free telephone number and 69117  
e-mail address exclusively for such purposes; and 69118

(F) Design and implement a program to educate the public 69119  
regarding the provisions of this chapter, including, but not 69120  
limited to, through the establishment of an internet website web 69121  
site and how a violation may be reported. 69122

(G) Adopt rules to prescribe fines for a violation of 69123  
division (E) of section 3794.03 of the Revised Code. Division (B) 69124  
of this section does not apply to a fine for a violation of 69125  
division (E) of section 3794.03 of the Revised Code. 69126

**Sec. 3901.052.** The superintendent of insurance shall apply to 69127  
the United States secretary of health and human services and the 69128  
United States secretary of the treasury for an innovative waiver 69129  
regarding health insurance coverage in this state as authorized by 69130  
section 1332 of the "Patient Protection and Affordable Care Act," 69131  
42 U.S.C. 18052. The superintendent shall include in the 69132  
application a request for waivers of the employer and individual 69133  
mandates in sections 4980H and 5000A of the "Internal Revenue Code 69134  
of 1986," 26 U.S.C. 4980H and 5000A. The application shall provide 69135  
for the establishment of a system that provides access to 69136  
affordable health insurance coverage for the residents of this 69137  
state. 69138

**Sec. 3901.241.** (A) As used in this section: 69139

(1) "Exchange" has the same meaning as in section 3905.01 of 69140  
the Revised Code. 69141

(2) "Enrollee's expected contribution" means any portion of 69142  
the cost of a health service covered by a health benefit plan 69143  
offered through an exchange that a person enrolled under such a 69144  
plan would be expected to pay, including any copayments or cost 69145  
sharing. 69146

(B)(1) An insurer offering a health benefit plan through an 69147  
exchange shall make available to individuals seeking information 69148  
on the plan a list of the top twenty per cent of services, 69149  
according to utilization of health services by individuals insured 69150  
by the insurer, and an enrollee's expected contribution for each 69151  
service. 69152

(2) The enrollee's expected contribution for each service shall be provided both for situations in which the enrollee has and has not met any associated deductibles. 69153  
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(C) A violation of division (B) of this section shall be considered an unfair and deceptive practice in the business of insurance under section 3901.21 of the Revised Code. 69156  
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**Sec. 3901.491.** (A) As used in this section: 69159

(1) "Genetic screening or testing" means a laboratory test of a person's genes or chromosomes for abnormalities, defects, or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease, or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects, or deficiencies, and not an indirect manifestation of genetic disorders. 69160  
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(2) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of sickness and accident insurance. 69168  
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(3) "Sickness and accident insurance" means sickness and accident insurance under Chapter 3923. of the Revised Code excluding disability income insurance and excluding supplemental policies of sickness and accident insurance. 69171  
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~~(B) Upon the repeal of section 3901.49 of the Revised Code,~~ 69175  
~~no~~ No insurer or public employee benefit plan shall do either of 69176  
the following: 69177

(1) Consider any information obtained from genetic screening or testing in processing an application for an individual or group policy of sickness and accident insurance or public employee benefit plan, or in determining insurability under such a policy or plan; 69178  
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(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, ~~or~~ limit benefits under, or set premiums for a sickness and accident insurance policy or public employee benefit plan.

(C) Any insurer or plan that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code.

**Sec. 3903.81.** As used in sections 3903.81 to 3903.93 of the Revised Code:

(A) "Adjusted RBC report" means an RBC report that has been adjusted by the superintendent of insurance in accordance with division (C) of section 3903.82 of the Revised Code.

(B) "Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions.

(C) "Company action level RBC" means the product of 2.0 and an insurer's authorized control level RBC.

(D) "Corrective order" means an order issued by the superintendent of insurance in accordance with division (B)(3) of section 3903.84 of the Revised Code specifying corrective actions that the superintendent has determined are required.

(E) "Domestic insurer" means any insurance company organized under Chapter 3907. or 3925. of the Revised Code.

(F) "Foreign insurer" means any insurance company licensed under section 3909.01 or 3927.01 of the Revised Code.

(G) "Life or health insurer" means any insurance company licensed under section 3907.08 or 3909.01 of the Revised Code, a company possessing a certificate of authority pursuant to section



3929.01 of the Revised Code that writes only accident and health insurance, ~~or~~ a fraternal benefit society licensed under Chapter 3921. of the Revised Code, or a multiple employer welfare arrangement issued a certificate of authority under Chapter 1739. of the Revised Code.

(H) "Mandatory control level RBC" means the product of .70 and an insurer's authorized control level RBC.

(I) "NAIC" means the national association of insurance commissioners.

(J) "Negative trend" means a negative trend over a period of time for a life or health insurer as determined in accordance with the trend test calculation included in the RBC instructions.

(K) "Property and casualty insurer" means any insurance company that has a certificate of authority pursuant to section 3929.01 of the Revised Code. "Property and casualty insurer" does not include monoline mortgage guarantee insurers, financial guarantee insurers, or title insurers.

(L) "RBC" means risk-based capital.

(M) "RBC instructions" means the RBC report, including risk-based capital instructions, as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC. "RBC instructions" shall also include any modifications adopted by the superintendent, as the superintendent considers to be necessary.

(N) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC.

(O) "RBC plan" means a comprehensive financial plan containing the elements specified in division (B) of section 3903.83 of the Revised Code.

(P) "Revised RBC plan" means an RBC plan rejected by the 69243  
superintendent of insurance and then revised by an insurer with or 69244  
without incorporating the superintendent of insurance's 69245  
recommendation. 69246

(Q) "RBC report" means the report required by section 3903.82 69247  
of the Revised Code. 69248

(R) "Regulatory action level RBC" means the product of 1.5 69249  
and an insurer's authorized control level RBC. 69250

(S) "Total adjusted capital" means the sum of both of the 69251  
following: 69252

(1) An insurer's statutory capital and surplus as determined 69253  
in accordance with the statutory accounting applicable to the 69254  
annual statements prepared on a form adopted under section 3901.77 69255  
of the Revised Code, as required to be filed by sections 3907.19, 69256  
3909.06, and 3929.30 of the Revised Code; 69257

(2) Such other items, if any, as the RBC instructions may 69258  
provide. 69259

**Sec. 3905.33.** (A) No person licensed under section 3905.30 of 69260  
the Revised Code shall solicit, procure an application for, bind, 69261  
issue, renew, or deliver a policy with any insurer that is not 69262  
eligible to write insurance on an unauthorized basis in this 69263  
state. 69264

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 69265  
2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or 69266  
replacement law, where this state is the home state of the 69267  
insured, an insurer shall be considered eligible to write 69268  
insurance on an unauthorized basis in this state if either of the 69269  
following are true: 69270

(1) The insurer meets the requirements and criteria in 69271  
sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted 69272

insurance model act adopted by the national association of 69273  
insurance commissioners, or alternative nationwide uniform 69274  
eligibility requirements adopted by this state through 69275  
participation in a compact or other nationwide system pursuant to 69276  
15 U.S.C. 8201 et seq., 124 Stat. 1589. 69277

(2) For unauthorized insurance placed with, or procured from 69278  
an unauthorized insurer domiciled outside the United States, the 69279  
insurer is listed on the quarterly listing of alien insurers 69280  
maintained by the international insurers department of the 69281  
national association of insurance commissioners. 69282

(B)(1) No surplus lines broker shall solicit, procure, place, 69283  
or renew any insurance with an unauthorized insurer unless an 69284  
agent or the surplus lines broker has complied with the due 69285  
diligence requirements of this section and is unable to procure 69286  
the requested insurance from an authorized insurer. 69287

Due diligence requires an agent to contact at least five of 69288  
the authorized insurers the agent represents, or as many insurers 69289  
as the agent represents, that customarily write the kind of 69290  
insurance required by the insured. Due diligence is presumed if 69291  
declinations are received from each authorized insurer contacted. 69292  
If any authorized insurer fails to respond within ten days after 69293  
the initial contact, the agent may assume the insurer has declined 69294  
to accept the risk. 69295

(2) Due diligence shall only be performed by an agent 69296  
licensed in this state that holds an active property and casualty 69297  
insurance agent license. 69298

(3) An insurance agent or surplus lines broker is exempt from 69299  
the due diligence requirements of this section if the agent or 69300  
surplus lines broker is procuring insurance from a risk purchasing 69301  
group or risk retention group as provided in Chapter 3960. of the 69302  
Revised Code. 69303

(4) An insurance agent or surplus lines broker is exempt from the due diligence requirements of this section if the agent or surplus lines broker is seeking to procure or place unauthorized insurance for a person that qualifies as an exempt commercial purchaser under section 3905.331 of the Revised Code and both of the following are true:

(a) The surplus lines broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that the insurance may or may not be available from the authorized market that may provide greater protection with more regulatory oversight.

(b) After receipt of the disclosure required under division (B)(4)(a) of this section, the exempt commercial purchaser has requested in writing that the insurance agent or broker procure or place the insurance from an unauthorized insurer.

(c) Except when exempt from due diligence requirements under division (B) of this section, an insurance agent who procures or places insurance through a surplus lines broker shall obtain ~~an affidavit~~ a signed statement from the insured acknowledging that the insurance policy is to be placed with a company or insurer not authorized to do business in this state and acknowledging that, in the event of the insolvency of the insurer, the insured is not entitled to any benefits or proceeds from the Ohio insurance guaranty association. The ~~affidavit~~ statement must be on a form prescribed by the superintendent and need not be notarized. The agent shall submit the ~~originally executed affidavit~~ original signed statement to the surplus lines broker within thirty days after the effective date of the policy. If no other agent is involved, the surplus lines broker shall obtain the ~~affidavit~~ statement from the insured.

The surplus lines broker shall maintain the ~~originally executed affidavit~~ original signed statement or a copy of the

~~affidavit statement~~, and the originating agent shall keep a copy 69336  
of the ~~affidavit statement~~, for at least five years after the 69337  
effective date of the policy to which the ~~affidavit statement~~ 69338  
pertains. A copy of the ~~affidavit signed statement~~ shall be given 69339  
to the insured at the time the insurance is bound or a policy is 69340  
delivered. 69341

(D) For the purpose of carrying out the "Nonadmitted and 69342  
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 69343  
seq., or any successor or replacement law, the superintendent 69344  
shall conduct a fiscal analysis of the impact of entering into a 69345  
~~multi-state multistate~~ agreement or compact for determining 69346  
eligibility for placement of unauthorized insurance and for 69347  
payment, reporting, collection, and allocation of the tax on 69348  
unauthorized insurance. If the fiscal analysis indicates that 69349  
entering into a ~~multi-state multistate~~ agreement or compact is 69350  
advantageous to this state, the superintendent may enter into the 69351  
surplus lines insurance ~~multi-state multistate~~ compliance compact 69352  
adopted by the national conference of insurance legislators and 69353  
known as "SLIMPACT," as amended on December 21, 2010, and 69354  
including any subsequent amendment; or, if it is in this state's 69355  
financial best interest, the superintendent shall request that the 69356  
general assembly authorize the superintendent to enter into a 69357  
different ~~multi-state multistate~~ agreement or compact. 69358

(E) The superintendent may adopt rules in accordance with 69359  
Chapter 119. of the Revised Code to carry out the purposes of 69360  
sections 3905.30 to 3905.38 of the Revised Code. 69361

**Sec. 3905.481.** Each individual who is issued a resident 69362  
insurance agent license shall complete at least twenty-four hours 69363  
of continuing education ~~in~~ for each license renewal period. The 69364  
continuing education shall be offered in a course or program of 69365  
study approved by the superintendent of insurance in consultation 69366

with the insurance agent education advisory council and shall 69367  
include at least three hours of approved ethics training. 69368

This section does not apply to any person or class of 69369  
persons, as determined by the superintendent in consultation with 69370  
the council. 69371

**Sec. 3929.86.** (A) No insurance company doing business in this 69372  
state shall pay a claim of a named insured for fire damage to a 69373  
structure located within a municipal corporation or township in 69374  
this state where the amount recoverable for the fire loss to the 69375  
structure under all policies exceeds five thousand dollars, unless 69376  
the company is furnished with a certificate pursuant to division 69377  
(B) of this section, and unless there is compliance with the 69378  
procedures set forth in divisions (C) and (D) of this section. 69379

(B)(1) The county treasurer, upon the written request of the 69380  
named insured specifying the tax description of the property and 69381  
the date agreed upon by the insurance company and the named 69382  
insured as the date of the receipt of a proof of loss of the 69383  
claim, shall furnish the named insured, to be supplied by the 69384  
named insured to the company, either: 69385

(a) A certificate to the effect that, as of the date 69386  
specified in the request, there are no delinquent taxes, 69387  
assessments, penalties, or charges against the property and that, 69388  
as of the date of the treasurer's certificate, no municipal 69389  
corporation or township has certified to the auditor any amount as 69390  
total costs incurred by the municipal corporation or township for 69391  
removal, repair, or securing of buildings or structures on the 69392  
property pursuant to section 715.261 or 505.86 of the Revised 69393  
Code; 69394

(b) A certificate and bill showing the amount of delinquent 69395  
taxes, assessments, penalties, and charges against the property as 69396  
of the date specified in the request that have not been paid as of 69397

the date of the certificate and also showing, as of the date of 69398  
the treasurer's certificate, the amount of the total costs, if 69399  
any, incurred by a municipal corporation or township for removal, 69400  
repair, or securing of buildings or structures on the property 69401  
that have been certified to the county auditor under section 69402  
715.261 or 505.86 of the Revised Code. The county auditor shall, 69403  
for the purposes of division (B) of this section, certify to the 69404  
treasurer the total amount, if any, of such costs certified to the 69405  
auditor by the municipal corporation or township. 69406

(2)(a) Upon the receipt of a certificate pursuant to division 69407  
(B)(1)(a) of this section, the insurance company shall pay the 69408  
claim of the named insured in accordance with the policy terms, 69409  
unless the loss agreed to between the named insured or insureds 69410  
and the company or companies equals or exceeds sixty per cent of 69411  
the aggregate limits of liability on all fire policies covering 69412  
the building or structure. In the case of such a loss, the 69413  
insurance company, the insured property owner, and the municipal 69414  
corporation or township shall follow the procedures set forth in 69415  
divisions (C) and (D) of this section. 69416

(b) Upon the receipt of a certificate and bill pursuant to 69417  
division (B)(1)(b) of this section, the insurance company shall 69418  
return the bill to the treasurer and transfer to the county 69419  
treasurer an amount from the insurance proceeds necessary to pay 69420  
such taxes, assessments, penalties, charges, and costs as shown on 69421  
the bill. Notwithstanding section 323.15 of the Revised Code, the 69422  
treasurer shall receive such amount and apply or credit it to 69423  
payment of the items shown in the bill. 69424

(C) When the loss agreed to between the named insured or 69425  
insureds and the company or companies equals or exceeds sixty per 69426  
cent of the aggregate limits of liability on all fire policies 69427  
covering the building or structure, the insurance company or 69428  
companies, in accordance with division (F) of section 715.26 or 69429

division ~~(D)~~(G) of section 505.86 of the Revised Code, shall 69430  
transfer from the insurance proceeds to the designated officer of 69431  
the municipal corporation or township in the aggregate two 69432  
thousand dollars for each fifteen thousand dollars, and each 69433  
fraction of that amount, of a claim, or, if, at the time of a 69434  
proof of loss agreed to between the named insured or insureds and 69435  
the insurance company or companies, the named insured or insureds 69436  
have submitted a contractor's signed estimate of the costs of 69437  
removing, repairing, or securing the building or other structure, 69438  
shall transfer from the insurance proceeds the amount specified in 69439  
the estimate. 69440

The transfer of proceeds shall be on a pro rata basis by all 69441  
companies insuring the building or other structure. Policy 69442  
proceeds remaining after the transfer to the municipal corporation 69443  
or township shall be disbursed in accordance with the policy 69444  
terms. 69445

The named insured or insureds may submit a contractor's 69446  
signed estimate of the costs of removing, repairing, or securing 69447  
the building or other structure after the transfer, and the 69448  
designated officer shall return the amount of the fund in excess 69449  
of the estimate to the named insured or insureds, provided that 69450  
the municipal corporation or township has not commenced to remove, 69451  
repair, or secure the building or other structure. 69452

This division only applies to municipal corporations or 69453  
townships that have adopted a resolution, ordinance, or regulation 69454  
authorizing the procedure described in divisions (C) and (D) of 69455  
this section and have filed a certified copy of the resolution, 69456  
ordinance, or regulation for public record with the superintendent 69457  
of insurance, and applies only to fire losses that occur after the 69458  
filing of the certified copy. The resolution, ordinance, or 69459  
regulation shall designate the officer authorized to carry out the 69460  
duties of this section. 69461



(D) Upon receipt of proceeds by the municipal corporation or township as authorized by this section, the designated officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing incurred by the municipal corporation or township pursuant to section 715.261 or 505.86 of the Revised Code.

When transferring the funds as required in division (C) of this section, an insurance company shall provide the municipal corporation or township with the name and address of the named insured or insureds, whereupon the municipal corporation or township shall contact the named insured or insureds, certify that the proceeds have been received by the municipal corporation or township, and notify them that the following procedures will be followed:

The fund shall be returned to the named insured or insureds when repairs, removal, or securing of the building or other structure have been completed and the required proof has been received by the designated officer, if the municipal corporation or township has not incurred any costs for the repairs, removal, or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the designated officer receives the required proof. If the municipal corporation or township has incurred any costs for repairs, removal, or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the municipal corporation or township shall transfer, no later than sixty days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of a municipal corporation or township to recover any deficiency under section 715.261 or 505.86 of the Revised Code.

Nothing in this division shall be construed to prohibit the

municipal corporation or township and the named insured or 69494  
insureds from entering into an agreement that permits the transfer 69495  
of funds to the named insured or insureds if some other reasonable 69496  
disposition of the damaged property has been negotiated. 69497

(E) Proof of payment by the company or companies of proceeds 69498  
under a policy in accordance with division (C) of this section is 69499  
conclusive evidence of the discharge of its obligation to the 69500  
insured under the policy to the extent of the payment and of 69501  
compliance by the company or companies with division (C) of this 69502  
section. 69503

(F) Nothing in this section shall be construed to make an 69504  
insurance company liable for any amount in excess of proceeds 69505  
payable under its insurance policy or for any other act performed 69506  
pursuant to this section, or to make a municipal corporation, 69507  
township, or public official an insured under a policy of 69508  
insurance, or to create an obligation to pay delinquent property 69509  
taxes or unpaid removal liens or expenses other than as provided 69510  
in this section. 69511

(G) An insurance company making payment of policy proceeds 69512  
under this section for delinquent taxes or structure removal liens 69513  
or removal expenses incurred by a municipal corporation or 69514  
township shall have the full benefit of such payment including all 69515  
rights of subrogation and of assignment. 69516

(H) As used in this section and section 3929.87 of the 69517  
Revised Code, "insurance company" or "insurer" includes the Ohio 69518  
fair plan underwriting association as established in section 69519  
3929.43 of the Revised Code. 69520

(I) This section shall be liberally construed to accomplish 69521  
its purpose to deter the commission of arson and related crimes, 69522  
to discourage the abandonment of property, and to prevent urban 69523  
blight and deterioration. 69524

Sec. 3959.01. (A) "Administration fees" means any amount 69525  
charged a covered person for services rendered. "Administration 69526  
fees" includes commissions earned or paid by any person relative 69527  
to services performed by an administrator. 69528

(B) "Administrator" means any person who adjusts or settles 69529  
claims on, residents of this state in connection with life, 69530  
dental, health, prescription drugs, or disability insurance or 69531  
self-insurance programs. "Administrator" includes a pharmacy 69532  
benefit manager. "Administrator" does not include any of the 69533  
following: 69534

(1) An insurance agent or solicitor licensed in this state 69535  
whose activities are limited exclusively to the sale of insurance 69536  
and who does not provide any administrative services; 69537

(2) Any person who administers or operates the workers' 69538  
compensation program of a self-insuring employer under Chapter 69539  
4123. of the Revised Code; 69540

(3) Any person who administers pension plans for the benefit 69541  
of the person's own members or employees or administers pension 69542  
plans for the benefit of the members or employees of any other 69543  
person; 69544

(4) Any person that administers an insured plan or a 69545  
self-insured plan that provides life, dental, health, or 69546  
disability benefits exclusively for the person's own members or 69547  
employees; 69548

(5) Any health insuring corporation holding a certificate of 69549  
authority under Chapter 1751. of the Revised Code or an insurance 69550  
company that is authorized to write life or sickness and accident 69551  
insurance in this state. 69552

(C) "Aggregate excess insurance" means that type of coverage 69553  
whereby the insurer agrees to reimburse the insured employer or 69554

trust for all benefits or claims paid during an agreement period 69555  
on behalf of all covered persons under the plan or trust which 69556  
exceed a stated deductible amount and subject to a stated maximum. 69557

(D) "Contracted pharmacy" or "pharmacy" means a pharmacy 69558  
located in this state participating in either the network of a 69559  
pharmacy benefit manager or in a health care or pharmacy benefit 69560  
plan through a direct contract or through a contract with a 69561  
pharmacy services administration organization, group purchasing 69562  
organization, or another contracting agent. 69563

(E) "Contributions" means any amount collected from a covered 69564  
person to fund the self-insured portion of any plan in accordance 69565  
with the plan's provisions, summary plan descriptions, and 69566  
contracts of insurance. 69567

~~(E)~~(F) "Drug product reimbursement" means the amount paid by 69568  
a pharmacy benefit manager to a contracted pharmacy for the cost 69569  
of the drug dispensed to a patient and does not include a 69570  
dispensing or professional fee. 69571

(G) "Fiduciary" has the meaning set forth in section 69572  
1002(21)(A) of the "Employee Retirement Income Security Act of 69573  
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 69574

~~(F)~~(H) "Fiscal year" means the twelve-month accounting period 69575  
commencing on the date the plan is established and ending twelve 69576  
months following that date, and each corresponding twelve-month 69577  
accounting period thereafter as provided for in the summary plan 69578  
description. 69579

~~(G)~~(I) "Insurer" means an entity authorized to do the 69580  
business of insurance in this state or, for the purposes of this 69581  
section, a health insuring corporation authorized to issue health 69582  
care plans in this state. 69583

(J) "Managed care organization" means an entity that provides 69584  
medical management and cost containment services and includes a 69585

medicaid managed care organization, as defined in section 5167.01 69586  
of the Revised Code. 69587

(K) "Maximum allowable cost" means a maximum drug product 69588  
reimbursement for an individual drug or for a group of 69589  
therapeutically and pharmaceutically equivalent multiple source 69590  
drugs that are listed in the United States food and drug 69591  
administration's approved drug products with therapeutic 69592  
equivalence evaluations, commonly referred to as the orange book. 69593

(L) "Maximum allowable cost list" means a list of the drugs 69594  
for which a pharmacy benefit manager imposes a maximum allowable 69595  
cost. 69596

(M) "Multiple employer welfare arrangement" has the same 69597  
meaning as in section 1739.01 of the Revised Code. 69598

(N) "Pharmacy benefit manager" means an entity that contracts 69599  
with pharmacies on behalf of an employer, a multiple employer 69600  
welfare arrangement, public employee benefit plan, state agency, 69601  
insurer, managed care organization, or other third-party payer to 69602  
provide pharmacy health benefit services or administration. 69603

(O) "Plan" means any arrangement in written form for the 69604  
payment of life, dental, health, or disability benefits to covered 69605  
persons defined by the summary plan description and includes a 69606  
drug benefit plan administered by a pharmacy benefit manager. 69607

~~(H)~~(P) "Plan sponsor" means the person who establishes the 69608  
plan. 69609

~~(I)~~(O) "Self-insurance program" means a program whereby an 69610  
employer provides a plan of benefits for its employees without 69611  
involving an intermediate insurance carrier to assume risk or pay 69612  
claims. "Self-insurance program" includes but is not limited to 69613  
employer programs that pay claims up to a prearranged limit beyond 69614  
which they purchase insurance coverage to protect against 69615  
unpredictable or catastrophic losses. 69616

~~(J)~~(R) "Specific excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of a covered person in excess of a stated deductible amount and subject to a stated maximum.

~~(K)~~(S) "Summary plan description" means the written document adopted by the plan sponsor which outlines the plan of benefits, conditions, limitations, exclusions, and other pertinent details relative to the benefits provided to covered persons thereunder.

(T) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

**Sec. 3959.111.** (A)(1)(a) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible.

(b) A pharmacy benefit manager shall maintain a written procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner.

(2) In each contract between a pharmacy benefit manager and a pharmacy, a pharmacy benefit manager shall be obligated to ensure that all of the following conditions are met prior to placing a prescription drug on a maximum allowable cost list:

(a) The drug is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's

approved drug products with therapeutic equivalence evaluations, 69647  
or has an "NR" or "NA" rating or similar rating by nationally 69648  
recognized reference. 69649

(b) The drug is generally available for purchase by 69650  
pharmacies in this state from a national or regional wholesaler 69651  
and is not obsolete. 69652

(3) Each contract between a pharmacy benefit manager and a 69653  
pharmacy shall include a process to appeal, investigate, and 69654  
resolve disputes regarding maximum allowable cost pricing that 69655  
includes all of the following: 69656

(a) A twenty-one-day limit on the right to appeal following 69657  
the initial claim; 69658

(b) A requirement that the appeal be investigated and 69659  
resolved within twenty-one days after the appeal; 69660

(c) A telephone number at which the pharmacy may contact the 69661  
pharmacy benefit manager to speak to a person responsible for 69662  
processing appeals; 69663

(d) A requirement that a pharmacy benefit manager provide a 69664  
reason for any appeal denial and the identification of the 69665  
national drug code of a drug that may be purchased in this state 69666  
by the pharmacy in this state from a national or regional 69667  
wholesaler at a price at or below the benchmark price determined 69668  
by the pharmacy benefit manager; 69669

(e) A requirement that a pharmacy benefit manager make an 69670  
adjustment not later than one day after the date of determination 69671  
of the appeal. The adjustment shall be retroactive to the date the 69672  
appeal was made and shall apply to all situated pharmacies as 69673  
determined by the pharmacy benefit manager. This requirement does 69674  
not prohibit a pharmacy benefit manager from retroactively 69675  
adjusting a claim for the appealing pharmacy or for any other 69676  
similarly situated pharmacies. 69677

(B)(1)(a) A pharmacy benefit manager shall disclose to the plan sponsor whether or not the pharmacy benefit manager uses the same maximum allowable cost list when billing a plan sponsor as it does when reimbursing a pharmacy.

(b) If a pharmacy benefit manager uses multiple maximum allowable cost lists, the pharmacy benefit manager shall disclose to a plan sponsor any differences between the amount paid to a pharmacy and the amount charged to a plan sponsor.

(2) The disclosures required under division (B)(1) of this section shall be made within ten days of a pharmacy benefit manager and a plan sponsor signing a contract or within ten days of any applicable update to a maximum allowable cost list or lists.

(C) Notwithstanding division (B)(5) of section 3959.01 of the Revised Code, a health insuring corporation or a sickness and accident insurer shall comply with the requirements of this section and is subject to the penalties under section 3959.12 of the Revised Code if the corporation or insurer is a pharmacy benefit manager, as defined in section 3959.01 of the Revised Code.

**Sec. 3959.12.** (A) Any license issued under sections 3959.01 to 3959.16 of the Revised Code may be suspended for a period not to exceed two years, revoked, or not renewed by the superintendent of insurance after notice to the licensee and hearing in accordance with Chapter 119. of the Revised Code. The superintendent may suspend, revoke, or refuse to renew a license if upon investigation and proof the superintendent finds that the licensee has done any of the following:

(1) Knowingly violated any provision of sections 3959.01 to 3959.16 of the Revised Code or any rule promulgated by the superintendent;



(2) Knowingly made a material misstatement in the application for the license;	69709 69710
(3) Obtained or attempted to obtain a license through misrepresentation or fraud;	69711 69712
(4) Misappropriated or converted to the licensee's own use or improperly withheld insurance company premiums or contributions held in a fiduciary capacity, excluding, however, any interest earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor;	69713 69714 69715 69716 69717
(5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices;	69718 69719
(6) Failed to appear without reasonable cause or excuse in response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent;	69720 69721 69722
(7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code;	69723 69724 69725 69726
(8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code;	69727 69728 69729 69730
(9) Been convicted of a financially related felony;	69731
(10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code.	69732 69733
(B) Upon receipt of notice of the order of suspension in accordance with section 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code.	69734 69735 69736 69737 69738

(C) Any person whose license is revoked or whose application is denied pursuant to sections 3959.01 to 3959.16 of the Revised Code is ineligible to apply for an administrators license for two years. 69739  
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(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, the superintendent finds that the licensee has done either of the following: 69743  
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(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services; 69748  
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(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section. 69751  
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**Sec. 4113.81.** The state shall not engage in collective bargaining with individuals who are excluded from coverage under Chapter 4117. of the Revised Code and the "National Labor Relations Act of 1935," 49 Stat. 449, 29 U.S.C. 151, as amended. This section does not apply with respect to individuals who are exempt from Chapter 4117. of the Revised Code pursuant to division (C) of section 4117.01 of the Revised Code but with whom the state may collectively bargain pursuant to division (C) of section 4117.03 of the Revised Code. 69754  
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**Sec. 4115.03.** As used in sections 4115.03 to 4115.16 of the Revised Code: 69763  
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(A) "Public authority" means any officer, board, or commission of the state, or any political subdivision of the state, authorized to enter into a contract for the construction of a public improvement or to construct the same by the direct 69765  
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employment of labor, or any institution supported in whole or in part by public funds and said sections apply to expenditures of such institutions made in whole or in part from public funds.

(B) "Construction" means any of the following:

(1) Except as provided in division (B)(3) of this section, any new construction of a public improvement, the total overall project cost of which is fairly estimated to be more than the following amounts and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority:

(a) One hundred twenty-five thousand dollars, beginning on ~~the effective date of this amendment~~ September 29, 2011, and continuing for one year thereafter;

(b) Two hundred thousand dollars, beginning when the time period described in division (B)(1)(a) of this section expires and continuing for one year thereafter;

(c) Two hundred fifty thousand dollars, beginning when the time period described in division (B)(1)(b) of this section expires.

(2) Except as provided in division (B)(4) of this section, any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of a public improvement, the total overall project cost of which is fairly estimated to be more than the following amounts and performed by other than full-time employees who have completed their probationary period in the classified civil service of a public authority:

(a) Thirty-eight thousand dollars, beginning on ~~the effective date of this amendment~~ September 29, 2011, and continuing for one year thereafter;

(b) Sixty thousand dollars, beginning when the time period

described in division (B)(2)(a) of this section expires and 69799  
continuing for one year thereafter; 69800

(c) Seventy-five thousand dollars, beginning when the time 69801  
period described in division (B)(2)(b) of this section expires. 69802

(3) Any new construction of a public improvement that 69803  
involves roads, streets, alleys, sewers, ditches, and other works 69804  
connected to road or bridge construction, the total overall 69805  
project cost of which is fairly estimated to be more than 69806  
seventy-eight thousand two hundred fifty-eight dollars adjusted 69807  
biennially by the director of commerce pursuant to section 69808  
4115.034 of the Revised Code and performed by other than full-time 69809  
employees who have completed their probationary periods in the 69810  
classified service of a public authority; 69811

(4) Any reconstruction, enlargement, alteration, repair, 69812  
remodeling, renovation, or painting of a public improvement that 69813  
involves roads, streets, alleys, sewers, ditches, and other works 69814  
connected to road or bridge construction, the total overall 69815  
project cost of which is fairly estimated to be more than 69816  
twenty-three thousand four hundred forty-seven dollars adjusted 69817  
biennially by the director of commerce pursuant to section 69818  
4115.034 of the Revised ~~code~~ Code and performed by other than 69819  
full-time employees who have completed their probationary periods 69820  
in the classified service of a public authority. 69821

(C) "Public improvement" includes all buildings, roads, 69822  
streets, alleys, sewers, ditches, sewage disposal plants, water 69823  
works, and all other structures or works constructed by a public 69824  
authority of the state or any political subdivision thereof or by 69825  
any person who, pursuant to a contract with a public authority, 69826  
constructs any structure for a public authority of the state or a 69827  
political subdivision thereof. When a public authority rents or 69828  
leases a newly constructed structure within six months after 69829  
completion of such construction, all work performed on such 69830

structure to suit it for occupancy by a public authority is a 69831  
"public improvement." "Public improvement" does not include an 69832  
improvement authorized by section ~~1515.08~~ 940.06 of the Revised 69833  
Code that is constructed pursuant to a contract with a soil and 69834  
water conservation district, as defined in section ~~1515.01~~ 940.01 69835  
of the Revised Code, or performed as a result of a petition filed 69836  
pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, 69837  
wherein no less than seventy-five per cent of the project is 69838  
located on private land and no less than seventy-five per cent of 69839  
the cost of the improvement is paid for by private property owners 69840  
pursuant to Chapter ~~1515.~~ 940., 6131., 6133., or 6135. of the 69841  
Revised Code. 69842

(D) "Locality" means the county wherein the physical work 69843  
upon any public improvement is being performed. 69844

(E) "Prevailing wages" means the sum of the following: 69845

(1) The basic hourly rate of pay; 69846

(2) The rate of contribution irrevocably made by a contractor 69847  
or subcontractor to a trustee or to a third person pursuant to a 69848  
fund, plan, or program; 69849

(3) The rate of costs to the contractor or subcontractor 69850  
which may be reasonably anticipated in providing the following 69851  
fringe benefits to laborers and mechanics pursuant to an 69852  
enforceable commitment to carry out a financially responsible plan 69853  
or program which was communicated in writing to the laborers and 69854  
mechanics affected: 69855

(a) Medical or hospital care or insurance to provide such; 69856

(b) Pensions on retirement or death or insurance to provide 69857  
such; 69858

(c) Compensation for injuries or illnesses resulting from 69859  
occupational activities if it is in addition to that coverage 69860

required by Chapters 4121. and 4123. of the Revised Code;	69861
(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;	69862 69863
(e) Life insurance;	69864
(f) Disability and sickness insurance;	69865
(g) Accident insurance;	69866
(h) Vacation and holiday pay;	69867
(i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;	69868 69869 69870
(j) Other bona fide fringe benefits.	69871
None of the benefits enumerated in division (E)(3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.	69872 69873 69874 69875
(F) "Interested party," with respect to a particular contract for construction of a public improvement, means:	69876 69877
(1) Any person who submits a bid for the purpose of securing the award of the contract;	69878 69879
(2) Any person acting as a subcontractor of a person described in division (F)(1) of this section;	69880 69881
(3) Any bona fide organization of labor which has as members or is authorized to represent employees of a person described in division (F)(1) or (2) of this section and which exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees;	69882 69883 69884 69885 69886 69887
(4) Any association having as members any of the persons described in division (F)(1) or (2) of this section.	69888 69889

(G) Except as used in division (A) of this section, "officer" 69890  
means an individual who has an ownership interest or holds an 69891  
office of trust, command, or authority in a corporation, business 69892  
trust, partnership, or association. 69893

**Sec. 4117.01.** As used in this chapter: 69894

(A) "Person," in addition to those included in division (C) 69895  
of section 1.59 of the Revised Code, includes employee 69896  
organizations, public employees, and public employers. 69897

(B) "Public employer" means the state or any political 69898  
subdivision of the state located entirely within the state, 69899  
including, without limitation, any municipal corporation with a 69900  
population of at least five thousand according to the most recent 69901  
federal decennial census; county; township with a population of at 69902  
least five thousand in the unincorporated area of the township 69903  
according to the most recent federal decennial census; school 69904  
district; governing authority of a community school established 69905  
under Chapter 3314. of the Revised Code; college preparatory 69906  
boarding school established under Chapter 3328. of the Revised 69907  
Code or its operator; state institution of higher learning; public 69908  
or special district; state agency, authority, commission, or 69909  
board; or other branch of public employment. "Public employer" 69910  
does not include the nonprofit corporation formed under section 69911  
187.01 of the Revised Code. 69912

(C) "Public employee" means any person holding a position by 69913  
appointment or employment in the service of a public employer, 69914  
including any person working pursuant to a contract between a 69915  
public employer and a private employer and over whom the national 69916  
labor relations board has declined jurisdiction on the basis that 69917  
the involved employees are employees of a public employer, except: 69918

(1) Persons holding elective office; 69919

(2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;	69920 69921 69922 69923
(3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;	69924 69925 69926 69927
(4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;	69928 69929 69930
(5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review;	69931 69932 69933 69934 69935
(6) Confidential employees;	69936
(7) Management level employees;	69937
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	69938 69939 69940
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	69941 69942 69943
(10) Supervisors;	69944
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	69945 69946 69947 69948 69949



(12) Employees of county boards of election;	69950
(13) Seasonal and casual employees as determined by the state employment relations board;	69951 69952
(14) Part-time faculty members of an institution of higher education;	69953 69954
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	69955 69956 69957 69958 69959 69960
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	69961 69962 69963
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code <del>who are not subject to a collective bargaining agreement on June 1, 2005.</del>	69964 69965 69966 69967
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	69968 69969 69970 69971 69972
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	69973 69974 69975
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust	69976 69977 69978 69979

their grievances; or to effectively recommend such action, if the 69980  
exercise of that authority is not of a merely routine or clerical 69981  
nature, but requires the use of independent judgment, provided 69982  
that: 69983

(1) Employees of school districts who are department 69984  
chairpersons or consulting teachers shall not be deemed 69985  
supervisors; 69986

(2) With respect to members of a police or fire department, 69987  
no person shall be deemed a supervisor except the chief of the 69988  
department or those individuals who, in the absence of the chief, 69989  
are authorized to exercise the authority and perform the duties of 69990  
the chief of the department. Where prior to June 1, 1982, a public 69991  
employer pursuant to a judicial decision, rendered in litigation 69992  
to which the public employer was a party, has declined to engage 69993  
in collective bargaining with members of a police or fire 69994  
department on the basis that those members are supervisors, those 69995  
members of a police or fire department do not have the rights 69996  
specified in this chapter for the purposes of future collective 69997  
bargaining. The state employment relations board shall decide all 69998  
disputes concerning the application of division (F)(2) of this 69999  
section. 70000

(3) With respect to faculty members of a state institution of 70001  
higher education, heads of departments or divisions are 70002  
supervisors; however, no other faculty member or group of faculty 70003  
members is a supervisor solely because the faculty member or group 70004  
of faculty members participate in decisions with respect to 70005  
courses, curriculum, personnel, or other matters of academic 70006  
policy; 70007

(4) No teacher as defined in section 3319.09 of the Revised 70008  
Code shall be designated as a supervisor or a management level 70009  
employee unless the teacher is employed under a contract governed 70010  
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 70011

is assigned to a position for which a license deemed to be for 70012  
administrators under state board rules is required pursuant to 70013  
section 3319.22 of the Revised Code. 70014

(G) "To bargain collectively" means to perform the mutual 70015  
obligation of the public employer, by its representatives, and the 70016  
representatives of its employees to negotiate in good faith at 70017  
reasonable times and places with respect to wages, hours, terms, 70018  
and other conditions of employment and the continuation, 70019  
modification, or deletion of an existing provision of a collective 70020  
bargaining agreement, with the intention of reaching an agreement, 70021  
or to resolve questions arising under the agreement. "To bargain 70022  
collectively" includes executing a written contract incorporating 70023  
the terms of any agreement reached. The obligation to bargain 70024  
collectively does not mean that either party is compelled to agree 70025  
to a proposal nor does it require the making of a concession. 70026

(H) "Strike" means continuous concerted action in failing to 70027  
report to duty; willful absence from one's position; or stoppage 70028  
of work in whole from the full, faithful, and proper performance 70029  
of the duties of employment, for the purpose of inducing, 70030  
influencing, or coercing a change in wages, hours, terms, and 70031  
other conditions of employment. "Strike" does not include a 70032  
stoppage of work by employees in good faith because of dangerous 70033  
or unhealthful working conditions at the place of employment that 70034  
are abnormal to the place of employment. 70035

(I) "Unauthorized strike" includes, but is not limited to, 70036  
concerted action during the term or extended term of a collective 70037  
bargaining agreement or during the pendency of the settlement 70038  
procedures set forth in section 4117.14 of the Revised Code in 70039  
failing to report to duty; willful absence from one's position; 70040  
stoppage of work; slowdown, or abstinence in whole or in part from 70041  
the full, faithful, and proper performance of the duties of 70042  
employment for the purpose of inducing, influencing, or coercing a 70043

change in wages, hours, terms, and other conditions of employment. 70044  
"Unauthorized strike" includes any such action, absence, stoppage, 70045  
slowdown, or abstinence when done partially or intermittently, 70046  
whether during or after the expiration of the term or extended 70047  
term of a collective bargaining agreement or during or after the 70048  
pendency of the settlement procedures set forth in section 4117.14 70049  
of the Revised Code. 70050

(J) "Professional employee" means any employee engaged in 70051  
work that is predominantly intellectual, involving the consistent 70052  
exercise of discretion and judgment in its performance and 70053  
requiring knowledge of an advanced type in a field of science or 70054  
learning customarily acquired by a prolonged course in an 70055  
institution of higher learning or a hospital, as distinguished 70056  
from a general academic education or from an apprenticeship; or an 70057  
employee who has completed the courses of specialized intellectual 70058  
instruction and is performing related work under the supervision 70059  
of a professional person to become qualified as a professional 70060  
employee. 70061

(K) "Confidential employee" means any employee who works in 70062  
the personnel offices of a public employer and deals with 70063  
information to be used by the public employer in collective 70064  
bargaining; or any employee who works in a close continuing 70065  
relationship with public officers or representatives directly 70066  
participating in collective bargaining on behalf of the employer. 70067

(L) "Management level employee" means an individual who 70068  
formulates policy on behalf of the public employer, who 70069  
responsibly directs the implementation of policy, or who may 70070  
reasonably be required on behalf of the public employer to assist 70071  
in the preparation for the conduct of collective negotiations, 70072  
administer collectively negotiated agreements, or have a major 70073  
role in personnel administration. Assistant superintendents, 70074  
principals, and assistant principals whose employment is governed 70075

by section 3319.02 of the Revised Code are management level 70076  
employees. With respect to members of a faculty of a state 70077  
institution of higher education, no person is a management level 70078  
employee because of the person's involvement in the formulation or 70079  
implementation of academic or institution policy. 70080

(M) "Wages" means hourly rates of pay, salaries, or other 70081  
forms of compensation for services rendered. 70082

(N) "Member of a police department" means a person who is in 70083  
the employ of a police department of a municipal corporation as a 70084  
full-time regular police officer as the result of an appointment 70085  
from a duly established civil service eligibility list or under 70086  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 70087  
sheriff appointed under section 311.04 of the Revised Code, a 70088  
township constable appointed under section 509.01 of the Revised 70089  
Code, or a member of a township or joint police district police 70090  
department appointed under section 505.49 of the Revised Code. 70091

(O) "Members of the state highway patrol" means highway 70092  
patrol troopers and radio operators appointed under section 70093  
5503.01 of the Revised Code. 70094

(P) "Member of a fire department" means a person who is in 70095  
the employ of a fire department of a municipal corporation or a 70096  
township as a fire cadet, full-time regular firefighter, or 70097  
promoted rank as the result of an appointment from a duly 70098  
established civil service eligibility list or under section 70099  
505.38, 709.012, or 737.22 of the Revised Code. 70100

(Q) "Day" means calendar day. 70101

**Sec. 4117.10.** (A) An agreement between a public employer and 70102  
an exclusive representative entered into pursuant to this chapter 70103  
governs the wages, hours, and terms and conditions of public 70104  
employment covered by the agreement. If the agreement provides for 70105

a final and binding arbitration of grievances, public employers, 70106  
employees, and employee organizations are subject solely to that 70107  
grievance procedure and the state personnel board of review or 70108  
civil service commissions have no jurisdiction to receive and 70109  
determine any appeals relating to matters that were the subject of 70110  
a final and binding grievance procedure. Where no agreement exists 70111  
or where an agreement makes no specification about a matter, the 70112  
public employer and public employees are subject to all applicable 70113  
state or local laws or ordinances pertaining to the wages, hours, 70114  
and terms and conditions of employment for public employees. ~~Laws~~ 70115  
All of the following prevail over conflicting provisions of 70116  
agreements between employee organizations and public employers: 70117

(1) Laws pertaining to ~~civil~~ any of the following subjects: 70118

(a) Civil rights, ~~affirmative;~~ 70119

(b) Affirmative action, ~~unemployment;~~ 70120

(c) Unemployment compensation, ~~workers';~~ 70121

(d) Workers' compensation, ~~the;~~ 70122

(e) The retirement of public employees, ~~and residency;~~ 70123

(f) Residency requirements, ~~the;~~ 70124

(g) The minimum educational requirements contained in the 70125  
Revised Code pertaining to public education including the 70126  
requirement of a certificate by the fiscal officer of a school 70127  
district pursuant to section 5705.41 of the Revised Code, ~~the;~~ 70128

(h) The provisions of division (A) of section 124.34 of the 70129  
Revised Code governing the disciplining of officers and employees 70130  
who have been convicted of a felony, ~~and the;~~ 70131

(i) The minimum standards promulgated by the state board of 70132  
education pursuant to division (D) of section 3301.07 of the 70133  
Revised Code ~~prevail over conflicting provisions of agreements~~ 70134  
~~between employee organizations and public employers.~~ 70135

(2) The law pertaining to the leave of absence and 70136  
compensation provided under section 5923.05 of the Revised Code 70137  
~~prevails over any conflicting provisions of such agreements,~~ if 70138  
the terms of the agreement contain benefits which are less than 70139  
those contained in that section or the agreement contains no such 70140  
terms and the public authority is the state or any agency, 70141  
authority, commission, or board of the state or if the public 70142  
authority is another entity listed in division (B) of section 70143  
4117.01 of the Revised Code that elects to provide leave of 70144  
absence and compensation as provided in section 5923.05 of the 70145  
Revised Code; i 70146

(3) The law pertaining to the leave established under section 70147  
5906.02 of the Revised Code ~~prevails over any conflicting~~ 70148  
~~provision of an agreement between an employee organization and~~ 70149  
~~public employer,~~ if the terms of the agreement contain benefits 70150  
that are less than those contained in section 5906.02 of the 70151  
Revised Code; i 70152

(4) The law pertaining to excess benefits prohibited under 70153  
section 3345.311 of the Revised Code with respect to an agreement 70154  
between an employee organization and a public employer entered 70155  
into on or after the effective date of this amendment. Except 70156

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 70157  
the Revised Code and arrangements entered into thereunder, and 70158  
section 4981.21 of the Revised Code as necessary to comply with 70159  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 70160  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 70161  
entered into thereunder, this chapter prevails over any and all 70162  
other conflicting laws, resolutions, provisions, present or 70163  
future, except as otherwise specified in this chapter or as 70164  
otherwise specified by the general assembly. Nothing in this 70165  
section prohibits or shall be construed to invalidate the 70166  
provisions of an agreement establishing supplemental workers' 70167

compensation or unemployment compensation benefits or exceeding 70168  
minimum requirements contained in the Revised Code pertaining to 70169  
public education or the minimum standards promulgated by the state 70170  
board of education pursuant to division (D) of section 3301.07 of 70171  
the Revised Code. 70172

(B) The public employer shall submit a request for funds 70173  
necessary to implement an agreement and for approval of any other 70174  
matter requiring the approval of the appropriate legislative body 70175  
to the legislative body within fourteen days of the date on which 70176  
the parties finalize the agreement, unless otherwise specified, 70177  
but if the appropriate legislative body is not in session at the 70178  
time, then within fourteen days after it convenes. The legislative 70179  
body must approve or reject the submission as a whole, and the 70180  
submission is deemed approved if the legislative body fails to act 70181  
within thirty days after the public employer submits the 70182  
agreement. The parties may specify that those provisions of the 70183  
agreement not requiring action by a legislative body are effective 70184  
and operative in accordance with the terms of the agreement, 70185  
provided there has been compliance with division (C) of this 70186  
section. If the legislative body rejects the submission of the 70187  
public employer, either party may reopen all or part of the entire 70188  
agreement. 70189

As used in this section, "legislative body" includes the 70190  
governing board of a municipal corporation, school district, 70191  
college or university, village, township, or board of county 70192  
commissioners or any other body that has authority to approve the 70193  
budget of their public jurisdiction and, with regard to the state, 70194  
"legislative body" means the controlling board. 70195

(C) The chief executive officer, or the chief executive 70196  
officer's representative, of each municipal corporation, the 70197  
designated representative of the board of education of each school 70198  
district, college or university, or any other body that has 70199



authority to approve the budget of their public jurisdiction, the 70200  
designated representative of the board of county commissioners and 70201  
of each elected officeholder of the county whose employees are 70202  
covered by the collective negotiations, and the designated 70203  
representative of the village or the board of township trustees of 70204  
each township is responsible for negotiations in the collective 70205  
bargaining process; except that the legislative body may accept or 70206  
reject a proposed collective bargaining agreement. When the 70207  
matters about which there is agreement are reduced to writing and 70208  
approved by the employee organization and the legislative body, 70209  
the agreement is binding upon the legislative body, the employer, 70210  
and the employee organization and employees covered by the 70211  
agreement. 70212

(D) There is hereby established an office of collective 70213  
bargaining in the department of administrative services for the 70214  
purpose of negotiating with and entering into written agreements 70215  
between state agencies, departments, boards, and commissions and 70216  
the exclusive representative on matters of wages, hours, terms and 70217  
other conditions of employment and the continuation, modification, 70218  
or deletion of an existing provision of a collective bargaining 70219  
agreement. Nothing in any provision of law to the contrary shall 70220  
be interpreted as excluding the bureau of workers' compensation 70221  
and the industrial commission from the preceding sentence. This 70222  
office shall not negotiate on behalf of other statewide elected 70223  
officials or boards of trustees of state institutions of higher 70224  
education who shall be considered as separate public employers for 70225  
the purposes of this chapter; however, the office may negotiate on 70226  
behalf of these officials or trustees where authorized by the 70227  
officials or trustees. The staff of the office of collective 70228  
bargaining are in the unclassified service. The director of 70229  
administrative services shall fix the compensation of the staff. 70230

The office of collective bargaining shall: 70231

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;	70232 70233 70234
(2) Conduct negotiations with the exclusive representatives of each employee organization;	70235 70236
(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;	70237 70238 70239
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	70240 70241
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	70242 70243
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	70244 70245 70246 70247
<b>Sec. 4121.03.</b> (A) The governor shall appoint from among the members of the industrial commission the chairperson of the industrial commission. The chairperson shall serve as chairperson at the pleasure of the governor. The chairperson is the head of the commission and its chief executive officer.	70248 70249 70250 70251 70252
(B) The chairperson shall appoint, after consultation with other commission members and obtaining the approval of at least one other commission member, an executive director of the commission. The executive director shall serve at the pleasure of the chairperson. The executive director, under the direction of the chairperson, shall perform all of the following duties:	70253 70254 70255 70256 70257 70258
(1) Act as chief administrative officer for the commission;	70259
(2) Ensure that all commission personnel follow the rules of the commission;	70260 70261

(3) Ensure that all orders, awards, and determinations are properly heard and signed, prior to attesting to the documents; 70262  
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(4) Coordinate, to the fullest extent possible, commission activities with the bureau of workers' compensation activities; 70264  
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(5) Do all things necessary for the efficient and effective implementation of the duties of the commission. 70266  
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The responsibilities assigned to the executive director of the commission do not relieve the chairperson from final responsibility for the proper performance of the acts specified in this division. 70268  
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(C) The chairperson shall do all of the following: 70272

(1) Except as otherwise provided in this division, employ, promote, supervise, remove, and establish the compensation of all employees as needed in connection with the performance of the commission's duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code and may assign to them their duties to the extent necessary to achieve the most efficient performance of its functions, and to that end may establish, change, or abolish positions, and assign and reassign duties and responsibilities of every employee of the commission. The civil service status of any person employed by the commission prior to November 3, 1989, is not affected by this section. Personnel employed by the bureau or the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123. of the Revised Code shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public employees or to any bargaining unit. 70273  
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(2) Hire district and staff hearing officers after 70292

consultation with other commission members and obtaining the approval of at least one other commission member; 70293  
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(3) Fire staff and district hearing officers when the chairperson finds appropriate after obtaining the approval of at least one other commission member; 70295  
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(4) Maintain the office for the commission in Columbus; 70298

(5) To the maximum extent possible, use electronic data processing equipment for the issuance of orders immediately following a hearing, scheduling of hearings and medical examinations, tracking of claims, retrieval of information, and any other matter within the commission's jurisdiction, and shall provide and input information into the electronic data processing equipment as necessary to effect the success of the claims tracking system established pursuant to division (B)~~(15)~~(14) of section 4121.121 of the Revised Code; 70299  
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(6) Exercise all administrative and nonadjudicatory powers and duties conferred upon the commission by Chapters 4121., 4123., 4127., and 4131. of the Revised Code; 70308  
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(7) Approve all contracts for special services. 70311

(D) The chairperson is responsible for all administrative matters and may secure for the commission facilities, equipment, and supplies necessary to house the commission, any employees, and files and records under the commission's control and to discharge any duty imposed upon the commission by law, the expense thereof to be audited and paid in the same manner as other state expenses. For that purpose, the chairperson, separately from the budget prepared by the administrator of workers' compensation, shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and staff and district hearing officers in the 70312  
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discharge of any duty imposed upon the chairperson, the 70324  
commission, and hearing officers by law. 70325

(E) A majority of the commission constitutes a quorum to 70326  
transact business. No vacancy impairs the rights of the remaining 70327  
members to exercise all of the powers of the commission, so long 70328  
as a majority remains. Any investigation, inquiry, or hearing that 70329  
the commission may hold or undertake may be held or undertaken by 70330  
or before any one member of the commission, or before one of the 70331  
deputies of the commission, except as otherwise provided in this 70332  
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 70333  
Every order made by a member, or by a deputy, when approved and 70334  
confirmed by a majority of the members, and so shown on its record 70335  
of proceedings, is the order of the commission. The commission may 70336  
hold sessions at any place within the state. The commission is 70337  
responsible for all of the following: 70338

(1) Establishing the overall adjudicatory policy and 70339  
management of the commission under this chapter and Chapters 70340  
4123., 4127., and 4131. of the Revised Code, except for those 70341  
administrative matters within the jurisdiction of the chairperson, 70342  
bureau of workers' compensation, and the administrator of workers' 70343  
compensation under those chapters; 70344

(2) Hearing appeals and reconsiderations under this chapter 70345  
and Chapters 4123., 4127., and 4131. of the Revised Code; 70346

(3) Engaging in rulemaking where required by this chapter or 70347  
Chapter 4123., 4127., or 4131. of the Revised Code. 70348

**Sec. 4121.121.** (A) There is hereby created the bureau of 70349  
workers' compensation, which shall be administered by the 70350  
administrator of workers' compensation. A person appointed to the 70351  
position of administrator shall possess significant management 70352  
experience in effectively managing an organization or 70353  
organizations of substantial size and complexity. A person 70354

appointed to the position of administrator also shall possess a 70355  
minimum of five years of experience in the field of workers' 70356  
compensation insurance or in another insurance industry, except as 70357  
otherwise provided when the conditions specified in division (C) 70358  
of this section are satisfied. The governor shall appoint the 70359  
administrator as provided in section 121.03 of the Revised Code, 70360  
and the administrator shall serve at the pleasure of the governor. 70361  
The governor shall fix the administrator's salary on the basis of 70362  
the administrator's experience and the administrator's 70363  
responsibilities and duties under this chapter and Chapters 4123., 70364  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 70365  
shall not appoint to the position of administrator any person who 70366  
has, or whose spouse has, given a contribution to the campaign 70367  
committee of the governor in an amount greater than one thousand 70368  
dollars during the two-year period immediately preceding the date 70369  
of the appointment of the administrator. 70370

The administrator shall hold no other public office and shall 70371  
devote full time to the duties of administrator. Before entering 70372  
upon the duties of the office, the administrator shall take an 70373  
oath of office as required by sections 3.22 and 3.23 of the 70374  
Revised Code, and shall file in the office of the secretary of 70375  
state, a bond signed by the administrator and by surety approved 70376  
by the governor, for the sum of fifty thousand dollars payable to 70377  
the state, conditioned upon the faithful performance of the 70378  
administrator's duties. 70379

(B) The administrator is responsible for the management of 70380  
the bureau and for the discharge of all administrative duties 70381  
imposed upon the administrator in this chapter and Chapters 4123., 70382  
4125., 4127., 4131., and 4167. of the Revised Code, and in the 70383  
discharge thereof shall do all of the following: 70384

(1) Perform all acts and exercise all authorities and powers, 70385  
discretionary and otherwise that are required of or vested in the 70386

bureau or any of its employees in this chapter and Chapters 4123., 70387  
4125., 4127., 4131., and 4167. of the Revised Code, except the 70388  
acts and the exercise of authority and power that is required of 70389  
and vested in the bureau of workers' compensation board of 70390  
directors or the industrial commission pursuant to those chapters. 70391  
The treasurer of state shall honor all warrants signed by the 70392  
administrator, or by one or more of the administrator's employees, 70393  
authorized by the administrator in writing, or bearing the 70394  
facsimile signature of the administrator or such employee under 70395  
sections 4123.42 and 4123.44 of the Revised Code. 70396

(2) Employ, direct, and supervise all employees required in 70397  
connection with the performance of the duties assigned to the 70398  
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 70399  
and 4167. of the Revised Code, including an actuary, and may 70400  
establish job classification plans and compensation for all 70401  
employees of the bureau provided that this grant of authority 70402  
shall not be construed as affecting any employee for whom the 70403  
state employment relations board has established an appropriate 70404  
bargaining unit under section 4117.06 of the Revised Code. All 70405  
positions of employment in the bureau are in the classified civil 70406  
service except those employees the administrator may appoint to 70407  
serve at the administrator's pleasure in the unclassified civil 70408  
service pursuant to section 124.11 of the Revised Code. The 70409  
administrator shall fix the salaries of employees the 70410  
administrator appoints to serve at the administrator's pleasure, 70411  
including the chief operating officer, staff physicians, and other 70412  
senior management personnel of the bureau and shall establish the 70413  
compensation of staff attorneys of the bureau's legal section and 70414  
their immediate supervisors, and take whatever steps are necessary 70415  
to provide adequate compensation for other staff attorneys. 70416

The administrator may appoint a person who holds a certified 70417  
position in the classified service within the bureau to a position 70418

in the unclassified service within the bureau. A person appointed 70419  
pursuant to this division to a position in the unclassified 70420  
service shall retain the right to resume the position and status 70421  
held by the person in the classified service immediately prior to 70422  
the person's appointment in the unclassified service, regardless 70423  
of the number of positions the person held in the unclassified 70424  
service. An employee's right to resume a position in the 70425  
classified service may only be exercised when the administrator 70426  
demotes the employee to a pay range lower than the employee's 70427  
current pay range or revokes the employee's appointment to the 70428  
unclassified service. An employee who holds a position in the 70429  
classified service and who is appointed to a position in the 70430  
unclassified service on or after January 1, 2016, shall have the 70431  
right to resume a position in the classified service under this 70432  
division only within five years after the effective date of the 70433  
employee's appointment in the unclassified service. An employee 70434  
forfeits the right to resume a position in the classified service 70435  
when the employee is removed from the position in the unclassified 70436  
service due to incompetence, inefficiency, dishonesty, 70437  
drunkenness, immoral conduct, insubordination, discourteous 70438  
treatment of the public, neglect of duty, violation of this 70439  
chapter or Chapter 124., 4123., 4125., 4127., 4131., or 4167. of 70440  
the Revised Code, violation of the rules of the director of 70441  
administrative services or the administrator, any other failure of 70442  
good behavior, any other acts of misfeasance, malfeasance, or 70443  
nonfeasance in office, or conviction of a felony. An employee also 70444  
forfeits the right to resume a position in the classified service 70445  
upon transfer to a different agency. 70446

Reinstatement to a position in the classified service shall 70447  
be to a position substantially equal to that position in the 70448  
classified service held previously, as certified by the department 70449  
of administrative services. If the position the person previously 70450  
held in the classified service has been placed in the unclassified 70451



service or is otherwise unavailable, the person shall be appointed 70452  
to a position in the classified service within the bureau that the 70453  
director of administrative services certifies is comparable in 70454  
compensation to the position the person previously held in the 70455  
classified service. Service in the position in the unclassified 70456  
service shall be counted as service in the position in the 70457  
classified service held by the person immediately prior to the 70458  
person's appointment in the unclassified service. When a person is 70459  
reinstated to a position in the classified service as provided in 70460  
this division, the person is entitled to all rights, status, and 70461  
benefits accruing to the position during the person's time of 70462  
service in the position in the unclassified service. 70463

(3) Reorganize the work of the bureau, its sections, 70464  
departments, and offices to the extent necessary to achieve the 70465  
most efficient performance of its functions and to that end may 70466  
establish, change, or abolish positions and assign and reassign 70467  
duties and responsibilities of every employee of the bureau. All 70468  
persons employed by the commission in positions that, after 70469  
November 3, 1989, are supervised and directed by the administrator 70470  
under this section are transferred to the bureau in their 70471  
respective classifications but subject to reassignment and 70472  
reclassification of position and compensation as the administrator 70473  
determines to be in the interest of efficient administration. The 70474  
civil service status of any person employed by the commission is 70475  
not affected by this section. Personnel employed by the bureau or 70476  
the commission who are subject to Chapter 4117. of the Revised 70477  
Code shall retain all of their rights and benefits conferred 70478  
pursuant to that chapter as it presently exists or is hereafter 70479  
amended and nothing in this chapter or Chapter 4123. of the 70480  
Revised Code shall be construed as eliminating or interfering with 70481  
Chapter 4117. of the Revised Code or the rights and benefits 70482  
conferred under that chapter to public employees or to any 70483  
bargaining unit. 70484

(4) Provide offices, equipment, supplies, and other facilities for the bureau. 70485  
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(5) Prepare and submit to the board information the administrator considers pertinent or the board requires, together with the administrator's recommendations, in the form of administrative rules, for the advice and consent of the board, for classifications of occupations or industries, for premium rates and contributions, for the amount to be credited to the surplus fund, for rules and systems of rating, rate revisions, and merit rating. The administrator shall obtain, prepare, and submit any other information the board requires for the prompt and efficient discharge of its duties. 70487  
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(6) Keep the accounts required by division (A) of section 4123.34 of the Revised Code and all other accounts and records necessary to the collection, administration, and distribution of the workers' compensation funds and shall obtain the statistical and other information required by section 4123.19 of the Revised Code. 70497  
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(7) Exercise the investment powers vested in the administrator by section 4123.44 of the Revised Code in accordance with the investment policy approved by the board pursuant to section 4121.12 of the Revised Code and in consultation with the chief investment officer of the bureau of workers' compensation. The administrator shall not engage in any prohibited investment activity specified by the board pursuant to division (F)(9) of section 4121.12 of the Revised Code and shall not invest in any type of investment specified in divisions (B)(1) to (10) of section 4123.442 of the Revised Code. All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property held, in the name of the bureau, or in the name of its nominee, provided that nominees are authorized by the administrator solely 70503  
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for the purpose of facilitating the transfer of securities, and 70517  
restricted to the administrator and designated employees. 70518

~~(8) Make contracts for and supervise the construction of any 70519  
project or improvement or the construction or repair of buildings 70520  
under the control of the bureau. 70521~~

~~(9) Purchase In accordance with Chapter 125. of the Revised 70522  
Code, purchase supplies, materials, equipment, and services; ~~make 70523  
contracts for, operate, and superintend the telephone, other 70524  
telecommunication, and computer services for the use of the 70525  
bureau; and make contracts in connection with office reproduction, 70526  
forms management, printing, and other services. Notwithstanding 70527  
sections 125.12 to 125.14 of the Revised Code, the administrator 70528  
may transfer surplus computers and computer equipment directly to 70529  
an accredited public school within the state. The computers and 70530  
computer equipment may be repaired or refurbished prior to the 70531  
transfer. 70532~~~~

~~(10)~~(9) Prepare and submit to the board an annual budget for 70533  
internal operating purposes for the board's approval. The 70534  
administrator also shall, separately from the budget the 70535  
industrial commission submits, prepare and submit to the director 70536  
of budget and management a budget for each biennium. The budgets 70537  
submitted to the board and the director shall include estimates of 70538  
the costs and necessary expenditures of the bureau in the 70539  
discharge of any duty imposed by law. 70540

~~(11)~~(10) As promptly as possible in the course of efficient 70541  
administration, decentralize and relocate such of the personnel 70542  
and activities of the bureau as is appropriate to the end that the 70543  
receipt, investigation, determination, and payment of claims may 70544  
be undertaken at or near the place of injury or the residence of 70545  
the claimant and for that purpose establish regional offices, in 70546  
such places as the administrator considers proper, capable of 70547  
discharging as many of the functions of the bureau as is 70548

practicable so as to promote prompt and efficient administration 70549  
in the processing of claims. All active and inactive lost-time 70550  
claims files shall be held at the service office responsible for 70551  
the claim. A claimant, at the claimant's request, shall be 70552  
provided with information by telephone as to the location of the 70553  
file pertaining to the claimant's claim. The administrator shall 70554  
ensure that all service office employees report directly to the 70555  
director for their service office. 70556

~~(12)~~(11) Provide a written binder on new coverage where the 70557  
administrator considers it to be in the best interest of the risk. 70558  
The administrator, or any other person authorized by the 70559  
administrator, shall grant the binder upon submission of a request 70560  
for coverage by the employer. A binder is effective for a period 70561  
of thirty days from date of issuance and is nonrenewable. Payroll 70562  
reports and premium charges shall coincide with the effective date 70563  
of the binder. 70564

~~(13)~~(12) Set standards for the reasonable and maximum 70565  
handling time of claims payment functions, ensure, by rules, the 70566  
impartial and prompt treatment of all claims and employer risk 70567  
accounts, and establish a secure, accurate method of time stamping 70568  
all incoming mail and documents hand delivered to bureau 70569  
employees. 70570

~~(14)~~(13) Ensure that all employees of the bureau follow the 70571  
orders and rules of the commission as such orders and rules relate 70572  
to the commission's overall adjudicatory policy-making and 70573  
management duties under this chapter and Chapters 4123., 4127., 70574  
and 4131. of the Revised Code. 70575

~~(15)~~(14) Manage and operate a data processing system with a 70576  
common data base for the use of both the bureau and the commission 70577  
and, in consultation with the commission, using electronic data 70578  
processing equipment, shall develop a claims tracking system that 70579  
is sufficient to monitor the status of a claim at any time and 70580

that lists appeals that have been filed and orders or 70581  
determinations that have been issued pursuant to section 4123.511 70582  
or 4123.512 of the Revised Code, including the dates of such 70583  
filings and issuances. 70584

~~(16)~~(15) Establish and maintain a medical section within the 70585  
bureau. The medical section shall do all of the following: 70586

(a) Assist the administrator in establishing standard medical 70587  
fees, approving medical procedures, and determining eligibility 70588  
and reasonableness of the compensation payments for medical, 70589  
hospital, and nursing services, and in establishing guidelines for 70590  
payment policies which recognize usual, customary, and reasonable 70591  
methods of payment for covered services; 70592

(b) Provide a resource to respond to questions from claims 70593  
examiners for employees of the bureau; 70594

(c) Audit fee bill payments; 70595

(d) Implement a program to utilize, to the maximum extent 70596  
possible, electronic data processing equipment for storage of 70597  
information to facilitate authorizations of compensation payments 70598  
for medical, hospital, drug, and nursing services; 70599

(e) Perform other duties assigned to it by the administrator. 70600

~~(17)~~(16) Appoint, as the administrator determines necessary, 70601  
panels to review and advise the administrator on disputes arising 70602  
over a determination that a health care service or supply provided 70603  
to a claimant is not covered under this chapter or Chapter 4123., 70604  
4127., or 4131. of the Revised Code or is medically unnecessary. 70605  
If an individual health care provider is involved in the dispute, 70606  
the panel shall consist of individuals licensed pursuant to the 70607  
same section of the Revised Code as such health care provider. 70608

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 70609  
approve applications for the final settlement of claims for 70610

compensation or benefits under this chapter and Chapters 4123., 70611  
4127., and 4131. of the Revised Code as the administrator 70612  
determines appropriate, except in regard to the applications of 70613  
self-insuring employers and their employees. 70614

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 70615  
except in regard to contracts entered into pursuant to the 70616  
authority contained in section 4121.44 of the Revised Code, comply 70617  
with the competitive bidding procedures set forth in the Revised 70618  
Code for all contracts into which the administrator enters 70619  
provided that those contracts fall within the type of contracts 70620  
and dollar amounts specified in the Revised Code for competitive 70621  
bidding and further provided that those contracts are not 70622  
otherwise specifically exempt from the competitive bidding 70623  
procedures contained in the Revised Code. 70624

~~(20)~~(19) Adopt, with the advice and consent of the board, 70625  
rules for the operation of the bureau. 70626

~~(21)~~(20) Prepare and submit to the board information the 70627  
administrator considers pertinent or the board requires, together 70628  
with the administrator's recommendations, in the form of 70629  
administrative rules, for the advice and consent of the board, for 70630  
the health partnership program and the qualified health plan 70631  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 70632  
the Revised Code. 70633

(C) The administrator, with the advice and consent of the 70634  
senate, shall appoint a chief operating officer who has a minimum 70635  
of five years of experience in the field of workers' compensation 70636  
insurance or in another similar insurance industry if the 70637  
administrator does not possess such experience. The chief 70638  
operating officer shall not commence the chief operating officer's 70639  
duties until after the senate consents to the chief operating 70640  
officer's appointment. The chief operating officer shall serve in 70641  
the unclassified civil service of the state. 70642

Sec. 4123.322. (A) The administrator of workers' 70643  
compensation, with the advice and consent of the bureau of 70644  
workers' compensation board of directors, shall adopt rules 70645  
establishing a prospective payment system, which shall include all 70646  
of the following: 70647

(1) A requirement that upon an initial application for 70648  
coverage, a private employer shall file with the application an 70649  
estimate of the employer's payroll for the period the 70650  
administrator determines pursuant to rules the administrator 70651  
adopts, and shall pay the amount the administrator determines by 70652  
rule in order to establish coverage for the employer as described 70653  
in division (B)(12) of section 4121.121 of the Revised Code; 70654

(2) A requirement that upon an initial application for 70655  
coverage, a public employer, except for a state agency or state 70656  
university or college, shall file with the application an estimate 70657  
of the employer's payroll for the period the administrator 70658  
determines pursuant to rules the administrator adopts, and shall 70659  
pay the amount the administrator determines by rule in order to 70660  
establish coverage for the employer as described in division 70661  
(B)~~(12)~~(11) of section 4121.121 of the Revised Code; 70662

(3) A requirement that an employer complete periodic payroll 70663  
reports of actual expenditures for previous coverage periods for 70664  
reconciliation with estimated payroll reports; 70665

(4) The assessment of a penalty for late payroll 70666  
reconciliation reports and for late payment of any reconciliation 70667  
premium; 70668

(5) The establishment of a transition period during which 70669  
time the bureau shall determine the adequacy of existing premium 70670  
security deposits of employers, the establishment of provisions 70671  
for additional premium payments during that transition, the 70672  
provision of a credit of those deposits toward the first premium 70673

due from an employer under the rules adopted under divisions 70674  
(A)(1) to (4) of this section, and the establishment of penalties 70675  
for late payment or failure to comply with the rules. 70676

(B) For purposes of division (A)(3) of this section, an 70677  
employer shall make timely payment of any premium owed when actual 70678  
payroll expenditures exceeded estimated payroll, and the employer 70679  
shall receive premium credit when the estimated payroll exceeded 70680  
the actual payroll. 70681

(C) For purposes of division (A)(4) of this section, if the 70682  
employer's actual payroll substantially exceeds the estimated 70683  
payroll, the administrator may assess additional penalties 70684  
specified in rules the administrator adopts on the reconciliation 70685  
premium. 70686

(D) As used in this section, "state university or college" 70687  
has the same meaning as in section 4123.32 of the Revised Code. 70688

**Sec. 4141.432.** There is hereby created in the state treasury 70689  
the unemployment compensation administrative support other sources 70690  
fund. The fund may consist of intrastate agency transfers, 70691  
nonfederal grants, and other similar revenue sources. The director 70692  
of job and family services shall use the fund to support program 70693  
and administrative expenses related to the implementation of 70694  
unemployment insurance initiatives within the department of job 70695  
and family services and to release employment and wage information 70696  
to state departments, other governmental agencies, service 70697  
providers, accredited colleges and universities, nonprofit 70698  
research organizations, and other organizations for use in 70699  
providing or improving the provisions of employment and training 70700  
services and for income verification, pursuant to section 4141.43 70701  
of the Revised Code. 70702

**Sec. 4301.12.** The division of liquor control shall provide 70703



for the custody, safekeeping, and deposit of all moneys, checks, 70704  
and drafts received by it or any of its employees or agents prior 70705  
to paying them to the treasurer of state as provided by section 70706  
113.08 of the Revised Code. 70707

A sum equal to three dollars and thirty-eight cents for each 70708  
gallon of spirituous liquor sold by the division, JobsOhio, or a 70709  
designee of JobsOhio during the period covered by the payment 70710  
shall be paid into the state treasury to the credit of the general 70711  
revenue fund. All moneys received from permit fees, except B-2a 70712  
and S permit fees from B-2a and S permit holders who do not also 70713  
hold A-2 permits, shall be paid to the credit of the undivided 70714  
liquor permit fund established by section 4301.30 of the Revised 70715  
Code. 70716

Except as otherwise provided by law, the division shall 70717  
deposit all moneys collected under Chapters 4301. and 4303. of the 70718  
Revised Code ~~shall be paid by the division~~ into the state treasury 70719  
to the credit of the ~~liquor control fund, which is hereby created~~ 70720  
state liquor regulatory fund created in section 4301.30 of the 70721  
Revised Code. In addition, revenue resulting from any contracts 70722  
with the department of commerce pertaining to the responsibilities 70723  
and operations described in this chapter may be credited to the 70724  
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 70725  
~~operating expenses of the liquor control commission.~~ 70726

Whenever, in the judgment of the director of budget and 70727  
management, the amount in the liquor control fund is in excess of 70728  
that needed to meet the maturing obligations of the division, as 70729  
working capital for its further operations, to pay the operating 70730  
expenses of the commission, and for the alcohol testing program 70731  
under section 3701.143 of the Revised Code, the director shall 70732  
transfer the excess to the credit of the general revenue fund. If 70733  
the director determines that the amount in the liquor control fund 70734  
is insufficient, the director may transfer money from the general 70735

revenue fund to the liquor control fund. 70736

Sec. 4301.243. (A) Notwithstanding any other provision of 70737  
this chapter or Chapter 4303. of the Revised Code, a manufacturer, 70738  
supplier, or solicitor registered pursuant to section 4303.25 of 70739  
the Revised Code, or an agent or employee of a manufacturer or 70740  
supplier, excluding a distributor or retail permit holder, may 70741  
give merchandise or another thing of value to a personal consumer 70742  
in connection with the purchase of an alcoholic beverage if both 70743  
of the following apply: 70744

(1) The value of the merchandise or other thing of value does 70745  
not meet or exceed the retail price of the alcoholic beverage 70746  
purchased by the personal consumer; 70747

(2) The merchandise or other thing of value is not made by or 70748  
awarded through a distributor or retail permit holder. 70749

(B) As used in this section, "personal consumer" means an 70750  
individual who is at least twenty-one years of age, does not hold 70751  
a permit issued under chapter 4303. of the Revised Code, and 70752  
intends to use a purchased alcoholic beverage for personal 70753  
consumption only and not for resale or other commercial purposes. 70754

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 70755  
the Revised Code: 70756

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 70757  
fluid ounces. 70758

(2) "Sale" or "sell" includes exchange, barter, gift, 70759  
distribution, and, except with respect to A-4 permit holders, 70760  
offer for sale. 70761

(B) For the purposes of providing revenues for the support of 70762  
the state and encouraging the grape industries in the state, a tax 70763  
is hereby levied on the sale or distribution of wine in Ohio, 70764

except for known sacramental purposes, at the rate of thirty cents 70765  
per wine gallon for wine containing not less than four per cent of 70766  
alcohol by volume and not more than fourteen per cent of alcohol 70767  
by volume, ninety-eight cents per wine gallon for wine containing 70768  
more than fourteen per cent but not more than twenty-one per cent 70769  
of alcohol by volume, one dollar and eight cents per wine gallon 70770  
for vermouth, and one dollar and forty-eight cents per wine gallon 70771  
for sparkling and carbonated wine and champagne, the tax to be 70772  
paid by the holders of A-2 and B-5 permits or by any other person 70773  
selling or distributing wine upon which no tax has been paid. From 70774  
the tax paid under this section on wine, vermouth, and sparkling 70775  
and carbonated wine and champagne, the treasurer of state shall 70776  
credit to the Ohio grape industries fund created under section 70777  
924.54 of the Revised Code a sum equal to one cent per gallon for 70778  
each gallon upon which the tax is paid. 70779

(C) For the purpose of providing revenues for the support of 70780  
the state, there is hereby levied a tax on prepared and bottled 70781  
highballs, cocktails, cordials, and other mixed beverages at the 70782  
rate of one dollar and twenty cents per wine gallon to be paid by 70783  
holders of A-4 permits or by any other person selling or 70784  
distributing those products upon which no tax has been paid. Only 70785  
one sale of the same article shall be used in computing the amount 70786  
of tax due. The tax on mixed beverages to be paid by holders of 70787  
A-4 permits under this section shall not attach until the 70788  
ownership of the mixed beverage is transferred for valuable 70789  
consideration to a wholesaler or retailer, and no payment of the 70790  
tax shall be required prior to that time. 70791

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 70792  
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 70793  
and sparkling and carbonated wine and champagne, the treasurer of 70794  
state shall credit to the Ohio grape industries fund created under 70795  
section 924.54 of the Revised Code a sum equal to two cents per 70796

gallon upon which the tax is paid. The amount credited under this 70797  
division is in addition to the amount credited to the Ohio grape 70798  
industries fund under division (B) of this section. 70799

(E) For the purpose of providing revenues for the support of 70800  
the state, there is hereby levied a tax on cider at the rate of 70801  
twenty-four cents per wine gallon to be paid by the holders of A-2 70802  
and B-5 permits or by any other person selling or distributing 70803  
cider upon which no tax has been paid. Only one sale of the same 70804  
article shall be used in computing the amount of the tax due. 70805

**Sec. 4301.61.** (A) As used in this section and section 70806  
4301.611 of the Revised Code: 70807

(1) "Card holder" means any person who presents a driver's or 70808  
commercial driver's license or an identification card to a permit 70809  
holder, or an agent or employee of a permit holder, for either of 70810  
the purposes listed in division (A)(4)(a) or (b) of this section. 70811

(2) "Identification card" means an identification card issued 70812  
under sections 4507.50 to 4507.52 of the Revised Code or an 70813  
equivalent identification card issued by another state. 70814

(3) "Permit holder" means the holder of a permit issued under 70815  
Chapter 4303. of the Revised Code. 70816

(4) "Transaction scan" means the process by which a permit 70817  
holder or an agent or employee of a permit holder checks, by means 70818  
of a transaction scan device, the validity of a driver's or 70819  
commercial driver's license or an identification card that is 70820  
presented as a condition for doing either of the following: 70821

(a) Purchasing any beer, intoxicating liquor, or low-alcohol 70822  
beverage; 70823

(b) Gaining admission to a premises that has been issued a 70824  
liquor permit authorizing the sale of beer or intoxicating liquor 70825  
for consumption on the premises where sold, and where admission is 70826

restricted to persons twenty-one years of age or older. 70827

(5) "Transaction scan device" means any commercial device or 70828  
combination of devices used at a point of sale that is capable of 70829  
deciphering in an electronically readable format the information 70830  
encoded on the magnetic strip or bar code of a driver's or 70831  
commercial driver's license or an identification card. 70832

(B)(1) A permit holder or an agent or employee of a permit 70833  
holder may perform a transaction scan by means of a transaction 70834  
scan device to check the validity of a driver's or commercial 70835  
driver's license or identification card presented by a card holder 70836  
for either of the purposes listed in division (A)(4)(a) or (b) of 70837  
this section. 70838

(2) If the information deciphered by the transaction scan 70839  
performed under division (B)(1) of this section fails to match the 70840  
information printed on the driver's or commercial driver's license 70841  
or identification card presented by the card holder, or if the 70842  
transaction scan indicates that the information so printed is 70843  
false or fraudulent, neither the permit holder nor any agent or 70844  
employee of the permit holder shall sell any beer, intoxicating 70845  
liquor, or low-alcohol beverage to the card holder. 70846

(3) Division (B)(1) of this section does not preclude a 70847  
permit holder or an agent or employee of a permit holder from 70848  
using a transaction scan device to check the validity of a 70849  
document other than a driver's or commercial driver's license or 70850  
an identification card, if the document includes a bar code or 70851  
magnetic strip that may be scanned by the device, as a condition 70852  
of a sale of beer, intoxicating liquor, or a low-alcohol beverage 70853  
or of granting admission to a premises described in division 70854  
(A)(4) of this section. 70855

(C) The registrar of motor vehicles, with the approval of the 70856  
liquor control commission, shall adopt, and may amend or rescind, 70857

rules in accordance with Chapter 119. of the Revised Code that do 70858  
both of the following: 70859

(1) Govern the recording and maintenance of information 70860  
described in divisions (D)(1)(a) and (b) of this section, 70861  
divisions (D)(1)(a) and (b) of section 2927.021 of the Revised 70862  
Code, and divisions (D)(1)(a) and (b) of section 2925.57 of the 70863  
Revised Code; 70864

(2) Ensure quality control in the use of transaction scan 70865  
devices under this section and sections 2927.021, 2927.022, 70866  
2925.57, 2925.58, and 4301.611 of the Revised Code. 70867

(D)(1) No permit holder or agent or employee of a permit 70868  
holder shall electronically or mechanically record or maintain any 70869  
information derived from a transaction scan, except the following: 70870

(a) The name and date of birth of the person listed on the 70871  
driver's or commercial driver's license or identification card 70872  
presented by a card holder; 70873

(b) The expiration date and identification number of the 70874  
driver's or commercial driver's license or identification card 70875  
presented by a card holder. 70876

(2) No permit holder or agent or employee of a permit holder 70877  
shall use the information that is derived from a transaction scan 70878  
or that is permitted to be recorded and maintained by division 70879  
(D)(1) of this section, except for purposes of section 4301.611 of 70880  
the Revised Code. 70881

(3) No permit holder or agent or employee of a permit holder 70882  
shall use a transaction scan device for a purpose other than a 70883  
purpose listed in division (A)(4)(a) or (b) of this section. 70884

(4) No permit holder or agent or employee of a permit holder 70885  
shall sell or otherwise disseminate the information derived from a 70886  
transaction scan to any third party, including, but not limited 70887

to, selling or otherwise disseminating that information for any 70888  
marketing, advertising, or promotional activities, but a permit 70889  
holder or agent or employee of a permit holder may release that 70890  
information pursuant to a court order or as specifically 70891  
authorized by section 4301.611 or another section of the Revised 70892  
Code. 70893

(E) Nothing in this section or section 4301.611 of the 70894  
Revised Code relieves a permit holder or an agent or employee of a 70895  
permit holder of any responsibility to comply with any other 70896  
applicable state or federal laws or rules governing the sale of 70897  
beer, intoxicating liquor, or low-alcohol beverages. 70898

(F) Whoever violates division (B)(2) or (D) of this section 70899  
is guilty of an illegal liquor transaction scan, and the court may 70900  
impose upon the offender a civil penalty of up to one thousand 70901  
dollars for each violation. The clerk of the court shall pay each 70902  
collected civil penalty to the county treasurer for deposit into 70903  
the county treasury. 70904

**Sec. 4301.639.** (A) No permit holder, agent or employee of a 70905  
permit holder, or any other person may be found guilty of a 70906  
violation of any section of this chapter or any rule of the liquor 70907  
control commission in which age is an element of the offense, if 70908  
the liquor control commission or any court of record finds all of 70909  
the following: 70910

(1) That the person buying, at the time of so doing, 70911  
exhibited to the permit holder, the agent or employee of the 70912  
permit holder, or the other person a driver's or commercial 70913  
driver's license, an identification card ~~issued under sections~~ 70914  
~~4507.50 to 4507.52 as defined in section 4301.61~~ of the Revised 70915  
Code, ~~or~~ a military identification card issued by the United 70916  
States department of defense, or a United States or foreign 70917  
passport, that displays a picture of the individual for whom the 70918

license ~~or~~, card, or passport was issued and shows that the person 70919  
buying was then at least twenty-one years of age, if the person 70920  
was buying beer as defined in section 4301.01 of the Revised Code 70921  
or intoxicating liquor, or that the person was then at least 70922  
eighteen years of age, if the person was buying any low-alcohol 70923  
beverage; 70924

(2) That the permit holder, the agent or employee of the 70925  
permit holder, or the other person made a bona fide effort to 70926  
ascertain the true age of the person buying by checking the 70927  
identification presented, at the time of the purchase, to 70928  
ascertain that the description on the identification compared with 70929  
the appearance of the buyer and that the identification presented 70930  
had not been altered in any way; 70931

(3) That the permit holder, the agent or employee of the 70932  
permit holder, or the other person had reason to believe that the 70933  
person buying was of legal age. 70934

(B) In any hearing before the liquor control commission and 70935  
in any action or proceeding before a court of record in which a 70936  
defense is raised under division (A) of this section, the 70937  
registrar of motor vehicles or deputy registrar who issued an 70938  
identification card under sections 4507.50 to 4507.52 of the 70939  
Revised Code shall be permitted to submit certified copies of the 70940  
records, in the registrar's or deputy's possession, of that 70941  
issuance in lieu of the testimony of the personnel of or 70942  
contractors with the bureau of motor vehicles at the hearing, 70943  
action, or proceeding. 70944

(C) The defense provided by division (A) of this section is 70945  
in addition to the affirmative defense provided by section 70946  
4301.611 of the Revised Code. 70947

**Sec. 4301.83.** (A) As used in this section: 70948



(1) "Qualified permit holder" means a person to which both of 70949  
the following apply: 70950

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, or 70951  
D permit issued under Chapter 4303. of the Revised Code. 70952

(b) The location of the premises for which the person has 70953  
been issued a permit specified in division (A)(1)(a) of this 70954  
section is in a county in which a major event will occur or in a 70955  
county contiguous to the county in which a major event will occur. 70956

(2) "Major event" means an event that meets all of the 70957  
following conditions: 70958

(a) It is scheduled to occur in a municipal corporation with 70959  
a population of three hundred fifty thousand or more on or after 70960  
the effective date of this section. 70961

(b) It is expected to attract not less than three thousand 70962  
visitors. 70963

(c) It is scheduled to have a duration of not less than one 70964  
day and not more than ten days. 70965

(B) Notwithstanding any provision of law to the contrary and 70966  
upon issuance of a waiver by the division of liquor control under 70967  
this section, a qualified permit holder may serve beer, 70968  
intoxicating liquor, or both between five thirty a.m. and four 70969  
a.m. the following day during a major event. 70970

(C) Not later than one hundred twenty days prior to the 70971  
commencement of a major event, a qualified permit holder may file 70972  
an application for a waiver with the chief executive officer of 70973  
the municipal corporation in which the permit holder's premises is 70974  
located or the fiscal officer of the township in which the permit 70975  
holder's premises is located. The qualified permit holder shall 70976  
include in the application both of the following: 70977

(1) The name and address of the qualified permit holder; 70978

(2) The name and address of the premises that is the subject of the application. 70979  
70980

(D)(1) Not later than ninety days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that receives an application under division (C) of this section shall review all applications received under division (C) of this section and compile a list of the applicants. 70981  
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(2) In compiling the list under division (D)(1) of this section, the chief executive officer or fiscal officer shall consult with the chief law enforcement officer of the municipal corporation or township, as applicable, to determine whether to retain each applicant on the list. 70987  
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(E)(1) Not later than sixty days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that compiles a list of qualified permit holders under division (D) of this section shall submit the list to the division. 70992  
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(2) The division shall review the list and determine whether to retain each qualified permit holder on the list. The division may remove the name of a permit holder from the list for good cause. After review, the division shall certify the list. 70997  
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(F) Not later than thirty days prior to the commencement of the major event, the division shall do both of the following: 71001  
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(1) Return the list certified under division (E) of this section to the chief executive officer of the municipal corporation or the fiscal officer of the township that submitted the original list under division (E) of this section; 71003  
71004  
71005  
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(2) Issue a waiver to each permit holder on the list that allows the permit holder to serve beer, intoxicating liquor, or both between five thirty a.m. and four a.m. the following day 71007  
71008  
71009

during the major event. 71010

(G) The division shall establish the form of the application 71011  
to be used under this section and shall make it available for use 71012  
by qualified permit holders. 71013

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 71014  
owner or operator of a hotel or motel that is required to be 71015  
licensed under section 3731.03 of the Revised Code, that contains 71016  
at least fifty rooms for registered transient guests or is owned 71017  
by a state institution of higher education as defined in section 71018  
3345.011 of the Revised Code or a private college or university, 71019  
and that qualifies under the other requirements of this section, 71020  
or to the owner or operator of a restaurant specified under this 71021  
section, to sell beer and any intoxicating liquor at retail, only 71022  
by the individual drink in glass and from the container, for 71023  
consumption on the premises where sold, and to registered guests 71024  
in their rooms, which may be sold by means of a controlled access 71025  
alcohol and beverage cabinet in accordance with division (B) of 71026  
section 4301.21 of the Revised Code; and to sell the same products 71027  
in the same manner and amounts not for consumption on the premises 71028  
as may be sold by holders of D-1 and D-2 permits. The premises of 71029  
the hotel or motel shall include a retail food establishment or a 71030  
food service operation licensed pursuant to Chapter 3717. of the 71031  
Revised Code that operates as a restaurant for purposes of this 71032  
chapter and that is affiliated with the hotel or motel and within 71033  
or contiguous to the hotel or motel, and that serves food within 71034  
the hotel or motel, but the principal business of the owner or 71035  
operator of the hotel or motel shall be the accommodation of 71036  
transient guests. In addition to the privileges authorized in this 71037  
division, the holder of a D-5a permit may exercise the same 71038  
privileges as the holder of a D-5 permit. 71039

The owner or operator of a hotel, motel, or restaurant who 71040

qualified for and held a D-5a permit on August 4, 1976, may, if 71041  
the owner or operator held another permit before holding a D-5a 71042  
permit, either retain a D-5a permit or apply for the permit 71043  
formerly held, and the division of liquor control shall issue the 71044  
permit for which the owner or operator applies and formerly held, 71045  
notwithstanding any quota. 71046

A D-5a permit shall not be transferred to another location. 71047  
No quota restriction shall be placed on the number of D-5a permits 71048  
that may be issued. 71049

The fee for this permit is two thousand three hundred 71050  
forty-four dollars. 71051

(B) Permit D-5b may be issued to the owner, operator, tenant, 71052  
lessee, or occupant of an enclosed shopping center to sell beer 71053  
and intoxicating liquor at retail, only by the individual drink in 71054  
glass and from the container, for consumption on the premises 71055  
where sold; and to sell the same products in the same manner and 71056  
amount not for consumption on the premises as may be sold by 71057  
holders of D-1 and D-2 permits. In addition to the privileges 71058  
authorized in this division, the holder of a D-5b permit may 71059  
exercise the same privileges as a holder of a D-5 permit. 71060

A D-5b permit shall not be transferred to another location. 71061

One D-5b permit may be issued at an enclosed shopping center 71062  
containing at least two hundred twenty-five thousand, but less 71063  
than four hundred thousand, square feet of floor area. 71064

Two D-5b permits may be issued at an enclosed shopping center 71065  
containing at least four hundred thousand square feet of floor 71066  
area. No more than one D-5b permit may be issued at an enclosed 71067  
shopping center for each additional two hundred thousand square 71068  
feet of floor area or fraction of that floor area, up to a maximum 71069  
of five D-5b permits for each enclosed shopping center. The number 71070  
of D-5b permits that may be issued at an enclosed shopping center 71071

shall be determined by subtracting the number of D-3 and D-5 71072  
permits issued in the enclosed shopping center from the number of 71073  
D-5b permits that otherwise may be issued at the enclosed shopping 71074  
center under the formulas provided in this division. Except as 71075  
provided in this section, no quota shall be placed on the number 71076  
of D-5b permits that may be issued. Notwithstanding any quota 71077  
provided in this section, the holder of any D-5b permit first 71078  
issued in accordance with this section is entitled to its renewal 71079  
in accordance with section 4303.271 of the Revised Code. 71080

The holder of a D-5b permit issued before April 4, 1984, 71081  
whose tenancy is terminated for a cause other than nonpayment of 71082  
rent, may return the D-5b permit to the division of liquor 71083  
control, and the division shall cancel that permit. Upon 71084  
cancellation of that permit and upon the permit holder's payment 71085  
of taxes, contributions, premiums, assessments, and other debts 71086  
owing or accrued upon the date of cancellation to this state and 71087  
its political subdivisions and a filing with the division of a 71088  
certification of that payment, the division shall issue to that 71089  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 71090  
that person requests. The division shall issue the D-5 permit, or 71091  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 71092  
D-3, or D-5 permits currently issued in the municipal corporation 71093  
or in the unincorporated area of the township where that person's 71094  
proposed premises is located equals or exceeds the maximum number 71095  
of such permits that can be issued in that municipal corporation 71096  
or in the unincorporated area of that township under the 71097  
population quota restrictions contained in section 4303.29 of the 71098  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 71099  
be transferred to another location. If a D-5b permit is canceled 71100  
under the provisions of this paragraph, the number of D-5b permits 71101  
that may be issued at the enclosed shopping center for which the 71102  
D-5b permit was issued, under the formula provided in this 71103  
division, shall be reduced by one if the enclosed shopping center 71104

was entitled to more than one D-5b permit under the formula. 71105

The fee for this permit is two thousand three hundred 71106  
forty-four dollars. 71107

(C) Permit D-5c may be issued to the owner or operator of a 71108  
retail food establishment or a food service operation licensed 71109  
pursuant to Chapter 3717. of the Revised Code that operates as a 71110  
restaurant for purposes of this chapter and that qualifies under 71111  
the other requirements of this section to sell beer and any 71112  
intoxicating liquor at retail, only by the individual drink in 71113  
glass and from the container, for consumption on the premises 71114  
where sold, and to sell the same products in the same manner and 71115  
amounts not for consumption on the premises as may be sold by 71116  
holders of D-1 and D-2 permits. In addition to the privileges 71117  
authorized in this division, the holder of a D-5c permit may 71118  
exercise the same privileges as the holder of a D-5 permit. 71119

To qualify for a D-5c permit, the owner or operator of a 71120  
retail food establishment or a food service operation licensed 71121  
pursuant to Chapter 3717. of the Revised Code that operates as a 71122  
restaurant for purposes of this chapter, shall have operated the 71123  
restaurant at the proposed premises for not less than twenty-four 71124  
consecutive months immediately preceding the filing of the 71125  
application for the permit, have applied for a D-5 permit no later 71126  
than December 31, 1988, and appear on the division's quota waiting 71127  
list for not less than six months immediately preceding the filing 71128  
of the application for the permit. In addition to these 71129  
requirements, the proposed D-5c permit premises shall be located 71130  
within a municipal corporation and further within an election 71131  
precinct that, at the time of the application, has no more than 71132  
twenty-five per cent of its total land area zoned for residential 71133  
use. 71134

A D-5c permit shall not be transferred to another location. 71135  
No quota restriction shall be placed on the number of such permits 71136

that may be issued. 71137

Any person who has held a D-5c permit for at least two years 71138  
may apply for a D-5 permit, and the division of liquor control 71139  
shall issue the D-5 permit notwithstanding the quota restrictions 71140  
contained in section 4303.29 of the Revised Code or in any rule of 71141  
the liquor control commission. 71142

The fee for this permit is one thousand five hundred 71143  
sixty-three dollars. 71144

(D) Permit D-5d may be issued to the owner or operator of a 71145  
retail food establishment or a food service operation licensed 71146  
pursuant to Chapter 3717. of the Revised Code that operates as a 71147  
restaurant for purposes of this chapter and that is located at an 71148  
airport operated by a board of county commissioners pursuant to 71149  
section 307.20 of the Revised Code, at an airport operated by a 71150  
port authority pursuant to Chapter 4582. of the Revised Code, or 71151  
at an airport operated by a regional airport authority pursuant to 71152  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 71153  
sell beer and any intoxicating liquor at retail, only by the 71154  
individual drink in glass and from the container, for consumption 71155  
on the premises where sold, and may sell the same products in the 71156  
same manner and amounts not for consumption on the premises where 71157  
sold as may be sold by the holders of D-1 and D-2 permits. In 71158  
addition to the privileges authorized in this division, the holder 71159  
of a D-5d permit may exercise the same privileges as the holder of 71160  
a D-5 permit. 71161

A D-5d permit shall not be transferred to another location. 71162  
No quota restrictions shall be placed on the number of such 71163  
permits that may be issued. 71164

The fee for this permit is two thousand three hundred 71165  
forty-four dollars. 71166

(E) Permit D-5e may be issued to any nonprofit organization 71167

that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio historical society;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the



following: 71198

(1) It contains not less than twenty-five hundred square feet of floor area. 71199  
71200

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river. 71201  
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(3) It provides docking space for twenty-five boats. 71203

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration. 71204  
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In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority. 71207  
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The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. 71213  
71214  
71215

A D-5f permit shall not be transferred to another location. 71216

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited. 71217  
71218  
71219  
71220

A fee for this permit is two thousand three hundred forty-four dollars. 71221  
71222

As used in this division, "navigable river" means a river that is also a "navigable water" as defined in the "Federal Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 71223  
71224  
71225

(G) Permit D-5g may be issued to a nonprofit corporation that is either the owner or the operator of a national professional 71226  
71227

sports museum. The holder of a D-5g permit may sell beer and any 71228  
intoxicating liquor at retail, only by the individual drink in 71229  
glass and from the container, for consumption on the premises 71230  
where sold. The holder of a D-5g permit shall sell no beer or 71231  
intoxicating liquor for consumption on the premises where sold 71232  
after two-thirty a.m. A D-5g permit shall not be transferred to 71233  
another location. No quota restrictions shall be placed on the 71234  
number of D-5g permits that may be issued. The fee for this permit 71235  
is one thousand eight hundred seventy-five dollars. 71236

(H)(1) Permit D-5h may be issued to any nonprofit 71237  
organization that is exempt from federal income taxation under the 71238  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 71239  
501(c)(3), as amended, that owns or operates any of the following: 71240

(a) A fine arts museum, provided that the nonprofit 71241  
organization has no less than one thousand five hundred bona fide 71242  
members possessing full membership privileges; 71243

(b) A community arts center. As used in division (H)(1)(b) of 71244  
this section, "community arts center" means a facility that 71245  
provides arts programming to the community in more than one arts 71246  
discipline, including, but not limited to, exhibits of works of 71247  
art and performances by both professional and amateur artists. 71248

(c) A community theater, provided that the nonprofit 71249  
organization is a member of the Ohio arts council and the American 71250  
community theatre association and has been in existence for not 71251  
less than ten years. As used in division (H)(1)(c) of this 71252  
section, "community theater" means a facility that contains at 71253  
least one hundred fifty seats and has a primary function of 71254  
presenting live theatrical performances and providing recreational 71255  
opportunities to the community. 71256

(2) The holder of a D-5h permit may sell beer and any 71257  
intoxicating liquor at retail, only by the individual drink in 71258

glass and from the container, for consumption on the premises 71259  
where sold. The holder of a D-5h permit shall sell no beer or 71260  
intoxicating liquor for consumption on the premises where sold 71261  
after one a.m. A D-5h permit shall not be transferred to another 71262  
location. No quota restrictions shall be placed on the number of 71263  
D-5h permits that may be issued. 71264

(3) The fee for a D-5h permit is one thousand eight hundred 71265  
seventy-five dollars. 71266

(I) Permit D-5i may be issued to the owner or operator of a 71267  
retail food establishment or a food service operation licensed 71268  
under Chapter 3717. of the Revised Code that operates as a 71269  
restaurant for purposes of this chapter and that meets all of the 71270  
following requirements: 71271

(1) It is located in a municipal corporation or a township 71272  
with a population of one hundred thousand or less. 71273

(2) It has inside seating capacity for at least one hundred 71274  
forty persons. 71275

(3) It has at least four thousand square feet of floor area. 71276

(4) It offers full-course meals, appetizers, and sandwiches. 71277

(5) Its receipts from beer and liquor sales, excluding wine 71278  
sales, do not exceed twenty-five per cent of its total gross 71279  
receipts. 71280

(6) It has at least one of the following characteristics: 71281

(a) The value of its real and personal property exceeds seven 71282  
hundred twenty-five thousand dollars. 71283

(b) It is located on property that is owned or leased by the 71284  
state or a state agency, and its owner or operator has 71285  
authorization from the state or the state agency that owns or 71286  
leases the property to obtain a D-5i permit. 71287

The holder of a D-5i permit may sell beer and any 71288

intoxicating liquor at retail, only by the individual drink in 71289  
glass and from the container, for consumption on the premises 71290  
where sold, and may sell the same products in the same manner and 71291  
amounts not for consumption on the premises where sold as may be 71292  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 71293  
permit shall sell no beer or intoxicating liquor for consumption 71294  
on the premises where sold after two-thirty a.m. In addition to 71295  
the privileges authorized in this division, the holder of a D-5i 71296  
permit may exercise the same privileges as the holder of a D-5 71297  
permit. 71298

A D-5i permit shall not be transferred to another location. 71299  
The division of liquor control shall not renew a D-5i permit 71300  
unless the retail food establishment or food service operation for 71301  
which it is issued continues to meet the requirements described in 71302  
divisions (I)(1) to (6) of this section. No quota restrictions 71303  
shall be placed on the number of D-5i permits that may be issued. 71304  
The fee for the D-5i permit is two thousand three hundred 71305  
forty-four dollars. 71306

(J) Permit D-5j may be issued to the owner or the operator of 71307  
a retail food establishment or a food service operation licensed 71308  
under Chapter 3717. of the Revised Code to sell beer and 71309  
intoxicating liquor at retail, only by the individual drink in 71310  
glass and from the container, for consumption on the premises 71311  
where sold and to sell beer and intoxicating liquor in the same 71312  
manner and amounts not for consumption on the premises where sold 71313  
as may be sold by the holders of D-1 and D-2 permits. The holder 71314  
of a D-5j permit may exercise the same privileges, and shall 71315  
observe the same hours of operation, as the holder of a D-5 71316  
permit. 71317

The D-5j permit shall be issued only within a community 71318  
entertainment district that is designated under section 4301.80 of 71319  
the Revised Code. The permit shall not be issued to a community 71320

entertainment district that is designated under divisions (B) and 71321  
(C) of section 4301.80 of the Revised Code if the district does 71322  
not meet one of the following qualifications: 71323

(1) It is located in a municipal corporation with a 71324  
population of at least one hundred thousand. 71325

(2) It is located in a municipal corporation with a 71326  
population of at least twenty thousand, and either of the 71327  
following applies: 71328

(a) It contains an amusement park the rides of which have 71329  
been issued a permit by the department of agriculture under 71330  
Chapter 1711. of the Revised Code. 71331

(b) Not less than fifty million dollars will be invested in 71332  
development and construction in the community entertainment 71333  
district's area located in the municipal corporation. 71334

(3) It is located in a township with a population of at least 71335  
forty thousand. 71336

(4) It is located in a township with a population of at least 71337  
twenty thousand, and not less than seventy million dollars will be 71338  
invested in development and construction in the community 71339  
entertainment district's area located in the township. 71340

(5) It is located in a municipal corporation with a 71341  
population between ~~ten~~ seven thousand and twenty thousand, and 71342  
both of the following apply: 71343

(a) The municipal corporation was incorporated as a village 71344  
prior to calendar year 1860 and currently has a historic downtown 71345  
business district. 71346

(b) The municipal corporation is located in the same county 71347  
as another municipal corporation with at least one community 71348  
entertainment district. 71349

(6) It is located in a municipal corporation with a 71350

population of at least ten thousand, and not less than seventy 71351  
million dollars will be invested in development and construction 71352  
in the community entertainment district's area located in the 71353  
municipal corporation. 71354

(7) It is located in a municipal corporation with a 71355  
population of at least five thousand, and not less than one 71356  
hundred million dollars will be invested in development and 71357  
construction in the community entertainment district's area 71358  
located in the municipal corporation. 71359

The location of a D-5j permit may be transferred only within 71360  
the geographic boundaries of the community entertainment district 71361  
in which it was issued and shall not be transferred outside the 71362  
geographic boundaries of that district. 71363

Not more than one D-5j permit shall be issued within each 71364  
community entertainment district for each five acres of land 71365  
located within the district. Not more than fifteen D-5j permits 71366  
may be issued within a single community entertainment district. 71367  
Except as otherwise provided in division (J)(4) of this section, 71368  
no quota restrictions shall be placed upon the number of D-5j 71369  
permits that may be issued. 71370

The fee for a D-5j permit is two thousand three hundred 71371  
forty-four dollars. 71372

(K)(1) Permit D-5k may be issued to any nonprofit 71373  
organization that is exempt from federal income taxation under the 71374  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 71375  
501(c)(3), as amended, that is the owner or operator of a 71376  
botanical garden recognized by the American association of 71377  
botanical gardens and arboreta, and that has not less than 71378  
twenty-five hundred bona fide members. 71379

(2) The holder of a D-5k permit may sell beer and any 71380  
intoxicating liquor at retail, only by the individual drink in 71381

glass and from the container, on the premises where sold. 71382

(3) The holder of a D-5k permit shall sell no beer or 71383  
intoxicating liquor for consumption on the premises where sold 71384  
after one a.m. 71385

(4) A D-5k permit shall not be transferred to another 71386  
location. 71387

(5) No quota restrictions shall be placed on the number of 71388  
D-5k permits that may be issued. 71389

(6) The fee for the D-5k permit is one thousand eight hundred 71390  
seventy-five dollars. 71391

(L)(1) Permit D-5l may be issued to the owner or the operator 71392  
of a retail food establishment or a food service operation 71393  
licensed under Chapter 3717. of the Revised Code to sell beer and 71394  
intoxicating liquor at retail, only by the individual drink in 71395  
glass and from the container, for consumption on the premises 71396  
where sold and to sell beer and intoxicating liquor in the same 71397  
manner and amounts not for consumption on the premises where sold 71398  
as may be sold by the holders of D-1 and D-2 permits. The holder 71399  
of a D-5l permit may exercise the same privileges, and shall 71400  
observe the same hours of operation, as the holder of a D-5 71401  
permit. 71402

(2) The D-5l permit shall be issued only to a premises to 71403  
which all of the following apply: 71404

(a) The premises has gross annual receipts from the sale of 71405  
food and meals that constitute not less than seventy-five per cent 71406  
of its total gross annual receipts. 71407

(b) The premises is located within a revitalization district 71408  
that is designated under section 4301.81 of the Revised Code. 71409

(c) The premises is located in a municipal corporation or 71410  
township in which the number of D-5 permits issued equals or 71411

exceeds the number of those permits that may be issued in that 71412  
municipal corporation or township under section 4303.29 of the 71413  
Revised Code. 71414

(d) The premises meets any of the following qualifications: 71415

(i) It is located in a county with a population of one 71416  
hundred twenty-five thousand or less according to the population 71417  
estimates certified by the development services agency for 71418  
calendar year 2006. 71419

(ii) It is located in the municipal corporation that has the 71420  
largest population in a county when the county has a population 71421  
between two hundred fifteen thousand and two hundred twenty-five 71422  
thousand according to the population estimates certified by the 71423  
development services agency for calendar year 2006. Division 71424  
(L)(2)(d)(ii) of this section applies only to a municipal 71425  
corporation that is wholly located in a county. 71426

(iii) It is located in the municipal corporation that has the 71427  
largest population in a county when the county has a population 71428  
between one hundred forty thousand and one hundred forty-one 71429  
thousand according to the population estimates certified by the 71430  
development services agency for calendar year 2006. Division 71431  
(L)(2)(d)(iii) of this section applies only to a municipal 71432  
corporation that is wholly located in a county. 71433

(iv) It is located in a township with a population density of 71434  
less than four hundred fifty people per square mile. For purposes 71435  
of division (L)(2)(d)(iv) of this section, the population of a 71436  
township is considered to be the population shown by the most 71437  
recent regular federal decennial census. 71438

(3) The location of a D-51 permit may be transferred only 71439  
within the geographic boundaries of the revitalization district in 71440  
which it was issued and shall not be transferred outside the 71441  
geographic boundaries of that district. 71442



(4) Not more than one D-5l permit shall be issued within each 71443  
revitalization district for each five acres of land located within 71444  
the district. Not more than fifteen D-5l permits may be issued 71445  
within a single revitalization district. Except as otherwise 71446  
provided in division (L)(4) of this section, no quota restrictions 71447  
shall be placed upon the number of D-5l permits that may be 71448  
issued. 71449

(5) No D-5l permit shall be issued to an adult entertainment 71450  
establishment as defined in section 2907.39 of the Revised Code. 71451

(6) The fee for a D-5l permit is two thousand three hundred 71452  
forty-four dollars. 71453

(M) Permit D-5m may be issued to either the owner or the 71454  
operator of a retail food establishment or food service operation 71455  
licensed under Chapter 3717. of the Revised Code that operates as 71456  
a restaurant for purposes of this chapter and that is located in, 71457  
or affiliated with, a center for the preservation of wild animals 71458  
as defined in section 4301.404 of the Revised Code, to sell beer 71459  
and any intoxicating liquor at retail, only by the glass and from 71460  
the container, for consumption on the premises where sold, and to 71461  
sell the same products in the same manner and amounts not for 71462  
consumption on the premises as may be sold by the holders of D-1 71463  
and D-2 permits. In addition to the privileges authorized by this 71464  
division, the holder of a D-5m permit may exercise the same 71465  
privileges as the holder of a D-5 permit. 71466

A D-5m permit shall not be transferred to another location. 71467  
No quota restrictions shall be placed on the number of D-5m 71468  
permits that may be issued. The fee for a permit D-5m is two 71469  
thousand three hundred forty-four dollars. 71470

(N) Permit D-5n shall be issued to either a casino operator 71471  
or a casino management company licensed under Chapter 3772. of the 71472  
Revised Code that operates a casino facility under that chapter, 71473

to sell beer and any intoxicating liquor at retail, only by the 71474  
individual drink in glass and from the container, for consumption 71475  
on the premises where sold, and to sell the same products in the 71476  
same manner and amounts not for consumption on the premises as may 71477  
be sold by the holders of D-1 and D-2 permits. In addition to the 71478  
privileges authorized by this division, the holder of a D-5n 71479  
permit may exercise the same privileges as the holder of a D-5 71480  
permit. A D-5n permit shall not be transferred to another 71481  
location. Only one D-5n permit may be issued per casino facility 71482  
and not more than four D-5n permits shall be issued in this state. 71483  
The fee for a permit D-5n shall be twenty thousand dollars. The 71484  
holder of a D-5n permit may conduct casino gaming on the permit 71485  
premises notwithstanding any provision of the Revised Code or 71486  
Administrative Code. 71487

(O) Permit D-5o may be issued to the owner or operator of a 71488  
retail food establishment or a food service operation licensed 71489  
under Chapter 3717. of the Revised Code that operates as a 71490  
restaurant for purposes of this chapter and that is located within 71491  
a casino facility for which a D-5n permit has been issued. The 71492  
holder of a D-5o permit may sell beer and any intoxicating liquor 71493  
at retail, only by the individual drink in glass and from the 71494  
container, for consumption on the premises where sold, and may 71495  
sell the same products in the same manner and amounts not for 71496  
consumption on the premises where sold as may be sold by the 71497  
holders of D-1 and D-2 permits. In addition to the privileges 71498  
authorized by this division, the holder of a D-5o permit may 71499  
exercise the same privileges as the holder of a D-5 permit. A D-5o 71500  
permit shall not be transferred to another location. No quota 71501  
restrictions shall be placed on the number of such permits that 71502  
may be issued. The fee for this permit is two thousand three 71503  
hundred forty-four dollars. 71504

**Sec. 4303.182.** (A) Except as otherwise provided in divisions 71505

(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows:

(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(2) Between the hours of eleven a.m. and midnight on Sunday, if sale during those hours has been approved on or after ~~the effective date of this amendment~~ October 16, 2009, under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(3) Between the hours of eleven a.m. and midnight on Sunday if sale between the hours of one p.m. and midnight was approved before ~~the effective date of this amendment~~ October 16, 2009, under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the other restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly

owned airport, as defined in section 4563.01 of the Revised Code, 71538  
at which commercial airline companies operate regularly scheduled 71539  
flights on which space is available to the public, to allow sale 71540  
under such permit between the hours of ten a.m. and midnight on 71541  
Sunday, whether or not that sale has been authorized under section 71542  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71543

(C) Permit D-6 shall be issued to the holder of a D-5a 71544  
permit, and to the holder of a D-3 or D-3a permit who is the owner 71545  
or operator of a hotel or motel that is required to be licensed 71546  
under section 3731.03 of the Revised Code, that contains at least 71547  
fifty rooms for registered transient guests, and that has on its 71548  
premises a retail food establishment or a food service operation 71549  
licensed pursuant to Chapter 3717. of the Revised Code that 71550  
operates as a restaurant for purposes of this chapter and is 71551  
affiliated with the hotel or motel and within or contiguous to the 71552  
hotel or motel and serving food within the hotel or motel, to 71553  
allow sale under such permit between the hours of ten a.m. and 71554  
midnight on Sunday, whether or not that sale has been authorized 71555  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 71556  
Revised Code. 71557

(D) The holder of a D-6 permit that is issued to a sports 71558  
facility may make sales under the permit between the hours of 71559  
eleven a.m. and midnight on any Sunday on which a professional 71560  
baseball, basketball, football, hockey, or soccer game is being 71561  
played at the sports facility. As used in this division, "sports 71562  
facility" means a stadium or arena that has a seating capacity of 71563  
at least four thousand and that is owned or leased by a 71564  
professional baseball, basketball, football, hockey, or soccer 71565  
franchise or any combination of those franchises. 71566

(E) Permit D-6 shall be issued to the holder of any permit 71567  
that authorizes the sale of beer or intoxicating liquor and that 71568  
is issued to a premises located in or at the Ohio historical 71569

society area or the state fairgrounds, as defined in division (B) 71570  
of section 4301.40 of the Revised Code, to allow sale under that 71571  
permit between the hours of ten a.m. and midnight on Sunday, 71572  
whether or not that sale has been authorized under section 71573  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71574

(F) Permit D-6 shall be issued to the holder of any permit 71575  
that authorizes the sale of intoxicating liquor and that is issued 71576  
to an outdoor performing arts center to allow sale under that 71577  
permit between the hours of one p.m. and midnight on Sunday, 71578  
whether or not that sale has been authorized under section 71579  
4301.361 of the Revised Code. A D-6 permit issued under this 71580  
division is subject to the results of an election, held after the 71581  
D-6 permit is issued, on question (B)(4) as set forth in section 71582  
4301.351 of the Revised Code. Following the end of the period 71583  
during which an election may be held on question (B)(4) as set 71584  
forth in that section, sales of intoxicating liquor may continue 71585  
at an outdoor performing arts center under a D-6 permit issued 71586  
under this division, unless an election on that question is held 71587  
during the permitted period and a majority of the voters voting in 71588  
the precinct on that question vote "no." 71589

As used in this division, "outdoor performing arts center" 71590  
means an outdoor performing arts center that is located on not 71591  
less than eight hundred acres of land and that is open for 71592  
performances from the first day of April to the last day of 71593  
October of each year. 71594

(G) Permit D-6 shall be issued to the holder of any permit 71595  
that authorizes the sale of beer or intoxicating liquor and that 71596  
is issued to a golf course owned by the state, a conservancy 71597  
district, a park district created under Chapter 1545. of the 71598  
Revised Code, or another political subdivision to allow sale under 71599  
that permit between the hours of ten a.m. and midnight on Sunday, 71600  
whether or not that sale has been authorized under section 71601

4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71602

(H) Permit D-6 shall be issued to the holder of a D-5g permit 71603  
to allow sale under that permit between the hours of ten a.m. and 71604  
midnight on Sunday, whether or not that sale has been authorized 71605  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 71606  
Revised Code. 71607

(I) Permit D-6 shall be issued to the holder of any D permit 71608  
for a premises that is licensed under Chapter 3717. of the Revised 71609  
Code and that is located at a ski area to allow sale under the D-6 71610  
permit between the hours of ten a.m. and midnight on Sunday, 71611  
whether or not that sale has been authorized under section 71612  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71613

As used in this division, "ski area" means a ski area as 71614  
defined in section 4169.01 of the Revised Code, provided that the 71615  
passenger tramway operator at that area is registered under 71616  
section 4169.03 of the Revised Code. 71617

(J) Permit D-6 shall be issued to the holder of any permit 71618  
that is described in division (A) of this section for a permit 71619  
premises that is located in a community entertainment district, as 71620  
defined in section 4301.80 of the Revised Code, that was approved 71621  
by the legislative authority of a municipal corporation under that 71622  
section between October 1 and October 15, 2005, to allow sale 71623  
under the permit between the hours of ten a.m. and midnight on 71624  
Sunday, whether or not that sale has been authorized under section 71625  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71626

(K) A D-6 permit shall be issued to the holder of any D 71627  
permit for a premises that is licensed under Chapter 3717. of the 71628  
Revised Code and that is located in a state park to allow sales 71629  
under the D-6 permit between the hours of ten a.m. and midnight on 71630  
Sunday, whether or not those sales have been authorized under 71631  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 71632

Code. 71633

As used in this division, "state park" means a state park 71634  
that is established or dedicated under Chapter 1541. of the 71635  
Revised Code and that has a working farm on its property. 71636

(L) If the restriction to licensed premises where the sale of 71637  
food and other goods and services exceeds fifty per cent of the 71638  
total gross receipts of the permit holder at the premises is 71639  
applicable, the division of liquor control may accept an affidavit 71640  
from the permit holder to show the proportion of the permit 71641  
holder's gross receipts derived from the sale of food and other 71642  
goods and services. If the liquor control commission determines 71643  
that affidavit to have been false, it shall revoke the permits of 71644  
the permit holder at the premises concerned. 71645

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 71646  
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 71647  
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 71648  
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 71649  
fee for the D-6 permit is four hundred dollars when it is issued 71650  
to the holder of a C-2 permit. 71651

**Sec. 4303.184.** (A) Subject to division (B) of this section, a 71652  
D-8 permit may be issued to ~~either~~ any of the following: 71653

(1) An agency store; 71654

(2) The holder of a C-1, C-2, or C-2x permit issued to a 71655  
retail store that has any of the following characteristics: 71656

(a) The store has at least five thousand five hundred square 71657  
feet of floor area, and it generates more than sixty per cent of 71658  
its sales in general merchandise items and food for consumption 71659  
off the premises where sold. 71660

(b) The store is located in a municipal corporation or 71661  
township with a population of five thousand or less, has at least 71662

four thousand five hundred square feet of floor area, and 71663  
generates more than sixty per cent of its sales in general 71664  
merchandise items and food for consumption off the premises where 71665  
sold. 71666

(c) Wine constitutes at least sixty per cent of the value of 71667  
the store's inventory. 71668

(3) The holder of both a C-1 and C-2 permit, or the holder of 71669  
a C-2x permit, issued to a retail store that is located within a 71670  
municipal corporation or township with a population of fifteen 71671  
thousand or less. 71672

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 71673  
or C-2x permit only if the premises of the permit holder are 71674  
located in a precinct, or at a particular location in a precinct, 71675  
in which the sale of beer, wine, or mixed beverages is permitted 71676  
for consumption off the premises where sold. Sales under a D-8 71677  
permit are not affected by whether sales for consumption on the 71678  
premises where sold are permitted in the precinct or at the 71679  
particular location where the D-8 premises are located. 71680

(C)(1) The holder of a D-8 permit described in division 71681  
(A)(2) or (3) of this section may sell tasting samples of beer, 71682  
wine, and mixed beverages, but not spirituous liquor, at retail, 71683  
for consumption on the premises where sold in an amount not to 71684  
exceed two ounces or another amount designated by rule of the 71685  
liquor control commission. A tasting sample shall not be sold for 71686  
general consumption. 71687

(2) The holder of a D-8 permit described in division (A)(1) 71688  
of this section may allow the sale of tasting samples of 71689  
spirituous liquor in accordance with section 4301.171 of the 71690  
Revised Code. 71691

(3) No D-8 permit holder described in division (A)(2) or (3) 71692  
of this section shall allow any authorized purchaser to consume 71693



more than four tasting samples of beer, wine, or mixed beverages, 71694  
or any combination of beer, wine, or mixed beverages, per day. 71695

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 71696  
Revised Code, the holder of a D-8 permit described in division 71697  
(A)(2) or (3) of this section may sell beer that is dispensed from 71698  
containers that have a capacity equal to or greater than five and 71699  
one-sixth gallons if all of the following conditions are met: 71700

(a) A product registration fee for the beer has been paid as 71701  
required in division (A)(8)(b) of section 4301.10 of the Revised 71702  
Code. 71703

(b) The beer is dispensed only in glass containers whose 71704  
capacity does not exceed one gallon and not for consumption on the 71705  
premises where sold. 71706

(c) The containers are sealed, marked, and transported in 71707  
accordance with division (E) of section 4301.62 of the Revised 71708  
Code. 71709

(d) The containers have been cleaned immediately before being 71710  
filled in accordance with rule 4301:1-1-28 of the Administrative 71711  
Code. 71712

(2) Beer that is sold and dispensed under division (D)(1) of 71713  
this section is subject to both of the following: 71714

(a) All applicable rules adopted by the liquor control 71715  
commission, including, but not limited to, rule 4301:1-1-27 and 71716  
rule 4301:1-1-72 of the Administrative Code; 71717

(b) All applicable federal laws and regulations. 71718

(E) The privileges authorized for the holder of a D-8 permit 71719  
described in division (A)(2) or (3) of this section may only be 71720  
exercised in conjunction with and during the hours of operation 71721  
authorized by a C-1, C-2, C-2x, or D-6 permit. 71722

(F) A D-8 permit shall not be transferred to another 71723

location. 71724

(G) The fee for the D-8 permit is five hundred dollars. 71725

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 71726  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 71727  
Revised Code, and in the penal laws, except as otherwise provided: 71728

(A) "Vehicles" means everything on wheels or runners, 71729  
including motorized bicycles, but does not mean electric personal 71730  
assistive mobility devices, vehicles that are operated exclusively 71731  
on rails or tracks or from overhead electric trolley wires, and 71732  
vehicles that belong to any police department, municipal fire 71733  
department, or volunteer fire department, or that are used by such 71734  
a department in the discharge of its functions. 71735

(B) "Motor vehicle" means any vehicle, including mobile homes 71736  
and recreational vehicles, that is propelled or drawn by power 71737  
other than muscular power or power collected from overhead 71738  
electric trolley wires. "Motor vehicle" does not include utility 71739  
vehicles as defined in division (VV) of this section, motorized 71740  
bicycles, road rollers, traction engines, power shovels, power 71741  
cranes, and other equipment used in construction work and not 71742  
designed for or employed in general highway transportation, 71743  
well-drilling machinery, ditch-digging machinery, farm machinery, 71744  
and trailers that are designed and used exclusively to transport a 71745  
boat between a place of storage and a marina, or in and around a 71746  
marina, when drawn or towed on a public road or highway for a 71747  
distance of no more than ten miles and at a speed of twenty-five 71748  
miles per hour or less. 71749

(C) "Agricultural tractor" and "traction engine" mean any 71750  
self-propelling vehicle that is designed or used for drawing other 71751  
vehicles or wheeled machinery, but has no provisions for carrying 71752  
loads independently of such other vehicles, and that is used 71753  
principally for agricultural purposes. 71754

(D) "Commercial tractor," except as defined in division (C) 71755  
of this section, means any motor vehicle that has motive power and 71756  
either is designed or used for drawing other motor vehicles, or is 71757  
designed or used for drawing another motor vehicle while carrying 71758  
a portion of the other motor vehicle or its load, or both. 71759

(E) "Passenger car" means any motor vehicle that is designed 71760  
and used for carrying not more than nine persons and includes any 71761  
motor vehicle that is designed and used for carrying not more than 71762  
fifteen persons in a ridesharing arrangement. 71763

(F) "Collector's vehicle" means any motor vehicle or 71764  
agricultural tractor or traction engine that is of special 71765  
interest, that has a fair market value of one hundred dollars or 71766  
more, whether operable or not, and that is owned, operated, 71767  
collected, preserved, restored, maintained, or used essentially as 71768  
a collector's item, leisure pursuit, or investment, but not as the 71769  
owner's principal means of transportation. "Licensed collector's 71770  
vehicle" means a collector's vehicle, other than an agricultural 71771  
tractor or traction engine, that displays current, valid license 71772  
tags issued under section 4503.45 of the Revised Code, or a 71773  
similar type of motor vehicle that displays current, valid license 71774  
tags issued under substantially equivalent provisions in the laws 71775  
of other states. 71776

(G) "Historical motor vehicle" means any motor vehicle that 71777  
is over twenty-five years old and is owned solely as a collector's 71778  
item and for participation in club activities, exhibitions, tours, 71779  
parades, and similar uses, but that in no event is used for 71780  
general transportation. 71781

(H) "Noncommercial motor vehicle" means any motor vehicle, 71782  
including a farm truck as defined in section 4503.04 of the 71783  
Revised Code, that is designed by the manufacturer to carry a load 71784  
of no more than one ton and is used exclusively for purposes other 71785  
than engaging in business for profit. 71786

(I) "Bus" means any motor vehicle that has motor power and is 71787  
designed and used for carrying more than nine passengers, except 71788  
any motor vehicle that is designed and used for carrying not more 71789  
than fifteen passengers in a ridesharing arrangement. 71790

(J) "Commercial car" or "truck" means any motor vehicle that 71791  
has motor power and is designed and used for carrying merchandise 71792  
or freight, or that is used as a commercial tractor. 71793

(K) "Bicycle" means every device, other than a device that is 71794  
designed solely for use as a play vehicle by a child, that is 71795  
propelled solely by human power upon which a person may ride, and 71796  
that has two or more wheels, any of which is more than fourteen 71797  
inches in diameter. 71798

(L) "Motorized bicycle" means any vehicle that either has two 71799  
tandem wheels or one wheel in the front and two wheels in the 71800  
rear, that is capable of being pedaled, and that is equipped with 71801  
a helper motor of not more than fifty cubic centimeters piston 71802  
displacement that produces no more than one brake horsepower and 71803  
is capable of propelling the vehicle at a speed of no greater than 71804  
twenty miles per hour on a level surface. 71805

(M) "Trailer" means any vehicle without motive power that is 71806  
designed or used for carrying property or persons wholly on its 71807  
own structure and for being drawn by a motor vehicle, and includes 71808  
any such vehicle that is formed by or operated as a combination of 71809  
a semitrailer and a vehicle of the dolly type such as that 71810  
commonly known as a trailer dolly, a vehicle used to transport 71811  
agricultural produce or agricultural production materials between 71812  
a local place of storage or supply and the farm when drawn or 71813  
towed on a public road or highway at a speed greater than 71814  
twenty-five miles per hour, and a vehicle that is designed and 71815  
used exclusively to transport a boat between a place of storage 71816  
and a marina, or in and around a marina, when drawn or towed on a 71817  
public road or highway for a distance of more than ten miles or at 71818

a speed of more than twenty-five miles per hour. "Trailer" does 71819  
not include a manufactured home or travel trailer. 71820

(N) "Noncommercial trailer" means any trailer, except a 71821  
travel trailer or trailer that is used to transport a boat as 71822  
described in division (B) of this section, but, where applicable, 71823  
includes a vehicle that is used to transport a boat as described 71824  
in division (M) of this section, that has a gross weight of no 71825  
more than ten thousand pounds, and that is used exclusively for 71826  
purposes other than engaging in business for a profit, such as the 71827  
transportation of personal items for personal or recreational 71828  
purposes. 71829

(O) "Mobile home" means a building unit or assembly of closed 71830  
construction that is fabricated in an off-site facility, is more 71831  
than thirty-five body feet in length or, when erected on site, is 71832  
three hundred twenty or more square feet, is built on a permanent 71833  
chassis, is transportable in one or more sections, and does not 71834  
qualify as a manufactured home as defined in division (C)(4) of 71835  
section 3781.06 of the Revised Code or as an industrialized unit 71836  
as defined in division (C)(3) of section 3781.06 of the Revised 71837  
Code. 71838

(P) "Semitrailer" means any vehicle of the trailer type that 71839  
does not have motive power and is so designed or used with another 71840  
and separate motor vehicle that in operation a part of its own 71841  
weight or that of its load, or both, rests upon and is carried by 71842  
the other vehicle furnishing the motive power for propelling 71843  
itself and the vehicle referred to in this division, and includes, 71844  
for the purpose only of registration and taxation under those 71845  
chapters, any vehicle of the dolly type, such as a trailer dolly, 71846  
that is designed or used for the conversion of a semitrailer into 71847  
a trailer. 71848

(Q) "Recreational vehicle" means a vehicular portable 71849  
structure that meets all of the following conditions: 71850

- (1) It is designed for the sole purpose of recreational travel. 71851  
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- (2) It is not used for the purpose of engaging in business for profit. 71853  
71854
- (3) It is not used for the purpose of engaging in intrastate commerce. 71855  
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- (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. 71857  
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- (5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 71859  
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- (6) It is classed as one of the following: 71861
- (a) "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. 71862  
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- (b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. 71868  
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- (c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. 71872  
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- (d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, 71878  
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that is constructed with a raised forward section that allows a 71881  
bi-level floor plan, and that is designed to be towed by a vehicle 71882  
equipped with a fifth-wheel hitch ordinarily installed in the bed 71883  
of a truck. 71884

(e) "Park trailer" means a vehicle that is commonly known as 71885  
a park model recreational vehicle, meets the American national 71886  
standard institute standard A119.5 (1988) for park trailers, is 71887  
built on a single chassis, has a gross trailer area of four 71888  
hundred square feet or less when set up, is designed for seasonal 71889  
or temporary living quarters, and may be connected to utilities 71890  
necessary for the operation of installed features and appliances. 71891

(R) "Pneumatic tires" means tires of rubber and fabric or 71892  
tires of similar material, that are inflated with air. 71893

(S) "Solid tires" means tires of rubber or similar elastic 71894  
material that are not dependent upon confined air for support of 71895  
the load. 71896

(T) "Solid tire vehicle" means any vehicle that is equipped 71897  
with two or more solid tires. 71898

(U) "Farm machinery" means all machines and tools that are 71899  
used in the production, harvesting, and care of farm products, and 71900  
includes trailers that are used to transport agricultural produce 71901  
or agricultural production materials between a local place of 71902  
storage or supply and the farm, agricultural tractors, threshing 71903  
machinery, hay-baling machinery, corn shellers, hammermills, and 71904  
machinery used in the production of horticultural, agricultural, 71905  
and vegetable products. 71906

(V) "Owner" includes any person or firm, other than a 71907  
manufacturer or dealer, that has title to a motor vehicle, except 71908  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 71909  
includes in addition manufacturers and dealers. 71910

(W) "Manufacturer" and "dealer" include all persons and firms 71911

that are regularly engaged in the business of manufacturing, 71912  
selling, displaying, offering for sale, or dealing in motor 71913  
vehicles, at an established place of business that is used 71914  
exclusively for the purpose of manufacturing, selling, displaying, 71915  
offering for sale, or dealing in motor vehicles. A place of 71916  
business that is used for manufacturing, selling, displaying, 71917  
offering for sale, or dealing in motor vehicles shall be deemed to 71918  
be used exclusively for those purposes even though snowmobiles or 71919  
all-purpose vehicles are sold or displayed for sale thereat, even 71920  
though farm machinery is sold or displayed for sale thereat, or 71921  
even though repair, accessory, gasoline and oil, storage, parts, 71922  
service, or paint departments are maintained thereat, or, in any 71923  
county having a population of less than seventy-five thousand at 71924  
the last federal census, even though a department in a place of 71925  
business is used to dismantle, salvage, or rebuild motor vehicles 71926  
by means of used parts, if such departments are operated for the 71927  
purpose of furthering and assisting in the business of 71928  
manufacturing, selling, displaying, offering for sale, or dealing 71929  
in motor vehicles. Places of business or departments in a place of 71930  
business used to dismantle, salvage, or rebuild motor vehicles by 71931  
means of using used parts are not considered as being maintained 71932  
for the purpose of assisting or furthering the manufacturing, 71933  
selling, displaying, and offering for sale or dealing in motor 71934  
vehicles. 71935

(X) "Operator" includes any person who drives or operates a 71936  
motor vehicle upon the public highways. 71937

(Y) "Chauffeur" means any operator who operates a motor 71938  
vehicle, other than a taxicab, as an employee for hire; or any 71939  
operator whether or not the owner of a motor vehicle, other than a 71940  
taxicab, who operates such vehicle for transporting, for gain, 71941  
compensation, or profit, either persons or property owned by 71942  
another. Any operator of a motor vehicle who is voluntarily 71943



involved in a ridesharing arrangement is not considered an 71944  
employee for hire or operating such vehicle for gain, 71945  
compensation, or profit. 71946

(Z) "State" includes the territories and federal districts of 71947  
the United States, and the provinces of Canada. 71948

(AA) "Public roads and highways" for vehicles includes all 71949  
public thoroughfares, bridges, and culverts. 71950

(BB) "Manufacturer's number" means the manufacturer's 71951  
original serial number that is affixed to or imprinted upon the 71952  
chassis or other part of the motor vehicle. 71953

(CC) "Motor number" means the manufacturer's original number 71954  
that is affixed to or imprinted upon the engine or motor of the 71955  
vehicle. 71956

(DD) "Distributor" means any person who is authorized by a 71957  
motor vehicle manufacturer to distribute new motor vehicles to 71958  
licensed motor vehicle dealers at an established place of business 71959  
that is used exclusively for the purpose of distributing new motor 71960  
vehicles to licensed motor vehicle dealers, except when the 71961  
distributor also is a new motor vehicle dealer, in which case the 71962  
distributor may distribute at the location of the distributor's 71963  
licensed dealership. 71964

(EE) "Ridesharing arrangement" means the transportation of 71965  
persons in a motor vehicle where the transportation is incidental 71966  
to another purpose of a volunteer driver and includes ridesharing 71967  
arrangements known as carpools, vanpools, and buspools. 71968

(FF) "Apportionable vehicle" means any vehicle that is used 71969  
or intended for use in two or more international registration plan 71970  
member jurisdictions that allocate or proportionally register 71971  
vehicles, that is used for the transportation of persons for hire 71972  
or designed, used, or maintained primarily for the transportation 71973  
of property, and that meets any of the following qualifications: 71974

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;	71975 71976
(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;	71977 71978
(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.	71979 71980
"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, <del>buses used for the transportation of chartered parties,</del> or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.	71981 71982 71983 71984 71985
(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.	71986 71987 71988 71989 71990 71991 71992 71993
(HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions.	71994 71995 71996 71997 71998 71999 72000
(II) "Restricted plate" means a license plate that has a restriction of time, geographic area, mileage, or commodity, and includes license plates issued to farm trucks under division (J) of section 4503.04 of the Revised Code.	72001 72002 72003 72004
(JJ) "Gross vehicle weight," with regard to any commercial	72005

car, trailer, semitrailer, or bus that is taxed at the rates 72006  
established under section 4503.042 or 4503.65 of the Revised Code, 72007  
means the unladen weight of the vehicle fully equipped plus the 72008  
maximum weight of the load to be carried on the vehicle. 72009

(KK) "Combined gross vehicle weight" with regard to any 72010  
combination of a commercial car, trailer, and semitrailer, that is 72011  
taxed at the rates established under section 4503.042 or 4503.65 72012  
of the Revised Code, means the total unladen weight of the 72013  
combination of vehicles fully equipped plus the maximum weight of 72014  
the load to be carried on that combination of vehicles. 72015

(LL) "Chauffeured limousine" means a motor vehicle that is 72016  
designed to carry nine or fewer passengers and is operated for 72017  
hire pursuant to a prearranged contract for the transportation of 72018  
passengers on public roads and highways along a route under the 72019  
control of the person hiring the vehicle and not over a defined 72020  
and regular route. "Prearranged contract" means an agreement, made 72021  
in advance of boarding, to provide transportation from a specific 72022  
location in a chauffeured limousine. "Chauffeured limousine" does 72023  
not include any vehicle that is used exclusively in the business 72024  
of funeral directing. 72025

(MM) "Manufactured home" has the same meaning as in division 72026  
(C)(4) of section 3781.06 of the Revised Code. 72027

(NN) "Acquired situs," with respect to a manufactured home or 72028  
a mobile home, means to become located in this state by the 72029  
placement of the home on real property, but does not include the 72030  
placement of a manufactured home or a mobile home in the inventory 72031  
of a new motor vehicle dealer or the inventory of a manufacturer, 72032  
remanufacturer, or distributor of manufactured or mobile homes. 72033

(OO) "Electronic" includes electrical, digital, magnetic, 72034  
optical, electromagnetic, or any other form of technology that 72035  
entails capabilities similar to these technologies. 72036

(PP) "Electronic record" means a record generated, 72037  
communicated, received, or stored by electronic means for use in 72038  
an information system or for transmission from one information 72039  
system to another. 72040

(QQ) "Electronic signature" means a signature in electronic 72041  
form attached to or logically associated with an electronic 72042  
record. 72043

(RR) "Financial transaction device" has the same meaning as 72044  
in division (A) of section 113.40 of the Revised Code. 72045

(SS) "Electronic motor vehicle dealer" means a motor vehicle 72046  
dealer licensed under Chapter 4517. of the Revised Code whom the 72047  
registrar of motor vehicles determines meets the criteria 72048  
designated in section 4503.035 of the Revised Code for electronic 72049  
motor vehicle dealers and designates as an electronic motor 72050  
vehicle dealer under that section. 72051

(TT) "Electric personal assistive mobility device" means a 72052  
self-balancing two non-tandem wheeled device that is designed to 72053  
transport only one person, has an electric propulsion system of an 72054  
average of seven hundred fifty watts, and when ridden on a paved 72055  
level surface by an operator who weighs one hundred seventy pounds 72056  
has a maximum speed of less than twenty miles per hour. 72057

(UU) "Limited driving privileges" means the privilege to 72058  
operate a motor vehicle that a court grants under section 4510.021 72059  
of the Revised Code to a person whose driver's or commercial 72060  
driver's license or permit or nonresident operating privilege has 72061  
been suspended. 72062

(VV) "Utility vehicle" means a self-propelled vehicle 72063  
designed with a bed, principally for the purpose of transporting 72064  
material or cargo in connection with construction, agricultural, 72065  
forestry, grounds maintenance, lawn and garden, materials 72066  
handling, or similar activities. "Utility vehicle" includes a 72067

vehicle with a maximum attainable speed of twenty miles per hour 72068  
or less that is used exclusively within the boundaries of state 72069  
parks by state park employees or volunteers for the operation or 72070  
maintenance of state park facilities. 72071

**Sec. 4501.21.** (A) There is hereby created in the state 72072  
treasury the license plate contribution fund. The fund shall 72073  
consist of all contributions paid by motor vehicle registrants and 72074  
collected by the registrar of motor vehicles pursuant to sections 72075  
4503.491, 4503.492, 4503.493, 4503.494, 4503.496, 4503.498, 72076  
4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 72077  
4503.522, 4503.523, 4503.524, 4503.525, 4503.526, 4503.531, 72078  
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 72079  
4503.554, 4503.561, 4503.562, 4503.564, 4503.576, 4503.591, 72080  
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 72081  
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 72082  
4503.85, 4503.86, 4503.89, 4503.90, 4503.92, and 4503.94 of the 72083  
Revised Code. 72084

(B) The registrar shall pay the contributions the registrar 72085  
collects in the fund as follows: 72086

The registrar shall pay the contributions received pursuant 72087  
to section 4503.491 of the Revised Code to the breast cancer fund 72088  
of Ohio, which shall use that money only to pay for programs that 72089  
provide assistance and education to Ohio breast cancer patients 72090  
and that improve access for such patients to quality health care 72091  
and clinical trials and shall not use any of the money for 72092  
abortion information, counseling, services, or other 72093  
abortion-related activities. 72094

The registrar shall pay the contributions the registrar 72095  
receives pursuant to section 4503.492 of the Revised Code to the 72096  
organization cancer support community central Ohio, which shall 72097  
deposit the money into the Sheryl L. Kraner Fund of that 72098

organization. Cancer support community central Ohio shall expend 72099  
the money it receives pursuant to this division only in the same 72100  
manner and for the same purposes as that organization expends 72101  
other money in that fund. 72102

The registrar shall pay the contributions received pursuant 72103  
to section 4503.493 of the Revised Code to the autism society of 72104  
Ohio, which shall use the contributions for programs and autism 72105  
awareness efforts throughout the state. 72106

The registrar shall pay the contributions the registrar 72107  
receives pursuant to section 4503.494 of the Revised Code to the 72108  
national multiple sclerosis society for distribution in equal 72109  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 72110  
chapters of the national multiple sclerosis society. These 72111  
chapters shall use the money they receive under this section to 72112  
assist in paying the expenses they incur in providing services 72113  
directly to their clients. 72114

The registrar shall pay the contributions the registrar 72115  
receives pursuant to section 4503.496 of the Revised Code to the 72116  
Ohio sickle cell and health association, which shall use the 72117  
contributions to help support educational, clinical, and social 72118  
support services for adults who have sickle cell disease. 72119

The registrar shall pay the contributions the registrar 72120  
receives pursuant to section 4503.498 of the Revised Code to 72121  
special olympics Ohio, inc., which shall use the contributions for 72122  
its programs, charitable efforts, and other activities. 72123

The registrar shall pay the contributions the registrar 72124  
receives pursuant to section 4503.499 of the Revised Code to the 72125  
children's glioma cancer foundation, which shall use the 72126  
contributions for its research and other programs. 72127

The registrar shall pay the contributions the registrar 72128  
receives pursuant to section 4503.50 of the Revised Code to the 72129

future farmers of America foundation, which shall deposit the 72130  
contributions into its general account to be used for educational 72131  
and scholarship purposes of the future farmers of America 72132  
foundation. 72133

The registrar shall pay the contributions the registrar 72134  
receives pursuant to section 4503.501 of the Revised Code to the 72135  
4-H youth development program of the Ohio state university 72136  
extension program, which shall use those contributions to pay the 72137  
expenses it incurs in conducting its educational activities. 72138

The registrar shall pay the contributions received pursuant 72139  
to section 4503.502 of the Revised Code to the Ohio cattlemen's 72140  
foundation, which shall use those contributions for scholarships 72141  
and other educational activities. 72142

The registrar shall pay the contributions received pursuant 72143  
to section 4503.505 of the Revised Code to the organization Ohio 72144  
region phi theta kappa, which shall use those contributions for 72145  
scholarships for students who are members of that organization. 72146

The registrar shall pay each contribution the registrar 72147  
receives pursuant to section 4503.51 of the Revised Code to the 72148  
university or college whose name or marking or design appears on 72149  
collegiate license plates that are issued to a person under that 72150  
section. A university or college that receives contributions from 72151  
the fund shall deposit the contributions into its general 72152  
scholarship fund. 72153

The registrar shall pay the contributions the registrar 72154  
receives pursuant to section 4503.522 of the Revised Code to the 72155  
"friends of Perry's victory and international peace memorial, 72156  
incorporated," a nonprofit corporation organized under the laws of 72157  
this state, to assist that organization in paying the expenses it 72158  
incurs in sponsoring or holding charitable, educational, and 72159  
cultural events at the monument. 72160

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the Massillon tiger football booster club, which shall use the contributions only to promote and support the football team of Washington high school of the Massillon city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar



receives pursuant to section 4503.534 of the Revised Code to the 72192  
disabled American veterans department of Ohio, to be used for 72193  
programs that serve disabled American veterans and their families. 72194

The registrar shall pay the contributions the registrar 72195  
receives pursuant to section 4503.55 of the Revised Code to the 72196  
pro football hall of fame, which shall deposit the contributions 72197  
into a special bank account that it establishes and which shall be 72198  
separate and distinct from any other account the pro football hall 72199  
of fame maintains, to be used exclusively for the purpose of 72200  
promoting the pro football hall of fame as a travel destination. 72201

The registrar shall pay the contributions that are paid to 72202  
the registrar pursuant to section 4503.545 of the Revised Code to 72203  
the national rifle association foundation, which shall use the 72204  
money to pay the costs of the educational activities and programs 72205  
the foundation holds or sponsors in this state. 72206

The registrar shall pay to the Ohio pet fund the 72207  
contributions the registrar receives pursuant to section 4503.551 72208  
of the Revised Code and any other money from any other source, 72209  
including donations, gifts, and grants, that is designated by the 72210  
source to be paid to the Ohio pet fund. The Ohio pet fund shall 72211  
use the moneys it receives under this section to support programs 72212  
for the sterilization of dogs and cats and for educational 72213  
programs concerning the proper veterinary care of those animals, 72214  
and for expenses of the Ohio pet fund that are reasonably 72215  
necessary for it to obtain and maintain its tax-exempt status and 72216  
to perform its duties. 72217

The registrar shall pay the contributions the registrar 72218  
receives pursuant to section 4503.552 of the Revised Code to the 72219  
rock and roll hall of fame and museum, incorporated. 72220

The registrar shall pay the contributions the registrar 72221  
receives pursuant to section 4503.553 of the Revised Code to the 72222

Ohio coalition for animals, incorporated, a nonprofit corporation. 72223  
Except as provided in division (B) of this section, the coalition 72224  
shall distribute the money to its members, and the members shall 72225  
use the money only to pay for educational, charitable, and other 72226  
programs of each coalition member that provide care for unwanted, 72227  
abused, and neglected horses. The Ohio coalition for animals may 72228  
use a portion of the money to pay for reasonable marketing costs 72229  
incurred in the design and promotion of the license plate and for 72230  
administrative costs incurred in the disbursement and management 72231  
of funds received under this section. 72232

The registrar shall pay the contributions the registrar 72233  
receives pursuant to section 4503.554 of the Revised Code to the 72234  
Ohio state council of the knights of Columbus, which shall use the 72235  
contributions to pay for its charitable activities and programs. 72236

The registrar shall pay the contributions the registrar 72237  
receives pursuant to section 4503.561 of the Revised Code to the 72238  
state of Ohio chapter of ducks unlimited, inc., which shall 72239  
deposit the contributions into a special bank account that it 72240  
establishes. The special bank account shall be separate and 72241  
distinct from any other account the state of Ohio chapter of ducks 72242  
unlimited, inc., maintains and shall be used exclusively for the 72243  
purpose of protecting, enhancing, restoring, and managing wetlands 72244  
and conserving wildlife habitat. The state of Ohio chapter of 72245  
ducks unlimited, inc., annually shall notify the registrar in 72246  
writing of the name, address, and account to which such payments 72247  
are to be made. 72248

The registrar shall pay the contributions the registrar 72249  
receives pursuant to section 4503.562 of the Revised Code to the 72250  
Mahoning river consortium, which shall use the money to pay the 72251  
expenses it incurs in restoring and maintaining the Mahoning river 72252  
watershed. 72253

The registrar shall pay the contributions the registrar 72254

receives pursuant to section 4503.564 of the Revised Code to 72255  
Antioch college for the use of the Glen Helen ecology institute to 72256  
pay expenses related to the Glen Helen nature preserve. 72257

The registrar shall pay the contributions the registrar 72258  
receives pursuant to section 4503.576 of the Revised Code to the 72259  
Ohio state beekeepers association, which shall use those 72260  
contributions to promote beekeeping, provide educational 72261  
information about beekeeping, and to support other state and local 72262  
beekeeping programs. 72263

The registrar shall pay to a sports commission created 72264  
pursuant to section 4503.591 of the Revised Code each contribution 72265  
the registrar receives under that section that an applicant pays 72266  
to obtain license plates that bear the logo of a professional 72267  
sports team located in the county of that sports commission and 72268  
that is participating in the license plate program pursuant to 72269  
division (E) of that section, irrespective of the county of 72270  
residence of an applicant. 72271

The registrar shall pay to a community charity each 72272  
contribution the registrar receives under section 4503.591 of the 72273  
Revised Code that an applicant pays to obtain license plates that 72274  
bear the logo of a professional sports team that is participating 72275  
in the license plate program pursuant to division (G) of that 72276  
section. 72277

The registrar shall pay the contributions the registrar 72278  
receives pursuant to section 4503.67 of the Revised Code to the 72279  
Dan Beard council of the boy scouts of America. The council shall 72280  
distribute all contributions in an equitable manner throughout the 72281  
state to regional councils of the boy scouts. 72282

The registrar shall pay the contributions the registrar 72283  
receives pursuant to section 4503.68 of the Revised Code to the 72284  
great river council of the girl scouts of the United States of 72285

America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the girl scouts. 72286  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.69 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts. 72289  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.701 of the Revised Code to the Prince Hall grand lodge of free and accepted masons of Ohio, which shall use the contributions for scholarship purposes. 72294  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.71 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the fees into its general account to be used for purposes of the fraternal order of police of Ohio, incorporated. 72298  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.711 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the contributions into an account that it creates to be used for the purpose of advancing and protecting the law enforcement profession, promoting improved law enforcement methods, and teaching respect for law and order. 72303  
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The registrar shall pay the contributions received pursuant to section 4503.712 of the Revised Code to Ohio concerns of police survivors, which shall use those contributions to provide whatever assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty. 72310  
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The registrar shall pay the contributions received pursuant to section 4503.713 of the Revised Code to the greater Cleveland 72315  
72316

peace officers memorial society, which shall use those 72317  
contributions to honor law enforcement officers who have died in 72318  
the line of duty and support its charitable purposes. 72319

The registrar shall pay the contributions the registrar 72320  
receives pursuant to section 4503.72 of the Revised Code to the 72321  
organization known on March 31, 2003, as the Ohio CASA/GAL 72322  
association, a private, nonprofit corporation organized under 72323  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 72324  
shall use these contributions to pay the expenses it incurs in 72325  
administering a program to secure the proper representation in the 72326  
courts of this state of abused, neglected, and dependent children, 72327  
and for the training and supervision of persons participating in 72328  
that program. 72329

The registrar shall pay the contributions the registrar 72330  
receives pursuant to section 4503.73 of the Revised Code to Wright 72331  
B. Flyer, incorporated, which shall deposit the contributions into 72332  
its general account to be used for purposes of Wright B. Flyer, 72333  
incorporated. 72334

The registrar shall pay the contributions the registrar 72335  
receives pursuant to section 4503.732 of the Revised Code to the 72336  
Siegel & Shuster society, a nonprofit organization dedicated to 72337  
commemorating and celebrating the creation of Superman in 72338  
Cleveland, Ohio. 72339

The registrar shall pay the contributions the registrar 72340  
receives pursuant to section 4503.74 of the Revised Code to the 72341  
Columbus zoological park association, which shall disburse the 72342  
moneys to Ohio's major metropolitan zoos, as defined in section 72343  
4503.74 of the Revised Code, in accordance with a written 72344  
agreement entered into by the major metropolitan zoos. 72345

The registrar shall pay the contributions the registrar 72346  
receives pursuant to section 4503.75 of the Revised Code to the 72347

rotary foundation, located on March 31, 2003, in Evanston, 72348  
Illinois, to be placed in a fund known as the permanent fund and 72349  
used to endow educational and humanitarian programs of the rotary 72350  
foundation. 72351

The registrar shall pay the contributions the registrar 72352  
receives pursuant to section 4503.751 of the Revised Code to the 72353  
Ohio association of realtors, which shall deposit the 72354  
contributions into a property disaster relief fund maintained 72355  
under the Ohio realtors charitable and education foundation. 72356

The registrar shall pay the contributions the registrar 72357  
receives pursuant to section 4503.85 of the Revised Code to the 72358  
Ohio sea grant college program to be used for Lake Erie area 72359  
research projects. 72360

The registrar shall pay the contributions the registrar 72361  
receives pursuant to section 4503.86 of the Revised Code to the 72362  
Ohio Lincoln highway historic byway, which shall use those 72363  
contributions solely to promote and support the historical 72364  
preservation and advertisement of the Lincoln highway in this 72365  
state. 72366

The registrar shall pay the contributions the registrar 72367  
receives pursuant to section 4503.89 of the Revised Code to the 72368  
American red cross of greater Columbus on behalf of the Ohio 72369  
chapters of the American red cross, which shall use the 72370  
contributions for disaster readiness, preparedness, and response 72371  
programs on a statewide basis. 72372

The registrar shall pay the contributions the registrar 72373  
receives pursuant to section 4503.90 of the Revised Code to the 72374  
nationwide children's hospital foundation. 72375

The registrar shall pay the contributions received pursuant 72376  
to section 4503.92 of the Revised Code to support our troops, 72377  
incorporated, a national nonprofit corporation, which shall use 72378

those contributions in accordance with its articles of 72379  
incorporation and for the benefit of servicemembers of the armed 72380  
forces of the United States and their families when they are in 72381  
financial need. 72382

The registrar shall pay the contributions the registrar 72383  
receives pursuant to section 4503.94 of the Revised Code to the 72384  
Michelle's leading star foundation, which shall use the money 72385  
solely to fund the rental, lease, or purchase of the simulated 72386  
driving curriculum of the Michelle's leading star foundation by 72387  
boards of education of city, exempted village, local, and joint 72388  
vocational school districts. 72389

(C) All investment earnings of the license plate contribution 72390  
fund shall be credited to the fund. Not later than the first day 72391  
of May of every year, the registrar shall distribute to each 72392  
entity described in division (B) of this section the investment 72393  
income the fund earned the previous calendar year. The amount of 72394  
such a distribution paid to an entity shall be proportionate to 72395  
the amount of money the entity received from the fund during the 72396  
previous calendar year. 72397

**Sec. 4503.181.** (A) As used in this section, "historical motor 72398  
vehicle" means any motor vehicle that is more than twenty-five 72399  
years old and that is owned solely as a collector's item and for 72400  
participation in club activities, exhibitions, tours, parades, and 72401  
similar uses. A historical motor vehicle shall not be used for 72402  
general transportation, but may be operated on the public roads 72403  
and highways to and from a location where maintenance is performed 72404  
on the vehicle. 72405

(B) In lieu of the annual license tax levied in sections 72406  
4503.02 and 4503.04 of the Revised Code, a license fee of ten 72407  
dollars is levied on the operation of a historical motor vehicle. 72408

(C) A person who owns a historical motor vehicle and applies 72409

for a historical license ~~plates~~ plate under this section shall 72410  
execute an affidavit that the vehicle for which ~~plates~~ are the 72411  
plate is requested is owned and operated solely for the purposes 72412  
enumerated in division (A) of this section, ~~and. The affidavit~~ 72413  
also ~~setting~~ shall set forth in ~~the affidavit~~ that the vehicle has 72414  
been inspected and found safe to operate on the public roads and 72415  
highways in the state. A person who owns a historical motor 72416  
vehicle and desires to display a model year license ~~plates~~ plate 72417  
on the vehicle as permitted by this section shall execute at the 72418  
time of registration an affidavit setting forth that the model 72419  
year license ~~plates~~ plate the person desires to display on the 72420  
person's historical motor vehicle ~~are~~ is a legible and serviceable 72421  
license ~~plates~~ plate that originally ~~were~~ was issued by this 72422  
state. No registration issued pursuant to this section need 72423  
specify the weight of the vehicle. 72424

(D) A vehicle registered under this section may display 72425  
either a historical vehicle license ~~plates~~ plate issued by the 72426  
registrar of motor vehicles or a model year license ~~plates~~ plate 72427  
procured by the applicant. ~~Historical~~ A historical vehicle license 72428  
~~plates~~ plate shall not bear a date, but shall bear the inscription 72429  
"Historical Vehicle--Ohio" and the registration number, which 72430  
shall be shown thereon. ~~Model~~ A model year license ~~plates~~ plate 72431  
shall be a legible and serviceable license ~~plates~~ plate issued by 72432  
this state and inscribed with the date of the year corresponding 72433  
to the model year when the vehicle was manufactured. 72434  
~~Notwithstanding section 4503.21 of the Revised Code, only one~~ Two 72435  
model year license ~~plate is required to~~ plates, duplicates of each 72436  
other, may be displayed on ~~the rear of~~ the historical motor 72437  
vehicle at ~~all times~~ any time, one plate on the front and one 72438  
plate on the rear of the vehicle. The registration certificate and 72439  
the historical vehicle license ~~plates~~ plate issued by the 72440  
registrar shall be kept in the vehicle at all times the vehicle is 72441  
operated on the public roads and highways in this state. 72442



Notwithstanding section 4503.21 of the Revised Code, the  
owner of a historical motor vehicle that was manufactured for  
military purposes and that is registered under this section may  
display the assigned registration number of the vehicle by  
painting the number on the front and rear of the vehicle. The  
number shall be painted, in accordance with the size and style  
specifications established for numerals and letters shown on  
license plates in section 4503.22 of the Revised Code, in a color  
that contrasts clearly with the color of the vehicle, and shall be  
legible and visible at all times. Upon application for  
registration under this section and payment of the license fee  
prescribed in division (B) of this section, the owner of such a  
historical motor vehicle shall be issued a historical vehicle  
license plate. The registration certificate and ~~at least~~  
~~one such~~ the license plate shall be kept in the vehicle at all  
times the vehicle is operated on the public roads and highways in  
this state. If ownership of such a vehicle is transferred, the  
transferor shall surrender the historical vehicle license ~~plates~~  
plate or transfer ~~them~~ it to another historical motor vehicle the  
transferor owns, and remove or obliterate the registration numbers  
painted on the vehicle.

(E) Historical vehicle and model year license plates are  
valid without renewal as long as the vehicle for which they were  
issued or procured is in existence. ~~Historical~~ A historical  
vehicle plate is issued for the owner's use only for  
such vehicle unless later transferred to another historical motor  
vehicle owned by that person. In order to effect such a transfer,  
the owner of the historical motor vehicle that originally  
displayed the historical vehicle ~~plates~~ plate shall comply with  
division (C) of this section. In the event of a transfer of title,  
the transferor shall surrender the historical vehicle license  
~~plates~~ plate or transfer ~~them~~ it to another historical motor  
vehicle owned by the transferor, but a model year license plate or

plates may be retained by the transferor. The registrar may revoke 72476  
license plates issued under this section, for cause shown and 72477  
after hearing, for failure of the applicant to comply with this 72478  
section. Upon revocation, a historical vehicle license plates 72479  
plate shall be surrendered; a model year license plate or plates 72480  
may be retained, but the plate or plates are no longer ~~are~~ valid 72481  
for display on the vehicle. 72482

(F) The owner of a historical motor vehicle bearing a 72483  
historical vehicle license ~~plates~~ plate may replace ~~them~~ it with a 72484  
model year license ~~plates~~ plate by surrendering the historical 72485  
vehicle license ~~plates~~ plate and motor vehicle certificate of 72486  
registration to the registrar. The owner, at the time of 72487  
registration, shall execute an affidavit setting forth that the 72488  
model year ~~plates are~~ plate is a legible and serviceable license 72489  
~~plates~~ plate that originally ~~were~~ was issued by this state. Such 72490  
an owner is required to pay the license fee prescribed by division 72491  
(B) of this section, but the owner is not required to have the 72492  
historical motor vehicle reinspected under division (C) of this 72493  
section. 72494

A person who owns a historical motor vehicle bearing a model 72495  
year license ~~plates~~ plate may replace ~~them~~ it with a historical 72496  
vehicle license ~~plates~~ plate by surrendering the motor vehicle 72497  
certificate of registration and applying for issuance of a 72498  
historical vehicle license ~~plates~~ plate. Such a person is required 72499  
to pay the license fee prescribed by division (B) of this section, 72500  
but the person is not required to have the historical motor 72501  
vehicle reinspected under division (C) of this section. 72502

**Sec. 4503.535.** (A) The owner or lessee of any passenger car, 72503  
noncommercial motor vehicle, recreational vehicle, motorcycle, 72504  
motorized bicycle or moped, trailer, or other vehicle of a class 72505  
approved by the registrar of motor vehicles, and, effective 72506

January 1, 2017, the owner or lessee of any motor-driven cycle or 72507  
motor scooter or cab-enclosed motorcycle, may apply to the 72508  
registrar for the registration of the vehicle and issuance of 72509  
POW/MIA awareness license plates. The application for POW/MIA 72510  
awareness license plates may be combined with a request for a 72511  
special reserved license plate under section 4503.40 or 4503.42 of 72512  
the Revised Code. Upon receipt of the completed application and 72513  
compliance with division (B) of this section, the registrar shall 72514  
issue to the applicant the appropriate vehicle registration and a 72515  
set of POW/MIA awareness license plates with a validation sticker, 72516  
or a validation sticker alone when required by section 4503.191 of 72517  
the Revised Code. 72518

In addition to the letters and numbers ordinarily inscribed 72519  
thereon, POW/MIA awareness license plates shall bear the markings 72520  
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 72521  
awareness license plates, except for motorcycle, motorized 72522  
bicycle, or moped license plates, also shall bear the words "not 72523  
forgotten." The registrar shall approve the final design. POW/MIA 72524  
awareness license plates shall bear county identification stickers 72525  
that identify the county of registration by name or number. 72526

(B) POW/MIA awareness license plates and validation stickers 72527  
shall be issued upon payment of the regular license tax as 72528  
prescribed under section 4503.04 of the Revised Code, any 72529  
applicable motor vehicle tax levied under Chapter 4504. of the 72530  
Revised Code, a bureau of motor vehicles administrative fee of ten 72531  
dollars, the contribution specified in division (C) of this 72532  
section, and compliance with all other applicable laws relating to 72533  
the registration of motor vehicles. If the application for POW/MIA 72534  
awareness license plates is combined with a request for a special 72535  
reserved license plate under section 4503.40 or 4503.42 of the 72536  
Revised Code, the license plates and validation sticker shall be 72537  
issued upon payment of the contribution, fees, and taxes contained 72538

in this division and the additional fee prescribed under section 72539  
4503.40 or 4503.42 of the Revised Code. 72540

(C) For each application for registration and registration 72541  
renewal submitted under this section, the registrar shall collect 72542  
a contribution of twenty-five dollars. The registrar shall pay 72543  
this contribution into the state treasury to the credit of the 72544  
military injury relief fund created in section ~~5101.98~~ 5902.05 of 72545  
the Revised Code. 72546

The registrar shall pay the ten-dollar bureau administrative 72547  
fee, the purpose of which is to compensate the bureau for 72548  
additional services required in issuing POW/MIA awareness license 72549  
plates, into the state treasury to the credit of the state bureau 72550  
of motor vehicles fund created in section 4501.25 of the Revised 72551  
Code. 72552

Sec. 4503.581. (A) As used in this section, "vehicle" 72553  
includes a passenger car, noncommercial motor vehicle, 72554  
recreational vehicle, or other vehicle of a class approved by the 72555  
registrar of motor vehicles. 72556

(B) Any woman who is a retired or honorably discharged 72557  
veteran of any branch of the armed forces of the United States may 72558  
apply to the registrar for the registration of any vehicle the 72559  
woman owns or leases and the issuance of "Women Veterans" license 72560  
plates. An applicant shall include with an application such 72561  
written evidence that the registrar shall require by rule 72562  
documenting that the applicant is a retired or honorably 72563  
discharged veteran of any branch of the armed forces of the United 72564  
States. The application may be combined with a request for a 72565  
special reserved license plate under section 4503.40 or 4503.42 of 72566  
the Revised Code. 72567

(C) The registrar shall issue to an applicant the appropriate 72568  
motor vehicle registration and a set of "Women Veterans" license 72569

plates and a validation sticker, or a validation sticker alone 72570  
when required by section 4503.191 of the Revised Code, upon the 72571  
occurrence of all of the following: 72572

(1) Receipt by the registrar of an application for 72573  
registration of a motor vehicle under this section; 72574

(2) Presentation to the registrar of satisfactory evidence 72575  
documenting that the applicant is a retired or honorably 72576  
discharged veteran of a branch of the armed forces of the United 72577  
States; 72578

(3) Payment of the regular license fee as prescribed in 72579  
section 4503.04 of the Revised Code, any local motor vehicle 72580  
license tax levied under Chapter 4504. of the Revised Code, and 72581  
any applicable additional fee prescribed by section 4503.40 or 72582  
4503.42 of the Revised Code; and 72583

(4) Compliance with all other applicable laws relating to the 72584  
registration of motor vehicles. 72585

(D) In addition to the letters and numbers ordinarily 72586  
inscribed thereon, "Women Veterans" license plates shall contain 72587  
the words "Women Veterans." The license plates also shall contain 72588  
one of the following inscriptions, as appropriate: "U.S. ARMED 72589  
FORCES RETIRED--(BRANCH OF SERVICE)" or "U.S. ARMED FORCES 72590  
VETERAN--(BRANCH OF SERVICE)." Depending upon the format of the 72591  
inscription, the registrar shall determine whether or not the 72592  
inscription contains the dash. The license plates shall bear 72593  
county identification stickers that identify the county of 72594  
registration by name or number. 72595

(E) Sections 4503.77 and 4503.78 of the Revised Code do not 72596  
apply to license plates issued under this section. 72597

(F)(1) No person who is not a woman and is not a retired or 72598  
honorably discharged veteran of any branch of the armed forces of 72599  
the United States shall willfully and falsely represent that the 72600

person is such a veteran for the purpose of obtaining license 72601  
plates under this section. No person shall permit a motor vehicle 72602  
owned or leased by the person to bear license plates issued under 72603  
this section unless the person is eligible to be issued such 72604  
license plates. 72605

(2) Whoever violates division (F)(1) of this section is 72606  
guilty of falsification. 72607

**Sec. 4503.77.** (A) As used in this section: 72608

(1) "Nonstandard license plate" means all of the following: 72609

(a) A license plate issued under sections 4503.52, 4503.55, 72610  
4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 72611  
Revised Code; 72612

(b) A license plate issued under a program that is 72613  
reestablished under division (D) of this section and that meets 72614  
the requirements contained in division (B) of section 4503.78 of 72615  
the Revised Code; 72616

(c) Except as may otherwise be specifically provided by law, 72617  
any license plate created after August 21, 1997. 72618

(2) For purposes of license plates issued under sections 72619  
4503.503 and 4503.504 of the Revised Code, "sponsor" includes the 72620  
Ohio agriculture license plate scholarship fund board created in 72621  
section 901.90 of the Revised Code and the director of 72622  
agriculture. 72623

(B)(1) If, during any calendar year ~~commencing with 1998~~, the 72624  
total number of motor vehicle registrations involving a particular 72625  
type of nonstandard license plate is less than ~~five hundred~~ 72626  
twenty-five, including both new registrations and registration 72627  
renewals, the registrar of motor vehicles, on or after the first 72628  
day of January, but not later than the fifteenth day of January of 72629  
the following year, shall send a written notice to the sponsor of 72630

that type of nonstandard license plate, if a sponsor exists, 72631  
informing the sponsor of this fact. The registrar also shall 72632  
inform the sponsor that if, during the calendar year in which the 72633  
written notice is sent, the total number of motor vehicle 72634  
registrations involving the sponsor's nonstandard license plate 72635  
again is less than ~~five hundred~~ twenty-five, the program involving 72636  
that type of nonstandard license plate will be terminated on the 72637  
thirty-first day of December of the calendar year in which the 72638  
written notice is sent and, except as provided in division (C) of 72639  
this section, no motor vehicle registration application involving 72640  
either the actual issuance of that type of nonstandard license 72641  
plate or the registration renewal of a motor vehicle displaying 72642  
that type of nonstandard license plate will be accepted by the 72643  
registrar or a deputy registrar beginning the first day of January 72644  
of the next calendar year. The registrar also shall inform the 72645  
sponsor that if the program involving the sponsor's nonstandard 72646  
license plate is terminated under this section, it may be 72647  
reestablished pursuant to division (D) of this section. 72648

(2) If, during any calendar year ~~commencing with 1998~~, the 72649  
total number of motor vehicle registrations involving a particular 72650  
type of nonstandard license plate is less than ~~five hundred~~ 72651  
twenty-five, including both new registrations and registration 72652  
renewals, and no sponsor exists for that license plate, the 72653  
registrar shall issue a public notice on or after the first day of 72654  
January, but not later than the fifteenth day of January of the 72655  
following year, stating that fact. The notice also shall inform 72656  
the public that if, during the calendar year in which the 72657  
registrar issues the public notice, the total number of motor 72658  
vehicle registrations for that type of nonstandard license plate, 72659  
including both new registrations and registration renewals, again 72660  
is less than ~~five hundred~~ twenty-five, the program involving that 72661  
type of nonstandard license plate will be terminated on the 72662  
thirty-first day of December of the calendar year in which the 72663

registrar issues the public notice and, except as provided in 72664  
division (C) of this section, no motor vehicle registration 72665  
application involving either the actual issuance of that type of 72666  
nonstandard license plate or the registration renewal of a motor 72667  
vehicle displaying that type of nonstandard license plate will be 72668  
accepted by the registrar or a deputy registrar beginning on the 72669  
first day of January of the next calendar year. 72670

(C) If the program involving a type of nonstandard license 72671  
plate is terminated under division (B) of this section, the 72672  
registration of any motor vehicle displaying that type of 72673  
nonstandard license plate at the time of termination may be 72674  
renewed so long as the nonstandard license plates remain 72675  
serviceable. If the nonstandard license plates of such a motor 72676  
vehicle become unfit for service, the owner of the motor vehicle 72677  
may apply for the issuance of nonstandard license plates of that 72678  
same type, but the registrar or deputy registrar shall issue such 72679  
nonstandard license plates only if at the time of application the 72680  
stock of the bureau contains license plates of that type of 72681  
nonstandard license plate. If, at the time of such application, 72682  
the stock of the bureau does not contain license plates of that 72683  
type of nonstandard license plate, the registrar or deputy 72684  
registrar shall inform the owner of that fact, and the application 72685  
shall be refused. 72686

If the program involving a type of nonstandard license plate 72687  
is terminated under division (B) of this section and the 72688  
registration of motor vehicles displaying such license plates 72689  
continues as permitted by this division, the registrar, for as 72690  
long as such registrations continue to be issued, shall continue 72691  
to collect and distribute any contribution that was required to be 72692  
collected and distributed prior to the termination of that 72693  
program. 72694

(D) If the program involving a nonstandard license plate is 72695



terminated under division (B)(1) of this section, the sponsor of 72696  
that license plate may apply to the registrar for the 72697  
reestablishment of the program. If the program involving that 72698  
nonstandard license plate is reestablished, the reestablishment is 72699  
subject to division (B) of section 4503.78 of the Revised Code. 72700

Sec. 4503.771. (A) The sponsor of a nonstandard license 72701  
plate, as defined in section 4503.77 of the Revised Code, shall 72702  
verify the contact information for that sponsor by the first day 72703  
of December of each year on a form established by the registrar of 72704  
motor vehicles. If the sponsor fails to verify such contact 72705  
information by the thirty-first day of December of any year, the 72706  
registrar, beginning the first day of January of the following 72707  
year, shall transmit the contribution for each registration 72708  
involving that nonstandard license plate to the treasurer of state 72709  
for deposit into the general revenue fund, instead of for deposit 72710  
in the license plate contribution fund created in section 4501.21 72711  
of the Revised Code. The registrar also immediately shall send a 72712  
notice to the sponsor that no additional funds will be deposited 72713  
into the license plate contribution fund until the contact 72714  
information form is received by the registrar. Upon receiving the 72715  
contact information form, the registrar shall resume transmitting 72716  
the contributions received for that license plate to the treasurer 72717  
of state for deposit into the license plate contribution fund and 72718  
later distribution to the sponsor. 72719

(B) If the sponsor of a nonstandard license plate ceases to 72720  
exist, the registrar shall deposit the contributions for the 72721  
associated license plate into the general revenue fund. If that 72722  
sponsor is later reestablished, the sponsor shall submit to the 72723  
registrar written confirmation of the sponsor's reestablishment 72724  
along with the contact information form. Upon receipt of the 72725  
confirmation and form, the registrar shall resume transmitting all 72726  
contributions received for the associated license plate into the 72727

license plate contribution fund for later distribution to the 72728  
sponsor. 72729

**Sec. 4503.78.** (A) Except as may otherwise be specifically 72730  
provided by law, ~~after the effective date of this section,~~ the 72731  
registrar of motor vehicles ~~shall~~ is not be required to implement 72732  
any legislation that creates a license plate and provides for its 72733  
issuance until the registrar receives written statements from not 72734  
less than ~~five~~ one hundred fifty persons, indicating that they 72735  
intend to apply for and obtain such license plates for their motor 72736  
vehicles. The registrar may require such statements to be made on 72737  
a form the registrar provides. 72738

(B) If a program involving a nonstandard license plate is 72739  
terminated under division (B)(1) of section 4503.77 of the Revised 72740  
Code, the sponsor of that license plate may apply to the registrar 72741  
for the reestablishment of that program, as permitted by division 72742  
(D) of that section. The registrar shall not reestablish the 72743  
program involving that nonstandard license plate until the 72744  
registrar receives written statements from not less than ~~five~~ 72745  
~~hundred~~ twenty-five persons, indicating that they intend to apply 72746  
for and obtain such license plates for their motor vehicles. The 72747  
registrar may require such statements to be made on a form 72748  
approved by the registrar. 72749

In determining whether ~~five hundred~~ twenty-five persons have 72750  
so indicated their intentions, the registrar shall include in the 72751  
total the number of motor vehicles that continue to display the 72752  
nonstandard license plate of the terminated program, as permitted 72753  
by division (C) of section 4503.77 of the Revised Code. 72754

**Sec. 4503.86.** (A) The owner or lessee of any passenger car, 72755  
noncommercial motor vehicle, recreational vehicle, or other 72756  
vehicle of a class approved by the registrar of motor vehicles may 72757

apply to the registrar for the registration of the vehicle and the 72758  
issuance of "Lincoln highway" license plates. An application made 72759  
under this section may be combined with a request for a special 72760  
reserved license plate under section 4503.40 or 4503.42 of the 72761  
Revised Code. Upon receipt of the completed application and 72762  
compliance by the applicant with divisions (B) and (C) of this 72763  
section, the registrar shall issue to the applicant the 72764  
appropriate vehicle registration and a set of "Lincoln highway" 72765  
license plates and a validation sticker, or a validation sticker 72766  
alone when required by section 4503.191 of the Revised Code. 72767

In addition to the letters and numbers ordinarily inscribed 72768  
on the license plates, "Lincoln highway" license plates shall be 72769  
inscribed with identifying words or markings that are designed by 72770  
the Ohio Lincoln highway historic byway, and approved by the 72771  
registrar. "Lincoln highway" license plates shall display county 72772  
identification stickers that identify the county of registration 72773  
by name or number. 72774

(B) "Lincoln highway" license plates and a validation 72775  
sticker, or validation sticker alone, shall be issued upon receipt 72776  
of a contribution as provided in division (C)(1) of this section 72777  
and upon payment of the regular license tax as prescribed under 72778  
section 4503.04 of the Revised Code, any applicable motor vehicle 72779  
license tax levied under Chapter 4504. of the Revised Code, any 72780  
applicable additional fee prescribed by section 4503.40 or 4503.42 72781  
of the Revised Code, a bureau of motor vehicles administrative fee 72782  
of ten dollars, and compliance with all other applicable laws 72783  
relating to the registration of motor vehicles. 72784

(C)(1) For each application for registration and registration 72785  
renewal notice the registrar receives under this section, the 72786  
registrar shall collect a contribution of twenty dollars. The 72787  
registrar shall deposit this contribution into the state treasury 72788

to the credit of the license plate contribution fund created in 72789  
section 4501.21 of the Revised Code. 72790

(2) The registrar shall deposit the bureau administrative fee 72791  
of ten dollars, the purpose of which is to compensate the bureau 72792  
for additional services required in the issuing of "Lincoln 72793  
highway" license plates, into the state treasury to the credit of 72794  
the state bureau of motor vehicles fund created in section 4501.25 72795  
of the Revised Code. 72796

**Sec. 4505.06.** (A)(1) Application for a certificate of title 72797  
shall be made in a form prescribed by the registrar of motor 72798  
vehicles and shall be sworn to before a notary public or other 72799  
officer empowered to administer oaths. The application shall be 72800  
filed with the clerk of any court of common pleas. An application 72801  
for a certificate of title may be filed electronically by any 72802  
electronic means approved by the registrar in any county with the 72803  
clerk of the court of common pleas of that county. Any payments 72804  
required by this chapter shall be considered as accompanying any 72805  
electronically transmitted application when payment actually is 72806  
received by the clerk. Payment of any fee or taxes may be made by 72807  
electronic transfer of funds. 72808

(2) The application for a certificate of title shall be 72809  
accompanied by the fee prescribed in section 4505.09 of the 72810  
Revised Code. The fee shall be retained by the clerk who issues 72811  
the certificate of title and shall be distributed in accordance 72812  
with that section. If a clerk of a court of common pleas, other 72813  
than the clerk of the court of common pleas of an applicant's 72814  
county of residence, issues a certificate of title to the 72815  
applicant, the clerk shall transmit data related to the 72816  
transaction to the automated title processing system. 72817

(3) If a certificate of title previously has been issued for 72818  
a motor vehicle in this state, the application for a certificate 72819

of title also shall be accompanied by that certificate of title 72820  
duly assigned, unless otherwise provided in this chapter. If a 72821  
certificate of title previously has not been issued for the motor 72822  
vehicle in this state, the application, unless otherwise provided 72823  
in this chapter, shall be accompanied by a manufacturer's or 72824  
importer's certificate or by a certificate of title of another 72825  
state from which the motor vehicle was brought into this state. If 72826  
the application refers to a motor vehicle last previously 72827  
registered in another state, the application also shall be 72828  
accompanied by the physical inspection certificate required by 72829  
section 4505.061 of the Revised Code. If the application is made 72830  
by two persons regarding a motor vehicle in which they wish to 72831  
establish joint ownership with right of survivorship, they may do 72832  
so as provided in section 2131.12 of the Revised Code. If the 72833  
applicant requests a designation of the motor vehicle in 72834  
beneficiary form so that upon the death of the owner of the motor 72835  
vehicle, ownership of the motor vehicle will pass to a designated 72836  
transfer-on-death beneficiary or beneficiaries, the applicant may 72837  
do so as provided in section 2131.13 of the Revised Code. A person 72838  
who establishes ownership of a motor vehicle that is transferable 72839  
on death in accordance with section 2131.13 of the Revised Code 72840  
may terminate that type of ownership or change the designation of 72841  
the transfer-on-death beneficiary or beneficiaries by applying for 72842  
a certificate of title pursuant to this section. The clerk shall 72843  
retain the evidence of title presented by the applicant and on 72844  
which the certificate of title is issued, except that, if an 72845  
application for a certificate of title is filed electronically by 72846  
an electronic motor vehicle dealer on behalf of the purchaser of a 72847  
motor vehicle, the clerk shall retain the completed electronic 72848  
record to which the dealer converted the certificate of title 72849  
application and other required documents. The registrar, after 72850  
consultation with the attorney general, shall adopt rules that 72851  
govern the location at which, and the manner in which, are stored 72852

the actual application and all other documents relating to the 72853  
sale of a motor vehicle when an electronic motor vehicle dealer 72854  
files the application for a certificate of title electronically on 72855  
behalf of the purchaser. Not later than December 31, 2011, the 72856  
registrar shall enable all electronic motor vehicle dealers to 72857  
file applications for certificates of title on behalf of 72858  
purchasers of motor vehicles electronically directly with the 72859  
registrar and not through a third party. 72860

The clerk shall use reasonable diligence in ascertaining 72861  
whether or not the facts in the application for a certificate of 72862  
title are true by checking the application and documents 72863  
accompanying it or the electronic record to which a dealer 72864  
converted the application and accompanying documents with the 72865  
records of motor vehicles in the clerk's office. If the clerk is 72866  
satisfied that the applicant is the owner of the motor vehicle and 72867  
that the application is in the proper form, the clerk, within five 72868  
business days after the application is filed and except as 72869  
provided in section 4505.021 of the Revised Code, shall issue a 72870  
physical certificate of title over the clerk's signature and 72871  
sealed with the clerk's seal, unless the applicant specifically 72872  
requests the clerk not to issue a physical certificate of title 72873  
and instead to issue an electronic certificate of title. For 72874  
purposes of the transfer of a certificate of title, if the clerk 72875  
is satisfied that the secured party has duly discharged a lien 72876  
notation but has not canceled the lien notation with a clerk, the 72877  
clerk may cancel the lien notation on the automated title 72878  
processing system and notify the clerk of the county of origin. 72879

(4) In the case of the sale of a motor vehicle to a general 72880  
buyer or user by a dealer, by a motor vehicle leasing dealer 72881  
selling the motor vehicle to the lessee or, in a case in which the 72882  
leasing dealer subleased the motor vehicle, the sublessee, at the 72883  
end of the lease agreement or sublease agreement, or by a 72884

manufactured housing broker, the certificate of title shall be 72885  
obtained in the name of the buyer by the dealer, leasing dealer, 72886  
or manufactured housing broker, as the case may be, upon 72887  
application signed by the buyer. The certificate of title shall be 72888  
issued, or the process of entering the certificate of title 72889  
application information into the automated title processing system 72890  
if a physical certificate of title is not to be issued shall be 72891  
completed, within five business days after the application for 72892  
title is filed with the clerk. If the buyer of the motor vehicle 72893  
previously leased the motor vehicle and is buying the motor 72894  
vehicle at the end of the lease pursuant to that lease, the 72895  
certificate of title shall be obtained in the name of the buyer by 72896  
the motor vehicle leasing dealer who previously leased the motor 72897  
vehicle to the buyer or by the motor vehicle leasing dealer who 72898  
subleased the motor vehicle to the buyer under a sublease 72899  
agreement. 72900

In all other cases, except as provided in section 4505.032 72901  
and division (D)(2) of section 4505.11 of the Revised Code, such 72902  
certificates shall be obtained by the buyer. 72903

(5)(a)(i) If the certificate of title is being obtained in 72904  
the name of the buyer by a motor vehicle dealer or motor vehicle 72905  
leasing dealer and there is a security interest to be noted on the 72906  
certificate of title, the dealer or leasing dealer shall submit 72907  
the application for the certificate of title and, if required by 72908  
division (B)(5) of this section, payment of the applicable tax, to 72909  
a clerk within seven business days after the later of the delivery 72910  
of the motor vehicle to the buyer or the date the dealer or 72911  
leasing dealer obtains the manufacturer's or importer's 72912  
certificate, or certificate of title issued in the name of the 72913  
dealer or leasing dealer, for the motor vehicle. Submission of the 72914  
application for the certificate of title and payment, if required, 72915  
of the applicable tax within the required seven business days may 72916

be indicated by postmark or receipt by a clerk within that period. 72917

(ii) Upon receipt of the certificate of title with the 72918  
security interest noted on its face, the dealer or leasing dealer 72919  
shall forward the certificate of title to the secured party at the 72920  
location noted in the financing documents or otherwise specified 72921  
by the secured party. 72922

(iii) A motor vehicle dealer or motor vehicle leasing dealer 72923  
is liable to a secured party for a late fee of ten dollars per day 72924  
for each certificate of title application and, if required by 72925  
division (B)(5) of this section, payment of the applicable tax 72926  
~~that is,~~ submitted to a clerk more than seven business days but 72927  
less than twenty-one days after the later of the delivery of the 72928  
motor vehicle to the buyer or the date the dealer or leasing 72929  
dealer obtains the manufacturer's or importer's certificate, or 72930  
certificate of title issued in the name of the dealer or leasing 72931  
dealer, for the motor vehicle and, from then on, twenty-five 72932  
dollars per day until the application and any applicable tax are 72933  
submitted to a clerk. 72934

(b) In all cases of transfer of a motor vehicle except the 72935  
transfer of a manufactured home or mobile home, the application 72936  
for certificate of title shall be filed within thirty days after 72937  
the assignment or delivery of the motor vehicle. 72938

(c) An application for a certificate of title for a new 72939  
manufactured home shall be filed within thirty days after the 72940  
delivery of the new manufactured home to the purchaser. The date 72941  
of the delivery shall be the date on which an occupancy permit for 72942  
the manufactured home is delivered to the purchaser of the home by 72943  
the appropriate legal authority. 72944

(d) An application for a certificate of title for a used 72945  
manufactured home or a used mobile home shall be filed as follows: 72946

(i) If a certificate of title for the used manufactured home 72947



or used mobile home was issued to the motor vehicle dealer prior 72948  
to the sale of the manufactured or mobile home to the purchaser, 72949  
the application for certificate of title shall be filed within 72950  
thirty days after the date on which an occupancy permit for the 72951  
manufactured or mobile home is delivered to the purchaser by the 72952  
appropriate legal authority. 72953

(ii) If the motor vehicle dealer has been designated by a 72954  
secured party to display the manufactured or mobile home for sale, 72955  
or to sell the manufactured or mobile home under section 4505.20 72956  
of the Revised Code, but the certificate of title has not been 72957  
transferred by the secured party to the motor vehicle dealer, and 72958  
the dealer has complied with the requirements of division (A) of 72959  
section 4505.181 of the Revised Code, the application for 72960  
certificate of title shall be filed within thirty days after the 72961  
date on which the motor vehicle dealer obtains the certificate of 72962  
title for the home from the secured party or the date on which an 72963  
occupancy permit for the manufactured or mobile home is delivered 72964  
to the purchaser by the appropriate legal authority, whichever 72965  
occurs later. 72966

(6) If an application for a certificate of title is not filed 72967  
within the period specified in division (A)(5)(b), (c), or (d) of 72968  
this section, the clerk shall collect a fee of five dollars for 72969  
the issuance of the certificate, except that no such fee shall be 72970  
required from a motor vehicle salvage dealer, as defined in 72971  
division (A) of section 4738.01 of the Revised Code, who 72972  
immediately surrenders the certificate of title for cancellation. 72973  
The fee shall be in addition to all other fees established by this 72974  
chapter, and shall be retained by the clerk. The registrar shall 72975  
provide, on the certificate of title form prescribed by section 72976  
4505.07 of the Revised Code, language necessary to give evidence 72977  
of the date on which the assignment or delivery of the motor 72978  
vehicle was made. 72979

(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the Revised Code.

(B)(1) The clerk, except as otherwise provided in this section, shall refuse to accept for filing any application for a certificate of title and shall refuse to issue a certificate of title unless the dealer or the applicant, in cases in which the certificate shall be obtained by the buyer, submits with the application payment of the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code based on the purchaser's county of residence. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner showing payment of the tax or a receipt issued by the commissioner showing the payment of the tax. When submitting payment of the tax to the clerk, a dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code.

(2) For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent, and the clerk shall pay the poundage fee into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar,

in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

(3) In the case of casual sales of motor vehicles, as defined in section 4517.01 of the Revised Code, the price for the purpose of determining the tax shall be the purchase price on the assigned certificate of title executed by the seller and filed with the clerk by the buyer on a form to be prescribed by the registrar, which shall be prima-facie evidence of the amount for the determination of the tax.

(4) Each county clerk shall forward to the treasurer of state all sales and use tax collections resulting from sales of motor vehicles, off-highway motorcycles, and all-purpose vehicles during a calendar week on or before the Friday following the close of that week. If, on any Friday, the offices of the clerk of courts or the state are not open for business, the tax shall be forwarded to the treasurer of state on or before the next day on which the offices are open. Every remittance of tax under division (B)(4) of this section shall be accompanied by a remittance report in such form as the tax commissioner prescribes. Upon receipt of a tax remittance and remittance report, the treasurer of state shall date stamp the report and forward it to the tax commissioner. If the tax due for any week is not remitted by a clerk of courts as required under division (B)(4) of this section, the commissioner may require the clerk to forfeit the poundage fees for the sales made during that week. The treasurer of state may require the clerks of courts to transmit tax collections and remittance reports electronically.

(5) A new or used motor vehicle dealer licensed in this state, in lieu of remitting the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code to the clerk under this section, may elect to submit to the clerk a certificate acknowledging the sale or lease of the motor vehicle, stating the purchaser's county of residence, and pledging that the dealer will report and remit the tax due as required by section 5739.12 or 5741.12 of the Revised Code, whichever is applicable. For each dealer that makes an election under this section, the tax commissioner shall deposit into the certificate of title administration fund created under section 325.33 of the Revised Code an amount equal to the poundage fees that the clerk would be entitled to retain if the dealer had remitted the tax due to the clerk under division (A)(5)(a) of this section. The registrar, in consultation with the commissioner and the clerks of courts of common pleas, shall develop a report from the automated title processing system that informs each clerk and the commissioner of the amount of the poundage fees that each clerk is permitted to receive from taxes collected by the commissioner because of the certificates of title issued by the clerks. A motor vehicle dealer that does not report and remit the tax due pursuant to an election under division (B)(5) of this section shall pay the tax to the clerk of courts as provided in division (A)(5)(a) of this section.

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(C)(1) If the transferor indicates on the certificate of title that the odometer reflects mileage in excess of the designed mechanical limit of the odometer, the clerk shall enter the phrase "exceeds mechanical limits" following the mileage designation. If the transferor indicates on the certificate of title that the odometer reading is not the actual mileage, the clerk shall enter the phrase "nonactual: warning - odometer discrepancy" following the mileage designation. The clerk shall use reasonable care in transferring the information supplied by the transferor, but is not liable for any errors or omissions of the clerk or those of

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the clerk's deputies in the performance of the clerk's duties 73077  
created by this chapter. 73078

The registrar shall prescribe an affidavit in which the 73079  
transferor shall swear to the true selling price and, except as 73080  
provided in this division, the true odometer reading of the motor 73081  
vehicle. The registrar may prescribe an affidavit in which the 73082  
seller and buyer provide information pertaining to the odometer 73083  
reading of the motor vehicle in addition to that required by this 73084  
section, as such information may be required by the United States 73085  
secretary of transportation by rule prescribed under authority of 73086  
subchapter IV of the "Motor Vehicle Information and Cost Savings 73087  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 73088

(2) Division (C)(1) of this section does not require the 73089  
giving of information concerning the odometer and odometer reading 73090  
of a motor vehicle when ownership of a motor vehicle is being 73091  
transferred as a result of a bequest, under the laws of intestate 73092  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 73093  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 73094  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 73095  
connection with the creation of a security interest or for a 73096  
vehicle with a gross vehicle weight rating of more than sixteen 73097  
thousand pounds. 73098

(D) When the transfer to the applicant was made in some other 73099  
state or in interstate commerce, the clerk, except as provided in 73100  
this section, shall refuse to issue any certificate of title 73101  
unless the tax imposed by or pursuant to Chapter 5741. of the 73102  
Revised Code based on the purchaser's county of residence has been 73103  
paid as evidenced by a receipt issued by the tax commissioner, or 73104  
unless the applicant submits with the application payment of the 73105  
tax. Upon payment of the tax in accordance with division (E) of 73106  
this section, the clerk shall issue a receipt prescribed by the 73107  
registrar and agreed upon by the tax commissioner, showing payment 73108

of the tax. 73109

For receiving and disbursing such taxes paid to the clerk by 73110  
a resident of the clerk's county, the clerk may retain a poundage 73111  
fee of one and one one-hundredth per cent. The clerk shall not 73112  
retain a poundage fee from payments of taxes by persons who do not 73113  
reside in the clerk's county. 73114

A clerk, however, may retain from the taxes paid to the clerk 73115  
an amount equal to the poundage fees associated with certificates 73116  
of title issued by other clerks of courts of common pleas to 73117  
applicants who reside in the first clerk's county. The registrar, 73118  
in consultation with the tax commissioner and the clerks of the 73119  
courts of common pleas, shall develop a report from the automated 73120  
title processing system that informs each clerk of the amount of 73121  
the poundage fees that the clerk is permitted to retain from those 73122  
taxes because of certificates of title issued by the clerks of 73123  
other counties to applicants who reside in the first clerk's 73124  
county. 73125

When the vendor is not regularly engaged in the business of 73126  
selling motor vehicles, the vendor shall not be required to 73127  
purchase a vendor's license or make reports concerning those 73128  
sales. 73129

(E) The clerk shall accept any payment of a tax in cash, or 73130  
by cashier's check, certified check, draft, money order, or teller 73131  
check issued by any insured financial institution payable to the 73132  
clerk and submitted with an application for a certificate of title 73133  
under division (B) or (D) of this section. The clerk also may 73134  
accept payment of the tax by corporate, business, or personal 73135  
check, credit card, electronic transfer or wire transfer, debit 73136  
card, or any other accepted form of payment made payable to the 73137  
clerk. The clerk may require bonds, guarantees, or letters of 73138  
credit to ensure the collection of corporate, business, or 73139  
personal checks. Any service fee charged by a third party to a 73140

clerk for the use of any form of payment may be paid by the clerk 73141  
from the certificate of title administration fund created in 73142  
section 325.33 of the Revised Code, or may be assessed by the 73143  
clerk upon the applicant as an additional fee. Upon collection, 73144  
the additional fees shall be paid by the clerk into that 73145  
certificate of title administration fund. 73146

The clerk shall make a good faith effort to collect any 73147  
payment of taxes due but not made because the payment was returned 73148  
or dishonored, but the clerk is not personally liable for the 73149  
payment of uncollected taxes or uncollected fees. The clerk shall 73150  
notify the tax commissioner of any such payment of taxes that is 73151  
due but not made and shall furnish the information to the 73152  
commissioner that the commissioner requires. The clerk shall 73153  
deduct the amount of taxes due but not paid from the clerk's 73154  
periodic remittance of tax payments, in accordance with procedures 73155  
agreed upon by the tax commissioner. The commissioner may collect 73156  
taxes due by assessment in the manner provided in section 5739.13 73157  
of the Revised Code. 73158

Any person who presents payment that is returned or 73159  
dishonored for any reason is liable to the clerk for payment of a 73160  
penalty over and above the amount of the taxes due. The clerk 73161  
shall determine the amount of the penalty, and the penalty shall 73162  
be no greater than that amount necessary to compensate the clerk 73163  
for banking charges, legal fees, or other expenses incurred by the 73164  
clerk in collecting the returned or dishonored payment. The 73165  
remedies and procedures provided in this section are in addition 73166  
to any other available civil or criminal remedies. Subsequently 73167  
collected penalties, poundage fees, and title fees, less any title 73168  
fee due the state, from returned or dishonored payments collected 73169  
by the clerk shall be paid into the certificate of title 73170  
administration fund. Subsequently collected taxes, less poundage 73171  
fees, shall be sent by the clerk to the treasurer of state at the 73172

next scheduled periodic remittance of tax payments, with 73173  
information as the commissioner may require. The clerk may abate 73174  
all or any part of any penalty assessed under this division. 73175

(F) In the following cases, the clerk shall accept for filing 73176  
an application and shall issue a certificate of title without 73177  
requiring payment or evidence of payment of the tax: 73178

(1) When the purchaser is this state or any of its political 73179  
subdivisions, a church, or an organization whose purchases are 73180  
exempted by section 5739.02 of the Revised Code; 73181

(2) When the transaction in this state is not a retail sale 73182  
as defined by section 5739.01 of the Revised Code; 73183

(3) When the purchase is outside this state or in interstate 73184  
commerce and the purpose of the purchaser is not to use, store, or 73185  
consume within the meaning of section 5741.01 of the Revised Code; 73186

(4) When the purchaser is the federal government; 73187

(5) When the motor vehicle was purchased outside this state 73188  
for use outside this state; 73189

(6) When the motor vehicle is purchased by a nonresident 73190  
under the circumstances described in division (B)(1) of section 73191  
5739.029 of the Revised Code, and upon presentation of a copy of 73192  
the affidavit provided by that section, and a copy of the 73193  
exemption certificate provided by section 5739.03 of the Revised 73194  
Code; 73195

(7) When the applicant is a new or used motor vehicle dealer 73196  
that makes an election and submits a certificate under division 73197  
(B)(5) of this section. 73198

(G) An application, as prescribed by the registrar and agreed 73199  
to by the tax commissioner, shall be filled out and sworn to by 73200  
the buyer of a motor vehicle in a casual sale. The application 73201  
shall contain the following notice in bold lettering: "WARNING TO 73202



TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 73203  
law to state the true selling price. A false statement is in 73204  
violation of section 2921.13 of the Revised Code and is punishable 73205  
by six months' imprisonment or a fine of up to one thousand 73206  
dollars, or both. All transfers are audited by the department of 73207  
taxation. The seller and buyer must provide any information 73208  
requested by the department of taxation. The buyer may be assessed 73209  
any additional tax found to be due." 73210

(H) For sales of manufactured homes or mobile homes occurring 73211  
on or after January 1, 2000, the clerk shall accept for filing, 73212  
pursuant to Chapter 5739. of the Revised Code, an application for 73213  
a certificate of title for a manufactured home or mobile home 73214  
without requiring payment of any tax pursuant to section 5739.02, 73215  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 73216  
issued by the tax commissioner showing payment of the tax. For 73217  
sales of manufactured homes or mobile homes occurring on or after 73218  
January 1, 2000, the applicant shall pay to the clerk an 73219  
additional fee of five dollars for each certificate of title 73220  
issued by the clerk for a manufactured or mobile home pursuant to 73221  
division (H) of section 4505.11 of the Revised Code and for each 73222  
certificate of title issued upon transfer of ownership of the 73223  
home. The clerk shall credit the fee to the county certificate of 73224  
title administration fund, and the fee shall be used to pay the 73225  
expenses of archiving those certificates pursuant to division (A) 73226  
of section 4505.08 and division (H)(3) of section 4505.11 of the 73227  
Revised Code. The tax commissioner shall administer any tax on a 73228  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 73229  
of the Revised Code. 73230

(I) Every clerk shall have the capability to transact by 73231  
electronic means all procedures and transactions relating to the 73232  
issuance of motor vehicle certificates of title that are described 73233  
in the Revised Code as being accomplished by electronic means. 73234

Sec. 4507.21. (A) Each applicant for a driver's license shall 73235  
file an application in the office of the registrar of motor 73236  
vehicles or of a deputy registrar. 73237

(B)(1) Each person under eighteen years of age applying for a 73238  
driver's license issued in this state shall present satisfactory 73239  
evidence of having successfully completed any one of the 73240  
following: 73241

(a) A driver education course approved by the state 73242  
department of education prior to December 31, 2003. 73243

(b) A driver training course approved by the director of 73244  
public safety. 73245

(c) A driver training course comparable to a driver education 73246  
or driver training course described in division (B)(1)(a) or (b) 73247  
of this section and administered by a branch of the armed forces 73248  
of the United States and completed by the applicant while residing 73249  
outside this state for the purpose of being with or near any 73250  
person serving in the armed forces of the United States. 73251

(2) Each person under eighteen years of age applying for a 73252  
driver's license also shall present, on a form prescribed by the 73253  
registrar, an affidavit signed by an eligible adult attesting that 73254  
the person has acquired at least fifty hours of actual driving 73255  
experience, with at least ten of those hours being at night. 73256

(C) ~~Each~~ Commencing one year after the effective date of the 73257  
rules adopted pursuant to division (F) of section 4508.02 of the 73258  
Revised Code that govern the abbreviated driver training course, 73259  
each applicant for an initial driver's license who is eighteen 73260  
years of age or older and who failed the road or maneuverability 73261  
test required under division (A)(2) of section 4507.11 of the 73262  
Revised Code shall present satisfactory evidence of having 73263  
successfully completed ~~an~~ the abbreviated driver training course 73264

for adults, approved by the director of public safety, prior to 73265  
attempting the test a second or subsequent time. 73266

(D) If the registrar or deputy registrar determines that the 73267  
applicant is entitled to the driver's license, it shall be issued. 73268  
If the application shows that the applicant's license has been 73269  
previously canceled or suspended, the deputy registrar shall 73270  
forward the application to the registrar, who shall determine 73271  
whether the license shall be granted. 73272

(E) An applicant shall file an application in duplicate, and 73273  
the deputy registrar issuing the license shall immediately forward 73274  
to the office of the registrar the original copy of the 73275  
application, together with the duplicate copy of any certificate 73276  
of completion if issued for purposes of division (B) of this 73277  
section. The registrar shall prescribe rules as to the manner in 73278  
which the deputy registrar files and maintains the applications 73279  
and other records. The registrar shall file every application for 73280  
a driver's or commercial driver's license and index them by name 73281  
and number, and shall maintain a suitable record of all licenses 73282  
issued, all convictions and bond forfeitures, all applications for 73283  
licenses denied, and all licenses that have been suspended or 73284  
canceled. 73285

(F) For purposes of section 2313.06 of the Revised Code, the 73286  
registrar shall maintain accurate and current lists of the 73287  
residents of each county who are eighteen years of age or older, 73288  
have been issued, on and after January 1, 1984, driver's or 73289  
commercial driver's licenses that are valid and current, and would 73290  
be electors if they were registered to vote, regardless of whether 73291  
they actually are registered to vote. The lists shall contain the 73292  
names, addresses, dates of birth, duration of residence in this 73293  
state, citizenship status, and social security numbers, if the 73294  
numbers are available, of the licensees, and may contain any other 73295  
information that the registrar considers suitable. 73296

(G) Each person under eighteen years of age applying for a motorcycle operator's endorsement or a restricted license enabling the applicant to operate a motorcycle shall present satisfactory evidence of having completed the courses of instruction in the motorcycle safety and education program described in section 4508.08 of the Revised Code or a comparable course of instruction administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. If the registrar or deputy registrar then determines that the applicant is entitled to the endorsement or restricted license, it shall be issued.

(H) No person shall knowingly make a false statement in an affidavit presented in accordance with division (B)(2) of this section.

(I) As used in this section, "eligible adult" means any of the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle.

(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars.

**Sec. 4511.0915.** (A) On or before July 31, 2015, any local authority that has operated a traffic law photo-monitoring device between March 23, 2015, and June 30, 2015, shall file either a report or statement of compliance with the auditor of state as follows:

(1) If the local authority operated any traffic law photo-monitoring device without fully complying with sections 4511.092 to 4511.0914 of the Revised Code, the local authority shall file a report that includes a detailed statement of the civil fines the local authority has billed to drivers for any violation of any municipal ordinance that is based upon evidence recorded by a traffic law photo-monitoring device, including the gross amount of fines that have been billed. 73327  
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(2) If the local authority has fully complied with sections 4511.092 to 4511.0914 of the Revised Code, in lieu of a report, the local authority shall submit a signed statement affirming compliance with all requirements of those sections. 73335  
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(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period. 73339  
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(C) The auditor of state shall do all of the following: 73348

(1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code; 73349  
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(2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so; 73353  
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(3) Notify the commissioner when a subdivision that is the subject of a notification under division (C)(2) of this section files all reports or signed statements the subdivision is required 73355  
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to file. 73358

**Sec. 4511.191.** (A)(1) As used in this section: 73359

(a) "Physical control" has the same meaning as in section 73360  
4511.194 of the Revised Code. 73361

(b) "Alcohol monitoring device" means any device that 73362  
provides for continuous alcohol monitoring, any ignition interlock 73363  
device, any immobilizing or disabling device other than an 73364  
ignition interlock device that is constantly available to monitor 73365  
the concentration of alcohol in a person's system, or any other 73366  
device that provides for the automatic testing and periodic 73367  
reporting of alcohol consumption by a person and that a court 73368  
orders a person to use as a sanction imposed as a result of the 73369  
person's conviction of or plea of guilty to an offense. 73370

(c) "Community addiction services provider" has the same 73371  
meaning as in section 5119.01 of the Revised Code. 73372

(2) Any person who operates a vehicle, streetcar, or 73373  
trackless trolley upon a highway or any public or private property 73374  
used by the public for vehicular travel or parking within this 73375  
state or who is in physical control of a vehicle, streetcar, or 73376  
trackless trolley shall be deemed to have given consent to a 73377  
chemical test or tests of the person's whole blood, blood serum or 73378  
plasma, breath, or urine to determine the alcohol, drug of abuse, 73379  
controlled substance, metabolite of a controlled substance, or 73380  
combination content of the person's whole blood, blood serum or 73381  
plasma, breath, or urine if arrested for a violation of division 73382  
(A) or (B) of section 4511.19 of the Revised Code, section 73383  
4511.194 of the Revised Code or a substantially equivalent 73384  
municipal ordinance, or a municipal OVI ordinance. 73385

(3) The chemical test or tests under division (A)(2) of this 73386  
section shall be administered at the request of a law enforcement 73387

officer having reasonable grounds to believe the person was 73388  
operating or in physical control of a vehicle, streetcar, or 73389  
trackless trolley in violation of a division, section, or 73390  
ordinance identified in division (A)(2) of this section. The law 73391  
enforcement agency by which the officer is employed shall 73392  
designate which of the tests shall be administered. 73393

(4) Any person who is dead or unconscious, or who otherwise 73394  
is in a condition rendering the person incapable of refusal, shall 73395  
be deemed to have consented as provided in division (A)(2) of this 73396  
section, and the test or tests may be administered, subject to 73397  
sections 313.12 to 313.16 of the Revised Code. 73398

(5)(a) If a law enforcement officer arrests a person for a 73399  
violation of division (A) or (B) of section 4511.19 of the Revised 73400  
Code, section 4511.194 of the Revised Code or a substantially 73401  
equivalent municipal ordinance, or a municipal OVI ordinance and 73402  
if the person if convicted would be required to be sentenced under 73403  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 73404  
Code, the law enforcement officer shall request the person to 73405  
submit, and the person shall submit, to a chemical test or tests 73406  
of the person's whole blood, blood serum or plasma, breath, or 73407  
urine for the purpose of determining the alcohol, drug of abuse, 73408  
controlled substance, metabolite of a controlled substance, or 73409  
combination content of the person's whole blood, blood serum or 73410  
plasma, breath, or urine. A law enforcement officer who makes a 73411  
request pursuant to this division that a person submit to a 73412  
chemical test or tests is not required to advise the person of the 73413  
consequences of submitting to, or refusing to submit to, the test 73414  
or tests and is not required to give the person the form described 73415  
in division (B) of section 4511.192 of the Revised Code, but the 73416  
officer shall advise the person at the time of the arrest that if 73417  
the person refuses to take a chemical test the officer may employ 73418  
whatever reasonable means are necessary to ensure that the person 73419

submits to a chemical test of the person's whole blood or blood 73420  
serum or plasma. The officer shall also advise the person at the 73421  
time of the arrest that the person may have an independent 73422  
chemical test taken at the person's own expense. Divisions (A)(3) 73423  
and (4) of this section apply to the administration of a chemical 73424  
test or tests pursuant to this division. 73425

(b) If a person refuses to submit to a chemical test upon a 73426  
request made pursuant to division (A)(5)(a) of this section, the 73427  
law enforcement officer who made the request may employ whatever 73428  
reasonable means are necessary to ensure that the person submits 73429  
to a chemical test of the person's whole blood or blood serum or 73430  
plasma. A law enforcement officer who acts pursuant to this 73431  
division to ensure that a person submits to a chemical test of the 73432  
person's whole blood or blood serum or plasma is immune from 73433  
criminal and civil liability based upon a claim for assault and 73434  
battery or any other claim for the acts, unless the officer so 73435  
acted with malicious purpose, in bad faith, or in a wanton or 73436  
reckless manner. 73437

(B)(1) Upon receipt of the sworn report of a law enforcement 73438  
officer who arrested a person for a violation of division (A) or 73439  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 73440  
the Revised Code or a substantially equivalent municipal 73441  
ordinance, or a municipal OVI ordinance that was completed and 73442  
sent to the registrar of motor vehicles and a court pursuant to 73443  
section 4511.192 of the Revised Code in regard to a person who 73444  
refused to take the designated chemical test, the registrar shall 73445  
enter into the registrar's records the fact that the person's 73446  
driver's or commercial driver's license or permit or nonresident 73447  
operating privilege was suspended by the arresting officer under 73448  
this division and that section and the period of the suspension, 73449  
as determined under this section. The suspension shall be subject 73450  
to appeal as provided in section 4511.197 of the Revised Code. The 73451



suspension shall be for whichever of the following periods 73452  
applies: 73453

(a) Except when division (B)(1)(b), (c), or (d) of this 73454  
section applies and specifies a different class or length of 73455  
suspension, the suspension shall be a class C suspension for the 73456  
period of time specified in division (B)(3) of section 4510.02 of 73457  
the Revised Code. 73458

(b) If the arrested person, within six years of the date on 73459  
which the person refused the request to consent to the chemical 73460  
test, had refused one previous request to consent to a chemical 73461  
test or had been convicted of or pleaded guilty to one violation 73462  
of division (A) or (B) of section 4511.19 of the Revised Code or 73463  
one other equivalent offense, the suspension shall be a class B 73464  
suspension imposed for the period of time specified in division 73465  
(B)(2) of section 4510.02 of the Revised Code. 73466

(c) If the arrested person, within six years of the date on 73467  
which the person refused the request to consent to the chemical 73468  
test, had refused two previous requests to consent to a chemical 73469  
test, had been convicted of or pleaded guilty to two violations of 73470  
division (A) or (B) of section 4511.19 of the Revised Code or 73471  
other equivalent offenses, or had refused one previous request to 73472  
consent to a chemical test and also had been convicted of or 73473  
pleaded guilty to one violation of division (A) or (B) of section 73474  
4511.19 of the Revised Code or other equivalent offenses, which 73475  
violation or offense arose from an incident other than the 73476  
incident that led to the refusal, the suspension shall be a class 73477  
A suspension imposed for the period of time specified in division 73478  
(B)(1) of section 4510.02 of the Revised Code. 73479

(d) If the arrested person, within six years of the date on 73480  
which the person refused the request to consent to the chemical 73481  
test, had refused three or more previous requests to consent to a 73482  
chemical test, had been convicted of or pleaded guilty to three or 73483

more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the

person's whole blood, blood serum or plasma, breath, or urine 73516  
contained at least the concentration of alcohol specified in 73517  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 73518  
Revised Code or at least the concentration of a listed controlled 73519  
substance or a listed metabolite of a controlled substance 73520  
specified in division (A)(1)(j) of section 4511.19 of the Revised 73521  
Code, the registrar shall enter into the registrar's records the 73522  
fact that the person's driver's or commercial driver's license or 73523  
permit or nonresident operating privilege was suspended by the 73524  
arresting officer under this division and section 4511.192 of the 73525  
Revised Code and the period of the suspension, as determined under 73526  
divisions (C)(1)(a) to (d) of this section. The suspension shall 73527  
be subject to appeal as provided in section 4511.197 of the 73528  
Revised Code. The suspension described in this division does not 73529  
apply to, and shall not be imposed upon, a person arrested for a 73530  
violation of section 4511.194 of the Revised Code or a 73531  
substantially equivalent municipal ordinance who submits to a 73532  
designated chemical test. The suspension shall be for whichever of 73533  
the following periods applies: 73534

(a) Except when division (C)(1)(b), (c), or (d) of this 73535  
section applies and specifies a different period, the suspension 73536  
shall be a class E suspension imposed for the period of time 73537  
specified in division (B)(5) of section 4510.02 of the Revised 73538  
Code. 73539

(b) The suspension shall be a class C suspension for the 73540  
period of time specified in division (B)(3) of section 4510.02 of 73541  
the Revised Code if the person has been convicted of or pleaded 73542  
guilty to, within six years of the date the test was conducted, 73543  
one violation of division (A) or (B) of section 4511.19 of the 73544  
Revised Code or one other equivalent offense. 73545

(c) If, within six years of the date the test was conducted, 73546  
the person has been convicted of or pleaded guilty to two 73547

violations of a statute or ordinance described in division 73548  
(C)(1)(b) of this section, the suspension shall be a class B 73549  
suspension imposed for the period of time specified in division 73550  
(B)(2) of section 4510.02 of the Revised Code. 73551

(d) If, within six years of the date the test was conducted, 73552  
the person has been convicted of or pleaded guilty to more than 73553  
two violations of a statute or ordinance described in division 73554  
(C)(1)(b) of this section, the suspension shall be a class A 73555  
suspension imposed for the period of time specified in division 73556  
(B)(1) of section 4510.02 of the Revised Code. 73557

(2) The registrar shall terminate a suspension of the 73558  
driver's or commercial driver's license or permit of a resident or 73559  
of the operating privilege of a nonresident, or a denial of a 73560  
driver's or commercial driver's license or permit, imposed 73561  
pursuant to division (C)(1) of this section upon receipt of notice 73562  
that the person has entered a plea of guilty to, or that the 73563  
person has been convicted after entering a plea of no contest to, 73564  
operating a vehicle in violation of section 4511.19 of the Revised 73565  
Code or in violation of a municipal OVI ordinance, if the offense 73566  
for which the conviction is had or the plea is entered arose from 73567  
the same incident that led to the suspension or denial. 73568

The registrar shall credit against any judicial suspension of 73569  
a person's driver's or commercial driver's license or permit or 73570  
nonresident operating privilege imposed pursuant to section 73571  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 73572  
Revised Code for a violation of a municipal OVI ordinance, any 73573  
time during which the person serves a related suspension imposed 73574  
pursuant to division (C)(1) of this section. 73575

(D)(1) A suspension of a person's driver's or commercial 73576  
driver's license or permit or nonresident operating privilege 73577  
under this section for the time described in division (B) or (C) 73578  
of this section is effective immediately from the time at which 73579

the arresting officer serves the notice of suspension upon the 73580  
arrested person. Any subsequent finding that the person is not 73581  
guilty of the charge that resulted in the person being requested 73582  
to take the chemical test or tests under division (A) of this 73583  
section does not affect the suspension. 73584

(2) If a person is arrested for operating a vehicle, 73585  
streetcar, or trackless trolley in violation of division (A) or 73586  
(B) of section 4511.19 of the Revised Code or a municipal OVI 73587  
ordinance, or for being in physical control of a vehicle, 73588  
streetcar, or trackless trolley in violation of section 4511.194 73589  
of the Revised Code or a substantially equivalent municipal 73590  
ordinance, regardless of whether the person's driver's or 73591  
commercial driver's license or permit or nonresident operating 73592  
privilege is or is not suspended under division (B) or (C) of this 73593  
section or Chapter 4510. of the Revised Code, the person's initial 73594  
appearance on the charge resulting from the arrest shall be held 73595  
within five days of the person's arrest or the issuance of the 73596  
citation to the person, subject to any continuance granted by the 73597  
court pursuant to section 4511.197 of the Revised Code regarding 73598  
the issues specified in that division. 73599

(E) When it finally has been determined under the procedures 73600  
of this section and sections 4511.192 to 4511.197 of the Revised 73601  
Code that a nonresident's privilege to operate a vehicle within 73602  
this state has been suspended, the registrar shall give 73603  
information in writing of the action taken to the motor vehicle 73604  
administrator of the state of the person's residence and of any 73605  
state in which the person has a license. 73606

(F) At the end of a suspension period under this section, 73607  
under section 4511.194, section 4511.196, or division (G) of 73608  
section 4511.19 of the Revised Code, or under section 4510.07 of 73609  
the Revised Code for a violation of a municipal OVI ordinance and 73610  
upon the request of the person whose driver's or commercial 73611

driver's license or permit was suspended and who is not otherwise 73612  
subject to suspension, cancellation, or disqualification, the 73613  
registrar shall return the driver's or commercial driver's license 73614  
or permit to the person upon the occurrence of all of the 73615  
conditions specified in divisions (F)(1) and (2) of this section: 73616

(1) A showing that the person has proof of financial 73617  
responsibility, a policy of liability insurance in effect that 73618  
meets the minimum standards set forth in section 4509.51 of the 73619  
Revised Code, or proof, to the satisfaction of the registrar, that 73620  
the person is able to respond in damages in an amount at least 73621  
equal to the minimum amounts specified in section 4509.51 of the 73622  
Revised Code. 73623

(2) Subject to the limitation contained in division (F)(3) of 73624  
this section, payment by the person to the registrar or an 73625  
eligible deputy registrar of a license reinstatement fee of four 73626  
hundred seventy-five dollars, which fee shall be deposited in the 73627  
state treasury and credited as follows: 73628

(a) One hundred twelve dollars and fifty cents shall be 73629  
credited to the statewide treatment and prevention fund created by 73630  
section 4301.30 of the Revised Code. Money credited to the fund 73631  
under this section shall be used for purposes identified under 73632  
section 5119.22 of the Revised Code. 73633

(b) Seventy-five dollars shall be credited to the reparations 73634  
fund created by section 2743.191 of the Revised Code. 73635

(c) Thirty-seven dollars and fifty cents shall be credited to 73636  
the indigent drivers alcohol treatment fund, which is hereby 73637  
established in the state treasury. The department of mental health 73638  
and addiction services shall distribute the moneys in that fund to 73639  
the county indigent drivers alcohol treatment funds, the county 73640  
juvenile indigent drivers alcohol treatment funds, and the 73641  
municipal indigent drivers alcohol treatment funds that are 73642

required to be established by counties and municipal corporations 73643  
pursuant to division (H) of this section to be used only as 73644  
provided in division (H)(3) of this section. Moneys in the fund 73645  
that are not distributed to a county indigent drivers alcohol 73646  
treatment fund, a county juvenile indigent drivers alcohol 73647  
treatment fund, or a municipal indigent drivers alcohol treatment 73648  
fund under division (H) of this section because the director of 73649  
mental health and addiction services does not have the information 73650  
necessary to identify the county or municipal corporation where 73651  
the offender or juvenile offender was arrested may be transferred 73652  
by the director of budget and management to the statewide 73653  
treatment and prevention fund created by section 4301.30 of the 73654  
Revised Code, upon certification of the amount by the director of 73655  
mental health and addiction services. 73656

(d) Seventy-five dollars shall be credited to the 73657  
opportunities for Ohioans with disabilities agency established by 73658  
section 3304.15 of the Revised Code, to the services for 73659  
rehabilitation fund, which is hereby established. The fund shall 73660  
be used to match available federal matching funds where 73661  
appropriate, and for any other purpose or program of the agency to 73662  
rehabilitate persons with disabilities to help them become 73663  
employed and independent. 73664

(e) Seventy-five dollars shall be deposited into the state 73665  
treasury and credited to the drug abuse resistance education 73666  
programs fund, which is hereby established, to be used by the 73667  
attorney general for the purposes specified in division (F)(4) of 73668  
this section. 73669

(f) Thirty dollars shall be credited to the state bureau of 73670  
motor vehicles fund created by section 4501.25 of the Revised 73671  
Code. 73672

(g) Twenty dollars shall be credited to the trauma and 73673  
emergency medical services fund created by section 4513.263 of the 73674

Revised Code. 73675

(h) Fifty dollars shall be credited to the indigent drivers 73676  
interlock and alcohol monitoring fund, which is hereby established 73677  
in the state treasury. Moneys in the fund shall be distributed by 73678  
the department of public safety to the county indigent drivers 73679  
interlock and alcohol monitoring funds, the county juvenile 73680  
indigent drivers interlock and alcohol monitoring funds, and the 73681  
municipal indigent drivers interlock and alcohol monitoring funds 73682  
that are required to be established by counties and municipal 73683  
corporations pursuant to this section, and shall be used only to 73684  
pay the cost of an immobilizing or disabling device, including a 73685  
certified ignition interlock device, or an alcohol monitoring 73686  
device used by an offender or juvenile offender who is ordered to 73687  
use the device by a county, juvenile, or municipal court judge and 73688  
who is determined by the county, juvenile, or municipal court 73689  
judge not to have the means to pay for the person's use of the 73690  
device. 73691

(3) If a person's driver's or commercial driver's license or 73692  
permit is suspended under this section, under section 4511.196 or 73693  
division (G) of section 4511.19 of the Revised Code, under section 73694  
4510.07 of the Revised Code for a violation of a municipal OVI 73695  
ordinance or under any combination of the suspensions described in 73696  
division (F)(3) of this section, and if the suspensions arise from 73697  
a single incident or a single set of facts and circumstances, the 73698  
person is liable for payment of, and shall be required to pay to 73699  
the registrar or an eligible deputy registrar, only one 73700  
reinstatement fee of four hundred seventy-five dollars. The 73701  
reinstatement fee shall be distributed by the bureau in accordance 73702  
with division (F)(2) of this section. 73703

(4) The attorney general shall use amounts in the drug abuse 73704  
resistance education programs fund to award grants to law 73705  
enforcement agencies to establish and implement drug abuse 73706



resistance education programs in public schools. Grants awarded to 73707  
a law enforcement agency under this section shall be used by the 73708  
agency to pay for not more than fifty per cent of the amount of 73709  
the salaries of law enforcement officers who conduct drug abuse 73710  
resistance education programs in public schools. The attorney 73711  
general shall not use more than six per cent of the amounts the 73712  
attorney general's office receives under division (F)(2)(e) of 73713  
this section to pay the costs it incurs in administering the grant 73714  
program established by division (F)(2)(e) of this section and in 73715  
providing training and materials relating to drug abuse resistance 73716  
education programs. 73717

The attorney general shall report to the governor and the 73718  
general assembly each fiscal year on the progress made in 73719  
establishing and implementing drug abuse resistance education 73720  
programs. These reports shall include an evaluation of the 73721  
effectiveness of these programs. 73722

(5) In addition to the reinstatement fee under this section, 73723  
if the person pays the reinstatement fee to a deputy registrar, 73724  
the deputy registrar shall collect a service fee of ten dollars to 73725  
compensate the deputy registrar for services performed under this 73726  
section. The deputy registrar shall retain eight dollars of the 73727  
service fee and shall transmit the reinstatement fee, plus two 73728  
dollars of the service fee, to the registrar in the manner the 73729  
registrar shall determine. 73730

(G) Suspension of a commercial driver's license under 73731  
division (B) or (C) of this section shall be concurrent with any 73732  
period of disqualification under section 3123.611 or 4506.16 of 73733  
the Revised Code or any period of suspension under section 3123.58 73734  
of the Revised Code. No person who is disqualified for life from 73735  
holding a commercial driver's license under section 4506.16 of the 73736  
Revised Code shall be issued a driver's license under Chapter 73737  
4507. of the Revised Code during the period for which the 73738

commercial driver's license was suspended under division (B) or 73739  
(C) of this section. No person whose commercial driver's license 73740  
is suspended under division (B) or (C) of this section shall be 73741  
issued a driver's license under Chapter 4507. of the Revised Code 73742  
during the period of the suspension. 73743

(H)(1) Each county shall establish an indigent drivers 73744  
alcohol treatment fund and a juvenile indigent drivers alcohol 73745  
treatment fund. Each municipal corporation in which there is a 73746  
municipal court shall establish an indigent drivers alcohol 73747  
treatment fund. All revenue that the general assembly appropriates 73748  
to the indigent drivers alcohol treatment fund for transfer to a 73749  
county indigent drivers alcohol treatment fund, a county juvenile 73750  
indigent drivers alcohol treatment fund, or a municipal indigent 73751  
drivers alcohol treatment fund, all portions of fees that are paid 73752  
under division (F) of this section and that are credited under 73753  
that division to the indigent drivers alcohol treatment fund in 73754  
the state treasury for a county indigent drivers alcohol treatment 73755  
fund, a county juvenile indigent drivers alcohol treatment fund, 73756  
or a municipal indigent drivers alcohol treatment fund, all 73757  
portions of additional costs imposed under section 2949.094 of the 73758  
Revised Code that are specified for deposit into a county, county 73759  
juvenile, or municipal indigent drivers alcohol treatment fund by 73760  
that section, and all portions of fines that are specified for 73761  
deposit into a county or municipal indigent drivers alcohol 73762  
treatment fund by section 4511.193 of the Revised Code shall be 73763  
deposited into that county indigent drivers alcohol treatment 73764  
fund, county juvenile indigent drivers alcohol treatment fund, or 73765  
municipal indigent drivers alcohol treatment fund. The portions of 73766  
the fees paid under division (F) of this section that are to be so 73767  
deposited shall be determined in accordance with division (H)(2) 73768  
of this section. Additionally, all portions of fines that are paid 73769  
for a violation of section 4511.19 of the Revised Code or of any 73770  
prohibition contained in Chapter 4510. of the Revised Code, and 73771

that are required under section 4511.19 or any provision of 73772  
Chapter 4510. of the Revised Code to be deposited into a county 73773  
indigent drivers alcohol treatment fund or municipal indigent 73774  
drivers alcohol treatment fund shall be deposited into the 73775  
appropriate fund in accordance with the applicable division of the 73776  
section or provision. 73777

(2) That portion of the license reinstatement fee that is 73778  
paid under division (F) of this section and that is credited under 73779  
that division to the indigent drivers alcohol treatment fund shall 73780  
be deposited into a county indigent drivers alcohol treatment 73781  
fund, a county juvenile indigent drivers alcohol treatment fund, 73782  
or a municipal indigent drivers alcohol treatment fund as follows: 73783

(a) Regarding a suspension imposed under this section, that 73784  
portion of the fee shall be deposited as follows: 73785

(i) If the fee is paid by a person who was charged in a 73786  
county court with the violation that resulted in the suspension or 73787  
in the imposition of the court costs, the portion shall be 73788  
deposited into the county indigent drivers alcohol treatment fund 73789  
under the control of that court; 73790

(ii) If the fee is paid by a person who was charged in a 73791  
juvenile court with the violation that resulted in the suspension 73792  
or in the imposition of the court costs, the portion shall be 73793  
deposited into the county juvenile indigent drivers alcohol 73794  
treatment fund established in the county served by the court; 73795

(iii) If the fee is paid by a person who was charged in a 73796  
municipal court with the violation that resulted in the suspension 73797  
or in the imposition of the court costs, the portion shall be 73798  
deposited into the municipal indigent drivers alcohol treatment 73799  
fund under the control of that court. 73800

(b) Regarding a suspension imposed under section 4511.19 of 73801  
the Revised Code or under section 4510.07 of the Revised Code for 73802

a violation of a municipal OVI ordinance, that portion of the fee 73803  
shall be deposited as follows: 73804

(i) If the fee is paid by a person whose license or permit 73805  
was suspended by a county court, the portion shall be deposited 73806  
into the county indigent drivers alcohol treatment fund under the 73807  
control of that court; 73808

(ii) If the fee is paid by a person whose license or permit 73809  
was suspended by a municipal court, the portion shall be deposited 73810  
into the municipal indigent drivers alcohol treatment fund under 73811  
the control of that court. 73812

(3)(a) As used in division (H)(3) of this section, "indigent 73813  
person" means a person who is convicted of a violation of division 73814  
(A) or (B) of section 4511.19 of the Revised Code or a 73815  
substantially similar municipal ordinance or found to be a 73816  
juvenile traffic offender by reason of a violation of division (A) 73817  
or (B) of section 4511.19 of the Revised Code or a substantially 73818  
similar municipal ordinance, who is ordered by the court to attend 73819  
an alcohol and drug addiction treatment program, and who is 73820  
determined by the court under division (H)(5) of this section to 73821  
be unable to pay the cost of the assessment or the cost of 73822  
attendance at the treatment program. 73823

(b) A county, juvenile, or municipal court judge, by order, 73824  
may make expenditures from a county indigent drivers alcohol 73825  
treatment fund, a county juvenile indigent drivers alcohol 73826  
treatment fund, or a municipal indigent drivers alcohol treatment 73827  
fund with respect to an indigent person for any of the following: 73828

(i) To pay the cost of an assessment that is conducted by an 73829  
appropriately licensed clinician at either a driver intervention 73830  
program that is certified under section 5119.38 of the Revised 73831  
Code or at a community addiction services provider that is 73832  
certified under section 5119.36 of the Revised Code; 73833

(ii) To pay the cost of alcohol addiction services, drug 73834  
addiction services, or integrated alcohol and drug addiction 73835  
services at a community addiction services provider that is 73836  
certified under section 5119.36 of the Revised Code; 73837

(iii) To pay the cost of transportation to attend an 73838  
assessment as provided under division (H)(3)(b)(i) of this section 73839  
or addiction services as provided under division (H)(3)(b)(ii) of 73840  
this section. 73841

The alcohol and drug addiction services board or the board of 73842  
alcohol, drug addiction, and mental health services established 73843  
pursuant to section 340.02 or 340.021 of the Revised Code and 73844  
serving the alcohol, drug addiction, and mental health service 73845  
district in which the court is located shall administer the 73846  
indigent drivers alcohol treatment program of the court. When a 73847  
court orders an offender or juvenile traffic offender to obtain an 73848  
assessment or attend an alcohol and drug addiction treatment 73849  
program, the board shall determine which program is suitable to 73850  
meet the needs of the offender or juvenile traffic offender, and 73851  
when a suitable program is located and space is available at the 73852  
program, the offender or juvenile traffic offender shall attend 73853  
the program designated by the board. A reasonable amount not to 73854  
exceed five per cent of the amounts credited to and deposited into 73855  
the county indigent drivers alcohol treatment fund, the county 73856  
juvenile indigent drivers alcohol treatment fund, or the municipal 73857  
indigent drivers alcohol treatment fund serving every court whose 73858  
program is administered by that board shall be paid to the board 73859  
to cover the costs it incurs in administering those indigent 73860  
drivers alcohol treatment programs. 73861

(c) Upon exhaustion of moneys in the indigent drivers 73862  
interlock and alcohol monitoring fund for the use of an alcohol 73863  
monitoring device, a county, juvenile, or municipal court judge 73864  
may use moneys in the county indigent drivers alcohol treatment 73865

fund, county juvenile indigent drivers alcohol treatment fund, or 73866  
municipal indigent drivers alcohol treatment fund in either of the 73867  
following manners: 73868

(i) If the source of the moneys was an appropriation of the 73869  
general assembly, a portion of a fee that was paid under division 73870  
(F) of this section, a portion of a fine that was specified for 73871  
deposit into the fund by section 4511.193 of the Revised Code, or 73872  
a portion of a fine that was paid for a violation of section 73873  
4511.19 of the Revised Code or of a provision contained in Chapter 73874  
4510. of the Revised Code that was required to be deposited into 73875  
the fund, to pay for the continued use of an alcohol monitoring 73876  
device by an offender or juvenile traffic offender, in conjunction 73877  
with a treatment program approved by the department of mental 73878  
health and addiction services, when such use is determined 73879  
clinically necessary by the treatment program and when the court 73880  
determines that the offender or juvenile traffic offender is 73881  
unable to pay all or part of the daily monitoring or cost of the 73882  
device; 73883

(ii) If the source of the moneys was a portion of an 73884  
additional court cost imposed under section 2949.094 of the 73885  
Revised Code, to pay for the continued use of an alcohol 73886  
monitoring device by an offender or juvenile traffic offender when 73887  
the court determines that the offender or juvenile traffic 73888  
offender is unable to pay all or part of the daily monitoring or 73889  
cost of the device. The moneys may be used for a device as 73890  
described in this division if the use of the device is in 73891  
conjunction with a treatment program approved by the department of 73892  
mental health and addiction services, when the use of the device 73893  
is determined clinically necessary by the treatment program, but 73894  
the use of a device is not required to be in conjunction with a 73895  
treatment program approved by the department in order for the 73896  
moneys to be used for the device as described in this division. 73897

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may take any of the following actions with regard to the amount of the surplus in the fund:

(a) Expend any of the surplus amount for alcohol and drug abuse assessment and treatment, and for the cost of transportation related to assessment and treatment, of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

(b) Expend any of the surplus amount to pay all or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3)(c) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(c) Transfer to another court in the same county any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section. If surplus funds are transferred to another court, the court that transfers the funds shall notify the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which that court is located.

(d) Transfer to the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which the court is located any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section or for board contracted recovery support services.

(5) In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or if an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any community addiction services provider that ~~is~~ intends to provide addiction services and has not had its addiction services certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for the community addiction services provider to become a certified community addiction services provider have its addiction services certified by the



department. The department shall keep a record of applicant 73962  
referrals received pursuant to this division and shall submit a 73963  
report on the referrals each year to the general assembly. If a 73964  
community addiction services provider interested in ~~becoming~~ 73965  
having its addiction services certified makes an application ~~to~~ 73966  
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 73967  
the community addiction services provider is eligible to receive 73968  
surplus funds as long as the application is pending with the 73969  
department. The department of mental health and addiction services 73970  
must offer technical assistance to the applicant. If the 73971  
interested community addiction services provider withdraws the 73972  
certification application, the department must notify the court, 73973  
and the court shall not provide the interested community addiction 73974  
services provider with any further surplus funds. 73975

(7)(a) Each alcohol and drug addiction services board and 73976  
board of alcohol, drug addiction, and mental health services 73977  
established pursuant to section 340.02 or 340.021 of the Revised 73978  
Code shall submit to the department of mental health and addiction 73979  
services an annual report for each indigent drivers alcohol 73980  
treatment fund in that board's area. 73981

(b) The report, which shall be submitted not later than sixty 73982  
days after the end of the state fiscal year, shall provide the 73983  
total payment that was made from the fund, including the number of 73984  
indigent consumers that received treatment services and the number 73985  
of indigent consumers that received an alcohol monitoring device. 73986  
The report shall identify the treatment program and expenditure 73987  
for an alcohol monitoring device for which that payment was made. 73988  
The report shall include the fiscal year balance of each indigent 73989  
drivers alcohol treatment fund located in that board's area. In 73990  
the event that a surplus is declared in the fund pursuant to 73991  
division (H)(4) of this section, the report also shall provide the 73992  
total payment that was made from the surplus moneys and identify 73993

the authorized purpose for which that payment was made. 73994

(c) If a board is unable to obtain adequate information to 73995  
develop the report to submit to the department for a particular 73996  
indigent drivers alcohol treatment fund, the board shall submit a 73997  
report detailing the effort made in obtaining the information. 73998

(I)(1) Each county shall establish an indigent drivers 73999  
interlock and alcohol monitoring fund and a juvenile indigent 74000  
drivers interlock and alcohol treatment fund. Each municipal 74001  
corporation in which there is a municipal court shall establish an 74002  
indigent drivers interlock and alcohol monitoring fund. All 74003  
revenue that the general assembly appropriates to the indigent 74004  
drivers interlock and alcohol monitoring fund for transfer to a 74005  
county indigent drivers interlock and alcohol monitoring fund, a 74006  
county juvenile indigent drivers interlock and alcohol monitoring 74007  
fund, or a municipal indigent drivers interlock and alcohol 74008  
monitoring fund, all portions of license reinstatement fees that 74009  
are paid under division (F)(2) of this section and that are 74010  
credited under that division to the indigent drivers interlock and 74011  
alcohol monitoring fund in the state treasury, and all portions of 74012  
fines that are paid under division (G) of section 4511.19 of the 74013  
Revised Code and that are credited by division (G)(5)(e) of that 74014  
section to the indigent drivers interlock and alcohol monitoring 74015  
fund in the state treasury shall be deposited in the appropriate 74016  
fund in accordance with division (I)(2) of this section. 74017

(2) That portion of the license reinstatement fee that is 74018  
paid under division (F) of this section and that portion of the 74019  
fine paid under division (G) of section 4511.19 of the Revised 74020  
Code and that is credited under either division to the indigent 74021  
drivers interlock and alcohol monitoring fund shall be deposited 74022  
into a county indigent drivers interlock and alcohol monitoring 74023  
fund, a county juvenile indigent drivers interlock and alcohol 74024  
monitoring fund, or a municipal indigent drivers interlock and 74025

alcohol monitoring fund as follows: 74026

(a) If the fee or fine is paid by a person who was charged in 74027  
a county court with the violation that resulted in the suspension 74028  
or fine, the portion shall be deposited into the county indigent 74029  
drivers interlock and alcohol monitoring fund under the control of 74030  
that court. 74031

(b) If the fee or fine is paid by a person who was charged in 74032  
a juvenile court with the violation that resulted in the 74033  
suspension or fine, the portion shall be deposited into the county 74034  
juvenile indigent drivers interlock and alcohol monitoring fund 74035  
established in the county served by the court. 74036

(c) If the fee or fine is paid by a person who was charged in 74037  
a municipal court with the violation that resulted in the 74038  
suspension, the portion shall be deposited into the municipal 74039  
indigent drivers interlock and alcohol monitoring fund under the 74040  
control of that court. 74041

(3) If a county, juvenile, or municipal court determines that 74042  
the funds in the county indigent drivers interlock and alcohol 74043  
monitoring fund, the county juvenile indigent drivers interlock 74044  
and alcohol monitoring fund, or the municipal indigent drivers 74045  
interlock and alcohol monitoring fund under the control of that 74046  
court are more than sufficient to satisfy the purpose for which 74047  
the fund was established as specified in division (F)(2)(h) of 74048  
this section, the court may declare a surplus in the fund. The 74049  
court then may order the transfer of a specified amount into the 74050  
county indigent drivers alcohol treatment fund, the county 74051  
juvenile indigent drivers alcohol treatment fund, or the municipal 74052  
indigent drivers alcohol treatment fund under the control of that 74053  
court to be utilized in accordance with division (H) of this 74054  
section. 74055

**Sec. 4513.611.** (A) A vehicle owner may bring a civil action 74056

against a towing service or storage facility that violates section 74057  
4513.60, 4513.601, or 4513.68 of the Revised Code. If a court 74058  
determines that the towing service or storage facility committed 74059  
the violation, the court shall award the vehicle owner the 74060  
following: 74061

(1) ~~If it is a first violation~~ If the towing service or 74062  
storage facility has not committed any prior violations within one 74063  
year of the violation, one thousand dollars; 74064

(2) ~~If it is a second violation~~ If the towing service or 74065  
storage facility has committed one prior violation within one year 74066  
of the violation, two thousand five hundred dollars; 74067

(3) ~~If it is a third or subsequent violation~~ If the towing 74068  
service or storage facility has committed two prior violations 74069  
within one year of the violation, two thousand five hundred 74070  
dollars. In addition, the court shall order the public utilities 74071  
commission to revoke the towing service's or storage facility's 74072  
certificate of public convenience and necessity for six months. 74073  
The commission shall comply with the order. 74074

(B) Upon expiration of the six-month revocation under 74075  
division (A)(3) of this section, a court shall not consider any 74076  
violation committed by the towing service or storage facility 74077  
prior to the revocation for purposes of a civil action initiated 74078  
after the expiration of the six-month revocation. 74079

(C) In addition to an award made under division (A) of this 74080  
section, if a court determines that a towing service or storage 74081  
facility committed a violation that caused actual damages, the 74082  
court shall award the vehicle owner three times the actual damages 74083  
and reasonable attorney's fees. 74084

**Sec. 4513.67.** (A) As used in this section, "towing service" 74085  
means any for-hire motor carrier that is engaged on an intrastate 74086

basis anywhere in this state in the business of towing a motor 74087  
vehicle over any public highway in this state. 74088

(B) No person shall operate a towing vehicle for a towing 74089  
service and no person who owns a towing vehicle used by a towing 74090  
service or has supervisory responsibility over a towing vehicle 74091  
used by a towing service, shall permit the operation of a towing 74092  
vehicle used by a towing service, unless both of the following 74093  
apply: 74094

(1) The towing service holds a valid certificate of public 74095  
convenience and necessity as required by Chapter 4921. of the 74096  
Revised Code; and 74097

(2) The certificate number and business telephone number is 74098  
visibly displayed on both the left and right ~~front doors~~ sides of 74099  
the towing vehicle. 74100

(C)(1) No towing service shall do either of the following: 74101

~~(1)(a)~~ Fail to make its current certificate of public 74102  
convenience and necessity available for public inspection during 74103  
normal business hours; 74104

~~(2)(b)~~ Fail to include its certificate number on all 74105  
~~advertising,~~ written estimates, contracts, ~~and invoices, and,~~ 74106  
subject to division (C)(2) of this section, advertising. 74107

(2) The public utilities commission, by rule, may exempt from 74108  
the requirements of division (C)(1) of this section any type of 74109  
advertising where the size or nature of the advertisement makes it 74110  
unreasonable to add a certificate number. 74111

**Sec. 4519.10.** (A) The purchaser of an off-highway motorcycle 74112  
or all-purpose vehicle, upon application and proof of purchase, 74113  
may obtain a temporary license placard for it. The application for 74114  
such a placard shall be signed by the purchaser of the off-highway 74115  
motorcycle or all-purpose vehicle. The temporary license placard 74116

shall be issued only for the applicant's use of the off-highway 74117  
motorcycle or all-purpose vehicle to enable the applicant to 74118  
operate it legally while proper title and a registration sticker 74119  
or license plate and validation sticker are being obtained and 74120  
shall be displayed on no other off-highway motorcycle or 74121  
all-purpose vehicle. A temporary license placard issued under this 74122  
section shall be in a form prescribed by the registrar of motor 74123  
vehicles, shall differ in some distinctive manner from a placard 74124  
issued under section 4503.182 of the Revised Code, shall be valid 74125  
for a period of ~~thirty~~ forty-five days from the date of issuance, 74126  
and shall not be transferable or renewable. The placard either 74127  
shall consist of or be coated with such material as will enable it 74128  
to remain legible and relatively intact despite the environmental 74129  
conditions to which the placard is likely to be exposed during the 74130  
~~thirty-day~~ forty-five-day period for which it is valid. The 74131  
purchaser of an off-highway motorcycle or all-purpose vehicle 74132  
shall attach the temporary license placard to it, in a manner 74133  
prescribed by rules the registrar shall adopt, so that the placard 74134  
numerals or letters are clearly visible. 74135

The fee for a temporary license placard issued under this 74136  
section shall be two dollars. If the placard is issued by a deputy 74137  
registrar, the deputy registrar shall charge an additional fee of 74138  
three dollars and fifty cents, which the deputy registrar shall 74139  
retain. The deputy registrar shall transmit each two-dollar fee 74140  
received by the deputy registrar under this section to the 74141  
registrar, who shall pay the two dollars to the treasurer of state 74142  
for deposit into the state bureau of motor vehicles fund 74143  
established by section 4501.25 of the Revised Code. 74144

(B) The registrar may issue temporary license placards to a 74145  
dealer to be issued to purchasers for use on vehicles sold by the 74146  
dealer, in accordance with rules prescribed by the registrar. The 74147  
dealer shall notify the registrar within forty-eight hours of 74148

proof of issuance on a form prescribed by the registrar. 74149

The fee for each such placard issued by the registrar to a 74150  
dealer shall be two dollars plus a fee of three dollars and fifty 74151  
cents. 74152

**Sec. 4582.56.** (A) As used in this section: 74153

(1) "Eligible county" means a county whose territory includes 74154  
a part of Lake Erie the shoreline of which represents at least 74155  
fifty per cent of the linear length of the county's border with 74156  
other counties of this state. 74157

(2) "Lakeshore improvement project" means construction of a 74158  
port authority facility within one mile of the Lake Erie shoreline 74159  
in an eligible county. 74160

(B) The board of directors of a port authority may enter into 74161  
an agreement with the board of county commissioners of an eligible 74162  
county that created the port authority providing for all of the 74163  
following, and any other terms mutually agreeable to the boards: 74164

(1) The board of county commissioners levies an excise tax 74165  
under division (M) of section 5739.09 of the Revised Code and 74166  
pledges all the revenue from the tax to the port authority for the 74167  
purpose of financing lakeshore improvement projects including the 74168  
payment of debt charges on any securities issued under division 74169  
(C) of this section. 74170

(2) The port authority constructs or finances the 74171  
construction of lakeshore improvements and pays the costs of such 74172  
projects with revenue from the tax pledged under the agreement. 74173  
Such construction or financing is an authorized purpose for the 74174  
purposes of division (B) of section 4582.21 of this section. 74175

(3) The port authority may not enter into any contract or 74176  
other obligation regarding a lakeshore improvement project before 74177  
obtaining the approval for the project by the board of county 74178

commissioners by a resolution of the board. 74179

(C) The board of directors of a port authority that enters 74180  
into an agreement under this section may issue port authority 74181  
special obligation bonds, and notes anticipating the proceeds of 74182  
the bonds, in the principal amount that, in the opinion of the 74183  
board, are necessary for the purpose of paying the costs of one or 74184  
more lakeshore improvement projects or parts of one or more 74185  
projects and interest on the bonds payable over the term of the 74186  
issue. The board may refund any special obligation bonds by the 74187  
issuance of special obligation refunding bonds regardless of 74188  
whether the bonds to be refunded have or have not matured. The 74189  
refunding bonds shall be sold, and the proceeds needed for such 74190  
purpose applied, in the manner provided in the bond proceedings. 74191

Every issue of special obligation bonds issued under this 74192  
section shall be payable from the revenue from the tax levied 74193  
under division (M) of section 5739.09 of the Revised Code and 74194  
pledged for such payment under the agreement. The pledge shall be 74195  
valid and binding from the time the pledge is made, and the 74196  
revenue so pledged and received by the port authority shall be 74197  
subject to the lien of the pledge without any physical delivery of 74198  
the revenue or any further act. The lien of any pledge is valid 74199  
and binding as against all parties having claims of any kind in 74200  
tort, contract, or otherwise against the port authority, whether 74201  
or not such parties have notice of the lien. Neither the 74202  
resolution nor any trust agreement by which a pledge is created 74203  
need be filed or recorded except in the port authority's records. 74204

Whether or not the bonds are of such form and character as to 74205  
be negotiable instruments under Title XIII of the Revised Code, 74206  
the bonds shall have all the qualities and incidents of negotiable 74207  
instruments, subject only to their provisions for registration, if 74208  
any. 74209

Bonds issued under this section shall bear such date or 74210



dates, and shall mature at such time or times not exceeding thirty 74211  
years from the date of issue of the original bonds and shall be 74212  
executed in the manner that the resolution authorizing the bonds 74213  
may provide. The bonds shall bear interest at such rates, or at 74214  
variable rate or rates changing from time to time, in accordance 74215  
with provisions provided in the authorizing resolution, shall be 74216  
in such denominations and form, either coupon or registered, shall 74217  
carry such registration privileges, shall be payable in such 74218  
medium of payment and at such place or places, and be subject to 74219  
such terms of redemption, as the board of directors of the port 74220  
authority may authorize or provide. The bonds may be sold at 74221  
public or private sale, and at, or at not less than, the price or 74222  
prices as the board determines. If any officer whose signature or 74223  
a facsimile of whose signature appears on any bonds or coupons 74224  
ceases to be such officer before delivery of the bonds, the 74225  
signature or facsimile shall nevertheless be sufficient for all 74226  
purposes as if the officer had remained in office until delivery 74227  
of the bonds, and in case the seal of the authority has been 74228  
changed after a facsimile has been imprinted on the bonds, the 74229  
facsimile seal will continue to be sufficient for all purposes. 74230

Any resolution authorizing bonds under this section may 74231  
contain provisions governing the use and disposition of revenue 74232  
pledged under the agreement under division (B) of this section; 74233  
the crediting of the proceeds of the sale of the bonds to and 74234  
among the funds referred to or provided for in the resolution; 74235  
limitations on the purpose to which the proceeds of sale of the 74236  
bonds may be applied and the pledging of portions of such proceeds 74237  
to secure payment of the bonds; the issuance of notes in 74238  
anticipation of the issuance of bonds; the terms upon which 74239  
additional bonds may be issued and secured; the refunding of 74240  
outstanding bonds; the procedure, if any, by which the terms of 74241  
any contract with bondholders may be amended, the amount of bonds 74242  
the holders of which must consent thereto, and the manner in which 74243

such consent may be given; securing any bonds by a trust agreement 74244  
in accordance with division (D) of this section; and any other 74245  
matters that may affect the security or protection of the bonds. 74246  
The taxes anticipated by the bonds are not subject to diminution 74247  
by initiative or referendum or by law while the bonds or notes 74248  
remain outstanding in accordance with their terms, unless 74249  
provision is made by law or by the board of county commissioners 74250  
and board of directors of the port authority for an adequate 74251  
substitute therefor reasonably satisfactory to the trustee, if a 74252  
trust agreement secures the bonds. 74253

Neither the members of the board of directors of the port 74254  
authority nor any person executing the bonds shall be liable 74255  
personally on the bonds or be subject to any personal liability or 74256  
accountability by reason of the issuance. 74257

(D) In the discretion of the board of directors, the bonds 74258  
issued under this section may be secured by a trust agreement 74259  
between the board of directors on behalf of the port authority and 74260  
a corporate trustee, which may be any trust company or bank having 74261  
powers of a trust company, within or outside the state. 74262

The trust agreement may provide for the pledge or assignment 74263  
of the tax revenue to be received under the agreement entered into 74264  
under division (B) of this section, but shall not pledge the 74265  
general credit or other taxing power of the county or the general 74266  
credit or taxing power of the port authority. The trust agreement 74267  
or the resolution providing for the issuance of the bonds may set 74268  
forth the rights and remedies of the bondholders and trustee, and 74269  
may contain other provisions for protecting and enforcing their 74270  
rights and remedies that are determined in the discretion of the 74271  
board of directors to be reasonable and proper. 74272

**Sec. 4707.02.** (A) No person shall act as an auction firm, 74273  
auctioneer, apprentice auctioneer, or special auctioneer within 74274

this state without a license issued by the department of 74275  
agriculture. No auction shall be conducted in this state except by 74276  
an auctioneer licensed by the department. 74277

The department shall not issue or renew a license if the 74278  
applicant or licensee has been convicted of a felony or crime 74279  
involving fraud or theft in this or another state at any time 74280  
during the ten years immediately preceding application or renewal. 74281

(B) Division (A) of this section does not apply to any of the 74282  
following: 74283

(1) Sales at auction that either are required by law to be at 74284  
auction, other than sales pursuant to a judicial order or decree, 74285  
or are conducted by or under the direction of a public authority; 74286

(2) The owner of any real or personal property desiring to 74287  
sell the property at auction, provided that the property was not 74288  
acquired for the purpose of resale; 74289

(3) An auction mediation company; 74290

(4) An auction that is conducted in a course of study for 74291  
auctioneers that is approved by the state auctioneers commission 74292  
created under section 4707.03 of the Revised Code for purposes of 74293  
student training and is supervised by a licensed auctioneer; 74294

(5)(a) An auction that is sponsored by a nonprofit or 74295  
charitable organization that is registered in this state under 74296  
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 74297  
if the auction only involves the property of the members of the 74298  
organization and the auction is part of a fair that is organized 74299  
by an agricultural society under Chapter 1711. of the Revised Code 74300  
or by the Ohio expositions commission under Chapter 991. of the 74301  
Revised Code at which an auctioneer who is licensed under this 74302  
chapter physically conducts the auction; ~~or~~ 74303

(b) Sales at an auction sponsored by a charitable, religious, 74304

or civic organization that is tax exempt under subsection 74305  
501(c)(3) of the Internal Revenue Code, or by a public school, 74306  
chartered nonpublic school, or community school, if no person in 74307  
the business of organizing, arranging, or conducting an auction 74308  
for compensation and no consignor of consigned items sold at the 74309  
auction, except such organization or school, receives compensation 74310  
from the proceeds of the auction. As used in division (B)(5)(b) of 74311  
this section, "compensation" means money, a thing of value other 74312  
than participation in a charitable event, or a financial benefit. 74313

(c) Sales at an auction sponsored by an organization that is 74314  
tax exempt under subsection 501(c)(6) of the Internal Revenue Code 74315  
and that is a part of a national, regional, or state convention or 74316  
conference that advances or promotes the auction profession in 74317  
this state when the property to be sold is donated to or is the 74318  
property of the organization and the proceeds remain within the 74319  
organization or are donated to a charitable organization that is 74320  
tax exempt under subsection 501(c)(3) of the Internal Revenue 74321  
Code. 74322

(6) A person licensed as a livestock dealer under Chapter 74323  
943. of the Revised Code who exclusively sells livestock and uses 74324  
an auctioneer who is licensed under this chapter to conduct the 74325  
auction; 74326

(7) A person licensed as a motor vehicle auction owner under 74327  
Chapter 4517. of the Revised Code who exclusively sells motor 74328  
vehicles to a person licensed under Chapter 4517. of the Revised 74329  
Code and who uses an auctioneer who is licensed under this chapter 74330  
to conduct the auction; 74331

(8) A person who sells real or personal property by means of 74332  
the internet; 74333

(9) A bid calling contest that is approved by the commission 74334  
and that is conducted for the purposes of the advancement or 74335

promotion of the auction profession in this state, ~~provided that~~ 74336  
~~no compensation is paid to the sponsor of or participants in the~~ 74337  
~~contest other than a prize or award for winning the contest;~~ 74338

(10) An auction at which the champion of a national or 74339  
international bid calling contest appears, provided that both of 74340  
the following apply: 74341

(a) The champion is not paid a commission. 74342

(b) The auction is conducted under the direct supervision of 74343  
an auctioneer licensed under this chapter in order to ensure that 74344  
the champion complies with this chapter and rules adopted under 74345  
it. 74346

(C)(1) No person shall advertise or hold oneself out as an 74347  
auction firm, auctioneer, apprentice auctioneer, or special 74348  
auctioneer without a license issued by the department of 74349  
agriculture. 74350

(2) Division (C)(1) of this section does not apply to an 74351  
individual who is the subject of an advertisement regarding an 74352  
auction conducted under division (B)(5)(b) of this section. 74353

**Sec. 4715.18.** (A) No person shall practice or offer to 74354  
practice dentistry or dental surgery under the name of any 74355  
company, association, ~~or~~ corporation ~~except a,~~ or other entity 74356  
other than one of the following: 74357

(1) A corporation-for-profit formed under Chapter 1701. of 74358  
the Revised Code ~~or a;~~ 74359

(2) A professional association established under Chapter 74360  
1785. of the Revised Code, ~~or under the name of any other entity~~ 74361  
~~except a;~~ 74362

(3) A limited liability company formed under Chapter 1705. of 74363  
the Revised Code, ~~and any;~~ 74364

(4) A federally qualified health center, federally qualified health center look-alike, free clinic, nonprofit shelter or health care facility, or nonprofit clinic that provides health care services or dental services to indigent and uninsured persons. 74365  
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(B) Any person practicing or offering to practice dentistry or dental surgery shall do so under his the person's name or, the name of a professional association, professional partnership, corporation-for-profit, or limited liability company that includes his the person's name, or the name of an organization specified in division (A)(4) of this section. 74369  
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(C) As used in this section: 74375

(1) "Federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code. 74376  
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(2) "Free clinic" and "nonprofit shelter or health care facility" have the same meanings as in section 3701.071 of the Revised Code. 74379  
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(3) "Nonprofit clinic" has the same meaning as in section 3715.87 of the Revised Code. 74382  
74383

(4) "Indigent and uninsured person" has the same meaning as in section 2305.234 of the Revised Code. 74384  
74385

**Sec. 4723.06.** (A) The board of nursing shall: 74386

(1) Administer and enforce the provisions of this chapter, including the taking of disciplinary action for violations of section 4723.28 of the Revised Code, any other provisions of this chapter, or rules adopted under this chapter; 74387  
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(2) Develop criteria that an applicant must meet to be eligible to sit for the examination for licensure to practice as a registered nurse or as a licensed practical nurse; 74391  
74392  
74393

(3) Issue and renew nursing licenses, dialysis technician certificates, and community health worker certificates, as provided in this chapter;	74394 74395 74396
(4) Define the minimum standards for educational programs of the schools of registered nursing and schools of practical nursing in this state;	74397 74398 74399
(5) Survey, inspect, and grant full approval to prelicensure nursing education programs in this state that meet the standards established by rules adopted under section 4723.07 of the Revised Code. Prelicensure nursing education programs include, but are not limited to, diploma, associate degree, baccalaureate degree, master's degree, and doctor of nursing programs leading to initial licensure to practice nursing as a registered nurse and practical nurse programs leading to initial licensure to practice nursing as a licensed practical nurse.	74400 74401 74402 74403 74404 74405 74406 74407 74408
(6) Grant conditional approval, by a vote of a quorum of the board, to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate, if the program meets and maintains the minimum standards of the board established by rules adopted under section 4723.07 of the Revised Code. If the board does not grant conditional approval, it shall hold an adjudication under Chapter 119. of the Revised Code to consider conditional approval of the program. If the board grants conditional approval, at the first meeting following completion of the survey process required by division (A)(5) of this section, the board shall determine whether to grant full approval to the program. If the board does not grant full approval or if it appears that the program has failed to meet and maintain standards established by rules adopted under section 4723.07 of the Revised Code, the board shall hold an adjudication under Chapter 119. of the Revised Code to consider the program. Based on results of the adjudication, the board may continue or	74409 74410 74411 74412 74413 74414 74415 74416 74417 74418 74419 74420 74421 74422 74423 74424 74425

withdraw conditional approval, or grant full approval.	74426
(7) Place on provisional approval, for a period of time	74427
specified by the board, a program that has ceased to meet and	74428
maintain the minimum standards of the board established by rules	74429
adopted under section 4723.07 of the Revised Code. Prior to or at	74430
the end of the period, the board shall reconsider whether the	74431
program meets the standards and shall grant full approval if it	74432
does. If it does not, the board may withdraw approval, pursuant to	74433
an adjudication under Chapter 119. of the Revised Code.	74434
(8) Approve continuing education programs and courses under	74435
standards established in rules adopted under sections 4723.07,	74436
4723.69, 4723.79, and 4723.88 of the Revised Code;	74437
(9) Establish a program for monitoring chemical dependency in	74438
accordance with section 4723.35 of the Revised Code;	74439
(10) Establish the practice intervention and improvement	74440
program in accordance with section 4723.282 of the Revised Code;	74441
(11) Issue and renew certificates of authority to practice	74442
nursing as a certified registered nurse anesthetist, clinical	74443
nurse specialist, certified nurse-midwife, or certified nurse	74444
practitioner;	74445
(12) Approve under section 4723.46 of the Revised Code	74446
national certifying organizations for examination and	74447
certification of certified registered nurse anesthetists, clinical	74448
nurse specialists, certified nurse-midwives, or certified nurse	74449
practitioners;	74450
(13) Issue and renew certificates to prescribe in accordance	74451
with sections 4723.48 and 4723.486 of the Revised Code;	74452
(14) Grant approval to the <del>planned classroom and clinical</del>	74453
<u>course of study in advanced pharmacology and related topics</u>	74454
required by section 4723.482 of the Revised Code to be eligible	74455



for a certificate to prescribe; 74456

(15) Make an annual edition of the formulary established in 74457  
rules adopted under section 4723.50 of the Revised Code available 74458  
to the public either in printed form or by electronic means and, 74459  
as soon as possible after any revision of the formulary becomes 74460  
effective, make the revision available to the public in printed 74461  
form or by electronic means; 74462

(16) Provide guidance and make recommendations to the general 74463  
assembly, the governor, state agencies, and the federal government 74464  
with respect to the regulation of the practice of nursing and the 74465  
enforcement of this chapter; 74466

(17) Make an annual report to the governor, which shall be 74467  
open for public inspection; 74468

(18) Maintain and have open for public inspection the 74469  
following records: 74470

(a) A record of all its meetings and proceedings; 74471

(b) A record of all applicants for, and holders of, licenses 74472  
and certificates issued by the board under this chapter or in 74473  
accordance with rules adopted under this chapter. The record shall 74474  
be maintained in a format determined by the board. 74475

(c) A list of education and training programs approved by the 74476  
board. 74477

(19) Deny approval to a person who submits or causes to be 74478  
submitted false, misleading, or deceptive statements, information, 74479  
or documentation to the board in the process of applying for 74480  
approval of a new education or training program. If the board 74481  
proposes to deny approval of a new education or training program, 74482  
it shall do so pursuant to an adjudication conducted under Chapter 74483  
119. of the Revised Code. 74484

(B) The board may fulfill the requirement of division (A)(8) 74485

of this section by authorizing persons who meet the standards 74486  
established in rules adopted under section 4723.07 of the Revised 74487  
Code to approve continuing education programs and courses. Persons 74488  
so authorized shall approve continuing education programs and 74489  
courses in accordance with standards established in rules adopted 74490  
under section 4723.07 of the Revised Code. 74491

Persons seeking authorization to approve continuing education 74492  
programs and courses shall apply to the board and pay the 74493  
appropriate fee established under section 4723.08 of the Revised 74494  
Code. Authorizations to approve continuing education programs and 74495  
courses shall expire, and may be renewed according to the schedule 74496  
established in rules adopted under section 4723.07 of the Revised 74497  
Code. 74498

In addition to approving continuing education programs under 74499  
division (A)(8) of this section, the board may sponsor continuing 74500  
education activities that are directly related to the statutes and 74501  
rules the board enforces. 74502

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 74503  
exceed the following limits: 74504

(1) For application for licensure by examination to practice 74505  
nursing as a registered nurse or as a licensed practical nurse, 74506  
seventy-five dollars; 74507

(2) For application for licensure by endorsement to practice 74508  
nursing as a registered nurse or as a licensed practical nurse, 74509  
seventy-five dollars; 74510

(3) For application for a certificate of authority to 74511  
practice nursing as a certified registered nurse anesthetist, 74512  
clinical nurse specialist, certified nurse-midwife, or certified 74513  
nurse practitioner, one hundred dollars; 74514

(4) For application for a temporary dialysis technician 74515

certificate, the amount specified in rules adopted under section	74516
4723.79 of the Revised Code;	74517
(5) For application for a dialysis technician certificate,	74518
the amount specified in rules adopted under section 4723.79 of the	74519
Revised Code;	74520
(6) For application for a certificate to prescribe, fifty	74521
dollars;	74522
(7) For providing, pursuant to division (B) of section	74523
4723.271 of the Revised Code, written verification of a nursing	74524
license, certificate of authority, certificate to prescribe,	74525
dialysis technician certificate, medication aide certificate, or	74526
community health worker certificate to another jurisdiction,	74527
fifteen dollars;	74528
(8) For providing, pursuant to division (A) of section	74529
4723.271 of the Revised Code, a replacement copy of a wall	74530
certificate suitable for framing as described in that division,	74531
twenty-five dollars;	74532
(9) For biennial renewal of a nursing license, sixty-five	74533
dollars;	74534
(10) For biennial renewal of a certificate of authority to	74535
practice nursing as a certified registered nurse anesthetist,	74536
clinical nurse specialist, certified nurse-midwife, or certified	74537
nurse practitioner, eighty-five dollars;	74538
(11) For renewal of a certificate to prescribe, fifty	74539
dollars;	74540
(12) For biennial renewal of a dialysis technician	74541
certificate, the amount specified in rules adopted under section	74542
4723.79 of the Revised Code;	74543
(13) For processing a late application for renewal of a	74544
nursing license, certificate of authority, or dialysis technician	74545

certificate, fifty dollars;	74546
(14) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	74547 74548 74549
(15) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	74550 74551 74552
(16) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	74553 74554 74555
(17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	74556 74557 74558
(18) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	74559 74560 74561
<del>(19) For written verification of a license or certificate when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars;</del>	74562 74563 74564
<del>(20)</del> For processing a check returned to the board by a financial institution, twenty-five dollars;	74565 74566
<del>(21)</del> <u>(20)</u> The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, biennial renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and biennial renewal of the approval of a training program for community health workers.	74567 74568 74569 74570 74571 74572 74573 74574 74575

(B) Each quarter, for purposes of transferring funds under 74576  
section 4743.05 of the Revised Code to the nurse education 74577  
assistance fund created in section 3333.28 of the Revised Code, 74578  
the board of nursing shall certify to the director of budget and 74579  
management the number of biennial licenses renewed under this 74580  
chapter during the preceding quarter and the amount equal to that 74581  
number times five dollars. 74582

(C) The board may charge a participant in a board-sponsored 74583  
continuing education activity an amount not exceeding fifteen 74584  
dollars for each activity. 74585

(D) The board may contract for services pertaining to the 74586  
process of providing written verification of a license or 74587  
certificate when the verification is performed for purposes other 74588  
than providing verification to another jurisdiction. The contract 74589  
may include provisions pertaining to the collection of the fee 74590  
charged for providing the written verification. As part of these 74591  
provisions, the board may permit the contractor to retain a 74592  
portion of the fees as compensation, before any amounts are 74593  
deposited into the state treasury. 74594

**Sec. 4723.482.** (A) Except as provided in divisions (C) and 74595  
(D) of this section, an applicant shall include with the 74596  
application submitted under section 4723.48 of the Revised Code 74597  
all of the following: 74598

(1) Evidence of holding a current, valid certificate of 74599  
authority to practice as a clinical nurse specialist, certified 74600  
nurse-midwife, or certified nurse practitioner that was issued by 74601  
meeting the requirements of division (A) of section 4723.41 of the 74602  
Revised Code; 74603

(2) Evidence of successfully completing the course of study 74604  
in advanced pharmacology and related topics in accordance with the 74605  
requirements specified in division (B) of this section; 74606

- (3) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe; 74607  
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- (4) Any additional information the board of nursing requires pursuant to rules adopted under section 4723.50 of the Revised Code. 74609  
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- (B) With respect to the course of study in advanced pharmacology and related topics that must be successfully completed to obtain a certificate to prescribe, all of the following requirements apply: 74612  
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- (1) The course of study shall be completed not longer than three years before the application for the certificate to prescribe is filed. 74616  
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- (2) ~~Except as provided in division (E) of this section, the course of study shall consist of planned classroom and clinical instruction.~~ The total length of the course of study shall be not less than forty-five contact hours. 74619  
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- (3) The course of study shall meet the requirements to be approved by the board in accordance with standards established in rules adopted under section 4723.50 of the Revised Code. 74623  
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- (4) The content of the course of study shall be specific to the applicant's nursing specialty. 74626  
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- (5) The instruction provided in the course of study shall include all of the following: 74628  
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- (a) A minimum of thirty-six contact hours of instruction in advanced pharmacology that includes pharmacokinetic principles and clinical application and the use of drugs and therapeutic devices in the prevention of illness and maintenance of health; 74630  
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- (b) Instruction in the fiscal and ethical implications of prescribing drugs and therapeutic devices; 74634  
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- (c) Instruction in the state and federal laws that apply to 74636

the authority to prescribe; 74637

(d) Instruction that is specific to schedule II controlled 74638  
substances, including instruction in all of the following: 74639

(i) Indications for the use of schedule II controlled 74640  
substances in drug therapies; 74641

(ii) The most recent guidelines for pain management 74642  
therapies, as established by state and national organizations such 74643  
as the Ohio pain initiative and the American pain society; 74644

(iii) Fiscal and ethical implications of prescribing schedule 74645  
II controlled substances; 74646

(iv) State and federal laws that apply to the authority to 74647  
prescribe schedule II controlled substances; 74648

(v) Prevention of abuse and diversion of schedule II 74649  
controlled substances, including identification of the risk of 74650  
abuse and diversion, recognition of abuse and diversion, types of 74651  
assistance available for prevention of abuse and diversion, and 74652  
methods of establishing safeguards against abuse and diversion. 74653

(e) Any additional instruction required pursuant to rules 74654  
adopted under section 4723.50 of the Revised Code. 74655

(C) An applicant who practiced or is practicing as a clinical 74656  
nurse specialist, certified nurse-midwife, or certified nurse 74657  
practitioner in another jurisdiction or as an employee of the 74658  
United States government, and is not seeking authority to 74659  
prescribe drugs and therapeutic devices by meeting the 74660  
requirements of division (A) or (D) of this section, shall include 74661  
with the application submitted under section 4723.48 of the 74662  
Revised Code all of the following: 74663

(1) Evidence of holding a current, valid certificate of 74664  
authority issued under this chapter to practice as a clinical 74665  
nurse specialist, certified nurse-midwife, or certified nurse 74666

practitioner;	74667
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	74668 74669
(3) Either of the following:	74670
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	74671 74672 74673 74674 74675
(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, including at least some controlled substances, in conjunction with that employment.	74676 74677 74678 74679 74680 74681
(4) Evidence of having completed a two-hour course of instruction approved by the board in the laws of this state that govern drugs and prescriptive authority;	74682 74683 74684
(5) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.	74685 74686
(D) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (C) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	74687 74688 74689 74690 74691 74692 74693 74694
(1) Evidence of holding a current, valid certificate of authority issued under this chapter to practice as a clinical	74695 74696



nurse specialist, certified nurse-midwife, or certified nurse practitioner; 74697  
74698

(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe; 74699  
74700

(3) Either of the following: 74701

(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, excluding controlled substances; 74702  
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(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, excluding controlled substances, in conjunction with that employment. 74707  
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(4) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code. 74712  
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~~(E) In the case of an applicant who meets the requirements of division (C) or (D) of this section other than the requirements of division (C)(3) or (D)(3) of this section and is seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) of this section, the applicant may complete the instruction that is specific to schedule II controlled substances, as required by division (B)(5)(d) of this section, through an internet-based course of study in lieu of completing the instruction through a course of study consisting of planned classroom and clinical instruction.~~ 74714  
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**Sec. 4723.50.** (A) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the 74724  
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authority of clinical nurse specialists, certified nurse-midwives, 74727  
and certified nurse practitioners to prescribe drugs and 74728  
therapeutic devices and the issuance and renewal of certificates 74729  
to prescribe. 74730

The board shall adopt rules that are consistent with the 74731  
recommendations the board receives from the committee on 74732  
prescriptive governance pursuant to section 4723.492 of the 74733  
Revised Code. After reviewing a recommendation submitted by the 74734  
committee, the board may either adopt the recommendation as a rule 74735  
or ask the committee to reconsider and resubmit the 74736  
recommendation. The board shall not adopt any rule that does not 74737  
conform to a recommendation made by the committee. 74738

(B) The board shall adopt rules under this section that do 74739  
all of the following: 74740

(1) Establish a formulary listing the types of drugs and 74741  
therapeutic devices that may be prescribed by a clinical nurse 74742  
specialist, certified nurse-midwife, or certified nurse 74743  
practitioner. The formulary may include controlled substances, as 74744  
defined in section 3719.01 of the Revised Code. The formulary 74745  
shall not permit the prescribing of any drug or device to perform 74746  
or induce an abortion. 74747

(2) Establish safety standards to be followed by a clinical 74748  
nurse specialist, certified nurse-midwife, or certified nurse 74749  
practitioner when personally furnishing to patients complete or 74750  
partial supplies of antibiotics, antifungals, scabicides, 74751  
contraceptives, prenatal vitamins, antihypertensives, drugs and 74752  
devices used in the treatment of diabetes, drugs and devices used 74753  
in the treatment of asthma, and drugs used in the treatment of 74754  
dyslipidemia; 74755

(3) Establish criteria for the components of the standard 74756  
care arrangements described in section 4723.431 of the Revised 74757

Code that apply to the authority to prescribe, including the 74758  
components that apply to the authority to prescribe schedule II 74759  
controlled substances. The rules shall be consistent with that 74760  
section and include all of the following: 74761

(a) Quality assurance standards; 74762

(b) Standards for periodic review by a collaborating 74763  
physician or podiatrist of the records of patients treated by the 74764  
clinical nurse specialist, certified nurse-midwife, or certified 74765  
nurse practitioner; 74766

(c) Acceptable travel time between the location at which the 74767  
clinical nurse specialist, certified nurse-midwife, or certified 74768  
nurse practitioner is engaging in the prescribing components of 74769  
the nurse's practice and the location of the nurse's collaborating 74770  
physician or podiatrist; 74771

(d) Any other criteria recommended by the committee on 74772  
prescriptive governance. 74773

(4) Establish standards and procedures for issuance and 74774  
renewal of a certificate to prescribe, including specification of 74775  
any additional information the board may require under division 74776  
(A)(4), (C)(5), or (D)~~(5)~~(4) of section 4723.482 ~~or~~, division 74777  
(B)(3) of section 4723.485, or division (B)(3) of section 4723.486 74778  
of the Revised Code; 74779

(5) Establish standards for board approval of the course of 74780  
study in advanced pharmacology and related topics required by 74781  
section 4723.482 of the Revised Code; 74782

(6) Establish requirements for board approval of the two-hour 74783  
course of instruction in the laws of this state as required under 74784  
division (C)(4) of section 4723.482 of the Revised Code and 74785  
division (B)(2) of section 4723.484 of the Revised Code; 74786

(7) Establish standards and procedures for the appropriate 74787

conduct of an externship as described in section 4723.484 of the Revised Code, including the following:

(a) Standards and procedures to be used in evaluating an individual's participation in an externship;

(b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the participant and supervision provided by making timely reviews of the records of patients treated by the participant. The manner in which supervision must be provided may vary according to the location where the participant is practicing and with the participant's level of experience.

**Sec. 4723.88.** The board of nursing, in accordance with Chapter 119. of the Revised Code, shall adopt rules to administer and enforce sections 4723.81 to 4723.87 of the Revised Code. The rules shall establish all of the following:

(A) Standards and procedures for issuance of community health worker certificates;

(B) Standards for evaluating the competency of an individual who applies to receive a certificate on the basis of having been employed in a capacity substantially the same as a community health worker before the board implemented the certification program;

(C) Standards and procedures for renewal of community health worker certificates, including the continuing education requirements that must be met for renewal;

(D) Standards governing the performance of activities related to nursing care that are delegated by a registered nurse to certified community health workers. In establishing the standards, the board shall specify limits on the number of certified community health workers a registered nurse may supervise at any

one time. 74818

(E) Standards and procedures for assessing the quality of the services that are provided by certified community health workers; 74819  
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(F) Standards and procedures for denying, suspending, and revoking a community health worker certificate, including reasons for imposing the sanctions that are substantially similar to the reasons that sanctions are imposed under section 4723.28 of the Revised Code; 74821  
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(G) Standards and procedures for approving and renewing the board's approval of training programs that prepare individuals to become certified community health workers. In establishing the standards, the board shall specify the minimum components that must be included in a training program, shall require that all approved training programs offer the standardized curriculum, and shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs. 74826  
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(H) Standards for approval of continuing education programs and courses for certified community health workers; 74835  
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(I) Standards and procedures for withdrawing the board's approval of a training program, refusing to renew the approval of a training program, and placing a training program on provisional approval; 74837  
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(J) Amounts for each fee that may be imposed under division (A) ~~(21)~~ (20) of section 4723.08 of the Revised Code; 74841  
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(K) Any other standards or procedures the board considers necessary and appropriate for the administration and enforcement of sections 4723.81 to 4723.87 of the Revised Code. 74843  
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**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of the Revised Code: 74846  
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- (A) "Optical aid" means both of the following: 74848
- (1) Spectacles or other instruments or devices that are not 74849  
contact lenses, if the spectacles or other instruments or devices 74850  
may aid or correct human vision and have been prescribed by a 74851  
physician or optometrist licensed by any state; 74852
- (2) Contact lenses, regardless of whether they address visual 74853  
function, if they are designed to fit over the cornea of the eye 74854  
or are otherwise designed for use in or on the eye or orbit. 74855
- All contact lenses shall be dispensed only in accordance with 74856  
a valid written prescription designated for contact lenses, 74857  
including the following: 74858
- (a) Zero-powered plano contact lenses; 74859
- (b) Cosmetic contact lenses; 74860
- (c) Performance-enhancing contact lenses; 74861
- (d) Any other contact devices determined by the Ohio optical 74862  
dispensers board to be contact lenses. 74863
- (B) "Optical dispensing" means interpreting but not altering 74864  
a prescription of a licensed physician or optometrist and 74865  
designing, adapting, fitting, or replacing the prescribed optical 74866  
aids, pursuant to such prescription, to or for the intended 74867  
wearer; duplicating lenses, other than contact lenses, accurately 74868  
as to power without a prescription; and duplicating 74869  
nonprescription eyewear and parts of eyewear. "Optical dispensing" 74870  
does not include selecting frames, placing an order for the 74871  
delivery of an optical aid, transacting a sale, transferring an 74872  
optical aid to the wearer after an optician has completed fitting 74873  
it, or providing instruction in the general care and use of an 74874  
optical aid, including placement, removal, hygiene, or cleaning. 74875
- (C) "Licensed dispensing optician" means a person holding a 74876  
current, valid license issued under sections 4725.47 to 4725.51 of 74877

the Revised Code that authorizes the person to engage in optical 74878  
dispensing. Nothing in this chapter shall be construed to permit a 74879  
licensed dispensing optician to alter the specifications of a 74880  
prescription. 74881

(D) "Licensed spectacle dispensing optician" means a licensed 74882  
dispensing optician authorized to engage in both of the following: 74883

(1) The dispensing of optical aids other than contact lenses; 74884

(2) The dispensing of prepackaged soft contact lenses in 74885  
accordance with section 4725.411 of the Revised Code. 74886

(E) "Licensed contact lens dispensing optician" means a 74887  
licensed dispensing optician authorized to engage only in the 74888  
dispensing of contact lenses. 74889

(F) "Licensed spectacle-contact lens dispensing optician" 74890  
means a licensed dispensing optician authorized to engage in the 74891  
dispensing of any optical aid. 74892

(G) "Apprentice" means any person dispensing optical aids 74893  
under the direct supervision of a licensed dispensing optician. 74894

(H) "Prescription" means the written or verbal directions or 74895  
instructions as specified by a physician or optometrist licensed 74896  
by any state for preparing an optical aid for a patient. 74897

(I) "Supervision" means the provision of direction and 74898  
control through personal inspection and evaluation of work. 74899

(J) "Licensed ocularist" means a person holding a current, 74900  
valid license issued under sections 4725.48 to 4725.51 of the 74901  
Revised Code to engage in the practice of designing, fabricating, 74902  
and fitting artificial eyes or prostheses associated with the 74903  
appearance or function of the human eye. 74904

**Sec. 4725.411. (A) Each licensed spectacle dispensing** 74905  
**optician shall complete two hours of study in prepackaged soft** 74906

contact lens dispensing approved by the Ohio optical dispensers 74907  
board under section 4725.51 of the Revised Code. The two hours of 74908  
study shall be completed as follows: 74909

(1) Each licensed spectacle dispensing optician who holds the 74910  
license on the effective date of this amendment shall complete the 74911  
two hours of study not later than December 31, 2015. 74912

(2) Each licensed spectacle dispensing optician who receives 74913  
the license after the effective date of this amendment shall 74914  
complete the two hours of study not later than the thirty-first 74915  
day of December of the year the license is issued. 74916

(B) Beginning January 1, 2016, a licensed spectacle 74917  
dispensing optician may dispense prepackaged soft contact lenses 74918  
if ~~the~~ both of the following are the case: 74919

(1) The licensed spectacle dispensing optician has completed 74920  
two hours of study in prepackaged soft contact lens dispensing in 74921  
accordance with division (A) of this section. 74922

(2) The only action necessary is to match the description of 74923  
the contact lenses that is on the packaging to a written 74924  
prescription. 74925

**Sec. 4725.51.** (A)(1) Each license issued under sections 74926  
4725.40 to 4725.59 of the Revised Code shall expire on the first 74927  
day of January in the year after it was issued. Each person 74928  
holding a valid, current license may apply to the Ohio optical 74929  
dispensers board for the extension of the license under the 74930  
standard renewal procedures of Chapter 4745. of the Revised Code. 74931  
Each application for renewal shall be accompanied by a renewal fee 74932  
the board shall establish by rule. In addition, except as provided 74933  
in division (A)(2) of this section, the application shall contain 74934  
evidence that the applicant has completed continuing education 74935  
within the immediately preceding one-year period as follows: 74936



~~(1)(a)~~ Licensed spectacle dispensing opticians shall have 74937  
pursued both of the following, approved by the board: 74938

~~(a)(i)~~ Four hours of study in spectacle dispensing; 74939

~~(b)(ii)~~ Two hours of study in ~~the form of~~ contact lens 74940  
dispensing ~~described in section 4725.411 of the Revised Code.~~ 74941

~~(2)(b)~~ Licensed contact lens dispensing opticians shall have 74942  
pursued eight hours of study in contact lens dispensing, approved 74943  
by the board. 74944

~~(3)(c)~~ Licensed spectacle-contact lens dispensing opticians 74945  
shall have pursued both of the following, approved by the board: 74946

~~(a)(i)~~ Four hours of study in spectacle dispensing; 74947

~~(b)(ii)~~ Eight hours of study in contact lens dispensing. 74948

~~(4)(d)~~ Licensed ocularists shall have pursued courses of 74949  
study as prescribed by rule of the board. 74950

(2) An application for the initial renewal of a license 74951  
issued under sections 4725.40 to 4725.55 of the Revised Code is 74952  
not required to contain evidence that the applicant has completed 74953  
the continuing education requirements of division (A)(1) of this 74954  
section. 74955

(B) No person who fails to renew the person's license under 74956  
division (A) of this section shall be required to take a 74957  
qualifying examination under section 4725.48 of the Revised Code 74958  
as a condition of renewal, provided that the application for 74959  
renewal and proof of the requisite continuing education hours are 74960  
submitted within ninety days from the date the license expired and 74961  
the applicant pays the annual renewal fee and a penalty of 74962  
seventy-five dollars. The board may provide, by rule, for an 74963  
extension of the grace period for licensed dispensing opticians 74964  
who are serving in the armed forces of the United States or a 74965  
reserve component of the armed forces of the United States, 74966

including the Ohio national guard or the national guard of any 74967  
other state and for waiver of the continuing education 74968  
requirements or the penalty in cases of hardship or illness. 74969

(C) The board shall approve continuing education programs and 74970  
shall adopt rules as necessary for approving the programs. The 74971  
rules shall permit programs to be conducted either in person or 74972  
through electronic or other self-study means. Approved programs 74973  
shall be scheduled, sponsored, and conducted in accordance with 74974  
the board's rules. 74975

**Sec. 4729.51.** (A)(1) Except as provided in division (A)(2) of 74976  
this section, no person other than a registered wholesale 74977  
distributor of dangerous drugs shall possess for sale, sell, 74978  
distribute, or deliver, at wholesale, dangerous drugs, except as 74979  
follows: 74980

(a) A pharmacist who is a licensed terminal distributor of 74981  
dangerous drugs or who is employed by a licensed terminal 74982  
distributor of dangerous drugs may make occasional sales of 74983  
dangerous drugs at wholesale; 74984

(b) A licensed terminal distributor of dangerous drugs having 74985  
more than one establishment or place may transfer or deliver 74986  
dangerous drugs from one establishment or place for which a 74987  
license has been issued to the terminal distributor to another 74988  
establishment or place for which a license has been issued to the 74989  
terminal distributor if the license issued for each establishment 74990  
or place is in effect at the time of the transfer or delivery. 74991

(2) A manufacturer of dangerous drugs may donate epinephrine 74992  
autoinjectors to any of the following: 74993

(a) The board of education of a city, local, exempted 74994  
village, or joint vocational school district; 74995

(b) A community school established under Chapter 3314. of the 74996

Revised Code;	74997
(c) A STEM school established under Chapter 3326. of the Revised Code;	74998
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	75000
(e) A chartered or nonchartered nonpublic school.	75001
(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:	75002
(a) Except as provided in division (B)(2)(a) of this section <u>and division (B) of section 4729.541 of the Revised Code</u> , a licensed health professional authorized to prescribe drugs;	75003
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	75004
(c) A registered wholesale distributor of dangerous drugs;	75005
(d) A manufacturer of dangerous drugs;	75006
(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;	75007
(f) Carriers or warehouses for the purpose of carriage or storage;	75008
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	75009
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes	75010
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education and only if diabetes education is within the 75026  
individual's scope of practice under statutes and rules regulating 75027  
the individual's profession; 75028

(i) An individual who holds a valid certificate issued by a 75029  
nationally recognized S.C.U.B.A. diving certifying organization 75030  
approved by the state board of pharmacy in rule, but only with 75031  
respect to medical oxygen that will be used for the purpose of 75032  
emergency care or treatment at the scene of a diving emergency; 75033

(j) Except as provided in division (B)(2)(b) of this section 75034  
and division (A) of section 4729.541 of the Revised Code, a 75035  
business entity that is a corporation formed under division (B) of 75036  
section 1701.03 of the Revised Code, a limited liability company 75037  
formed under Chapter 1705. of the Revised Code, or a professional 75038  
association formed under Chapter 1785. of the Revised Code if the 75039  
entity has a sole shareholder who is a licensed health 75040  
professional authorized to prescribe drugs and is authorized to 75041  
provide the professional services being offered by the entity; 75042

(k) Except as provided in division (B)(2)(c) of this section 75043  
and division (A) of section 4729.541 of the Revised Code, a 75044  
business entity that is a corporation formed under division (B) of 75045  
section 1701.03 of the Revised Code, a limited liability company 75046  
formed under Chapter 1705. of the Revised Code, a partnership or a 75047  
limited liability partnership formed under Chapter 1775. of the 75048  
Revised Code, or a professional association formed under Chapter 75049  
1785. of the Revised Code, if, to be a shareholder, member, or 75050  
partner, an individual is required to be licensed, certified, or 75051  
otherwise legally authorized under Title XLVII of the Revised Code 75052  
to perform the professional service provided by the entity and 75053  
each such individual is a licensed health professional authorized 75054  
to prescribe drugs; 75055

(l) With respect to epinephrine autoinjectors that may be 75056  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 75057

or 3328.29 of the Revised Code, any of the following: the board of 75058  
education of a city, local, exempted village, or joint vocational 75059  
school district; a chartered or nonchartered nonpublic school; a 75060  
community school established under Chapter 3314. of the Revised 75061  
Code; a STEM school established under Chapter 3326. of the Revised 75062  
Code; or a college-preparatory boarding school established under 75063  
Chapter 3328. of the Revised Code; 75064

(m) With respect to epinephrine autoinjectors that may be 75065  
possessed under section 5101.76 of the Revised Code, any of the 75066  
following: a residential camp, as defined in section 2151.011 of 75067  
the Revised Code; a child day camp, as defined in section 5104.01 75068  
of the Revised Code; or a child day camp operated by any county, 75069  
township, municipal corporation, township park district created 75070  
under section 511.18 of the Revised Code, park district created 75071  
under section 1545.04 of the Revised Code, or joint recreation 75072  
district established under section 755.14 of the Revised Code; 75073

(n) With respect to naloxone that may be possessed under 75074  
section 2925.61 of the Revised Code, a law enforcement agency and 75075  
its peace officers. 75076

(2) No registered wholesale distributor of dangerous drugs 75077  
shall possess for sale, or sell, at wholesale, dangerous drugs to 75078  
any of the following: 75079

(a) A prescriber who is employed by a pain management clinic 75080  
that is not licensed as a terminal distributor of dangerous drugs 75081  
with a pain management clinic classification issued under section 75082  
4729.552 of the Revised Code; 75083

(b) A business entity described in division (B)(1)(j) of this 75084  
section that is, or is operating, a pain management clinic without 75085  
a license as a terminal distributor of dangerous drugs with a pain 75086  
management clinic classification issued under section 4729.552 of 75087  
the Revised Code; 75088

(c) A business entity described in division (B)(1)(k) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(3) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(a) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(b) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code;

(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs.

(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs.

(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C)(1), (2), and (3) of this section do not 75119  
apply to a registered wholesale distributor of dangerous drugs, or 75120  
a licensed terminal distributor of dangerous drugs, ~~or~~. 75121

Divisions (C)(1), (2), and (3) of this section do not apply 75122  
to a person who possesses, or possesses for sale or sells, at 75123  
retail, a dangerous drug in accordance with Chapters 3719., 4715., 75124  
4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 75125

Divisions (C)(1), (2), and (3) of this section do not apply 75126  
to an individual who holds a current license, certificate, or 75127  
registration issued under Title XLVII of the Revised Code and has 75128  
been certified to conduct diabetes education by a national 75129  
certifying body specified in rules adopted by the state board of 75130  
pharmacy under section 4729.68 of the Revised Code, but only to 75131  
the extent that the individual possesses insulin or personally 75132  
supplies insulin solely for the purpose of diabetes education and 75133  
only if diabetes education is within the individual's scope of 75134  
practice under statutes and rules regulating the individual's 75135  
profession. 75136

Divisions (C)(1), (2), and (3) of this section do not apply 75137  
to an individual who holds a valid certificate issued by a 75138  
nationally recognized S.C.U.B.A. diving certifying organization 75139  
approved by the state board of pharmacy in rule, but only to the 75140  
extent that the individual possesses medical oxygen or personally 75141  
supplies medical oxygen for the purpose of emergency care or 75142  
treatment at the scene of a diving emergency. 75143

Division (C)(3) of this section does not apply to the board 75144  
of education of a city, local, exempted village, or joint 75145  
vocational school district, a school building operated by a school 75146  
district board of education, a chartered or nonchartered nonpublic 75147  
school, a community school, a STEM school, or a 75148  
college-preparatory boarding school for the purpose of possessing 75149  
epinephrine autoinjectors under section 3313.7110, 3313.7111, 75150

3314.143, 3326.28, or 3328.29 of the Revised Code. 75151

Division (C)(3) of this section does not apply to a 75152  
residential camp, as defined in section 2151.011 of the Revised 75153  
Code, a child day camp, as defined in section 5104.01 of the 75154  
Revised Code, or a child day camp operated by any county, 75155  
township, municipal corporation, township park district created 75156  
under section 511.18 of the Revised Code, park district created 75157  
under section 1545.04 of the Revised Code, or joint recreation 75158  
district established under section 755.14 of the Revised Code for 75159  
the purpose of possessing epinephrine autoinjectors under section 75160  
5101.76 of the Revised Code. 75161

Division (C)(3) of this section does not apply to a law 75162  
enforcement agency or the agency's peace officers if the agency or 75163  
officers possess naloxone for administration to individuals who 75164  
are apparently experiencing opioid-related overdoses. 75165

(D) No licensed terminal distributor of dangerous drugs shall 75166  
purchase for the purpose of resale dangerous drugs from any person 75167  
other than a registered wholesale distributor of dangerous drugs, 75168  
except as follows: 75169

(1) A licensed terminal distributor of dangerous drugs may 75170  
make occasional purchases of dangerous drugs for resale from a 75171  
pharmacist who is a licensed terminal distributor of dangerous 75172  
drugs or who is employed by a licensed terminal distributor of 75173  
dangerous drugs; 75174

(2) A licensed terminal distributor of dangerous drugs having 75175  
more than one establishment or place may transfer or receive 75176  
dangerous drugs from one establishment or place for which a 75177  
license has been issued to the terminal distributor to another 75178  
establishment or place for which a license has been issued to the 75179  
terminal distributor if the license issued for each establishment 75180  
or place is in effect at the time of the transfer or receipt. 75181



(E) No licensed terminal distributor of dangerous drugs shall 75182  
engage in the sale or other distribution of dangerous drugs at 75183  
retail or maintain possession, custody, or control of dangerous 75184  
drugs for any purpose other than the distributor's personal use or 75185  
consumption, at any establishment or place other than that or 75186  
those described in the license issued by the state board of 75187  
pharmacy to such terminal distributor. 75188

(F) Nothing in this section shall be construed to interfere 75189  
with the performance of official duties by any law enforcement 75190  
official authorized by municipal, county, state, or federal law to 75191  
collect samples of any drug, regardless of its nature or in whose 75192  
possession it may be. 75193

(G) Notwithstanding anything to the contrary in this section, 75194  
the board of education of a city, local, exempted village, or 75195  
joint vocational school district may deliver epinephrine 75196  
autoinjectors to a school under its control for the purpose of 75197  
possessing epinephrine autoinjectors under section 3313.7110 of 75198  
the Revised Code. 75199

**Sec. 4729.53.** (A) The state board of pharmacy shall not 75200  
register any person as a wholesale distributor of dangerous drugs 75201  
unless the applicant for registration furnishes satisfactory proof 75202  
to the board ~~of pharmacy~~ that ~~he~~ the applicant meets all of the 75203  
following: 75204

(1) ~~That if~~ If the applicant has been convicted of a 75205  
violation of any federal, state, or local law relating to drug 75206  
samples, wholesale or retail drug distribution, or distribution of 75207  
controlled substances or of a felony, or if a federal, state, or 75208  
local governmental entity has suspended or revoked any current or 75209  
prior license or registration of the applicant for the manufacture 75210  
or sale of any dangerous drugs, including controlled substances, 75211  
the applicant, to the satisfaction of the board, assures that ~~he~~ 75212

the applicant has in place adequate safeguards to prevent the 75213  
recurrence of any such violations+ 75214

(2) The applicant's past experience in the manufacture or 75215  
distribution of dangerous drugs, including controlled substances, 75216  
is acceptable to the board. 75217

(3) The applicant is equipped as to land, buildings, 75218  
equipment, and personnel to properly carry on the business of a 75219  
wholesale distributor of dangerous drugs, including providing 75220  
adequate security for and proper storage conditions and handling 75221  
for dangerous drugs, and is complying with the requirements under 75222  
this chapter and the rules adopted pursuant thereto for 75223  
maintaining and making available records to properly identified 75224  
board officials and federal, state, and local law enforcement 75225  
agencies. 75226

(4) Personnel employed by the applicant have the appropriate 75227  
education or experience, as determined by the board, to assume 75228  
responsibility for positions related to compliance with this 75229  
chapter and the rules adopted pursuant thereto. 75230

(5) The applicant has designated the name and address of a 75231  
person to whom communications from the board may be directed and 75232  
upon whom the notices and citations provided for in section 75233  
4729.56 of the Revised Code may be served. 75234

(6) Adequate safeguards are assured to prevent the sale of 75235  
dangerous drugs to any person other than those named in division 75236  
(B) of section 4729.51 of the Revised Code. 75237

(7) Any other requirement or qualification the board, by rule 75238  
adopted in accordance with Chapter 119. of the Revised Code, 75239  
considers relevant to and consistent with the public safety and 75240  
health. 75241

(B) The In addition to the causes described in section 75242  
4729.56 of the Revised Code for refusing to grant or renew a 75243

registration certificate, the board may refuse to register or 75244  
renew the registration certificate of any person if the board 75245  
determines that the granting of the registration certificate or 75246  
its renewal is not in the public interest. 75247

**Sec. 4729.541.** (A)(1) Except as provided in divisions 75248  
~~(B)(A)(2)~~ and ~~(C)(3)~~ of this section, a business entity described 75249  
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 75250  
Code may possess, have custody or control of, and distribute the 75251  
dangerous drugs in category I, category II, and category III, as 75252  
defined in section 4729.54 of the Revised Code, without holding a 75253  
terminal distributor of dangerous drugs license issued under that 75254  
section. 75255

~~(B)(2)~~ If a business entity described in division (B)(1)(j) 75256  
or (k) of section 4729.51 of the Revised Code is a pain management 75257  
clinic or is operating a pain management clinic, the entity shall 75258  
hold a license as a terminal distributor of dangerous drugs with a 75259  
pain management clinic classification issued under section 75260  
4729.552 of the Revised Code. 75261

~~(C)~~ ~~Beginning April 1, 2015, a~~ (3) A business entity 75262  
described in division (B)(1)(j) or (k) of section 4729.51 of the 75263  
Revised Code shall hold a license as a terminal distributor of 75264  
dangerous drugs in order to possess, have custody or control of, 75265  
and distribute either of the following: 75266

~~(1)(a)~~ Dangerous drugs that are compounded or used for the 75267  
purpose of compounding; 75268

~~(2)(b)~~ Controlled substances containing buprenorphine that 75269  
are used for the purpose of treating drug dependence or addiction. 75270

(B) A licensed health professional authorized to prescribe 75271  
drugs who does not practice in the form of a business entity 75272  
described in division (B)(1)(j) or (k) of section 4729.51 of the 75273

Revised Code shall hold a license as a terminal distributor of 75274  
dangerous drugs in order to possess, have custody or control of, 75275  
and distribute, including personally furnish, either of the 75276  
following: 75277

(1) Dangerous drugs that are compounded or used for the 75278  
purpose of compounding; 75279

(2) Controlled substances containing buprenorphine that are 75280  
used for the purpose of treating drug dependence or addiction. 75281

**Sec. 4729.56.** (A) In accordance with Chapter 119. of the 75282  
Revised Code, the board of pharmacy may suspend, revoke, or refuse 75283  
to grant or renew any registration certificate issued to a 75284  
wholesale distributor of dangerous drugs pursuant to section 75285  
4729.52 of the Revised Code or may impose a monetary penalty or 75286  
forfeiture not to exceed in severity any fine designated under the 75287  
Revised Code for a similar offense or one thousand dollars if the 75288  
acts committed are not classified as an offense by the Revised 75289  
Code for any of the following causes: 75290

(1) Making any false material statements in an application 75291  
for registration as a wholesale distributor of dangerous drugs; 75292

(2) Violating any federal, state, or local drug law; any 75293  
provision of this chapter or Chapter 2925., 3715., or 3719. of the 75294  
Revised Code; or any rule of the board; 75295

(3) A conviction of a felony; 75296

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 75297  
registration under section 4729.53 of the Revised Code or the 75298  
rules of the board or ceasing to satisfy the qualifications after 75299  
the registration is granted or renewed. 75300

(B) Upon the suspension or revocation of the registration 75301  
certificate of any wholesale distributor of dangerous drugs, the 75302  
distributor shall immediately surrender ~~his~~ the distributor's 75303

registration certificate to the board. 75304

(C) If the board suspends, revokes, or refuses to renew any 75305  
registration certificate issued to a wholesale distributor of 75306  
dangerous drugs and determines that there is clear and convincing 75307  
evidence of a danger of immediate and serious harm to any person, 75308  
the board may place under seal all dangerous drugs owned by or in 75309  
the possession, custody, or control of the affected wholesale 75310  
distributor of dangerous drugs. Except as provided in this 75311  
division, the board shall not dispose of the dangerous drugs 75312  
sealed under this division until the wholesale distributor of 75313  
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 75314  
rights under Chapter 119. of the Revised Code. The court involved 75315  
in such an appeal may order the board, during the pendency of the 75316  
appeal, to sell sealed dangerous drugs that are perishable. The 75317  
board shall deposit the proceeds of the sale with the court. 75318

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 75319  
and maintains a drug database pursuant to section 4729.75 of the 75320  
Revised Code, the board is authorized or required to provide 75321  
information from the database in accordance with the following: 75322

(1) On receipt of a request from a designated representative 75323  
of a government entity responsible for the licensure, regulation, 75324  
or discipline of health care professionals with authority to 75325  
prescribe, administer, or dispense drugs, the board may provide to 75326  
the representative information from the database relating to the 75327  
professional who is the subject of an active investigation being 75328  
conducted by the government entity. 75329

(2) On receipt of a request from a federal officer, or a 75330  
state or local officer of this or any other state, whose duties 75331  
include enforcing laws relating to drugs, the board shall provide 75332  
to the officer information from the database relating to the 75333  
person who is the subject of an active investigation of a drug 75334

abuse offense, as defined in section 2925.01 of the Revised Code, 75335  
being conducted by the officer's employing government entity. 75336

(3) Pursuant to a subpoena issued by a grand jury, the board 75337  
shall provide to the grand jury information from the database 75338  
relating to the person who is the subject of an investigation 75339  
being conducted by the grand jury. 75340

(4) Pursuant to a subpoena, search warrant, or court order in 75341  
connection with the investigation or prosecution of a possible or 75342  
alleged criminal offense, the board shall provide information from 75343  
the database as necessary to comply with the subpoena, search 75344  
warrant, or court order. 75345

(5) On receipt of a request from a prescriber or the 75346  
prescriber's delegate approved by the board, the board shall 75347  
provide to the prescriber a report of information from the 75348  
database relating to a patient who is either a current patient of 75349  
the prescriber or a potential patient of the prescriber based on a 75350  
referral of the patient to the prescriber, if all of the following 75351  
conditions are met: 75352

(a) The prescriber certifies in a form specified by the board 75353  
that it is for the purpose of providing medical treatment to the 75354  
patient who is the subject of the request; 75355

(b) The prescriber has not been denied access to the database 75356  
by the board. 75357

(6) On receipt of a request from a pharmacist or the 75358  
pharmacist's delegate approved by the board, the board shall 75359  
provide to the pharmacist information from the database relating 75360  
to a current patient of the pharmacist, if the pharmacist 75361  
certifies in a form specified by the board that it is for the 75362  
purpose of the pharmacist's practice of pharmacy involving the 75363  
patient who is the subject of the request and the pharmacist has 75364  
not been denied access to the database by the board. 75365

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own database information.

(8) On receipt of a request from ~~the~~ a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from ~~the~~ a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or

reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.



(B) The state board of pharmacy shall maintain a record of 75429  
each individual or entity that requests information from the 75430  
database pursuant to this section. In accordance with rules 75431  
adopted under section 4729.84 of the Revised Code, the board may 75432  
use the records to document and report statistics and law 75433  
enforcement outcomes. 75434

The board may provide records of an individual's requests for 75435  
database information to the following: 75436

(1) A designated representative of a government entity that 75437  
is responsible for the licensure, regulation, or discipline of 75438  
health care professionals with authority to prescribe, administer, 75439  
or dispense drugs who is involved in an active investigation being 75440  
conducted by the government entity of the individual who submitted 75441  
the requests for database information; 75442

(2) A federal officer, or a state or local officer of this or 75443  
any other state, whose duties include enforcing laws relating to 75444  
drugs and who is involved in an active investigation being 75445  
conducted by the officer's employing government entity of the 75446  
individual who submitted the requests for database information. 75447

(C) Information contained in the database and any information 75448  
obtained from it is not a public record. Information contained in 75449  
the records of requests for information from the database is not a 75450  
public record. Information that does not identify a person may be 75451  
released in summary, statistical, or aggregate form. 75452

(D) A pharmacist or prescriber shall not be held liable in 75453  
damages to any person in any civil action for injury, death, or 75454  
loss to person or property on the basis that the pharmacist or 75455  
prescriber did or did not seek or obtain information from the 75456  
database. 75457

**Sec. 4729.82.** If the state board of pharmacy establishes a 75458

drug database pursuant to section 4729.75 of the Revised Code, the 75459  
information collected for the database shall be retained in the 75460  
database for at least ~~two~~ three years. Any information that 75461  
identifies a patient shall be destroyed after it has been retained 75462  
for ~~two~~ three years unless a law enforcement agency or a 75463  
government entity responsible for the licensure, regulation, or 75464  
discipline of licensed health professionals authorized to 75465  
prescribe drugs has submitted a written request to the board for 75466  
retention of the information in accordance with rules adopted by 75467  
the board under section 4729.84 of the Revised Code. 75468

**Sec. 4729.84.** For purposes of establishing and maintaining a 75469  
drug database pursuant to section 4729.75 of the Revised Code, the 75470  
state board of pharmacy shall adopt rules in accordance with 75471  
Chapter 119. of the Revised Code to carry out and enforce sections 75472  
4729.75 to 4729.83 of the Revised Code. The rules shall specify 75473  
all of the following: 75474

(A) A means of identifying each patient, each terminal 75475  
distributor of dangerous drugs, and each purchase at wholesale of 75476  
dangerous drugs about which information is entered into the drug 75477  
database; 75478

(B) Requirements for the transmission of information from 75479  
terminal distributors of dangerous drugs, wholesale distributors 75480  
of dangerous drugs, and prescribers; 75481

(C) An electronic format for the submission of information 75482  
from terminal distributors, wholesale distributors, and 75483  
prescribers; 75484

(D) A procedure whereby a terminal distributor-, wholesale 75485  
distributor, or prescriber unable to submit information 75486  
electronically may obtain a waiver to submit information in 75487  
another format; 75488

(E) A procedure whereby the board may grant a request from a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs that information that has been stored for ~~two~~ three years be retained when the information pertains to an open investigation being conducted by the agency or entity;

(F) A procedure whereby a terminal distributor, wholesale distributor, or prescriber may apply for an extension to the time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor;

(H) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of the Revised Code to document and report statistics and law enforcement outcomes;

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code.

**Sec. 4729.86.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber or pharmacist for whom the person is approved by the board to serve as a delegate of the prescriber or pharmacist for purposes of requesting and receiving information from the drug database under division (A)(5) or (6) of section 4729.80 of the Revised Code;

(c) When a prescriber or pharmacist provides the information to a person who is approved by the board to serve as such a delegate of the prescriber or pharmacist;

~~(d) When a prescriber or pharmacist provides the information to a patient or patient's personal representative;~~

~~(e) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.~~

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the

Revised Code. 75550

(B) A person shall not use information obtained pursuant to 75551  
division (A) of section 4729.80 of the Revised Code as evidence in 75552  
any civil or administrative proceeding. 75553

(C)(1) Except as provided in division (C)(2) of this section, 75554  
after providing notice and affording an opportunity for a hearing 75555  
in accordance with Chapter 119. of the Revised Code, the board may 75556  
restrict a person from obtaining further information from the drug 75557  
database if any of the following is the case: 75558

(a) The person violates division (A)(1), (2), or (3) of this 75559  
section; 75560

(b) The person is a requestor identified in division 75561  
(A)~~(13)~~(14) of section 4729.80 of the Revised Code and the board 75562  
determines that the person's actions in another state would have 75563  
constituted a violation of division (A)(1), (2), or (3) of this 75564  
section; 75565

(c) The person fails to comply with division (B) of this 75566  
section, regardless of the jurisdiction in which the failure to 75567  
comply occurred; 75568

(d) The person creates, by clear and convincing evidence, a 75569  
threat to the security of information contained in the database. 75570

(2) If the board determines that allegations regarding a 75571  
person's actions warrant restricting the person from obtaining 75572  
further information from the drug database without a prior 75573  
hearing, the board may summarily impose the restriction. A 75574  
telephone conference call may be used for reviewing the 75575  
allegations and taking a vote on the summary restriction. The 75576  
summary restriction shall remain in effect, unless removed by the 75577  
board, until the board's final adjudication order becomes 75578  
effective. 75579

(3) The board shall determine the extent to which the person 75580  
is restricted from obtaining further information from the 75581  
database. 75582

**Sec. 4730.14.** (A) A certificate to practice as a physician 75583  
assistant shall expire biennially and may be renewed in accordance 75584  
with this section. A person seeking to renew a certificate to 75585  
practice as a physician assistant shall, on or before the 75586  
thirty-first day of January of each even-numbered year, apply for 75587  
renewal of the certificate. The state medical board shall ~~send~~ 75588  
provide renewal notices at least one month prior to the expiration 75589  
date. 75590

Applications shall be submitted to the board ~~on forms in a~~ 75591  
manner prescribed by the board ~~shall prescribe and furnish~~. Each 75592  
application shall be accompanied by a biennial renewal fee of one 75593  
hundred dollars. The board shall deposit the fees in accordance 75594  
with section 4731.24 of the Revised Code. 75595

The applicant shall report any criminal offense that 75596  
constitutes grounds for refusing to issue a certificate to 75597  
practice under section 4730.25 of the Revised Code to which the 75598  
applicant has pleaded guilty, of which the applicant has been 75599  
found guilty, or for which the applicant has been found eligible 75600  
for intervention in lieu of conviction, since last signing an 75601  
application for a certificate to practice as a physician 75602  
assistant. 75603

(B) To be eligible for renewal, a physician assistant shall 75604  
certify to the board both of the following: 75605

(1) That the physician assistant has maintained certification 75606  
by the national commission on certification of physician 75607  
assistants or a successor organization that is recognized by the 75608  
board by meeting the standards to hold current certification from 75609  
the commission or its successor, including completion of 75610

continuing medical education requirements and passing periodic 75611  
recertification examinations; 75612

(2) Except as provided in division (F) of this section and 75613  
section 5903.12 of the Revised Code, that the physician assistant 75614  
has completed during the current certification period not less 75615  
than one hundred hours of continuing medical education acceptable 75616  
to the board. 75617

(C) The board shall adopt rules in accordance with Chapter 75618  
119. of the Revised Code specifying the types of continuing 75619  
medical education that must be completed to fulfill the board's 75620  
requirements under division (B)(2) of this section. Except when 75621  
additional continuing medical education is required to renew a 75622  
certificate to prescribe, as specified in section 4730.49 of the 75623  
Revised Code, the board shall not adopt rules that require a 75624  
physician assistant to complete in any certification period more 75625  
than one hundred hours of continuing medical education acceptable 75626  
to the board. In fulfilling the board's requirements, a physician 75627  
assistant may use continuing medical education courses or programs 75628  
completed to maintain certification by the national commission on 75629  
certification of physician assistants or a successor organization 75630  
that is recognized by the board if the standards for acceptable 75631  
courses and programs of the commission or its successor are at 75632  
least equivalent to the standards established by the board. 75633

(D) If an applicant submits a complete renewal application 75634  
and qualifies for renewal pursuant to division (B) of this 75635  
section, the board shall issue to the applicant a renewed 75636  
certificate to practice as a physician assistant. 75637

(E) The board may require a random sample of physician 75638  
assistants to submit materials documenting certification by the 75639  
national commission on certification of physician assistants or a 75640  
successor organization that is recognized by the board and 75641  
completion of the required number of hours of continuing medical 75642

education. 75643

(F) The board shall provide for pro rata reductions by month 75644  
of the number of hours of continuing education that must be 75645  
completed for individuals who are in their first certification 75646  
period, who have been disabled due to illness or accident, or who 75647  
have been absent from the country. The board shall adopt rules, in 75648  
accordance with Chapter 119. of the Revised Code, as necessary to 75649  
implement this division. 75650

(G)(1) A certificate to practice that is not renewed on or 75651  
before its expiration date is automatically suspended on its 75652  
expiration date. Continued practice after suspension of the 75653  
certificate shall be considered as practicing in violation of 75654  
division (A) of section 4730.02 of the Revised Code. 75655

(2) If a certificate has been suspended pursuant to division 75656  
(G)(1) of this section for two years or less, it may be 75657  
reinstated. The board shall reinstate a certificate suspended for 75658  
failure to renew upon an applicant's submission of a renewal 75659  
application, the biennial renewal fee, and any applicable monetary 75660  
penalty. 75661

If a certificate has been suspended pursuant to division 75662  
(G)(1) of this division for more than two years, it may be 75663  
restored. In accordance with section 4730.28 of the Revised Code, 75664  
the board may restore a certificate suspended for failure to renew 75665  
upon an applicant's submission of a restoration application, the 75666  
biennial renewal fee, and any applicable monetary penalty and 75667  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 75668  
The board shall not restore to an applicant a certificate to 75669  
practice as a physician assistant unless the board, in its 75670  
discretion, decides that the results of the criminal records check 75671  
do not make the applicant ineligible for a certificate issued 75672  
pursuant to section 4730.12 of the Revised Code. 75673



The penalty for reinstatement shall be fifty dollars and the 75674  
penalty for restoration shall be one hundred dollars. The board 75675  
shall deposit penalties in accordance with section 4731.24 of the 75676  
Revised Code. 75677

(H) If an individual certifies that the individual has 75678  
completed the number of hours and type of continuing medical 75679  
education required for renewal or reinstatement of a certificate 75680  
to practice as a physician assistant, and the board finds through 75681  
a random sample conducted under division (E) of this section or 75682  
through any other means that the individual did not complete the 75683  
requisite continuing medical education, the board may impose a 75684  
civil penalty of not more than five thousand dollars. ~~The board's~~ 75685  
~~finding shall be made pursuant to an adjudication under Chapter~~ 75686  
~~119. of the Revised Code and by an affirmative vote of not fewer~~ 75687  
~~than six members.~~ 75688

A civil penalty imposed under this division may be in 75689  
addition to or in lieu of any other action the board may take 75690  
under section 4730.25 of the Revised Code. The board shall deposit 75691  
civil penalties in accordance with section 4731.24 of the Revised 75692  
Code. The board shall not conduct an adjudication under Chapter 75693  
119. of the Revised Code if the board imposes only a civil 75694  
penalty. 75695

**Sec. 4730.25.** (A) The state medical board, by an affirmative 75696  
vote of not fewer than six members, may revoke or may refuse to 75697  
grant a certificate to practice as a physician assistant or a 75698  
certificate to prescribe to a person found by the board to have 75699  
committed fraud, misrepresentation, or deception in applying for 75700  
or securing the certificate. 75701

(B) The board, by an affirmative vote of not fewer than six 75702  
members, shall, to the extent permitted by law, limit, revoke, or 75703  
suspend an individual's certificate to practice as a physician 75704

assistant or certificate to prescribe, refuse to issue a 75705  
certificate to an applicant, refuse to renew a certificate, refuse 75706  
to reinstate a certificate, or reprimand or place on probation the 75707  
holder of a certificate for any of the following reasons: 75708

(1) Failure to practice in accordance with the conditions 75709  
under which the supervising physician's supervision agreement with 75710  
the physician assistant was approved, including the requirement 75711  
that when practicing under a particular supervising physician, the 75712  
physician assistant must practice only according to the physician 75713  
supervisory plan the board approved for that physician or the 75714  
policies of the health care facility in which the supervising 75715  
physician and physician assistant are practicing; 75716

(2) Failure to comply with the requirements of this chapter, 75717  
Chapter 4731. of the Revised Code, or any rules adopted by the 75718  
board; 75719

(3) Violating or attempting to violate, directly or 75720  
indirectly, or assisting in or abetting the violation of, or 75721  
conspiring to violate, any provision of this chapter, Chapter 75722  
4731. of the Revised Code, or the rules adopted by the board; 75723

(4) Inability to practice according to acceptable and 75724  
prevailing standards of care by reason of mental illness or 75725  
physical illness, including physical deterioration that adversely 75726  
affects cognitive, motor, or perceptive skills; 75727

(5) Impairment of ability to practice according to acceptable 75728  
and prevailing standards of care because of habitual or excessive 75729  
use or abuse of drugs, alcohol, or other substances that impair 75730  
ability to practice; 75731

(6) Administering drugs for purposes other than those 75732  
authorized under this chapter; 75733

(7) Willfully betraying a professional confidence; 75734

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor committed in the course of practice;	75766
(14) A plea of guilty to, a judicial finding of guilt of, or	75767
a judicial finding of eligibility for intervention in lieu of	75768
conviction for, a misdemeanor involving moral turpitude;	75769
(15) Commission of an act in the course of practice that	75770
constitutes a misdemeanor in this state, regardless of the	75771
jurisdiction in which the act was committed;	75772
(16) Commission of an act involving moral turpitude that	75773
constitutes a misdemeanor in this state, regardless of the	75774
jurisdiction in which the act was committed;	75775
(17) A plea of guilty to, a judicial finding of guilt of, or	75776
a judicial finding of eligibility for intervention in lieu of	75777
conviction for violating any state or federal law regulating the	75778
possession, distribution, or use of any drug, including	75779
trafficking in drugs;	75780
(18) Any of the following actions taken by the state agency	75781
responsible for regulating the practice of physician assistants in	75782
another state, for any reason other than the nonpayment of fees:	75783
the limitation, revocation, or suspension of an individual's	75784
license to practice; acceptance of an individual's license	75785
surrender; denial of a license; refusal to renew or reinstate a	75786
license; imposition of probation; or issuance of an order of	75787
censure or other reprimand;	75788
(19) A departure from, or failure to conform to, minimal	75789
standards of care of similar physician assistants under the same	75790
or similar circumstances, regardless of whether actual injury to a	75791
patient is established;	75792
(20) Violation of the conditions placed by the board on a	75793
certificate to practice as a physician assistant, a certificate to	75794
prescribe, a physician supervisory plan, or supervision agreement;	75795

(21) Failure to use universal blood and body fluid	75796
precautions established by rules adopted under section 4731.051 of	75797
the Revised Code;	75798
(22) Failure to cooperate in an investigation conducted by	75799
the board under section 4730.26 of the Revised Code, including	75800
failure to comply with a subpoena or order issued by the board or	75801
failure to answer truthfully a question presented by the board at	75802
a deposition or in written interrogatories, except that failure to	75803
cooperate with an investigation shall not constitute grounds for	75804
discipline under this section if a court of competent jurisdiction	75805
has issued an order that either quashes a subpoena or permits the	75806
individual to withhold the testimony or evidence in issue;	75807
(23) Assisting suicide, as defined in section 3795.01 of the	75808
Revised Code;	75809
(24) Prescribing any drug or device to perform or induce an	75810
abortion, or otherwise performing or inducing an abortion;	75811
(25) Failure to comply with section 4730.53 of the Revised	75812
Code, unless the board no longer maintains a drug database	75813
pursuant to section 4729.75 of the Revised Code;	75814
(26) Failure to comply with the requirements in section	75815
3719.061 of the Revised Code before issuing for a minor a	75816
prescription for an opioid analgesic, as defined in section	75817
3719.01 of the Revised Code.	75818
(C) Disciplinary actions taken by the board under divisions	75819
(A) and (B) of this section shall be taken pursuant to an	75820
adjudication under Chapter 119. of the Revised Code, except that	75821
in lieu of an adjudication, the board may enter into a consent	75822
agreement with a physician assistant or applicant to resolve an	75823
allegation of a violation of this chapter or any rule adopted	75824
under it. A consent agreement, when ratified by an affirmative	75825
vote of not fewer than six members of the board, shall constitute	75826

the findings and order of the board with respect to the matter 75827  
addressed in the agreement. If the board refuses to ratify a 75828  
consent agreement, the admissions and findings contained in the 75829  
consent agreement shall be of no force or effect. 75830

(D) For purposes of divisions (B)(12), (15), and (16) of this 75831  
section, the commission of the act may be established by a finding 75832  
by the board, pursuant to an adjudication under Chapter 119. of 75833  
the Revised Code, that the applicant or certificate holder 75834  
committed the act in question. The board shall have no 75835  
jurisdiction under these divisions in cases where the trial court 75836  
renders a final judgment in the certificate holder's favor and 75837  
that judgment is based upon an adjudication on the merits. The 75838  
board shall have jurisdiction under these divisions in cases where 75839  
the trial court issues an order of dismissal upon technical or 75840  
procedural grounds. 75841

(E) The sealing of conviction records by any court shall have 75842  
no effect upon a prior board order entered under the provisions of 75843  
this section or upon the board's jurisdiction to take action under 75844  
the provisions of this section if, based upon a plea of guilty, a 75845  
judicial finding of guilt, or a judicial finding of eligibility 75846  
for intervention in lieu of conviction, the board issued a notice 75847  
of opportunity for a hearing prior to the court's order to seal 75848  
the records. The board shall not be required to seal, destroy, 75849  
redact, or otherwise modify its records to reflect the court's 75850  
sealing of conviction records. 75851

(F) For purposes of this division, any individual who holds a 75852  
certificate issued under this chapter, or applies for a 75853  
certificate issued under this chapter, shall be deemed to have 75854  
given consent to submit to a mental or physical examination when 75855  
directed to do so in writing by the board and to have waived all 75856  
objections to the admissibility of testimony or examination 75857  
reports that constitute a privileged communication. 75858

(1) In enforcing division (B)(4) of this section, the board, 75859  
upon a showing of a possible violation, may compel any individual 75860  
who holds a certificate issued under this chapter or who has 75861  
applied for a certificate pursuant to this chapter to submit to a 75862  
mental examination, physical examination, including an HIV test, 75863  
or both a mental and physical examination. The expense of the 75864  
examination is the responsibility of the individual compelled to 75865  
be examined. Failure to submit to a mental or physical examination 75866  
or consent to an HIV test ordered by the board constitutes an 75867  
admission of the allegations against the individual unless the 75868  
failure is due to circumstances beyond the individual's control, 75869  
and a default and final order may be entered without the taking of 75870  
testimony or presentation of evidence. If the board finds a 75871  
physician assistant unable to practice because of the reasons set 75872  
forth in division (B)(4) of this section, the board shall require 75873  
the physician assistant to submit to care, counseling, or 75874  
treatment by physicians approved or designated by the board, as a 75875  
condition for an initial, continued, reinstated, or renewed 75876  
certificate. An individual affected under this division shall be 75877  
afforded an opportunity to demonstrate to the board the ability to 75878  
resume practicing in compliance with acceptable and prevailing 75879  
standards of care. 75880

(2) For purposes of division (B)(5) of this section, if the 75881  
board has reason to believe that any individual who holds a 75882  
certificate issued under this chapter or any applicant for a 75883  
certificate suffers such impairment, the board may compel the 75884  
individual to submit to a mental or physical examination, or both. 75885  
The expense of the examination is the responsibility of the 75886  
individual compelled to be examined. Any mental or physical 75887  
examination required under this division shall be undertaken by a 75888  
treatment provider or physician qualified to conduct such 75889  
examination and chosen by the board. 75890

Failure to submit to a mental or physical examination ordered 75891  
by the board constitutes an admission of the allegations against 75892  
the individual unless the failure is due to circumstances beyond 75893  
the individual's control, and a default and final order may be 75894  
entered without the taking of testimony or presentation of 75895  
evidence. If the board determines that the individual's ability to 75896  
practice is impaired, the board shall suspend the individual's 75897  
certificate or deny the individual's application and shall require 75898  
the individual, as a condition for initial, continued, reinstated, 75899  
or renewed certification to practice or prescribe, to submit to 75900  
treatment. 75901

Before being eligible to apply for reinstatement of a 75902  
certificate suspended under this division, the physician assistant 75903  
shall demonstrate to the board the ability to resume practice or 75904  
prescribing in compliance with acceptable and prevailing standards 75905  
of care. The demonstration shall include the following: 75906

(a) Certification from a treatment provider approved under 75907  
section 4731.25 of the Revised Code that the individual has 75908  
successfully completed any required inpatient treatment; 75909

(b) Evidence of continuing full compliance with an aftercare 75910  
contract or consent agreement; 75911

(c) Two written reports indicating that the individual's 75912  
ability to practice has been assessed and that the individual has 75913  
been found capable of practicing according to acceptable and 75914  
prevailing standards of care. The reports shall be made by 75915  
individuals or providers approved by the board for making such 75916  
assessments and shall describe the basis for their determination. 75917

The board may reinstate a certificate suspended under this 75918  
division after such demonstration and after the individual has 75919  
entered into a written consent agreement. 75920

When the impaired physician assistant resumes practice or 75921



prescribing, the board shall require continued monitoring of the 75922  
physician assistant. The monitoring shall include compliance with 75923  
the written consent agreement entered into before reinstatement or 75924  
with conditions imposed by board order after a hearing, and, upon 75925  
termination of the consent agreement, submission to the board for 75926  
at least two years of annual written progress reports made under 75927  
penalty of falsification stating whether the physician assistant 75928  
has maintained sobriety. 75929

(G) If the secretary and supervising member determine that 75930  
there is clear and convincing evidence that a physician assistant 75931  
has violated division (B) of this section and that the 75932  
individual's continued practice or prescribing presents a danger 75933  
of immediate and serious harm to the public, they may recommend 75934  
that the board suspend the individual's certificate to practice or 75935  
prescribe without a prior hearing. Written allegations shall be 75936  
prepared for consideration by the board. 75937

The board, upon review of those allegations and by an 75938  
affirmative vote of not fewer than six of its members, excluding 75939  
the secretary and supervising member, may suspend a certificate 75940  
without a prior hearing. A telephone conference call may be 75941  
utilized for reviewing the allegations and taking the vote on the 75942  
summary suspension. 75943

The board shall issue a written order of suspension by 75944  
certified mail or in person in accordance with section 119.07 of 75945  
the Revised Code. The order shall not be subject to suspension by 75946  
the court during pendency of any appeal filed under section 119.12 75947  
of the Revised Code. If the physician assistant requests an 75948  
adjudicatory hearing by the board, the date set for the hearing 75949  
shall be within fifteen days, but not earlier than seven days, 75950  
after the physician assistant requests the hearing, unless 75951  
otherwise agreed to by both the board and the certificate holder. 75952

A summary suspension imposed under this division shall remain 75953

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the certificate to practice or prescribe. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The certificate to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder,

murder, voluntary manslaughter, felonious assault, kidnapping, 75986  
rape, sexual battery, gross sexual imposition, aggravated arson, 75987  
aggravated robbery, or aggravated burglary. Continued practice 75988  
after the suspension shall be considered practicing without a 75989  
certificate. 75990

The board shall notify the individual subject to the 75991  
suspension by certified mail or in person in accordance with 75992  
section 119.07 of the Revised Code. If an individual whose 75993  
certificate is suspended under this division fails to make a 75994  
timely request for an adjudication under Chapter 119. of the 75995  
Revised Code, the board shall enter a final order permanently 75996  
revoking the individual's certificate to practice. 75997

(J) In any instance in which the board is required by Chapter 75998  
119. of the Revised Code to give notice of opportunity for hearing 75999  
and the individual subject to the notice does not timely request a 76000  
hearing in accordance with section 119.07 of the Revised Code, the 76001  
board is not required to hold a hearing, but may adopt, by an 76002  
affirmative vote of not fewer than six of its members, a final 76003  
order that contains the board's findings. In that final order, the 76004  
board may order any of the sanctions identified under division (A) 76005  
or (B) of this section. 76006

(K) Any action taken by the board under division (B) of this 76007  
section resulting in a suspension shall be accompanied by a 76008  
written statement of the conditions under which the physician 76009  
assistant's certificate may be reinstated. The board shall adopt 76010  
rules in accordance with Chapter 119. of the Revised Code 76011  
governing conditions to be imposed for reinstatement. 76012  
Reinstatement of a certificate suspended pursuant to division (B) 76013  
of this section requires an affirmative vote of not fewer than six 76014  
members of the board. 76015

(L) When the board refuses to grant or issue to an applicant 76016  
a certificate to practice as a physician assistant or a 76017

certificate to prescribe, revokes an individual's certificate, 76018  
refuses to ~~issue~~ renew an individual's certificate, or refuses 76019  
to reinstate an individual's certificate, the board may specify 76020  
that its action is permanent. An individual subject to a permanent 76021  
action taken by the board is forever thereafter ineligible to hold 76022  
the certificate and the board shall not accept an application for 76023  
reinstatement of the certificate or for issuance of a new 76024  
certificate. 76025

(M) Notwithstanding any other provision of the Revised Code, 76026  
all of the following apply: 76027

(1) The surrender of a certificate issued under this chapter 76028  
is not effective unless or until accepted by the board. 76029  
Reinstatement of a certificate surrendered to the board requires 76030  
an affirmative vote of not fewer than six members of the board. 76031

(2) An application made under this chapter for a certificate, 76032  
approval of a physician supervisory plan, or approval of a 76033  
supervision agreement may not be withdrawn without approval of the 76034  
board. 76035

(3) Failure by an individual to renew a certificate in 76036  
accordance with section 4730.14 or section 4730.48 of the Revised 76037  
Code shall not remove or limit the board's jurisdiction to take 76038  
disciplinary action under this section against the individual. 76039

**Sec. 4730.252.** (A)(1) If a physician assistant violates any 76040  
section of this chapter other than section 4730.14 of the Revised 76041  
Code or violates any rule adopted under this chapter, the state 76042  
medical board may, pursuant to an adjudication under Chapter 119. 76043  
of the Revised Code and an affirmative vote of not fewer than six 76044  
of its members, impose a civil penalty. The amount of the civil 76045  
penalty shall be determined by the board in accordance with the 76046  
guidelines adopted under division (A)(2) of this section. The 76047  
civil penalty may be in addition to any other action the board may 76048

take under section 4730.25 of the Revised Code. 76049

(2) The board shall adopt and may amend guidelines regarding 76050  
the amounts of civil penalties to be imposed under this section. 76051  
Adoption or amendment of the guidelines requires the approval of 76052  
not fewer than six board members. 76053

Under the guidelines, no civil penalty amount shall exceed 76054  
twenty thousand dollars. 76055

(B) Amounts received from payment of civil penalties imposed 76056  
under this section shall be deposited by the board in accordance 76057  
with section 4731.24 of the Revised Code. Amounts received from 76058  
payment of civil penalties imposed for violations of division 76059  
(B)(5) of section 4730.25 of the Revised Code shall be used by the 76060  
board solely for investigations, enforcement, and compliance 76061  
monitoring. 76062

**Sec. 4731.07.** (A) The state medical board shall keep a record 76063  
of its proceedings. The minutes of a meeting of the board shall, 76064  
on approval by the board, constitute an official record of its 76065  
proceedings. 76066

(B) The board shall keep a register of applicants for 76067  
~~certificates of registration and~~ certificates to practice issued 76068  
under this chapter and Chapters 4730., 4760., 4762., and 4774. of 76069  
the Revised Code and licenses issued under Chapter 4778. of the 76070  
Revised Code. The register shall show the name of the applicant 76071  
and whether the applicant was granted or refused a certificate or 76072  
license. With respect to applicants to practice medicine and 76073  
surgery or osteopathic medicine and surgery, the register shall 76074  
show the name of the institution that granted the applicant the 76075  
degree of doctor of medicine or osteopathic medicine. The books 76076  
and records of the board shall be prima-facie evidence of matters 76077  
therein contained. 76078

Sec. 4731.071. The state medical board shall develop and 76079  
publish on its internet web site a directory containing the names 76080  
of, and contact information for, all persons who hold current, 76081  
valid certificates or licenses issued by the board under this 76082  
chapter or Chapter 4730., 4760., 4762., 4774., or 4778. of the 76083  
Revised Code. Except as provided in section 4731.10 of the Revised 76084  
Code, the directory shall be the sole source for verifying that a 76085  
person holds a current, valid certificate or license issued by the 76086  
board. 76087

Sec. 4731.141. Any person who was authorized in practice 76088  
limited osteopathic medicine and surgery on January 1, 1980, may 76089  
continue to practice in accordance with the statutory limitations 76090  
in effect on that date. The state medical board shall regulate 76091  
such practitioners and shall require them to ~~register on or before~~ 76092  
~~the first day of June, 1983, and on or before the first day of~~ 76093  
~~June every second year thereafter, on a form prescribed by the~~ 76094  
~~board and pay at such time a biennial registration fee of~~ 76095  
~~twenty five dollars. At least one month in advance of the date of~~ 76096  
~~registration, a written notice shall be sent to such~~ 76097  
~~practitioners, whether a resident of the state or not, at the last~~ 76098  
~~known address, that the biennial registration fee is due on or~~ 76099  
~~before the first day of June. All such practitioners shall provide~~ 76100  
~~the board written notice of any change of address. A holder of a~~ 76101  
~~certificate to practice under this section shall have the~~ 76102  
~~certificate automatically suspended if the registration fee is not~~ 76103  
~~paid by the first day of September of the same year, and continued~~ 76104  
~~practice after the suspension shall be considered as practicing~~ 76105  
~~without a license in violation of section 4731.43 of the Revised~~ 76106  
~~Code. An applicant for reinstatement of a certificate to practice~~ 76107  
~~suspended for failure to register shall submit the applicant's~~ 76108  
~~current and delinquent registration fees and a penalty in the sum~~ 76109

~~of twenty five dollars~~ renew their certificates to practice in a 76110  
manner that is substantially similar to the system the board uses 76111  
under section 4731.281 of the Revised Code. 76112

Any certificate to practice issued pursuant to this section 76113  
may be ~~refused~~, limited, revoked, or suspended, an applicant may 76114  
be denied certification or refused renewal or reinstatement, or 76115  
the holder of a certificate may be reprimanded, or placed on 76116  
probation as provided in section 4731.22 of the Revised Code. 76117

**Sec. 4731.15.** (A)(1) The state medical board also shall 76118  
regulate the following limited branches of medicine: massage 76119  
therapy and cosmetic therapy, and to the extent specified in 76120  
section 4731.151 of the Revised Code, naprapathy and 76121  
mechanotherapy. The board shall adopt rules governing the limited 76122  
branches of medicine under its jurisdiction. The rules shall be 76123  
adopted in accordance with Chapter 119. of the Revised Code. 76124

(2) As used in this chapter: 76125

(a) "Cosmetic therapy" means the permanent removal of hair 76126  
from the human body through the use of electric modalities 76127  
approved by the board for use in cosmetic therapy, and 76128  
additionally may include the systematic friction, stroking, 76129  
slapping, and kneading or tapping of the face, neck, scalp, or 76130  
shoulders. 76131

(b) "Massage therapy" means the treatment of disorders of the 76132  
human body by the manipulation of soft tissue through the 76133  
systematic external application of massage techniques including 76134  
touch, stroking, friction, vibration, percussion, kneading, 76135  
stretching, compression, and joint movements within the normal 76136  
physiologic range of motion; and adjunctive thereto, the external 76137  
application of water, heat, cold, topical preparations, and 76138  
mechanical devices. 76139

(B) A certificate to practice a limited branch of medicine 76140  
issued by the state medical board is valid for a two-year period, 76141  
except when an initial certificate is issued for a shorter period 76142  
or when division (C)(2) of this section is applicable. The 76143  
certificate may be renewed in accordance with division (C) of this 76144  
section. 76145

(C)(1) Except as provided in division (C)(2) of this section, 76146  
all of the following apply with respect to the renewal of 76147  
certificates to practice a limited branch of medicine: 76148

(a) Each person seeking to renew a certificate to practice a 76149  
limited branch of medicine shall apply for biennial ~~registration~~ 76150  
renewal with the state medical board ~~on a renewal application form~~ 76151  
in a manner prescribed by the board. An applicant for renewal 76152  
shall pay a biennial ~~registration~~ renewal fee of one hundred 76153  
dollars. 76154

(b) At least six months before a certificate expires, the 76155  
board shall ~~mail or cause to be mailed~~ provide a renewal notice to 76156  
the certificate ~~holder's last known address~~ holder. 76157

(c) At least three months before a certificate expires, the 76158  
certificate holder shall submit the renewal application and 76159  
biennial ~~registration~~ renewal fee to the board. 76160

(2) ~~Beginning with the 2009 registration period, the~~ The 76161  
board shall implement a staggered renewal system that is 76162  
substantially similar to the staggered renewal system the board 76163  
uses under division ~~(B)~~(A) of section 4731.281 of the Revised 76164  
Code. 76165

(D) All persons who hold a certificate to practice a limited 76166  
branch of medicine issued by the state medical board shall provide 76167  
the board ~~written~~ notice of any change of address. The notice 76168  
shall be submitted to the board not later than thirty days after 76169  
the change of address. 76170



(E) A certificate to practice a limited branch of medicine 76171  
shall be automatically suspended if the certificate holder fails 76172  
to renew the certificate in accordance with division (C) of this 76173  
section. Continued practice after the suspension of the 76174  
certificate to practice shall be considered as practicing in 76175  
violation of sections 4731.34 and 4731.41 of the Revised Code. 76176

If a certificate to practice has been suspended pursuant to 76177  
this division for two years or less, it may be reinstated. The 76178  
board shall reinstate the certificate upon an applicant's 76179  
submission of a renewal application and payment of the biennial 76180  
~~registration~~ renewal fee and the applicable monetary penalty. With 76181  
regard to reinstatement of a certificate to practice cosmetic 76182  
therapy, the applicant also shall submit with the application a 76183  
certification that the number of hours of continuing education 76184  
necessary to have a suspended certificate reinstated have been 76185  
completed, as specified in rules the board shall adopt in 76186  
accordance with Chapter 119. of the Revised Code. The penalty for 76187  
reinstatement shall be twenty-five dollars. 76188

If a certificate has been suspended pursuant to this division 76189  
for more than two years, it may be restored. Subject to section 76190  
4731.222 of the Revised Code, the board may restore the 76191  
certificate upon an applicant's submission of a restoration 76192  
application, the biennial ~~registration~~ renewal fee, and the 76193  
applicable monetary penalty and compliance with sections 4776.01 76194  
to 4776.04 of the Revised Code. The board shall not restore to an 76195  
applicant a certificate to practice unless the board, in its 76196  
discretion, decides that the results of the criminal records check 76197  
do not make the applicant ineligible for a certificate issued 76198  
pursuant to section 4731.17 of the Revised Code. The penalty for 76199  
restoration is fifty dollars. 76200

**Sec. 4731.22.** (A) The state medical board, by an affirmative 76201

vote of not fewer than six of its members, may limit, revoke, or 76202  
suspend an individual's certificate to practice, refuse to grant a 76203  
certificate to an individual, refuse to ~~register an individual~~ 76204  
renew a certificate, refuse to reinstate a certificate, or 76205  
reprimand or place on probation the holder of a certificate if the 76206  
individual or certificate holder is found by the board to have 76207  
committed fraud during the administration of the examination for a 76208  
certificate to practice or to have committed fraud, 76209  
misrepresentation, or deception in applying for, renewing, or 76210  
securing any certificate to practice ~~or certificate of~~ 76211  
~~registration~~ issued by the board. 76212

(B) The board, by an affirmative vote of not fewer than six 76213  
members, shall, to the extent permitted by law, limit, revoke, or 76214  
suspend an individual's certificate to practice, refuse to 76215  
~~register an individual~~ issue a certificate to an individual, 76216  
refuse to renew a certificate, refuse to reinstate a certificate, 76217  
or reprimand or place on probation the holder of a certificate for 76218  
one or more of the following reasons: 76219

(1) Permitting one's name or one's certificate to practice ~~or~~ 76220  
~~certificate of registration~~ to be used by a person, group, or 76221  
corporation when the individual concerned is not actually 76222  
directing the treatment given; 76223

(2) Failure to maintain minimal standards applicable to the 76224  
selection or administration of drugs, or failure to employ 76225  
acceptable scientific methods in the selection of drugs or other 76226  
modalities for treatment of disease; 76227

(3) Selling, giving away, personally furnishing, prescribing, 76228  
or administering drugs for other than legal and legitimate 76229  
therapeutic purposes or a plea of guilty to, a judicial finding of 76230  
guilt of, or a judicial finding of eligibility for intervention in 76231  
lieu of conviction of, a violation of any federal or state law 76232  
regulating the possession, distribution, or use of any drug; 76233

(4) Willfully betraying a professional confidence. 76234

For purposes of this division, "willfully betraying a 76235  
professional confidence" does not include providing any 76236  
information, documents, or reports ~~to a child fatality review~~ 76237  
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 76238  
child fatality review board; does not include providing any 76239  
information, documents, or reports to the director of health 76240  
pursuant to guidelines established under section 3701.70 of the 76241  
Revised Code; does not include written notice to a mental health 76242  
professional under section 4731.62 of the Revised Code; and does 76243  
not include the making of a report of an employee's use of a drug 76244  
of abuse, or a report of a condition of an employee other than one 76245  
involving the use of a drug of abuse, to the employer of the 76246  
employee as described in division (B) of section 2305.33 of the 76247  
Revised Code. Nothing in this division affects the immunity from 76248  
civil liability conferred by ~~that~~ section 2305.33 or 4731.62 of 76249  
the Revised Code upon a physician who makes ~~either type of a~~ 76250  
report in accordance with ~~division (B) of that~~ section 2305.33 or 76251  
notifies a mental health professional in accordance with section 76252  
4731.62 of the Revised Code. As used in this division, "employee," 76253  
"employer," and "physician" have the same meanings as in section 76254  
2305.33 of the Revised Code. 76255

(5) Making a false, fraudulent, deceptive, or misleading 76256  
statement in the solicitation of or advertising for patients; in 76257  
relation to the practice of medicine and surgery, osteopathic 76258  
medicine and surgery, podiatric medicine and surgery, or a limited 76259  
branch of medicine; or in securing or attempting to secure any 76260  
certificate to practice ~~or certificate of registration~~ issued by 76261  
the board. 76262

As used in this division, "false, fraudulent, deceptive, or 76263  
misleading statement" means a statement that includes a 76264  
misrepresentation of fact, is likely to mislead or deceive because 76265

of a failure to disclose material facts, is intended or is likely 76266  
to create false or unjustified expectations of favorable results, 76267  
or includes representations or implications that in reasonable 76268  
probability will cause an ordinarily prudent person to 76269  
misunderstand or be deceived. 76270

(6) A departure from, or the failure to conform to, minimal 76271  
standards of care of similar practitioners under the same or 76272  
similar circumstances, whether or not actual injury to a patient 76273  
is established; 76274

(7) Representing, with the purpose of obtaining compensation 76275  
or other advantage as personal gain or for any other person, that 76276  
an incurable disease or injury, or other incurable condition, can 76277  
be permanently cured; 76278

(8) The obtaining of, or attempting to obtain, money or 76279  
anything of value by fraudulent misrepresentations in the course 76280  
of practice; 76281

(9) A plea of guilty to, a judicial finding of guilt of, or a 76282  
judicial finding of eligibility for intervention in lieu of 76283  
conviction for, a felony; 76284

(10) Commission of an act that constitutes a felony in this 76285  
state, regardless of the jurisdiction in which the act was 76286  
committed; 76287

(11) A plea of guilty to, a judicial finding of guilt of, or 76288  
a judicial finding of eligibility for intervention in lieu of 76289  
conviction for, a misdemeanor committed in the course of practice; 76290

(12) Commission of an act in the course of practice that 76291  
constitutes a misdemeanor in this state, regardless of the 76292  
jurisdiction in which the act was committed; 76293

(13) A plea of guilty to, a judicial finding of guilt of, or 76294  
a judicial finding of eligibility for intervention in lieu of 76295

conviction for, a misdemeanor involving moral turpitude; 76296

(14) Commission of an act involving moral turpitude that 76297  
constitutes a misdemeanor in this state, regardless of the 76298  
jurisdiction in which the act was committed; 76299

(15) Violation of the conditions of limitation placed by the 76300  
board upon a certificate to practice; 76301

(16) Failure to pay license renewal fees specified in this 76302  
chapter; 76303

(17) Except as authorized in section 4731.31 of the Revised 76304  
Code, engaging in the division of fees for referral of patients, 76305  
or the receiving of a thing of value in return for a specific 76306  
referral of a patient to utilize a particular service or business; 76307

(18) Subject to section 4731.226 of the Revised Code, 76308  
violation of any provision of a code of ethics of the American 76309  
medical association, the American osteopathic association, the 76310  
American podiatric medical association, or any other national 76311  
professional organizations that the board specifies by rule. The 76312  
state medical board shall obtain and keep on file current copies 76313  
of the codes of ethics of the various national professional 76314  
organizations. The individual whose certificate is being suspended 76315  
or revoked shall not be found to have violated any provision of a 76316  
code of ethics of an organization not appropriate to the 76317  
individual's profession. 76318

For purposes of this division, a "provision of a code of 76319  
ethics of a national professional organization" does not include 76320  
any provision that would preclude the making of a report by a 76321  
physician of an employee's use of a drug of abuse, or of a 76322  
condition of an employee other than one involving the use of a 76323  
drug of abuse, to the employer of the employee as described in 76324  
division (B) of section 2305.33 of the Revised Code. Nothing in 76325  
this division affects the immunity from civil liability conferred 76326

by that section upon a physician who makes either type of report 76327  
in accordance with division (B) of that section. As used in this 76328  
division, "employee," "employer," and "physician" have the same 76329  
meanings as in section 2305.33 of the Revised Code. 76330

(19) Inability to practice according to acceptable and 76331  
prevailing standards of care by reason of mental illness or 76332  
physical illness, including, but not limited to, physical 76333  
deterioration that adversely affects cognitive, motor, or 76334  
perceptive skills. 76335

In enforcing this division, the board, upon a showing of a 76336  
possible violation, may compel any individual authorized to 76337  
practice by this chapter or who has submitted an application 76338  
pursuant to this chapter to submit to a mental examination, 76339  
physical examination, including an HIV test, or both a mental and 76340  
a physical examination. The expense of the examination is the 76341  
responsibility of the individual compelled to be examined. Failure 76342  
to submit to a mental or physical examination or consent to an HIV 76343  
test ordered by the board constitutes an admission of the 76344  
allegations against the individual unless the failure is due to 76345  
circumstances beyond the individual's control, and a default and 76346  
final order may be entered without the taking of testimony or 76347  
presentation of evidence. If the board finds an individual unable 76348  
to practice because of the reasons set forth in this division, the 76349  
board shall require the individual to submit to care, counseling, 76350  
or treatment by physicians approved or designated by the board, as 76351  
a condition for initial, continued, reinstated, or renewed 76352  
authority to practice. An individual affected under this division 76353  
shall be afforded an opportunity to demonstrate to the board the 76354  
ability to resume practice in compliance with acceptable and 76355  
prevailing standards under the provisions of the individual's 76356  
certificate. For the purpose of this division, any individual who 76357  
applies for or receives a certificate to practice under this 76358

chapter accepts the privilege of practicing in this state and, by 76359  
so doing, shall be deemed to have given consent to submit to a 76360  
mental or physical examination when directed to do so in writing 76361  
by the board, and to have waived all objections to the 76362  
admissibility of testimony or examination reports that constitute 76363  
a privileged communication. 76364

(20) Except when civil penalties are imposed under section 76365  
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 76366  
section 4731.226 of the Revised Code, violating or attempting to 76367  
violate, directly or indirectly, or assisting in or abetting the 76368  
violation of, or conspiring to violate, any provisions of this 76369  
chapter or any rule promulgated by the board. 76370

This division does not apply to a violation or attempted 76371  
violation of, assisting in or abetting the violation of, or a 76372  
conspiracy to violate, any provision of this chapter or any rule 76373  
adopted by the board that would preclude the making of a report by 76374  
a physician of an employee's use of a drug of abuse, or of a 76375  
condition of an employee other than one involving the use of a 76376  
drug of abuse, to the employer of the employee as described in 76377  
division (B) of section 2305.33 of the Revised Code. Nothing in 76378  
this division affects the immunity from civil liability conferred 76379  
by that section upon a physician who makes either type of report 76380  
in accordance with division (B) of that section. As used in this 76381  
division, "employee," "employer," and "physician" have the same 76382  
meanings as in section 2305.33 of the Revised Code. 76383

(21) The violation of section 3701.79 of the Revised Code or 76384  
of any abortion rule adopted by the ~~public health council~~ director  
of health pursuant to section 3701.341 of the Revised Code; 76385  
76386

(22) Any of the following actions taken by an agency 76387  
responsible for authorizing, certifying, or regulating an 76388  
individual to practice a health care occupation or provide health 76389  
care services in this state or another jurisdiction, for any 76390

reason other than the nonpayment of fees: the limitation, 76391  
revocation, or suspension of an individual's license to practice; 76392  
acceptance of an individual's license surrender; denial of a 76393  
license; refusal to renew or reinstate a license; imposition of 76394  
probation; or issuance of an order of censure or other reprimand; 76395

(23) The violation of section 2919.12 of the Revised Code or 76396  
the performance or inducement of an abortion upon a pregnant woman 76397  
with actual knowledge that the conditions specified in division 76398  
(B) of section 2317.56 of the Revised Code have not been satisfied 76399  
or with a heedless indifference as to whether those conditions 76400  
have been satisfied, unless an affirmative defense as specified in 76401  
division (H)(2) of that section would apply in a civil action 76402  
authorized by division (H)(1) of that section; 76403

(24) The revocation, suspension, restriction, reduction, or 76404  
termination of clinical privileges by the United States department 76405  
of defense or department of veterans affairs or the termination or 76406  
suspension of a certificate of registration to prescribe drugs by 76407  
the drug enforcement administration of the United States 76408  
department of justice; 76409

(25) Termination or suspension from participation in the 76410  
medicare or medicaid programs by the department of health and 76411  
human services or other responsible agency for any act or acts 76412  
that also would constitute a violation of division (B)(2), (3), 76413  
(6), (8), or (19) of this section; 76414

(26) Impairment of ability to practice according to 76415  
acceptable and prevailing standards of care because of habitual or 76416  
excessive use or abuse of drugs, alcohol, or other substances that 76417  
impair ability to practice. 76418

For the purposes of this division, any individual authorized 76419  
to practice by this chapter accepts the privilege of practicing in 76420  
this state subject to supervision by the board. By filing an 76421



application for or holding a certificate to practice under this 76422  
chapter, an individual shall be deemed to have given consent to 76423  
submit to a mental or physical examination when ordered to do so 76424  
by the board in writing, and to have waived all objections to the 76425  
admissibility of testimony or examination reports that constitute 76426  
privileged communications. 76427

If it has reason to believe that any individual authorized to 76428  
practice by this chapter or any applicant for certification to 76429  
practice suffers such impairment, the board may compel the 76430  
individual to submit to a mental or physical examination, or both. 76431  
The expense of the examination is the responsibility of the 76432  
individual compelled to be examined. Any mental or physical 76433  
examination required under this division shall be undertaken by a 76434  
treatment provider or physician who is qualified to conduct the 76435  
examination and who is chosen by the board. 76436

Failure to submit to a mental or physical examination ordered 76437  
by the board constitutes an admission of the allegations against 76438  
the individual unless the failure is due to circumstances beyond 76439  
the individual's control, and a default and final order may be 76440  
entered without the taking of testimony or presentation of 76441  
evidence. If the board determines that the individual's ability to 76442  
practice is impaired, the board shall suspend the individual's 76443  
certificate or deny the individual's application and shall require 76444  
the individual, as a condition for initial, continued, reinstated, 76445  
or renewed certification to practice, to submit to treatment. 76446

Before being eligible to apply for reinstatement of a 76447  
certificate suspended under this division, the impaired 76448  
practitioner shall demonstrate to the board the ability to resume 76449  
practice in compliance with acceptable and prevailing standards of 76450  
care under the provisions of the practitioner's certificate. The 76451  
demonstration shall include, but shall not be limited to, the 76452  
following: 76453

(a) Certification from a treatment provider approved under 76454  
section 4731.25 of the Revised Code that the individual has 76455  
successfully completed any required inpatient treatment; 76456

(b) Evidence of continuing full compliance with an aftercare 76457  
contract or consent agreement; 76458

(c) Two written reports indicating that the individual's 76459  
ability to practice has been assessed and that the individual has 76460  
been found capable of practicing according to acceptable and 76461  
prevailing standards of care. The reports shall be made by 76462  
individuals or providers approved by the board for making the 76463  
assessments and shall describe the basis for their determination. 76464

The board may reinstate a certificate suspended under this 76465  
division after that demonstration and after the individual has 76466  
entered into a written consent agreement. 76467

When the impaired practitioner resumes practice, the board 76468  
shall require continued monitoring of the individual. The 76469  
monitoring shall include, but not be limited to, compliance with 76470  
the written consent agreement entered into before reinstatement or 76471  
with conditions imposed by board order after a hearing, and, upon 76472  
termination of the consent agreement, submission to the board for 76473  
at least two years of annual written progress reports made under 76474  
penalty of perjury stating whether the individual has maintained 76475  
sobriety. 76476

(27) A second or subsequent violation of section 4731.66 or 76477  
4731.69 of the Revised Code; 76478

(28) Except as provided in division (N) of this section: 76479

(a) Waiving the payment of all or any part of a deductible or 76480  
copayment that a patient, pursuant to a health insurance or health 76481  
care policy, contract, or plan that covers the individual's 76482  
services, otherwise would be required to pay if the waiver is used 76483  
as an enticement to a patient or group of patients to receive 76484

health care services from that individual; 76485

(b) Advertising that the individual will waive the payment of 76486  
all or any part of a deductible or copayment that a patient, 76487  
pursuant to a health insurance or health care policy, contract, or 76488  
plan that covers the individual's services, otherwise would be 76489  
required to pay. 76490

(29) Failure to use universal blood and body fluid 76491  
precautions established by rules adopted under section 4731.051 of 76492  
the Revised Code; 76493

(30) Failure to provide notice to, and receive acknowledgment 76494  
of the notice from, a patient when required by section 4731.143 of 76495  
the Revised Code prior to providing nonemergency professional 76496  
services, or failure to maintain that notice in the patient's 76497  
file; 76498

(31) Failure of a physician supervising a physician assistant 76499  
to maintain supervision in accordance with the requirements of 76500  
Chapter 4730. of the Revised Code and the rules adopted under that 76501  
chapter; 76502

(32) Failure of a physician or podiatrist to enter into a 76503  
standard care arrangement with a clinical nurse specialist, 76504  
certified nurse-midwife, or certified nurse practitioner with whom 76505  
the physician or podiatrist is in collaboration pursuant to 76506  
section 4731.27 of the Revised Code or failure to fulfill the 76507  
responsibilities of collaboration after entering into a standard 76508  
care arrangement; 76509

(33) Failure to comply with the terms of a consult agreement 76510  
entered into with a pharmacist pursuant to section 4729.39 of the 76511  
Revised Code; 76512

(34) Failure to cooperate in an investigation conducted by 76513  
the board under division (F) of this section, including failure to 76514  
comply with a subpoena or order issued by the board or failure to 76515

answer truthfully a question presented by the board in an 76516  
investigative interview, an investigative office conference, at a 76517  
deposition, or in written interrogatories, except that failure to 76518  
cooperate with an investigation shall not constitute grounds for 76519  
discipline under this section if a court of competent jurisdiction 76520  
has issued an order that either quashes a subpoena or permits the 76521  
individual to withhold the testimony or evidence in issue; 76522

(35) Failure to supervise an oriental medicine practitioner 76523  
or acupuncturist in accordance with Chapter 4762. of the Revised 76524  
Code and the board's rules for providing that supervision; 76525

(36) Failure to supervise an anesthesiologist assistant in 76526  
accordance with Chapter 4760. of the Revised Code and the board's 76527  
rules for supervision of an anesthesiologist assistant; 76528

(37) Assisting suicide, as defined in section 3795.01 of the 76529  
Revised Code; 76530

(38) Failure to comply with the requirements of section 76531  
2317.561 of the Revised Code; 76532

(39) Failure to supervise a radiologist assistant in 76533  
accordance with Chapter 4774. of the Revised Code and the board's 76534  
rules for supervision of radiologist assistants; 76535

(40) Performing or inducing an abortion at an office or 76536  
facility with knowledge that the office or facility fails to post 76537  
the notice required under section 3701.791 of the Revised Code; 76538

(41) Failure to comply with the standards and procedures 76539  
established in rules under section 4731.054 of the Revised Code 76540  
for the operation of or the provision of care at a pain management 76541  
clinic; 76542

(42) Failure to comply with the standards and procedures 76543  
established in rules under section 4731.054 of the Revised Code 76544  
for providing supervision, direction, and control of individuals 76545

at a pain management clinic; 76546

(43) Failure to comply with the requirements of section 76547  
4729.79 or 4731.055 of the Revised Code, unless the state board of 76548  
pharmacy no longer maintains a drug database pursuant to section 76549  
4729.75 of the Revised Code; 76550

(44) Failure to comply with the requirements of section 76551  
2919.171 of the Revised Code or failure to submit to the 76552  
department of health in accordance with a court order a complete 76553  
report as described in section 2919.171 of the Revised Code; 76554

(45) Practicing at a facility that is subject to licensure as 76555  
a category III terminal distributor of dangerous drugs with a pain 76556  
management clinic classification unless the person operating the 76557  
facility has obtained and maintains the license with the 76558  
classification; 76559

(46) Owning a facility that is subject to licensure as a 76560  
category III terminal distributor of dangerous drugs with a pain 76561  
management clinic classification unless the facility is licensed 76562  
with the classification; 76563

(47) Failure to comply with the requirement regarding 76564  
maintaining notes described in division (B) of section 2919.191 of 76565  
the Revised Code or failure to satisfy the requirements of section 76566  
2919.191 of the Revised Code prior to performing or inducing an 76567  
abortion upon a pregnant woman; 76568

(48) Failure to comply with the requirements in section 76569  
3719.061 of the Revised Code before issuing for a minor a 76570  
prescription for an opioid analgesic, as defined in section 76571  
3719.01 of the Revised Code. 76572

(C) Disciplinary actions taken by the board under divisions 76573  
(A) and (B) of this section shall be taken pursuant to an 76574  
adjudication under Chapter 119. of the Revised Code, except that 76575  
in lieu of an adjudication, the board may enter into a consent 76576

agreement with an individual to resolve an allegation of a 76577  
violation of this chapter or any rule adopted under it. A consent 76578  
agreement, when ratified by an affirmative vote of not fewer than 76579  
six members of the board, shall constitute the findings and order 76580  
of the board with respect to the matter addressed in the 76581  
agreement. If the board refuses to ratify a consent agreement, the 76582  
admissions and findings contained in the consent agreement shall 76583  
be of no force or effect. 76584

A telephone conference call may be utilized for ratification 76585  
of a consent agreement that revokes or suspends an individual's 76586  
certificate to practice. The telephone conference call shall be 76587  
considered a special meeting under division (F) of section 121.22 76588  
of the Revised Code. 76589

If the board takes disciplinary action against an individual 76590  
under division (B) of this section for a second or subsequent plea 76591  
of guilty to, or judicial finding of guilt of, a violation of 76592  
section 2919.123 of the Revised Code, the disciplinary action 76593  
shall consist of a suspension of the individual's certificate to 76594  
practice for a period of at least one year or, if determined 76595  
appropriate by the board, a more serious sanction involving the 76596  
individual's certificate to practice. Any consent agreement 76597  
entered into under this division with an individual that pertains 76598  
to a second or subsequent plea of guilty to, or judicial finding 76599  
of guilt of, a violation of that section shall provide for a 76600  
suspension of the individual's certificate to practice for a 76601  
period of at least one year or, if determined appropriate by the 76602  
board, a more serious sanction involving the individual's 76603  
certificate to practice. 76604

(D) For purposes of divisions (B)(10), (12), and (14) of this 76605  
section, the commission of the act may be established by a finding 76606  
by the board, pursuant to an adjudication under Chapter 119. of 76607  
the Revised Code, that the individual committed the act. The board 76608

does not have jurisdiction under those divisions if the trial 76609  
court renders a final judgment in the individual's favor and that 76610  
judgment is based upon an adjudication on the merits. The board 76611  
has jurisdiction under those divisions if the trial court issues 76612  
an order of dismissal upon technical or procedural grounds. 76613

(E) The sealing of conviction records by any court shall have 76614  
no effect upon a prior board order entered under this section or 76615  
upon the board's jurisdiction to take action under this section 76616  
if, based upon a plea of guilty, a judicial finding of guilt, or a 76617  
judicial finding of eligibility for intervention in lieu of 76618  
conviction, the board issued a notice of opportunity for a hearing 76619  
prior to the court's order to seal the records. The board shall 76620  
not be required to seal, destroy, redact, or otherwise modify its 76621  
records to reflect the court's sealing of conviction records. 76622

(F)(1) The board shall investigate evidence that appears to 76623  
show that a person has violated any provision of this chapter or 76624  
any rule adopted under it. Any person may report to the board in a 76625  
signed writing any information that the person may have that 76626  
appears to show a violation of any provision of this chapter or 76627  
any rule adopted under it. In the absence of bad faith, any person 76628  
who reports information of that nature or who testifies before the 76629  
board in any adjudication conducted under Chapter 119. of the 76630  
Revised Code shall not be liable in damages in a civil action as a 76631  
result of the report or testimony. Each complaint or allegation of 76632  
a violation received by the board shall be assigned a case number 76633  
and shall be recorded by the board. 76634

(2) Investigations of alleged violations of this chapter or 76635  
any rule adopted under it shall be supervised by the supervising 76636  
member elected by the board in accordance with section 4731.02 of 76637  
the Revised Code and by the secretary as provided in section 76638  
4731.39 of the Revised Code. The president may designate another 76639  
member of the board to supervise the investigation in place of the 76640

supervising member. No member of the board who supervises the 76641  
investigation of a case shall participate in further adjudication 76642  
of the case. 76643

(3) In investigating a possible violation of this chapter or 76644  
any rule adopted under this chapter, or in conducting an 76645  
inspection under division (E) of section 4731.054 of the Revised 76646  
Code, the board may question witnesses, conduct interviews, 76647  
administer oaths, order the taking of depositions, inspect and 76648  
copy any books, accounts, papers, records, or documents, issue 76649  
subpoenas, and compel the attendance of witnesses and production 76650  
of books, accounts, papers, records, documents, and testimony, 76651  
except that a subpoena for patient record information shall not be 76652  
issued without consultation with the attorney general's office and 76653  
approval of the secretary and supervising member of the board. 76654

(a) Before issuance of a subpoena for patient record 76655  
information, the secretary and supervising member shall determine 76656  
whether there is probable cause to believe that the complaint 76657  
filed alleges a violation of this chapter or any rule adopted 76658  
under it and that the records sought are relevant to the alleged 76659  
violation and material to the investigation. The subpoena may 76660  
apply only to records that cover a reasonable period of time 76661  
surrounding the alleged violation. 76662

(b) On failure to comply with any subpoena issued by the 76663  
board and after reasonable notice to the person being subpoenaed, 76664  
the board may move for an order compelling the production of 76665  
persons or records pursuant to the Rules of Civil Procedure. 76666

(c) A subpoena issued by the board may be served by a 76667  
sheriff, the sheriff's deputy, or a board employee designated by 76668  
the board. Service of a subpoena issued by the board may be made 76669  
by delivering a copy of the subpoena to the person named therein, 76670  
reading it to the person, or leaving it at the person's usual 76671  
place of residence, usual place of business, or address on file 76672



with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to

an investigation or inspection, including patient records and 76704  
patient record information, with law enforcement agencies, other 76705  
licensing boards, and other governmental agencies that are 76706  
prosecuting, adjudicating, or investigating alleged violations of 76707  
statutes or administrative rules. An agency or board that receives 76708  
the information shall comply with the same requirements regarding 76709  
confidentiality as those with which the state medical board must 76710  
comply, notwithstanding any conflicting provision of the Revised 76711  
Code or procedure of the agency or board that applies when it is 76712  
dealing with other information in its possession. In a judicial 76713  
proceeding, the information may be admitted into evidence only in 76714  
accordance with the Rules of Evidence, but the court shall require 76715  
that appropriate measures are taken to ensure that confidentiality 76716  
is maintained with respect to any part of the information that 76717  
contains names or other identifying information about patients or 76718  
complainants whose confidentiality was protected by the state 76719  
medical board when the information was in the board's possession. 76720  
Measures to ensure confidentiality that may be taken by the court 76721  
include sealing its records or deleting specific information from 76722  
its records. 76723

(6) On a quarterly basis, the board shall prepare a report 76724  
that documents the disposition of all cases during the preceding 76725  
three months. The report shall contain the following information 76726  
for each case with which the board has completed its activities: 76727

(a) The case number assigned to the complaint or alleged 76728  
violation; 76729

(b) The type of certificate to practice, if any, held by the 76730  
individual against whom the complaint is directed; 76731

(c) A description of the allegations contained in the 76732  
complaint; 76733

(d) The disposition of the case. 76734

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board

shall issue its final adjudicative order within seventy-five days 76766  
after completion of its hearing. A failure to issue the order 76767  
within seventy-five days shall result in dissolution of the 76768  
summary suspension order but shall not invalidate any subsequent, 76769  
final adjudicative order. 76770

(H) If the board takes action under division (B)(9), (11), or 76771  
(13) of this section and the judicial finding of guilt, guilty 76772  
plea, or judicial finding of eligibility for intervention in lieu 76773  
of conviction is overturned on appeal, upon exhaustion of the 76774  
criminal appeal, a petition for reconsideration of the order may 76775  
be filed with the board along with appropriate court documents. 76776  
Upon receipt of a petition of that nature and supporting court 76777  
documents, the board shall reinstate the individual's certificate 76778  
to practice. The board may then hold an adjudication under Chapter 76779  
119. of the Revised Code to determine whether the individual 76780  
committed the act in question. Notice of an opportunity for a 76781  
hearing shall be given in accordance with Chapter 119. of the 76782  
Revised Code. If the board finds, pursuant to an adjudication held 76783  
under this division, that the individual committed the act or if 76784  
no hearing is requested, the board may order any of the sanctions 76785  
identified under division (B) of this section. 76786

(I) The certificate to practice issued to an individual under 76787  
this chapter and the individual's practice in this state are 76788  
automatically suspended as of the date of the individual's second 76789  
or subsequent plea of guilty to, or judicial finding of guilt of, 76790  
a violation of section 2919.123 of the Revised Code, or the date 76791  
the individual pleads guilty to, is found by a judge or jury to be 76792  
guilty of, or is subject to a judicial finding of eligibility for 76793  
intervention in lieu of conviction in this state or treatment or 76794  
intervention in lieu of conviction in another jurisdiction for any 76795  
of the following criminal offenses in this state or a 76796  
substantially equivalent criminal offense in another jurisdiction: 76797

aggravated murder, murder, voluntary manslaughter, felonious 76798  
assault, kidnapping, rape, sexual battery, gross sexual 76799  
imposition, aggravated arson, aggravated robbery, or aggravated 76800  
burglary. Continued practice after suspension shall be considered 76801  
practicing without a certificate. 76802

The board shall notify the individual subject to the 76803  
suspension by certified mail or in person in accordance with 76804  
section 119.07 of the Revised Code. If an individual whose 76805  
certificate is automatically suspended under this division fails 76806  
to make a timely request for an adjudication under Chapter 119. of 76807  
the Revised Code, the board shall do whichever of the following is 76808  
applicable: 76809

(1) If the automatic suspension under this division is for a 76810  
second or subsequent plea of guilty to, or judicial finding of 76811  
guilt of, a violation of section 2919.123 of the Revised Code, the 76812  
board shall enter an order suspending the individual's certificate 76813  
to practice for a period of at least one year or, if determined 76814  
appropriate by the board, imposing a more serious sanction 76815  
involving the individual's certificate to practice. 76816

(2) In all circumstances in which division (I)(1) of this 76817  
section does not apply, enter a final order permanently revoking 76818  
the individual's certificate to practice. 76819

(J) If the board is required by Chapter 119. of the Revised 76820  
Code to give notice of an opportunity for a hearing and if the 76821  
individual subject to the notice does not timely request a hearing 76822  
in accordance with section 119.07 of the Revised Code, the board 76823  
is not required to hold a hearing, but may adopt, by an 76824  
affirmative vote of not fewer than six of its members, a final 76825  
order that contains the board's findings. In that final order, the 76826  
board may order any of the sanctions identified under division (A) 76827  
or (B) of this section. 76828

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate to practice to an applicant, revokes an individual's certificate to practice, refuses to ~~register an applicant~~ renew an individual's certificate to practice, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate of ~~of~~ 76860  
~~registration to practice~~ in accordance with this chapter shall not 76861  
remove or limit the board's jurisdiction to take any disciplinary 76862  
action under this section against the individual. 76863

(4) At the request of the board, a certificate holder shall 76864  
immediately surrender to the board a certificate that the board 76865  
has suspended, revoked, or permanently revoked. 76866

(N) Sanctions shall not be imposed under division (B)(28) of 76867  
this section against any person who waives deductibles and 76868  
copayments as follows: 76869

(1) In compliance with the health benefit plan that expressly 76870  
allows such a practice. Waiver of the deductibles or copayments 76871  
shall be made only with the full knowledge and consent of the plan 76872  
purchaser, payer, and third-party administrator. Documentation of 76873  
the consent shall be made available to the board upon request. 76874

(2) For professional services rendered to any other person 76875  
authorized to practice pursuant to this chapter, to the extent 76876  
allowed by this chapter and rules adopted by the board. 76877

(O) Under the board's investigative duties described in this 76878  
section and subject to division (F) of this section, the board 76879  
shall develop and implement a quality intervention program 76880  
designed to improve through remedial education the clinical and 76881  
communication skills of individuals authorized under this chapter 76882  
to practice medicine and surgery, osteopathic medicine and 76883  
surgery, and podiatric medicine and surgery. In developing and 76884  
implementing the quality intervention program, the board may do 76885  
all of the following: 76886

(1) Offer in appropriate cases as determined by the board an 76887  
educational and assessment program pursuant to an investigation 76888  
the board conducts under this section; 76889

(2) Select providers of educational and assessment services, 76890

including a quality intervention program panel of case reviewers; 76891

(3) Make referrals to educational and assessment service 76892  
providers and approve individual educational programs recommended 76893  
by those providers. The board shall monitor the progress of each 76894  
individual undertaking a recommended individual educational 76895  
program. 76896

(4) Determine what constitutes successful completion of an 76897  
individual educational program and require further monitoring of 76898  
the individual who completed the program or other action that the 76899  
board determines to be appropriate; 76900

(5) Adopt rules in accordance with Chapter 119. of the 76901  
Revised Code to further implement the quality intervention 76902  
program. 76903

An individual who participates in an individual educational 76904  
program pursuant to this division shall pay the financial 76905  
obligations arising from that educational program. 76906

**Sec. 4731.222.** (A) This section applies to both of the 76907  
following: 76908

(1) An applicant seeking restoration of a certificate issued 76909  
under this chapter that has been in a suspended or inactive state 76910  
for any cause for more than two years; 76911

(2) An applicant seeking issuance of a certificate pursuant 76912  
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 76913  
Revised Code who for more than two years has not been engaged in 76914  
the practice of medicine and surgery, osteopathic medicine and 76915  
surgery, podiatric medicine and surgery, or a limited branch of 76916  
medicine as any of the following: 76917

(a) An active practitioner; 76918

(b) A participant in a program of graduate medical education, 76919  
as defined in section 4731.091 of the Revised Code; 76920



(c) A student in a college of podiatry determined by the state medical board to be in good standing;	76921 76922
(d) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.	76923 76924 76925 76926
(B) Before restoring a certificate to good standing for or issuing a certificate to an applicant subject to this section, the state medical board may impose terms and conditions including <u>any one or more of</u> the following:	76927 76928 76929 76930
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	76931 76932 76933
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	76934 76935
(3) <u>Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;</u>	76936 76937 76938 76939 76940
(4) <u>Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;</u>	76941 76942
(5) <u>Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;</u>	76943 76944 76945 76946
(6) Restricting or limiting the extent, scope, or type of practice of the applicant.	76947 76948
The board shall consider the moral background and the activities of the applicant during the period of suspension or	76949 76950

inactivity, in accordance with section 4731.08, 4731.19, or 76951  
4731.52 of the Revised Code. The board shall not restore a 76952  
certificate under this section unless the applicant complies with 76953  
sections 4776.01 to 4776.04 of the Revised Code. 76954

**Sec. 4731.225.** ~~(A)~~ If the holder of a certificate issued 76955  
under this chapter violates division (A), (B), or (C) of section 76956  
4731.66 or section 4731.69 of the Revised Code, or if any other 76957  
person violates division (B) or (C) of section 4731.66 or section 76958  
4731.69 of the Revised Code, the state medical board, pursuant to 76959  
an adjudication under Chapter 119. of the Revised Code and an 76960  
affirmative vote of not fewer than six of its members, shall: 76961

~~(A)~~(1) For a first violation, impose a civil penalty of not 76962  
more than five thousand dollars; 76963

~~(B)~~(2) For each subsequent violation, impose a civil penalty 76964  
of not more than twenty thousand dollars and, if the violator is a 76965  
certificate holder, proceed under division (B)(27) of section 76966  
4731.22 of the Revised Code. 76967

(B)(1) If the holder of a certificate issued under this 76968  
chapter violates any section of this chapter other than section 76969  
4731.281 or 4731.282 of the Revised Code or the sections specified 76970  
in division (A) of this section, or violates any rule adopted 76971  
under this chapter, the board may, pursuant to an adjudication 76972  
under Chapter 119. of the Revised Code and an affirmative vote of 76973  
not fewer than six of its members, impose a civil penalty. The 76974  
amount of the civil penalty shall be determined by the board in 76975  
accordance with the guidelines adopted under division (B)(2) of 76976  
this section. The civil penalty may be in addition to any other 76977  
action the board may take under section 4731.22 of the Revised 76978  
Code. 76979

(2) The board shall adopt and may amend guidelines regarding 76980  
the amounts of civil penalties to be imposed under this section. 76981

Adoption or amendment of the guidelines requires the approval of 76982  
not fewer than six board members. 76983

Under the guidelines, no civil penalty amount shall exceed 76984  
twenty thousand dollars. 76985

(C) Amounts received from payment of civil penalties imposed 76986  
under this section shall be deposited by the board in accordance 76987  
with section 4731.24 of the Revised Code. Amounts received from 76988  
payment of civil penalties imposed for violations of division 76989  
(B)(26) of section 4731.22 of the Revised Code shall be used by 76990  
the board solely for investigations, enforcement, and compliance 76991  
monitoring. 76992

**Sec. 4731.24.** Except as provided in sections 4731.281 and 76993  
4731.40 of the Revised Code, all receipts of the state medical 76994  
board, from any source, shall be deposited in the state treasury. 76995  
~~Until July 1, 1998, the funds shall be deposited to the credit of~~ 76996  
~~the occupational licensing and regulatory fund. On and after July~~ 76997  
~~1, 1998, the~~ The funds shall be deposited to the credit of the 76998  
state medical board operating fund, which is hereby created ~~on~~ 76999  
~~July 1, 1998.~~ Except as provided in ~~section~~ sections 4730.252, 77000  
4731.225, 4731.24, 4760.133, 4762.133, 4774.133, and 4778.141 of 77001  
the Revised Code, all funds deposited into the state treasury 77002  
under this section shall be used solely for the administration and 77003  
enforcement of this chapter and Chapters 4730., 4760., 4762., 77004  
4774., and 4778. of the Revised Code by the board. 77005

**Sec. 4731.26.** Upon application by the holder of a certificate 77006  
to practice ~~or certificate of registration~~ issued under this 77007  
chapter, the state medical board shall issue a duplicate 77008  
certificate to replace one missing or damaged, to reflect a name 77009  
change, or for any other reasonable cause. The fee for a duplicate 77010  
certificate to practice ~~or duplicate certificate of registration~~ 77011

shall be thirty-five dollars. 77012

~~Sec. 4731.281. (A) On or before the deadline established 77013  
under division (B) of this section for applying for renewal of a 77014  
certificate of registration, each person holding a certificate 77015  
under this chapter to practice medicine and surgery, osteopathic 77016  
medicine and surgery, or podiatric medicine and surgery shall 77017  
certify to the state medical board that in the preceding two years 77018  
the person has completed one hundred hours of continuing medical 77019  
education. The certification shall be made upon the application 77020  
for biennial registration submitted pursuant to division (B) of 77021  
this section. The board shall adopt rules providing for pro rata 77022  
reductions by month of the number of hours of continuing education 77023  
required for persons who are in their first registration period, 77024  
who have been disabled due to illness or accident, or who have 77025  
been absent from the country. 77026~~

~~In determining whether a course, program, or activity 77027  
qualifies for credit as continuing medical education, the board 77028  
shall approve all continuing medical education taken by persons 77029  
holding a certificate to practice medicine and surgery that is 77030  
certified by the Ohio state medical association, all continuing 77031  
medical education taken by persons holding a certificate to 77032  
practice osteopathic medicine and surgery that is certified by the 77033  
Ohio osteopathic association, and all continuing medical education 77034  
taken by persons holding a certificate to practice podiatric 77035  
medicine and surgery that is certified by the Ohio podiatric 77036  
medical association. Each person holding a certificate to practice 77037  
under this chapter shall be given sufficient choice of continuing 77038  
education programs to ensure that the person has had a reasonable 77039  
opportunity to participate in continuing education programs that 77040  
are relevant to the person's medical practice in terms of subject 77041  
matter and level. 77042~~

~~The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.~~

~~(B)(1) Every~~ Each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the board for ~~a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a~~ renewal. Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of three hundred five dollars, Applications shall be submitted according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose last name begins with the letters "N" 77074  
through "R," on or before January 1, 2000, and the first day of 77075  
January of every even-numbered year thereafter; 77076

(g) Persons whose last name begins with the letter "S," on or 77077  
before October 1, 1999, and the first day of October of every 77078  
odd-numbered year thereafter; 77079

(h) Persons whose last name begins with the letters "T" 77080  
through "Z," on or before July 1, 1999, and the first day of July 77081  
of every odd-numbered year thereafter. 77082

The board shall deposit the fee in accordance with section 77083  
4731.24 of the Revised Code, except that the board shall deposit 77084  
twenty dollars of the fee into the state treasury to the credit of 77085  
the physician loan repayment fund created by section 3702.78 of 77086  
the Revised Code. 77087

(2) The board shall ~~mail or cause to be mailed~~ provide to 77088  
every person ~~registered holding a certificate~~ to practice medicine 77089  
and surgery, osteopathic medicine and surgery, or podiatric 77090  
medicine and surgery, a renewal notice of ~~registration renewal~~ 77091  
~~addressed to the person's last known address~~ or may ~~cause~~ provide 77092  
the notice ~~to be sent~~ to the person through the secretary of any 77093  
recognized medical, osteopathic, or podiatric society, according 77094  
to the following schedule: 77095

(a) To persons whose last name begins with the letters "A" 77096  
through "B," on or before January 1, 2001, and the first day of 77097  
January of every odd-numbered year thereafter; 77098

(b) To persons whose last name begins with the letters "C" 77099  
through "D," on or before October 1, 2000, and the first day of 77100  
October of every even-numbered year thereafter; 77101

(c) To persons whose last name begins with the letters "E" 77102  
through "G," on or before July 1, 2000, and the first day of July 77103  
of every even-numbered year thereafter; 77104

(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;

(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter.

(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section.

(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for ~~registration~~ renewal in a form determined by the board.

(5) The applicant shall provide in the application the applicant's full name, ~~principal practice address and~~ the applicant's residence address, business address, and electronic mail address; the number of the applicant's certificate to practice; ~~i~~ and any other information required by the board.

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify

to the board whether the applicant has been granted access to the 77135  
drug database established and maintained by the state board of 77136  
pharmacy pursuant to section 4729.75 of the Revised Code. 77137

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 77138  
does not apply if any of the following is the case: 77139

(i) The state board of pharmacy notifies the state medical 77140  
board pursuant to section 4729.861 of the Revised Code that the 77141  
applicant has been restricted from obtaining further information 77142  
from the drug database. 77143

(ii) The state board of pharmacy no longer maintains the drug 77144  
database. 77145

(iii) The applicant does not practice medicine and surgery, 77146  
osteopathic medicine and surgery, or podiatric medicine and 77147  
surgery in this state. 77148

(c) If an applicant certifies to the state medical board that 77149  
the applicant has been granted access to the drug database and the 77150  
board finds through an audit or other means that the applicant has 77151  
not been granted access, the board may take action under section 77152  
4731.22 of the Revised Code. 77153

(7) The applicant shall include with the application a list 77154  
of the names and addresses of any clinical nurse specialists, 77155  
certified nurse-midwives, or certified nurse practitioners with 77156  
whom the applicant is currently collaborating, as defined in 77157  
section 4723.01 of the Revised Code. ~~Every person registered under~~ 77158  
~~this section shall give written notice to the state medical board~~ 77159  
~~of any change of principal practice address or residence address~~ 77160  
~~or in the list within thirty days of the change.~~ 77161

(8) The applicant shall report any criminal offense to which 77162  
the applicant has pleaded guilty, of which the applicant has been 77163  
found guilty, or for which the applicant has been found eligible 77164  
for intervention in lieu of conviction, since last filing an 77165



application for a certificate ~~of registration to practice or~~ 77166  
renewal of a certificate. 77167

(9) The applicant shall execute and deliver the application 77168  
to the board in a manner prescribed by the board. 77169

~~(C)~~(B) The board shall ~~issue to any person holding~~ renew a 77170  
certificate under this chapter to practice medicine and surgery, 77171  
osteopathic medicine and surgery, or podiatric medicine and 77172  
surgery, upon application and qualification therefor in accordance 77173  
with this section, ~~a certificate of registration under the seal of~~ 77174  
~~the board.~~ A ~~certificate of registration~~ renewal shall be valid 77175  
for a two-year period. 77176

~~(D)~~(C) Failure of any certificate holder to ~~register~~ renew 77177  
and comply with this section shall operate automatically to 77178  
suspend the holder's certificate to practice. Continued practice 77179  
after the suspension of the certificate to practice shall be 77180  
considered as practicing in violation of section 4731.41, 4731.43, 77181  
or 4731.60 of the Revised Code. If the certificate has been 77182  
suspended pursuant to this division for two years or less, it may 77183  
be reinstated. The board shall reinstate a certificate to practice 77184  
suspended for failure to ~~register~~ renew upon an applicant's 77185  
submission of a renewal application, the biennial ~~registration~~ 77186  
renewal fee, and the applicable monetary penalty. The penalty for 77187  
reinstatement shall be ~~fifty~~ one hundred dollars. If the 77188  
certificate has been suspended pursuant to this division for more 77189  
than two years, it may be restored. Subject to section 4731.222 of 77190  
the Revised Code, the board may restore a certificate to practice 77191  
suspended for failure to ~~register~~ renew upon an applicant's 77192  
submission of a restoration application, the biennial ~~registration~~ 77193  
renewal fee, and the applicable monetary penalty and compliance 77194  
with sections 4776.01 to 4776.04 of the Revised Code. The board 77195  
shall not restore to an applicant a certificate to practice unless 77196  
the board, in its discretion, decides that the results of the 77197

criminal records check do not make the applicant ineligible for a 77198  
certificate issued pursuant to section 4731.14, 4731.56, or 77199  
4731.57 of the Revised Code. The penalty for restoration shall be 77200  
~~one~~ two hundred dollars. The board shall deposit the penalties in 77201  
accordance with section 4731.24 of the Revised Code. 77202

~~(E)~~(D) If an individual certifies completion of the number of 77203  
hours and type of continuing medical education required to ~~receive~~ 77204  
~~a certificate of registration or reinstatement of~~ renew or 77205  
reinstate a certificate to practice, and the board finds through 77206  
the random samples it conducts under this section or through any 77207  
other means that the individual did not complete the requisite 77208  
continuing medical education, the board may impose a civil penalty 77209  
of not more than five thousand dollars. The board's finding shall 77210  
be made pursuant to an adjudication under Chapter 119. of the 77211  
Revised Code and by an affirmative vote of not fewer than six 77212  
members. 77213

A civil penalty imposed under this division may be in 77214  
addition to or in lieu of any other action the board may take 77215  
under section 4731.22 of the Revised Code. The board shall deposit 77216  
civil penalties in accordance with section 4731.24 of the Revised 77217  
Code. 77218

~~(F)~~(E) The state medical board may obtain information not 77219  
protected by statutory or common law privilege from courts and 77220  
other sources concerning malpractice claims against any person 77221  
holding a certificate to practice under this chapter or practicing 77222  
as provided in section 4731.36 of the Revised Code. 77223

~~(G)~~(F) Each mailing sent by the board under division 77224  
~~(B)~~(A)(2) of this section to a person ~~registered~~ holding a 77225  
certificate to practice medicine and surgery or osteopathic 77226  
medicine and surgery shall inform the applicant of the reporting 77227  
requirement established by division (H) of section 3701.79 of the 77228  
Revised Code. At the discretion of the board, the information may 77229

be included on the application for ~~registration~~ renewal or on an accompanying page. 77230  
77231

(G) Each person holding a certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of any of the following changes not later than thirty days after the change occurs: 77232  
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(1) A change in the certificate holder's residence address, business address, or electronic mail address; 77237  
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(2) A change in the list provided under division (B)(7) of this section of names and addresses of the nurses with whom the certificate holder is collaborating. 77239  
77240  
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~~Sec. 4731.282. Not later than ninety days after the effective date of this section, the state medical board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association pursuant to section 4731.281 of the Revised Code that assist doctors of medicine and doctors of osteopathic medicine in recognizing~~ (A)(1) Except as provided in division (D) of this section, each person holding a certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than one hundred hours of continuing medical education that has been approved by the board. 77242  
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(2) Each person holding a certificate to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level. 77255  
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(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following: 77260  
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(1) Continuing medical education completed by holders of certificates to practice medicine and surgery that is certified by the Ohio state medical association; 77263  
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(2) Continuing medical education completed by holders of certificates to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association; 77266  
77267  
77268

(3) Continuing medical education completed by holders of certificates to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association. 77269  
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77271

(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in both of the following: 77272  
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(1) Recognizing the signs of domestic violence and its relationship to child abuse. ~~Doctors are not required to take the courses;~~ 77278  
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77280

(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code. 77281  
77282

(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for certificate holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. 77283  
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(E) The board may require a random sample of holders of 77289

certificates to practice medicine and surgery, osteopathic  
medicine and surgery, or podiatric medicine and surgery to submit  
materials documenting completion of the required number of hours  
of continuing medical education. This division does not limit the  
board's authority to conduct investigations pursuant to section  
4731.22 of the Revised Code. 77290  
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(F) The board may impose a civil penalty of not more than  
five thousand dollars if, through a random sample conducted under  
division (E) of this section or any other means, it finds that an  
individual falsely certified that the individual completed the  
number of hours and type of continuing medical education required  
for renewal of a certificate to practice. If the civil penalty is  
imposed in addition to any other action the board takes under  
section 4731.22 of the Revised Code, the board's finding shall be  
made pursuant to an adjudication under Chapter 119. of the Revised  
Code and by an affirmative vote of not fewer than six of its  
members. 77296  
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A civil penalty imposed under this division may be in  
addition to or in lieu of any other action the board takes under  
section 4731.22 of the Revised Code. The board shall deposit civil  
penalties in accordance with section 4731.24 of the Revised Code. 77307  
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**Sec. 4731.293.** (A) The state medical board may issue, without  
examination, a clinical research faculty certificate to any person  
who applies for the certificate and provides to the board all of  
the following: 77311  
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(1) Evidence satisfactory to the board of all of the  
following: 77315  
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(a) That the applicant holds a current, unrestricted license  
to practice medicine and surgery or osteopathic medicine and  
surgery issued by another state or country; 77317  
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(b) That the applicant has been appointed to serve in this 77320  
state on the academic staff of a medical school accredited by the 77321  
liaison committee on medical education or an osteopathic medical 77322  
school accredited by the American osteopathic association; 77323

(c) That the applicant is an international medical graduate 77324  
who holds a medical degree from an educational institution listed 77325  
in the international medical education directory. 77326

(2) An affidavit and supporting documentation from the dean 77327  
of the medical school or the department director or chairperson of 77328  
a teaching hospital affiliated with the school that the applicant 77329  
is qualified to perform teaching and research activities and will 77330  
be permitted to work only under the authority of the department 77331  
director or chairperson of a teaching hospital affiliated with the 77332  
medical school where the applicant's teaching and research 77333  
activities will occur; 77334

(3) A description from the medical school or teaching 77335  
hospital of the scope of practice in which the applicant will be 77336  
involved, including the types of teaching, research, and 77337  
procedures in which the applicant will be engaged; 77338

(4) A description from the medical school or teaching 77339  
hospital of the type and amount of patient contact that will occur 77340  
in connection with the applicant's teaching and research 77341  
activities. 77342

(B) An applicant for an initial clinical research faculty 77343  
certificate shall pay a fee of three hundred seventy-five dollars. 77344

(C) The holder of a clinical research faculty certificate may 77345  
practice medicine and surgery or osteopathic medicine and surgery 77346  
only as is incidental to the certificate holder's teaching or 77347  
research duties at the medical school or a teaching hospital 77348  
affiliated with the school. The board may revoke a certificate on 77349  
receiving proof satisfactory to the board that the certificate 77350

holder has engaged in practice in this state outside the scope of 77351  
the certificate or that there are grounds for action against the 77352  
certificate holder under section 4731.22 of the Revised Code. 77353

(D) A clinical research faculty certificate is valid for 77354  
three years, except that the certificate ceases to be valid if the 77355  
holder's appointment to the academic staff of the school is no 77356  
longer valid or the certificate is revoked pursuant to division 77357  
(C) of this section. 77358

(E)(1) Three months before a clinical research faculty 77359  
certificate expires, the board shall mail or cause to be mailed to 77360  
the certificate holder a notice of renewal addressed to the 77361  
certificate holder's last known address. Failure of a certificate 77362  
holder to receive a notice of renewal from the board shall not 77363  
excuse the certificate holder from the requirements contained in 77364  
this section. The notice shall inform the certificate holder of 77365  
the renewal procedure. The notice also shall inform the 77366  
certificate holder of the reporting requirement established by 77367  
division (H) of section 3701.79 of the Revised Code. At the 77368  
discretion of the board, the information may be included on the 77369  
application for renewal or on an accompanying page. 77370

(2) A clinical research faculty certificate may be renewed 77371  
for an additional three-year period. There is no limit on the 77372  
number of times a certificate may be renewed. A person seeking 77373  
renewal of a certificate shall apply to the board. The board shall 77374  
provide the application for renewal in a form determined by the 77375  
board. 77376

(3) An applicant is eligible for renewal if the applicant 77377  
does all of the following: 77378

(a) Pays a renewal fee of three hundred seventy-five dollars; 77379

(b) Reports any criminal offense to which the applicant has 77380  
pleaded guilty, of which the applicant has been found guilty, or 77381

for which the applicant has been found eligible for intervention 77382  
in lieu of conviction, since last filing an application for a 77383  
clinical research faculty certificate; 77384

(c) Provides to the board an affidavit and supporting 77385  
documentation from the dean of the medical school or the 77386  
department director or chairperson of a teaching hospital 77387  
affiliated with the school that the applicant is in compliance 77388  
with the applicant's current clinical research faculty 77389  
certificate; 77390

(d) Provides evidence satisfactory to the board of all of the 77391  
following: 77392

(i) That the applicant continues to maintain a current, 77393  
unrestricted license to practice medicine and surgery or 77394  
osteopathic medicine and surgery issued by another state or 77395  
country; 77396

(ii) That the applicant's initial appointment to serve in 77397  
this state on the academic staff of a medical school is still 77398  
valid or has been renewed; 77399

(iii) That the applicant has completed one hundred fifty 77400  
hours of continuing medical education that meet the requirements 77401  
set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 77402

(4) Regardless of whether the certificate has expired, a 77403  
person who was granted a visiting medical faculty certificate 77404  
under this section as it existed immediately prior to ~~the~~ 77405  
~~effective date of this amendment~~ June 6, 2012, may apply for a 77406  
clinical research faculty certificate as a renewal. The board may 77407  
issue the clinical research faculty certificate if the applicant 77408  
meets the requirements of division (E)(3) of this section. The 77409  
board may not issue a clinical research faculty certificate if the 77410  
visiting medical faculty certificate was revoked. 77411

(F) The board shall maintain a register of all persons who 77412



hold clinical research faculty certificates. 77413

(G) The board may adopt any rules it considers necessary to 77414  
implement this section. The rules shall be adopted in accordance 77415  
with Chapter 119. of the Revised Code. 77416

**Sec. 4731.295.** (A)(1) As used in this section, "indigent and 77417  
uninsured person" and "operation" have the same meanings as in 77418  
section 2305.234 of the Revised Code. 77419

(2) For the purposes of this section, a person shall be 77420  
considered retired from practice if the person's license or 77421  
certificate has expired with the person's intention of ceasing to 77422  
practice medicine and surgery or osteopathic medicine and surgery 77423  
for remuneration. 77424

(B) The state medical board may issue, without examination, a 77425  
volunteer's certificate to a person who is retired from practice 77426  
so that the person may provide medical services to indigent and 77427  
uninsured persons. The board shall deny issuance of a volunteer's 77428  
certificate to a person who is not qualified under this section to 77429  
hold a volunteer's certificate. 77430

(C) An application for a volunteer's certificate shall 77431  
include all of the following: 77432

(1) A copy of the applicant's degree of medicine or 77433  
osteopathic medicine. 77434

(2) One of the following, as applicable: 77435

(a) A copy of the applicant's most recent license or 77436  
certificate authorizing the practice of medicine and surgery or 77437  
osteopathic medicine and surgery issued by a jurisdiction in the 77438  
United States that licenses persons to practice medicine and 77439  
surgery or osteopathic medicine and surgery. 77440

(b) A copy of the applicant's most recent license equivalent 77441  
to a license to practice medicine and surgery or osteopathic 77442

medicine and surgery in one or more branches of the United States 77443  
armed services that the United States government issued. 77444

(3) Evidence of one of the following, as applicable: 77445

(a) That the applicant has maintained for at least ten years 77446  
prior to retirement full licensure in good standing in any 77447  
jurisdiction in the United States that licenses persons to 77448  
practice medicine and surgery or osteopathic medicine and surgery. 77449

(b) That the applicant has practiced for at least ten years 77450  
prior to retirement in good standing as a doctor of medicine and 77451  
surgery or osteopathic medicine and surgery in one or more of the 77452  
branches of the United States armed services. 77453

(4) A notarized statement from the applicant, on a form 77454  
prescribed by the board, that the applicant will not accept any 77455  
form of remuneration for any medical services rendered while in 77456  
possession of a volunteer's certificate. 77457

(D) The holder of a volunteer's certificate may provide 77458  
medical services only to indigent and uninsured persons. The 77459  
holder shall not accept any form of remuneration for providing 77460  
medical services while in possession of the certificate. Except in 77461  
a medical emergency, the holder shall not perform any operation or 77462  
deliver babies. The board may revoke a volunteer's certificate on 77463  
receiving proof satisfactory to the board that the holder has 77464  
engaged in practice in this state outside the scope of the 77465  
certificate. 77466

(E)(1) A volunteer's certificate shall be valid for a period 77467  
of three years, unless earlier revoked under division (D) of this 77468  
section or pursuant to section 4731.22 of the Revised Code. A 77469  
volunteer's certificate may be renewed upon the application of the 77470  
holder. The board shall maintain a register of all persons who 77471  
hold volunteer's certificates. The board shall not charge a fee 77472  
for issuing or renewing a certificate pursuant to this section. 77473

(2) To be eligible for renewal of a volunteer's certificate 77474  
the holder of the certificate shall certify to the board 77475  
completion of one hundred fifty hours of continuing medical 77476  
education that meets the requirements of section ~~4731.281~~ 4731.282 77477  
of the Revised Code regarding certification by private 77478  
associations and approval by the board. The board may not renew a 77479  
certificate if the holder has not complied with the continuing 77480  
medical education requirements. Any entity for which the holder 77481  
provides medical services may pay for or reimburse the holder for 77482  
any costs incurred in obtaining the required continuing medical 77483  
education credits. 77484

(3) The board shall issue a volunteer's certificate to each 77485  
person who qualifies under this section for ~~a volunteer's the~~ 77486  
~~certificate a wallet certificate and a wall.~~ The certificate that 77487  
shall state that the certificate holder is authorized to provide 77488  
medical services pursuant to the laws of this state. The holder 77489  
shall ~~keep the wallet certificate on the holder's person while~~ 77490  
~~providing medical services and shall~~ display the ~~wall~~ certificate 77491  
prominently at the location where the holder primarily practices. 77492

(4) The holder of a volunteer's certificate issued pursuant 77493  
to this section is subject to the immunity provisions in section 77494  
2305.234 of the Revised Code. 77495

(F) The board shall adopt rules in accordance with Chapter 77496  
119. of the Revised Code to administer and enforce this section. 77497

**Sec. 4731.296.** (A) For the purposes of this section, "the 77498  
practice of telemedicine" means the practice of medicine in this 77499  
state through the use of any communication, including oral, 77500  
written, or electronic communication, by a physician located 77501  
outside this state. 77502

(B) A person who wishes to practice telemedicine in this 77503  
state shall file an application with the state medical board, 77504

together with a fee in the amount of the fee described in division 77505  
(D) of section 4731.29 of the Revised Code and shall comply with 77506  
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 77507  
its discretion, decides that the results of the criminal records 77508  
check do not make the person ineligible for a telemedicine 77509  
certificate, the board may issue, without examination, a 77510  
telemedicine certificate to a person who meets all of the 77511  
following requirements: 77512

(1) The person holds a current, unrestricted license to 77513  
practice medicine and surgery or osteopathic medicine and surgery 77514  
issued by another state that requires license holders to complete 77515  
at least fifty hours of continuing medical education every two 77516  
years. 77517

(2) The person's principal place of practice is in that 77518  
state. 77519

(3) The person does not hold a certificate issued under this 77520  
chapter authorizing the practice of medicine and surgery or 77521  
osteopathic medicine and surgery in this state. 77522

(4) The person meets the same age, moral character, and 77523  
educational requirements individuals must meet under sections 77524  
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 77525  
if applicable, demonstrates proficiency in spoken English in 77526  
accordance with division (E) of section 4731.29 of the Revised 77527  
Code. 77528

(C) The holder of a telemedicine certificate may engage in 77529  
the practice of telemedicine in this state. A person holding a 77530  
telemedicine certificate shall not practice medicine in person in 77531  
this state without obtaining a special activity certificate under 77532  
section 4731.294 of the Revised Code. 77533

(D) The board may revoke a certificate issued under this 77534  
section or take other disciplinary action against a certificate 77535

holder pursuant to section 4731.22 of the Revised Code on 77536  
receiving proof satisfactory to the board that the certificate 77537  
holder has engaged in practice in this state outside the scope of 77538  
the certificate or that there are grounds for action against the 77539  
holder under section 4731.22 of the Revised Code. 77540

(E) A telemedicine certificate shall be valid for a period 77541  
specified by the board, and the initial renewal shall be in 77542  
accordance with a schedule established by the board. Thereafter, 77543  
the certificate shall be valid for two years. A certificate may be 77544  
renewed on application of the holder. 77545

To be eligible for renewal, the holder of the certificate 77546  
shall do both of the following: 77547

(1) Pay a fee in the amount of the fee described in division 77548  
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 77549

(2) Certify to the board compliance with the continuing 77550  
medical education requirements of the state in which the holder's 77551  
principal place of practice is located. 77552

The board may require a random sample of persons holding a 77553  
telemedicine certificate to submit materials documenting 77554  
completion of the continuing medical education requirements 77555  
described in this division. 77556

(F) The board shall convert a telemedicine certificate to a 77557  
certificate issued under section 4731.29 of the Revised Code on 77558  
receipt of a written request from the certificate holder. Once the 77559  
telemedicine certificate is converted, the holder is subject to 77560  
all requirements and privileges attendant to a certificate issued 77561  
under section 4731.29 of the Revised Code, including continuing 77562  
medical education requirements. 77563

**Sec. 4731.297.** (A) As used in this section: 77564

(1) "Academic medical center" means a medical school and its 77565

affiliated teaching hospitals and clinics partnering to do all of 77566  
the following: 77567

(a) Provide the highest quality of patient care from expert 77568  
physicians; 77569

(b) Conduct groundbreaking research leading to medical 77570  
advancements for current and future patients; 77571

(c) Provide medical education and graduate medical education 77572  
to educate and train physicians. 77573

(2) "Affiliated physician group practice" means a medical 77574  
practice that consists of one or more physicians authorized under 77575  
this chapter to practice medicine and surgery or osteopathic 77576  
medicine and surgery and that is affiliated with an academic 77577  
medical center to further the objectives described in divisions 77578  
(A)(1)(a) to (c) of this section. 77579

(B) The state medical board shall issue, without examination, 77580  
to an applicant who meets the requirements of this section a 77581  
certificate of conceded eminence authorizing the practice of 77582  
medicine and surgery or osteopathic medicine and surgery as part 77583  
of the applicant's employment with an academic medical center in 77584  
this state or affiliated physician group practice in this state. 77585

(C) To be eligible for a certificate of conceded eminence, an 77586  
applicant shall provide to the board all of the following: 77587

(1) Evidence satisfactory to the board of all of the 77588  
following: 77589

(a) That the applicant is an international medical graduate 77590  
who holds a medical degree from an educational institution listed 77591  
in the international medical education directory; 77592

(b) That the applicant has been appointed to serve in this 77593  
state as a full-time faculty member of a medical school accredited 77594  
by the liaison committee on medical education or an osteopathic 77595

medical school accredited by the American osteopathic association; 77596

(c) That the applicant has accepted an offer of employment 77597  
with an academic medical center in this state or affiliated 77598  
physician group practice in this state; 77599

(d) That the applicant holds a license in good standing in 77600  
another state or country authorizing the practice of medicine and 77601  
surgery or osteopathic medicine and surgery; 77602

(e) That the applicant has unique talents and extraordinary 77603  
abilities not generally found within the applicant's specialty, as 77604  
demonstrated by satisfying at least four of the following: 77605

(i) The applicant has achieved educational qualifications 77606  
beyond those that are required for entry into the applicant's 77607  
specialty, including advanced degrees, special certifications, or 77608  
other academic credentials. 77609

(ii) The applicant has written multiple articles in journals 77610  
listed in the index medicus or an equivalent scholarly publication 77611  
acceptable to the board. 77612

(iii) The applicant has a sustained record of excellence in 77613  
original research, at least some of which involves serving as the 77614  
principal investigator or co-principal investigator for a research 77615  
project. 77616

(iv) The applicant has received nationally or internationally 77617  
recognized prizes or awards for excellence. 77618

(v) The applicant has participated in peer review in a field 77619  
of specialization that is the same as or similar to the 77620  
applicant's specialty. 77621

(vi) The applicant has developed new procedures or treatments 77622  
for complex medical problems that are recognized by peers as a 77623  
significant advancement in the applicable field of medicine. 77624

(vii) The applicant has held previous academic appointments 77625

with or been employed by a health care organization that has a 77626  
distinguished national or international reputation. 77627

(viii) The applicant has been the recipient of a national 77628  
institutes of health or other competitive grant award. 77629

(f) That the applicant has received staff membership or 77630  
professional privileges from the academic medical center pursuant 77631  
to standards adopted under section 3701.351 of the Revised Code on 77632  
a basis that requires the applicant's medical education and 77633  
graduate medical education to be at least equivalent to that of a 77634  
physician educated and trained in the United States; 77635

(g) That the applicant has sufficient written and oral 77636  
English skills to communicate effectively and reliably with 77637  
patients, their families, and other medical professionals; 77638

(h) That the applicant will have professional liability 77639  
insurance through the applicant's employment with the academic 77640  
medical center or affiliated physician group practice. 77641

(2) An affidavit from the applicant agreeing to practice only 77642  
within the clinical setting of the academic medical center or for 77643  
the affiliated physician group practice; 77644

(3) Three letters of reference from distinguished experts in 77645  
the applicant's specialty attesting to the unique capabilities of 77646  
the applicant, at least one of which must be from outside the 77647  
academic medical center or affiliated physician group practice; 77648

(4) An affidavit from the dean of the medical school where 77649  
the applicant has been appointed to serve as a faculty member 77650  
stating that the applicant meets all of the requirements of 77651  
division (C)(1) of this section and that the letters of reference 77652  
submitted under division (C)(3) of this section are from 77653  
distinguished experts in the applicant's specialty, and 77654  
documentation to support the affidavit; 77655



(5) A fee of one thousand dollars for the certificate. 77656

(D)(1) The holder of a certificate of conceded eminence may 77657  
practice medicine and surgery or osteopathic medicine and surgery 77658  
only within the clinical setting of the academic medical center 77659  
with which the certificate holder is employed or for the 77660  
affiliated physician group practice with which the certificate 77661  
holder is employed. 77662

(2) A certificate holder may supervise medical students, 77663  
physicians participating in graduate medical education, advanced 77664  
practice nurses, and physician assistants when performing clinical 77665  
services in the certificate holder's area of specialty. 77666

(E) The board may revoke a certificate issued under this 77667  
section on receiving proof satisfactory to the board that the 77668  
certificate holder has engaged in practice in this state outside 77669  
the scope of the certificate or that there are grounds for action 77670  
against the certificate holder under section 4731.22 of the 77671  
Revised Code. 77672

(F) A certificate of conceded eminence is valid for the 77673  
shorter of two years or the duration of the certificate holder's 77674  
employment with the academic medical center or affiliated 77675  
physician group practice. The certificate ceases to be valid if 77676  
the holder resigns or is otherwise terminated from the academic 77677  
medical center or affiliated physician group practice. 77678

(G) A certificate of conceded eminence may be renewed for an 77679  
additional two-year period. There is no limit on the number of 77680  
times a certificate may be renewed. A person seeking renewal of a 77681  
certificate shall apply to the board and is eligible for renewal 77682  
if the applicant does all of the following: 77683

(1) Pays the renewal fee of one thousand dollars; 77684

(2) Provides to the board an affidavit and supporting 77685  
documentation from the academic medical center or affiliated 77686

physician group practice of all of the following: 77687

(a) That the applicant's initial appointment to the medical 77688  
faculty is still valid or has been renewed; 77689

(b) That the applicant's clinical practice is consistent with 77690  
the established standards in the field; 77691

(c) That the applicant has demonstrated continued scholarly 77692  
achievement; 77693

(d) That the applicant has demonstrated continued 77694  
professional achievement consistent with the academic medical 77695  
center's requirements, established pursuant to standards adopted 77696  
under section 3701.351 of the Revised Code, for physicians with 77697  
staff membership or professional privileges with the academic 77698  
medical center. 77699

(3) Satisfies the same continuing medical education 77700  
requirements set forth in section ~~4731.281~~ 4731.282 of the Revised 77701  
Code that apply to a person who holds a certificate to practice 77702  
medicine and surgery or osteopathic medicine and surgery issued 77703  
under this chapter. 77704

(4) Complies with any other requirements established by the 77705  
board. 77706

(H) The board may adopt any rules it considers necessary to 77707  
implement this section. The rules shall be adopted in accordance 77708  
with Chapter 119. of the Revised Code. 77709

**Sec. 4731.299.** (A) The state medical board may issue, without 77710  
examination, to an applicant who meets all of the requirements of 77711  
this section an expedited certificate to practice medicine and 77712  
surgery or osteopathic medicine and surgery by endorsement. 77713  
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(B) An individual who seeks an expedited certificate to 77715  
practice medicine and surgery or osteopathic medicine and surgery 77716

by endorsement shall file with the board a written application on 77717  
a form prescribed and supplied by the board. The application shall 77718  
include all of the information the board considers necessary to 77719  
process it. 77720

(C) To be eligible to receive an expedited certificate by 77721  
endorsement, an applicant shall do both of the following: 77722

(1) Provide evidence satisfactory to the board that the 77723  
applicant meets all of the following requirements: 77724

(a) Has passed one of the following: 77725

(i) Steps one, two, and three of the United States medical 77726  
licensing examination; 77727

(ii) Levels one, two, and three of the comprehensive 77728  
osteopathic medical licensing examination of the United States; 77729

(iii) Any other medical licensing examination recognized by 77730  
the board. 77731

(b) For at least five years immediately preceding the date of 77732  
application, has held a current, unrestricted license to practice 77733  
medicine and surgery or osteopathic medicine and surgery issued by 77734  
the licensing authority of another state or a Canadian province; 77735

(c) For at least two years immediately preceding the date of 77736  
application, has actively practiced medicine and surgery or 77737  
osteopathic medicine and surgery in a clinical setting; 77738

(d) Is in compliance with the medical education and training 77739  
requirements in sections 4731.091 and 4731.14 of the Revised Code. 77740

(2) Certify to the board that all of the following are the 77741  
case: 77742

(a) Not more than two malpractice claims have been filed 77743  
against the applicant within a period of ten years and no 77744  
malpractice claim against the applicant has resulted in total 77745  
payment of more than five hundred thousand dollars. 77746

(b) The applicant does not have a criminal record according 77747  
to the criminal records check required by section 4731.081 of the 77748  
Revised Code. 77749

(c) The applicant does not have a medical condition that 77750  
could affect the applicant's ability to practice according to 77751  
acceptable and prevailing standards of care. 77752

(d) No adverse action has been taken against the applicant by 77753  
a health care institution. 77754

(e) To the applicant's knowledge, no federal agency, medical 77755  
society, medical association, or branch of the United States 77756  
military has investigated or taken action against the applicant. 77757

(f) No professional licensing or regulatory authority has 77758  
filed a complaint against, investigated, or taken action against 77759  
the applicant and the applicant has not withdrawn a professional 77760  
license application. 77761

(g) The applicant has not been suspended or expelled from any 77762  
institution of higher education or school, including a medical 77763  
school. 77764

(D) An applicant for an expedited certificate by endorsement 77765  
shall comply with section 4731.081 of the Revised Code. 77766

(E) At the time of application, the applicant shall pay to 77767  
the board a fee of one thousand dollars, no part of which shall be 77768  
returned. No application shall be considered filed until the board 77769  
receives the fee. 77770

(F) The secretary and supervising member of the board shall 77771  
review all applications received under this section. ~~IF~~ 77772

If the board determines secretary and supervising member 77773  
determine that an applicant meets the requirements for an 77774  
expedited certificate to practice medicine and surgery or 77775  
osteopathic medicine and surgery by endorsement, the board shall 77776

issue the certificate to the applicant. ~~Each~~ 77777

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised Code. 77778  
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(G) Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by ~~its~~ the board's seal. 77784  
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~~(G)~~(H) Within sixty days after ~~the effective date of this section~~ September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section. 77787  
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**Sec. 4731.41.** (A) No person shall practice medicine and surgery, or any of its branches, without the appropriate certificate from the state medical board to engage in the practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a certificate from the board. No person shall open or conduct an office or other place for such practice without a certificate from the board. No person shall conduct an office in the name of some person who has a certificate to practice medicine and surgery, or any of its branches. No person shall practice medicine and surgery, or any of its branches, after the person's certificate has been revoked, or, if suspended, during the time of such suspension. 77792  
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A certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such certificate to 77805  
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practice medicine and surgery, or any of its branches, in this 77808  
state has been issued to the person specified therein, or that a 77809  
certificate to practice, if issued, has been revoked or suspended, 77810  
shall be received as prima-facie evidence of the record of the 77811  
board in any court or before any officer of the state. 77812

(B) No certificate from the state medical board is required 77813  
by a physician who comes into this state to practice medicine at a 77814  
free-of-charge camp accredited by the SeriousFun children's 77815  
network that specializes in providing therapeutic recreation, as 77816  
defined in section 2305.231 of the Revised Code, for individuals 77817  
with chronic illnesses as long as all of the following apply: 77818

(1) The physician provides documentation to the medical 77819  
director of the camp that the physician is licensed and in good 77820  
standing to practice medicine in another state; 77821

(2) The physician provides services only at the camp or in 77822  
connection with camp events or camp activities that occur off the 77823  
grounds of the camp; 77824

(3) The physician receives no compensation for the services; 77825

(4) The physician provides those services within this state 77826  
for not more than thirty days per calendar year; 77827

(5) The camp has a medical director who holds an unrestricted 77828  
license to practice medicine issued in accordance with division 77829  
(A) of this section. 77830

**Sec. 4731.62.** (A) As used in this section: 77831

(1) "Controlled substance" and "controlled substance analog" 77832  
have the same meanings as in section 3719.01 of the Revised Code. 77833

(2) "Dangerous drug" has the same meaning as in section 77834  
4729.01 of the Revised Code. 77835

(3) "Mental health professional" has the same meaning as in 77836

section 340.032 of the Revised Code. 77837

(B) A physician who is acting in a professional capacity and who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a patient is experiencing an overdose of a dangerous drug, controlled substance, controlled substance analog, or metabolite of a controlled substance may refer the patient to a mental health professional. If the physician refers the patient to a mental health professional, the physician shall promptly notify the mental health professional in writing of the referral. Within thirty days after receiving the written notification, the mental health professional shall inform the physician in writing of the status of treatment of the patient provided by the mental health professional. 77838  
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(C) A communication between a physician and a mental health professional made under this section shall not be considered a breach of confidentiality between a physician or psychologist or other mental health professional and a patient or a waiver of a testimonial privilege by the patient. 77851  
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(D) A physician or mental health professional is not liable in damages in a civil action for harm allegedly incurred as a result of a communication made under this section. 77856  
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**Sec. 4731.74.** (A) As used in this section: 77859

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 77860  
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(2) "Drug" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 77862  
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(3) "Institutional facility" means a hospital as defined in section 3727.01 of the Revised Code or a facility licensed by the state board of pharmacy and the department of health, the 77864  
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department of rehabilitation and correction, or the department of 77867  
developmental disabilities, at which medical care is provided on 77868  
site and a medical record documenting episodes of care, including 77869  
drugs ordered and administered, is maintained. 77870

(4) "Telehealth service" has the same meaning as in section 77871  
5164.95 of the Revised Code. 77872

(B) Except as provided in divisions (C) and (D) of this 77873  
section, a physician shall not prescribe, dispense, otherwise 77874  
provide, or cause to be provided a prescription drug to a person 77875  
on whom the physician has never conducted a medical evaluation. 77876

(C) A physician may prescribe, dispense, otherwise provide, 77877  
or cause to be provided a prescription drug that is not a 77878  
controlled substance to a person on whom the physician has never 77879  
conducted a medical evaluation, and who is at a location remote 77880  
from the physician, if the physician meets all of the following 77881  
requirements: 77882

(1) In a manner that is consistent with the standard for 77883  
in-person care by a physician, the remote physician shall complete 77884  
and document a medical evaluation of the patient and collect 77885  
clinical data as needed to establish a diagnosis, identify any 77886  
underlying conditions, and identify any contraindications to the 77887  
treatment that is recommended or provided. 77888

(2)(a) Except as provided in division (C)(2)(b) of this 77889  
section, the remote physician shall complete an examination of the 77890  
patient using appropriate technology that is capable of all of the 77891  
following: 77892

(i) Transmitting images of the patient's condition in 77893  
real-time; 77894

(ii) Transmitting information regarding the patient's 77895  
physical condition and other relevant clinical data needed for 77896  
compliance with division (C)(1) of this section; 77897



- (iii) Being adjusted for better image quality and definition. 77898
- (b) If the patient has a designated primary care physician or designates a primary care physician with assistance from the remote physician, the remote physician may examine the patient over the telephone without the use of the technology required by division (C)(2)(a) of this section, if the remote physician meets all of the following requirements: 77899  
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- (i) The remote physician is physically located in this state. 77905
- (ii) The remote physician has received credentials to provide telehealth services pursuant to a process certified by the national committee for quality assurance. 77906  
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- (iii) The remote physician forwards the patient's electronic health record to the patient's designated primary care physician after the consultation. 77909  
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- (iv) The remote physician is available to follow up with the patient after the consult as necessary. 77912  
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- (3) The remote physician shall document having had dialogue with the patient regarding treatment options and the risks and benefits of treatment sufficient to permit the patient to provide informed consent to treatment. 77914  
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- (4) The remote physician shall maintain a contemporaneous medical record that is readily available to the patient and to the patient's other health care providers. 77918  
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- (5) The remote physician shall include the electronic prescription information as part of the patient's medical record. 77921  
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- (6) As necessary, the remote physician shall follow-up with the patient to assess the therapeutic outcome. 77923  
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- (D) In addition to the circumstances described in division (C) of this section, a physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug, 77925  
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including a controlled substance, to a person on whom the 77928  
physician has never conducted a medical evaluation in the 77929  
following situations: 77930

(1) The person is a patient of a colleague of the physician 77931  
and the drugs are provided pursuant to an on call or cross 77932  
coverage arrangement between the physicians. 77933

(2) The physician is consulting with another physician or 77934  
health care provider who is authorized to practice in this state 77935  
and is acting within the scope of that physician or provider's 77936  
professional license, including having prescriptive authority if 77937  
all of the following requirements are met: 77938

(a) The physician shall establish that the other physician or 77939  
health care provider has an ongoing professional relationship with 77940  
the patient and has agreed to supervise the patient's use of the 77941  
drug or drugs to be provided. 77942

(b) If the health care provider is a physician assistant, the 77943  
physician has a supervision agreement with the physician 77944  
assistant. 77945

(c) If the health care provider is an advanced practice 77946  
registered nurse, the physician has a standard care arrangement 77947  
with the advanced practice registered nurse. 77948

(3) The physician is the medical director of a hospice care 77949  
program licensed pursuant to Chapter 3712. of the Revised Code or 77950  
is the attending physician of a hospice patient, enrolled in such 77951  
a hospice care program, and the drugs are prescribed, dispensed, 77952  
or otherwise provided to a hospice patient. 77953

(4) The person has been admitted as an inpatient to or is a 77954  
resident of an institutional facility. 77955

(E) This section does not imply that a single in-person 77956  
medical evaluation demonstrates that a prescription has been 77957

issued for a legitimate medical purpose within the course of 77958  
professional practice. 77959

**Sec. 4732.10.** (A) The state board of psychology shall appoint 77960  
an entrance examiner who shall determine the sufficiency of an 77961  
applicant's qualifications for admission to the appropriate 77962  
examination. A member of the board or the executive director may 77963  
be appointed as the entrance examiner. 77964

(B) Requirements for admission to examination for a 77965  
psychologist license shall be that the applicant: 77966

(1) Is at least twenty-one years of age; 77967

(2) Is of good moral character; 77968

(3) Meets one of the following requirements: 77969

(a) Received an earned doctoral degree from an institution 77970  
accredited or recognized by a national or regional accrediting 77971  
agency and a program accredited by any of the following: 77972

(i) The American psychological association, office of program 77973  
consultation and accreditation; 77974

(ii) The accreditation office of the Canadian psychological 77975  
association; 77976

(iii) A program listed by the association of state and 77977  
provincial psychology boards/national register designation 77978  
committee; 77979

(iv) The national association of school psychologists. 77980

(b) Received an earned doctoral degree in psychology or 77981  
school psychology from an institution accredited or recognized by 77982  
a national or regional accrediting agency but the program does not 77983  
meet the program accreditation requirements of division (B)(3)(a) 77984  
of this section; 77985

(c) Received from an academic institution outside of the 77986

United States or Canada a degree determined, under rules adopted 77987  
by the board under division (E) of this section, to be equivalent 77988  
to a doctoral degree in psychology from a program described in 77989  
division (B)(3)(a) of this section; 77990

~~(e)~~(d) Held a psychologist license, certificate, or 77991  
registration required for practice in another United States or 77992  
Canadian jurisdiction for a minimum of ten years and meets 77993  
educational, experience, and professional requirements established 77994  
under rules adopted by the board. 77995

~~(d) Enrolled, not later than sixty days after April 7, 2009,~~ 77996  
~~in an educational institution accredited or recognized by national~~ 77997  
~~or regional accrediting agencies as maintaining satisfactory~~ 77998  
~~standards and not later than eight years after April 7, 2009,~~ 77999  
~~received an earned doctoral degree in psychology or school~~ 78000  
~~psychology.~~ 78001

(4) Has had at least two years of supervised professional 78002  
experience in psychological work of a type satisfactory to the 78003  
board, at least one year of which must be a predoctoral 78004  
internship. The board shall adopt guidelines for the kind of 78005  
supervised professional experience ~~which~~ that fulfill this 78006  
requirement. 78007

(5) If applying under division (B)(3)(b) or (c) of this 78008  
section, has had at least two years of supervised professional 78009  
experience in psychological work of a type satisfactory to the 78010  
board, at least one year of which must be postdoctoral. The board 78011  
shall adopt guidelines for the kind of supervised professional 78012  
experience that fulfill this requirement. 78013

(C) Requirements for admission to examination for a school 78014  
psychologist license shall be that the applicant: 78015

(1) Has received from an educational institution accredited 78016  
or recognized by national or regional accrediting agencies as 78017

maintaining satisfactory standards, including those approved by 78018  
the state board of education for the training of school 78019  
psychologists, at least a master's degree in school psychology, or 78020  
a degree considered equivalent by the board; 78021

(2) Is at least twenty-one years of age; 78022

(3) Is of good moral character; 78023

(4) Has completed at least sixty quarter hours, or the 78024  
semester hours equivalent, at the graduate level, of accredited 78025  
study in course work relevant to the study of school psychology; 78026

(5) Has completed an internship in an educational institution 78027  
approved by the Ohio department of education for school psychology 78028  
supervised experience or one year of other training experience 78029  
acceptable to the board, such as supervised professional 78030  
experience under the direction of a licensed psychologist or 78031  
licensed school psychologist; 78032

(6) Furnishes proof of at least twenty-seven months, 78033  
exclusive of internship, of full-time experience as a certificated 78034  
school psychologist employed by a board of education or a private 78035  
school meeting the standards prescribed by the state board of 78036  
education, or of experience ~~which~~ that the board deems equivalent. 78037

(D) If the entrance examiner finds that the applicant meets 78038  
the requirements set forth in this section, the applicant shall be 78039  
admitted to the appropriate examination. 78040

(E) The board shall adopt under Chapter 119. of the Revised 78041  
Code rules for determining for the purposes of division (B)(3)(b) 78042  
of this section whether a degree is equivalent to a degree in 78043  
psychology from an institution in the United States. 78044

**Sec. 4735.06.** (A) Application for a license as a real estate 78045  
broker shall be made to the superintendent of real estate on forms 78046  
furnished by the superintendent and filed with the superintendent 78047

and shall be signed by the applicant or its members or officers. 78048  
Each application shall state the name of the person applying and 78049  
the location of the place of business for which the license is 78050  
desired, and give such other information as the superintendent 78051  
requires in the form of application prescribed by the 78052  
superintendent. 78053

If the applicant is a partnership, limited liability company, 78054  
limited liability partnership, or association, the names of all 78055  
the members also shall be stated, and, if the applicant is a 78056  
corporation, the names of its president and of each of its 78057  
officers also shall be stated. The superintendent has the right to 78058  
reject the application of any partnership, association, limited 78059  
liability company, limited liability partnership, or corporation 78060  
if the name proposed to be used by such partnership, association, 78061  
limited liability company, limited liability partnership, or 78062  
corporation is likely to mislead the public or if the name is not 78063  
such as to distinguish it from the name of any existing 78064  
partnership, association, limited liability company, limited 78065  
liability partnership, or corporation licensed under this chapter, 78066  
unless there is filed with the application the written consent of 78067  
such existing partnership, association, limited liability company, 78068  
limited liability partnership, or corporation, executed by a duly 78069  
authorized representative of it, permitting the use of the name of 78070  
such existing partnership, association, limited liability company, 78071  
limited liability partnership, or corporation. 78072

(B) A fee of one hundred dollars shall accompany the 78073  
application for a real estate broker's license. The initial 78074  
licensing period commences at the time the license is issued and 78075  
ends on the applicant's first birthday thereafter. However, if the 78076  
applicant was an inactive or active salesperson immediately 78077  
preceding application for a broker's license, then the initial 78078  
licensing period shall commence at the time the broker's license 78079

is issued and ends on the date the licensee's continuing education 78080  
is due as set when the applicant was a salesperson. The 78081  
application fee shall be nonrefundable. A fee of one hundred 78082  
dollars shall be charged by the superintendent for each successive 78083  
application made by an applicant. In the case of issuance of a 78084  
three-year license, upon passing the examination, or upon waiver 78085  
of the examination requirement, if the superintendent determines 78086  
it is necessary, the applicant shall submit an additional fee 78087  
determined by the superintendent based upon the number of years 78088  
remaining in a real estate salesperson's licensing period. 78089

(C) One dollar of each application fee for a real estate 78090  
broker's license shall be credited to the real estate education 78091  
and research fund, which is hereby created in the state treasury. 78092  
The Ohio real estate commission may use the fund in discharging 78093  
the duties prescribed in divisions (E), (F), (G), and (H) of 78094  
section 4735.03 of the Revised Code and shall use it in the 78095  
advancement of education and research in real estate at any 78096  
institution of higher education in the state, or in contracting 78097  
with any such institution or a trade organization for a particular 78098  
research or educational project in the field of real estate, or in 78099  
advancing loans, not exceeding two thousand dollars, to applicants 78100  
for salesperson licenses, to defray the costs of satisfying the 78101  
educational requirements of division (F) of section 4735.09 of the 78102  
Revised Code. Such loans shall be made according to rules 78103  
established by the commission under the procedures of Chapter 119. 78104  
of the Revised Code, and they shall be repaid to the fund within 78105  
three years of the time they are made. No more than ~~ten~~ 78106  
twenty-five thousand dollars shall be lent from the fund in any 78107  
one fiscal year. 78108

The governor may appoint a representative from the executive 78109  
branch to be a member ex officio of the commission for the purpose 78110  
of advising on research requests or educational projects. The 78111

commission shall report to the general assembly on the third 78112  
Tuesday after the third Monday in January of each year setting 78113  
forth the total amount contained in the fund and the amount of 78114  
each research grant that it has authorized and the amount of each 78115  
research grant requested. A copy of all research reports shall be 78116  
submitted to the state library of Ohio and the library of the 78117  
legislative service commission. 78118

(D) If the superintendent, with the consent of the 78119  
commission, enters into an agreement with a national testing 78120  
service to administer the real estate broker's examination, 78121  
pursuant to division (A) of section 4735.07 of the Revised Code, 78122  
the superintendent may require an applicant to pay the testing 78123  
service's examination fee directly to the testing service. If the 78124  
superintendent requires the payment of the examination fee 78125  
directly to the testing service, each applicant shall submit to 78126  
the superintendent a processing fee in an amount determined by the 78127  
Ohio real estate commission pursuant to division (A)(2) of section 78128  
4735.10 of the Revised Code. 78129

**Sec. 4735.13.** (A) Every real estate broker licensed under 78130  
this chapter shall have and maintain a definite place of business 78131  
in this state. A post office box address is not a definite place 78132  
of business for purposes of this section. The license of a real 78133  
estate broker shall be prominently displayed in the office or 78134  
place of business of the broker, and no license shall authorize 78135  
the licensee to do business except from the location specified in 78136  
it. If the broker maintains more than one place of business within 78137  
the state, the broker shall apply for and procure a duplicate 78138  
license for each branch office maintained by the broker. Each 78139  
branch office shall be in the charge of a licensed broker or 78140  
salesperson. The branch office license shall be prominently 78141  
displayed at the branch office location. 78142



(B) The license of each real estate salesperson shall be 78143  
mailed to and remain in the possession of the licensed broker with 78144  
whom the salesperson is or is to be associated until the licensee 78145  
places the license on inactive or resigned status or until the 78146  
salesperson leaves the brokerage or is terminated. The broker 78147  
shall keep each salesperson's license in a way that it can, and 78148  
shall on request, be made immediately available for public 78149  
inspection at the office or place of business of the broker. 78150  
Except as provided in divisions (G) and (H) of this section, 78151  
immediately upon the salesperson's leaving the association or 78152  
termination of the association of a real estate salesperson with 78153  
the broker, the broker shall return the salesperson's license to 78154  
the superintendent of real estate. 78155

The failure of a broker to return the license of a real 78156  
estate salesperson or broker who leaves or who is terminated, via 78157  
certified mail return receipt requested, within three business 78158  
days of the receipt of a written request from the superintendent 78159  
for the return of the license, is prima-facie evidence of 78160  
misconduct under division (A)(6) of section 4735.18 of the Revised 78161  
Code. 78162

(C) A licensee shall notify the superintendent in writing 78163  
within fifteen days of any of the following occurrences: 78164

(1) The licensee is convicted of a felony. 78165

(2) The licensee is convicted of a crime involving moral 78166  
turpitude. 78167

(3) The licensee is found to have violated any federal, 78168  
state, or municipal civil rights law pertaining to discrimination 78169  
in housing. 78170

(4) The licensee is found to have engaged in a discriminatory 78171  
practice pertaining to housing accommodations described in 78172  
division (H) of section 4112.02 of the Revised Code. 78173

(5) The licensee is the subject of an order by the department 78174  
of commerce, the department of insurance, or the department of 78175  
agriculture revoking or permanently surrendering any professional 78176  
license, certificate, or registration. 78177

(6) The licensee is the subject of an order by any government 78178  
agency concerning real estate, financial matters, or the 78179  
performance of fiduciary duties with respect to any license, 78180  
certificate, or registration. 78181

If a licensee fails to notify the superintendent within the 78182  
required time, the superintendent immediately may suspend the 78183  
license of the licensee. 78184

Any court that convicts a licensee of a violation of any 78185  
municipal civil rights law pertaining to housing discrimination 78186  
also shall notify the Ohio civil rights commission within fifteen 78187  
days of the conviction. 78188

(D) In case of any change of business location, a broker 78189  
shall give notice to the superintendent, on a form prescribed by 78190  
the superintendent, within thirty days after the change of 78191  
location, whereupon the superintendent shall issue new licenses 78192  
for the unexpired period without charge. If a broker changes a 78193  
business location without giving the required notice and without 78194  
receiving new licenses that action is prima-facie evidence of 78195  
misconduct under division (A)(6) of section 4735.18 of the Revised 78196  
Code. 78197

(E) If a real estate broker desires to associate with another 78198  
real estate broker in the capacity of a real estate salesperson, 78199  
the broker shall apply to the superintendent to deposit the 78200  
broker's real estate broker's license with the superintendent and 78201  
for the issuance of a real estate salesperson's license. The 78202  
application shall be made on a form prescribed by the 78203  
superintendent and shall be accompanied by the recommendation of 78204

the real estate broker with whom the applicant intends to become 78205  
associated and a fee of twenty-five dollars for the real estate 78206  
salesperson's license. One dollar of the fee shall be credited to 78207  
the real estate education and research fund. If the superintendent 78208  
is satisfied that the applicant is honest, truthful, and of good 78209  
reputation, has not been convicted of a felony or a crime 78210  
involving moral turpitude, and has not been finally adjudged by a 78211  
court to have violated any municipal, state, or federal civil 78212  
rights laws relevant to the protection of purchasers or sellers of 78213  
real estate, and that the association of the real estate broker 78214  
and the applicant will be in the public interest, the 78215  
superintendent shall grant the application and issue a real estate 78216  
salesperson's license to the applicant. Any license so deposited 78217  
with the superintendent shall be subject to this chapter. A broker 78218  
who intends to deposit the broker's license with the 78219  
superintendent, as provided in this section, shall give written 78220  
notice of this fact in a format prescribed by the superintendent 78221  
to all salespersons associated with the broker when applying to 78222  
place the broker's license on deposit. 78223

(F) If a real estate broker desires to become a member or 78224  
officer of a partnership, association, limited liability company, 78225  
limited liability partnership, or corporation that is or intends 78226  
to become a licensed real estate broker, the broker shall notify 78227  
the superintendent of the broker's intentions. The notice of 78228  
intention shall be on a form prescribed by the superintendent and 78229  
shall be accompanied by a fee of twenty-five dollars. One dollar 78230  
of the fee shall be credited to the real estate education and 78231  
research fund. 78232

A licensed real estate broker who is a member or officer of a 78233  
partnership, association, limited liability company, limited 78234  
liability partnership, or corporation shall only act as a real 78235  
estate broker for such partnership, association, limited liability 78236

company, limited liability partnership, or corporation. 78237

(G)(1) If a real estate broker or salesperson enters the 78238  
armed forces, the broker or salesperson may place the broker's or 78239  
salesperson's license on deposit with the Ohio real estate 78240  
commission. The licensee shall not be required to renew the 78241  
license until the renewal date that follows the date of discharge 78242  
from the armed forces. Any license deposited with the commission 78243  
shall be subject to this chapter. ~~Any~~ 78244

Any licensee whose license is on deposit under this division 78245  
and who fails to meet the continuing education requirements of 78246  
section 4735.141 of the Revised Code because the licensee is in 78247  
the armed forces shall satisfy the commission that the licensee 78248  
has complied with the continuing education requirements within 78249  
twelve months of the licensee's first birthday after discharge or 78250  
within the amount of time equal to the total number of months the 78251  
licensee spent on active duty, whichever is greater. The licensee 78252  
shall submit proper documentation of active duty service and the 78253  
length of that active duty service to the superintendent. The 78254  
extension shall not exceed the total number of months that the 78255  
licensee served in active duty. The superintendent shall notify 78256  
the licensee of the licensee's obligations under section 4735.141 78257  
of the Revised Code at the time the licensee applies for 78258  
reactivation of the licensee's license. 78259

(2) If a licensee is a spouse of a member of the armed forces 78260  
and the spouse's service resulted in the licensee's absence from 78261  
this state, both of the following apply: 78262

(a) The licensee shall not be required to renew the license 78263  
until the renewal date that follows the date of the spouse's 78264  
discharge from the armed forces. 78265

(b) If the licensee fails to meet the continuing education 78266  
requirements of section 4735.141 of the Revised Code, the licensee 78267

shall satisfy the commission that the licensee has complied with 78268  
the continuing education requirements within twelve months after 78269  
the licensee's first birthday after the spouse's discharge or 78270  
within the amount of time equal to the total number of months the 78271  
licensee's spouse spent on active duty, whichever is greater. The 78272  
licensee shall submit proper documentation of the spouse's active 78273  
duty service and the length of that active duty service. This 78274  
extension shall not exceed the total number of months that the 78275  
licensee's spouse served in active duty. 78276

(3) In the case of a licensee as described in division (G)(2) 78277  
of this section, who holds the license through a reciprocity 78278  
agreement with another state, the spouse's service shall have 78279  
resulted in the licensee's absence from the licensee's state of 78280  
residence for the provisions of that division to apply. 78281

(4) As used in this division, "armed forces" means the armed 78282  
forces of the United States or reserve component of the armed 78283  
forces of the United States including the Ohio national guard or 78284  
the national guard of any other state. 78285

(H) If a licensed real estate salesperson submits an 78286  
application to the superintendent to leave the association of one 78287  
broker to associate with a different broker, the broker possessing 78288  
the licensee's license need not return the salesperson's license 78289  
to the superintendent. The superintendent may process the 78290  
application regardless of whether the licensee's license is 78291  
returned to the superintendent. 78292

**Sec. 4735.141.** (A) Except as otherwise provided in this 78293  
division and in section 4735.13 of the Revised Code and except for 78294  
a licensee who has placed the licensee's license in resigned 78295  
status pursuant to section 4735.142 of the Revised Code, each 78296  
person licensed under section 4735.07 or 4735.09 of the Revised 78297  
Code shall submit proof satisfactory to the superintendent of real 78298

estate that the licensee has satisfactorily completed thirty hours 78299  
of continuing education, as prescribed by the Ohio real estate 78300  
commission pursuant to section 4735.10 of the Revised Code, on or 78301  
before the licensee's birthday occurring three years after the 78302  
licensee's date of initial licensure, and on or before the 78303  
licensee's birthday every three years thereafter. 78304

Persons licensed as real estate salespersons who subsequently 78305  
become licensed real estate brokers shall continue to submit proof 78306  
of continuing education in accordance with the time period 78307  
established in this section. 78308

The requirements of this section shall not apply to any 78309  
disabled licensee as provided in division (E) of this section. 78310

Each licensee who is seventy years of age or older, within a 78311  
continuing education reporting period, shall submit proof 78312  
satisfactory to the superintendent of real estate that the 78313  
licensee has satisfactorily completed a total of nine classroom 78314  
hours of continuing education, including instruction in Ohio real 78315  
estate law; recently enacted state and federal laws affecting the 78316  
real estate industry; municipal, state, and federal civil rights 78317  
law; and canons of ethics for the real estate industry as adopted 78318  
by the commission. The required proof of completion shall be 78319  
submitted on or before the licensee's birthday that falls in the 78320  
third year of that continuing education reporting period. A 78321  
licensee who is seventy years of age or older whose license is in 78322  
an inactive status is exempt from the continuing education 78323  
requirements specified in this section. The commission shall adopt 78324  
reasonable rules in accordance with Chapter 119. of the Revised 78325  
Code to carry out the purposes of this paragraph. 78326

(B) The continuing education requirements of this section 78327  
shall be completed in schools, seminars, and educational 78328  
institutions approved by the commission. Such approval shall be 78329  
given according to rules established by the commission under the 78330

procedures of Chapter 119. of the Revised Code, and shall not be 78331  
limited to institutions providing two-year or four-year degrees. 78332  
Each school, seminar, or educational institution approved under 78333  
this division shall be open to all licensees on an equal basis. 78334

(C) If the requirements of this section are not met by a 78335  
licensee within the period specified, the licensee's license shall 78336  
be suspended automatically without the taking of any action by the 78337  
superintendent. The superintendent shall notify the licensee of 78338  
the license suspension, and such notification shall be sent by 78339  
regular mail to the personal residence address of the licensee 78340  
that is on file with the division. Any license so suspended shall 78341  
remain suspended until it is reactivated by the superintendent. No 78342  
such license shall be reactivated until it is established, to the 78343  
satisfaction of the superintendent, that the requirements of this 78344  
section have been met. If the requirements of this section are not 78345  
met within twelve months from the date the license was suspended, 78346  
the license shall be revoked automatically without the taking of 78347  
any action by the superintendent. 78348

(D) If the license of a real estate broker is suspended 78349  
pursuant to division (C) of this section, the license of a real 78350  
estate salesperson associated with that broker correspondingly is 78351  
suspended pursuant to division (H) of section 4735.20 of the 78352  
Revised Code. A sole broker shall notify affiliated salespersons 78353  
of the suspension in writing within three days of receiving the 78354  
notice required by division (C) of this section. 78355

(1) The suspended license of the associated real estate 78356  
salesperson shall be reactivated and no fee shall be charged or 78357  
collected for that reactivation if that broker subsequently 78358  
submits proof to the superintendent that the broker has complied 78359  
with the requirements of this section and requests that the 78360  
broker's license as a real estate broker be reactivated, and the 78361  
superintendent then reactivates the broker's license as a real 78362

estate broker. 78363

(2) If the real estate salesperson submits an application to 78364  
leave the association of the suspended broker in order to 78365  
associate with a different broker, the suspended license of the 78366  
associated real estate salesperson shall be reactivated and no fee 78367  
shall be charged or collected for that reactivation. The 78368  
superintendent may process the application regardless of whether 78369  
the licensee's license is returned to the superintendent. 78370

Any person whose license is reactivated pursuant to this 78371  
division shall comply with the requirements of this section and 78372  
otherwise be in compliance with this chapter. 78373

(E) Any licensee who is a disabled licensee at any time 78374  
during the last three months of the third year of the licensee's 78375  
continuing education reporting period may receive an extension of 78376  
time as deemed appropriate by the superintendent to submit proof 78377  
to the superintendent that the licensee has satisfactorily 78378  
completed the required thirty hours of continuing education. To 78379  
receive an extension of time, the licensee shall submit a request 78380  
to the division of real estate for the extension and proof 78381  
satisfactory to the commission that the licensee was a disabled 78382  
licensee at some time during the last three months of the 78383  
three-year reporting period. The proof shall include, but is not 78384  
limited to, a signed statement by the licensee's attending 78385  
physician describing the disability, certifying that the 78386  
licensee's disability is of such a nature as to prevent the 78387  
licensee from attending any instruction lasting at least three 78388  
hours in duration, and stating the expected duration of the 78389  
disability. The licensee shall request the extension and provide 78390  
the physician's statement to the division no later than one month 78391  
prior to the end of the licensee's three-year continuing education 78392  
reporting period, unless the disability did not arise until the 78393  
last month of the three-year reporting period, in which event the 78394



licensee shall request the extension and provide the physician's 78395  
statement as soon as practical after the occurrence of the 78396  
disability. A licensee granted an extension pursuant to this 78397  
division who is no longer a disabled licensee and who submits 78398  
proof of completion of the continuing education during the 78399  
extension period, shall submit, for future continuing education 78400  
reporting periods, proof of completion of the continuing education 78401  
requirements according to the schedule established in division (A) 78402  
of this section. 78403

(F) The superintendent shall not renew a license if the 78404  
licensee fails to comply with this section, and the licensee shall 78405  
be required to pay the penalty fee provided in section 4735.14 of 78406  
the Revised Code. 78407

(G) A licensee shall submit proof of completion of the 78408  
required continuing education with the licensee's notice of 78409  
renewal. The proof shall be submitted in the manner provided by 78410  
the superintendent. 78411

**Sec. 4736.12.** (A) The state board of sanitarian registration 78412  
shall charge the following fees: 78413

(1) To apply as a sanitarian-in-training, eighty dollars; 78414

(2) For sanitarians-in-training to apply for registration as 78415  
sanitarians, eighty dollars. The applicant shall pay this fee only 78416  
once regardless of the number of times the applicant takes an 78417  
examination required under section 4736.08 of the Revised Code. 78418

(3) For persons other than sanitarians-in-training to apply 78419  
for registration as sanitarians, including persons meeting the 78420  
requirements of section 4736.16 of the Revised Code, one hundred 78421  
sixty dollars. The applicant shall pay this fee only once 78422  
regardless of the number of times the applicant takes an 78423  
examination required under section 4736.08 of the Revised Code. 78424

(4) The renewal fee for registered sanitarians shall be 78425  
~~eighty~~ ninety dollars. 78426

(5) The renewal fee for sanitarians-in-training shall be 78427  
~~eighty~~ ninety dollars. 78428

(6) For late application for renewal, an additional ~~fifty~~ 78429  
seventy-five dollars. 78430

The board of sanitarian registration, with the approval of 78431  
the controlling board, may establish fees in excess of the amounts 78432  
provided in this section, provided that such fees do not exceed 78433  
the amounts permitted by this section by more than fifty per cent. 78434

(B) The board of sanitarian registration shall charge 78435  
separate fees for examinations as required by section 4736.08 of 78436  
the Revised Code, provided that the fees are not in excess of the 78437  
actual cost to the board of conducting the examinations. 78438

(C) The board of sanitarian registration may adopt rules 78439  
establishing fees for all of the following: 78440

(1) Application for the registration of a training agency 78441  
approved under rules adopted by the board pursuant to section 78442  
4736.11 of the Revised Code and for the annual registration 78443  
renewal of an approved training agency; 78444

(2) Application for the review of continuing education hours 78445  
submitted for the board's approval by approved training agencies 78446  
or by registered sanitarians or sanitarians-in-training; 78447

(3) Additional copies of pocket identification cards and wall 78448  
certificates. 78449

**Sec. 4741.03.** (A) The state veterinary medical licensing 78450  
board shall meet at least once in each calendar year and may hold 78451  
additional meetings as often as it considers necessary to conduct 78452  
the business of the board. The president of the board may call 78453  
special meetings, and the executive director shall call special 78454

meetings upon the written request of three members of the board. 78455  
The board shall organize by electing a president and 78456  
vice-president from its veterinarian members and such other 78457  
officers as the board prescribes by rule. Each officer shall serve 78458  
for a term specified by board rule or until a successor is elected 78459  
and qualified. A quorum of the board consists of four members of 78460  
which at least three are members who are veterinarians. The 78461  
concurrence of four members is necessary for the board to take any 78462  
action. 78463

(B) The board may appoint a person, not one of its members, 78464  
to serve as its executive director. The executive director is in 78465  
the unclassified service and serves at the pleasure of the board. 78466  
The executive director shall serve as the board's 78467  
secretary-treasurer ex officio. The board may employ additional 78468  
employees for professional, technical, clerical, and special work 78469  
as it considers necessary. The executive director shall give a 78470  
surety bond to the state in the sum the board requires, 78471  
conditioned upon the faithful performance of the executive 78472  
director's duties. The board shall pay the cost of the bond. The 78473  
executive director shall keep a complete accounting of all funds 78474  
received and of all vouchers presented by the board to the 78475  
director of budget and management for the disbursement of funds. 78476  
The president or executive director shall approve all vouchers of 78477  
the board. All money received by the board shall be credited to 78478  
the occupational licensing and regulatory fund. 78479

(C) In addition to any other duty required under this 78480  
chapter, the board shall do all of the following: 78481

(1) Prescribe a seal; 78482

(2) ~~Accept and review applications for admission to an~~ 78483  
~~examination in accordance with section 4741.09 of the Revised Code~~ 78484  
~~and review~~ Review the results of board-approved, nationally 78485  
recognized examinations taken by applicants in accordance with 78486

rules adopted by the board. 78487

(3) Keep a record of all of its meetings and proceedings; 78488

(4) Maintain a register that records all applicants for a 78489  
certificate of license or a temporary permit, all persons who have 78490  
been denied a license or permit, all persons who have been granted 78491  
or reissued a license or permit, and all persons whose license or 78492  
permit has been revoked or suspended. The register shall also 78493  
include a record of persons licensed prior to October 17, 1975. 78494

(5) Maintain a register, in such form as the board determines 78495  
by rule, of all colleges and universities that teach veterinary 78496  
medicine and veterinary technology that are approved by the board; 78497

(6) Enforce this chapter, and for that purpose, make 78498  
investigations relative as provided in section 4741.26 of the 78499  
Revised Code; 78500

(7) Issue licenses and permits to persons who meet the 78501  
qualifications set forth in this chapter; 78502

(8) Approve colleges and universities which meet the board's 78503  
requirements for veterinary medicine and associated fields of 78504  
study and withdraw or deny, after an adjudication conducted in 78505  
accordance with Chapter 119. of the Revised Code, approval from 78506  
colleges and universities which fail to meet those requirements; 78507

(9) Adopt rules, in accordance with Chapter 119. of the 78508  
Revised Code, which are necessary for its government and for the 78509  
administration and enforcement of this chapter. 78510

(D) The board may do all of the following: 78511

(1) Subpoena witnesses and require their attendance and 78512  
testimony, and require the production by witnesses of books, 78513  
papers, public records, animal patient records, and other 78514  
documentary evidence and examine them, in relation to any matter 78515  
that the board has authority to investigate, inquire into, or 78516

hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.

**Sec. 4741.11.** Whenever an applicant for a license to practice veterinary medicine ~~passes the examination specified in section 4741.09 of the Revised Code, and~~ has graduated from a veterinary college approved by the state veterinary medical licensing board or accredited by the American veterinary medical association or has been issued a certificate on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or by the program for the assessment of veterinary education equivalence of the American association of veterinary state boards, and is not in violation of this chapter, the board shall issue a certificate of license to that effect, signed by the members and bearing the seal of the board. The certificate shall show that the successful applicant has qualified under the laws of this state and the requirements of the board and that the applicant is duly licensed and qualified to practice veterinary medicine.

~~Upon request, the board shall furnish to an applicant for a~~

~~license who fails to pass the examination a written report showing 78548  
reasons for the applicant's failure in the examination. 78549~~

**Sec. 4741.12.** The state veterinary medical licensing board 78550  
may issue a license to practice veterinary medicine without the 78551  
examination required pursuant to section 4741.11 of the Revised 78552  
Code to an applicant from another state, territory, country, or 78553  
the District of Columbia who furnishes satisfactory proof to the 78554  
board that the applicant meets all of the following criteria: 78555

(A) The applicant is a graduate of a veterinary college 78556  
accredited by the American veterinary medical association or holds 78557  
a certificate issued, on or after May 1, 1987, by the education 78558  
commission for foreign veterinary graduates of the American 78559  
veterinary medical association or ~~issued by any other nationally 78560  
recognized certification program the board approves by rule by the 78561  
program for the assessment of veterinary education equivalence of 78562  
the American association of veterinary state boards. 78563~~

(B) The applicant holds a license, which is not under 78564  
suspension, revocation, or other disciplinary action, issued by an 78565  
agency similar to this board of another state, territory, country, 78566  
or the District of Columbia, having requirements equivalent to 78567  
those of this state, provided the laws of such state, territory, 78568  
country, or district accord equal rights to the holder of a 78569  
license to practice in this state who removes to such state, 78570  
territory, country, or district. 78571

(C) The applicant is of good moral character, as determined 78572  
by the board. 78573

(D) The applicant is not under investigation for an act which 78574  
would constitute a violation of this chapter that would require 78575  
the revocation of or refusal to renew a license. 78576

(E) The applicant has a thorough knowledge of the laws and 78577

rules governing the practice of veterinary medicine in this state, 78578  
as determined by the board. 78579

**Sec. 4741.17.** (A) Applicants or registrants shall pay to the 78580  
state veterinary medical licensing board: 78581

(1) For an initial veterinary license ~~based on examination,~~ 78582  
on or after the first day of March in an even-numbered year, ~~three~~ 78583  
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 78584  
after the first day of March in an odd-numbered year, ~~two hundred~~ 78585  
~~fifty~~ three hundred dollars; 78586

(2) For an initial limited license to practice veterinary 78587  
medicine for an intern, resident in a veterinary specialty, or 78588  
graduate student, thirty-five dollars; 78589

(3) For an initial limited license to practice veterinary 78590  
medicine for an instructor, researcher, or diagnostician, one 78591  
hundred fifty-five dollars; 78592

(4) ~~For a veterinary license by reciprocity issued on or~~ 78593  
~~after the first day of March in an even-numbered year, four~~ 78594  
~~hundred twenty-five dollars, and on or after the first day of~~ 78595  
~~March in an odd-numbered year, three hundred dollars;~~ 78596

~~(5)~~ For a veterinary temporary permit, one hundred dollars; 78597

~~(6)~~(5) For a duplicate license, thirty-five dollars; 78598

~~(7)~~(6) For the veterinary license biennial renewal fee, where 78599  
the application is postmarked no later than the first day of 78600  
March, one hundred fifty-five dollars; where the application is 78601  
postmarked after the first day of March, but no later than the 78602  
first day of April, two hundred twenty-five dollars; and where the 78603  
application is postmarked after the first day of April, four 78604  
hundred fifty dollars. Notwithstanding section 4741.25 of the 78605  
Revised Code, the board shall deposit ten dollars of each 78606  
veterinary license biennial renewal fee that it collects into the 78607

state treasury to the credit of the veterinarian loan repayment fund created in section 4741.46 of the Revised Code. 78608  
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~~(8)~~(7) For the limited license to practice veterinary medicine biennial renewal fee, where the application is postmarked not later than the first day of July, one hundred fifty-five dollars; where the application is postmarked after the first day of July, but not later than the first day of August, two hundred twenty-five dollars; and where the application is postmarked after the first day of August, four hundred fifty dollars. 78610  
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Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each limited license biennial renewal fee that it collects from instructors, researchers, and diagnosticians into the state treasury to the credit of the veterinarian loan repayment fund. 78617  
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~~(9)~~(8) For an initial registered veterinary technician registration fee on or after the first day of March in an odd-numbered year, thirty-five dollars, and on or after the first day of March in an even-numbered year, twenty-five dollars; 78622  
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~~(10)~~(9) For the biennial renewal registration fee of a registered veterinary technician, where the application is postmarked no later than the first day of March, thirty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, forty-five dollars; and where the application is postmarked after the first day of April, sixty dollars; 78626  
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~~(11)~~(10) For a specialist certificate, fifty dollars. The certificate is not subject to renewal. 78633  
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~~(12)~~(11) For the reinstatement of a suspended license, or for reinstatement of a license that has lapsed more than one year, an additional fee of seventy-five dollars; 78635  
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~~(13)~~ For examinations offered by the board, a fee, which 78638



~~shall be established by the board, in an amount adequate to cover~~ 78639  
~~the expense of procuring, administering, and scoring examinations;~~ 78640

~~(14)~~(12) For a provisional veterinary graduate license, one 78641  
hundred dollars. 78642

(B) For the purposes of divisions (A)(~~6~~), (7), ~~(8)~~, and 78643  
~~(10)~~(9) of this section, a date stamp of the office of the board 78644  
may serve in lieu of a postmark. 78645

**Sec. 4741.19.** (A) Unless exempted under this chapter, no 78646  
person shall practice veterinary medicine, or any of its branches, 78647  
without a license or limited license issued by the state 78648  
veterinary medical licensing board pursuant to sections 4741.11 to 78649  
4741.13 of the Revised Code, a temporary permit issued pursuant to 78650  
section 4741.14 of the Revised Code, or a registration certificate 78651  
issued pursuant to division (C) of this section, or with an 78652  
inactive, expired, suspended, terminated, or revoked license, 78653  
temporary permit, or registration. 78654

(B) No veterinary student shall: 78655

(1) Perform or assist surgery unless under direct veterinary 78656  
supervision and unless the student has had the minimum education 78657  
and experience prescribed by rule of the board; 78658

(2) Engage in any other work related to the practice of 78659  
veterinary medicine unless under veterinary supervision; 78660

(3) Participate in the operation of a branch office, clinic, 78661  
or allied establishment unless a licensed veterinarian is present 78662  
on the establishment premises. 78663

(C) No person shall act as a registered veterinary technician 78664  
unless the person is registered with the board on a biennial basis 78665  
and pays the biennial registration fee. A registered veterinary 78666  
technician registration expires biennially on the first day of 78667  
March in the odd-numbered years and may be renewed in accordance 78668

with the standard renewal procedures contained in Chapter 4745. of 78669  
the Revised Code upon payment of the biennial registration fee and 78670  
fulfillment of ten continuing education hours during the two years 78671  
immediately preceding renewal for registration. Each registered 78672  
veterinary technician shall notify in writing the executive 78673  
director of the board of any change in the registered veterinary 78674  
technician's office address or employment within ninety days after 78675  
the change has taken place. 78676

(1) A registered veterinary technician operating under 78677  
veterinary supervision may perform the following duties: 78678

(a) Prepare or supervise the preparation of patients, 78679  
instruments, equipment, and medications for surgery; 78680

(b) Collect or supervise the collection of specimens and 78681  
perform laboratory procedures as required by the supervising 78682  
veterinarian; 78683

(c) Apply wound dressings, casts, or splints as required by 78684  
the supervising veterinarian; 78685

(d) Assist a veterinarian in immunologic, diagnostic, 78686  
medical, and surgical procedures; 78687

(e) Suture skin incisions; 78688

(f) Administer or supervise the administration of topical, 78689  
oral, or parenteral medication under the direction of the 78690  
supervising veterinarian; 78691

(g) Other ancillary veterinary technician functions that are 78692  
performed pursuant to the order and control and under the full 78693  
responsibility of a licensed veterinarian. 78694

(h) Any additional duties as established by the board in 78695  
rule. 78696

(2) A registered veterinary technician operating under direct 78697  
veterinary supervision may perform all of the following: 78698

(a) Induce and monitor general anesthesia according to 78699  
medically recognized and appropriate methods; 78700

(b) Dental prophylaxis, periodontal care, and extraction not 78701  
involving sectioning of teeth or resection of bone or both of 78702  
these; 78703

(c) Equine dental procedures, including the floating of 78704  
molars, premolars, and canine teeth; removal of deciduous teeth; 78705  
and the extraction of first premolars or wolf teeth. 78706

The degree of supervision by a licensed veterinarian over the 78707  
functions performed by the registered veterinary technician shall 78708  
be consistent with the standards of generally accepted veterinary 78709  
medical practices. 78710

(D) A veterinarian licensed to practice in this state shall 78711  
not present the person's self as or state a claim that the person 78712  
is a specialist unless the veterinarian has previously met the 78713  
requirements for certification by a specialty organization 78714  
recognized by the American board of veterinary specialties for a 78715  
specialty or such other requirements set by rule of the board and 78716  
has paid the fee required by division (A)~~(11)~~(10) of section 78717  
4741.17 of the Revised Code. 78718

(E) Notwithstanding division (A) of this section, any animal 78719  
owner or the owner's designee may engage in the practice of embryo 78720  
transfer on the owner's animal if a licensed veterinarian directly 78721  
supervises the owner or the owner's designee and the means used to 78722  
perform the embryo transfer are nonsurgical. 78723

(F) Allied medical support may assist a licensed veterinarian 78724  
to the extent to which the law that governs the individual 78725  
providing the support permits, if all of the following apply: 78726

(1) A valid veterinary-client-patient-relationship exists. 78727

(2) The individual acts under direct veterinary supervision. 78728

(3) The allied medical support individual receives informed, 78729  
written, client consent. 78730

(4) The veterinarian maintains responsibility for the patient 78731  
and keeps the patient's medical records. 78732

The board may inspect the facilities of an allied medical 78733  
support individual in connection with an investigation based on a 78734  
complaint received in accordance with section 4741.26 of the 78735  
Revised Code involving that individual. 78736

**Sec. 4741.22.** (A) The state veterinary medical licensing 78737  
board may refuse to issue or renew a license, limited license, 78738  
registration, or temporary permit to or of any applicant who, and 78739  
may issue a reprimand to, suspend or revoke the license, limited 78740  
license, registration, or the temporary permit of, or impose a 78741  
civil penalty pursuant to this section upon any person holding a 78742  
license, limited license, or temporary permit to practice 78743  
veterinary medicine or any person registered as a registered 78744  
veterinary technician who: 78745

~~(A)~~(1) In the conduct of the person's practice does not 78746  
conform to the rules of the board or the standards of the 78747  
profession governing proper, humane, sanitary, and hygienic 78748  
methods to be used in the care and treatment of animals; 78749

~~(B)~~(2) Uses fraud, misrepresentation, or deception in any 78750  
application or examination for licensure, or any other 78751  
documentation created in the course of practicing veterinary 78752  
medicine; 78753

~~(C)~~(3) Is found to be physically or psychologically addicted 78754  
to alcohol or an illegal or controlled substance, as defined in 78755  
section 3719.01 of the Revised Code, to such a degree as to render 78756  
the person unfit to practice veterinary medicine; 78757

~~(D)~~(4) Directly or indirectly employs or lends the person's 78758

services to a solicitor for the purpose of obtaining patients;	78759
<del>(E)</del> (5) Obtains a fee on the assurance that an incurable disease can be cured;	78760 78761
<del>(F)</del> (6) Advertises in a manner that violates section 4741.21 of the Revised Code;	78762 78763
<del>(G)</del> (7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	78764 78765 78766
<del>(H)</del> (8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	78767 78768 78769
<del>(I)</del> (9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;	78770 78771 78772 78773 78774 78775
<del>(J)</del> (10) Is convicted of any violation of section 959.13 of the Revised Code;	78776 78777
<del>(K)</del> (11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	78778 78779 78780
<del>(L)</del> (12) Fails to report promptly to the proper official any known reportable disease;	78781 78782
<del>(M)</del> (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	78783 78784
<del>(N)</del> (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	78785 78786 78787 78788

~~(O)~~(15) Permits a person who is not a licensed veterinarian, 78789  
a veterinary student, or a registered veterinary technician to 78790  
engage in work or perform duties in violation of this chapter; 78791

~~(P)~~(16) Is guilty of gross incompetence or gross negligence; 78792

~~(Q)~~(17) Has had a license to practice veterinary medicine or 78793  
a license, registration, or certificate to engage in activities as 78794  
a registered veterinary technician revoked, suspended, or acted 78795  
against by disciplinary action by an agency similar to this board 78796  
of another state, territory, or country or the District of 78797  
Columbia; 78798

~~(R)~~(18) Is or has practiced with a revoked, suspended, 78799  
inactive, expired, or terminated license or registration; 78800

~~(S)~~(19) Represents self as a specialist unless certified as a 78801  
specialist by the board; 78802

~~(T)~~(20) In the person's capacity as a veterinarian or 78803  
registered veterinary technician makes or files a report, health 78804  
certificate, vaccination certificate, or other document that the 78805  
person knows is false or negligently or intentionally fails to 78806  
file a report or record required by any applicable state or 78807  
federal law; 78808

~~(U)~~(21) Fails to use reasonable care in the administration of 78809  
drugs or acceptable scientific methods in the selection of those 78810  
drugs or other modalities for treatment of a disease or in conduct 78811  
of surgery; 78812

~~(V)~~(22) Makes available a dangerous drug, as defined in 78813  
section 4729.01 of the Revised Code, to any person other than for 78814  
the specific treatment of an animal patient; 78815

~~(W)~~(23) Refuses to permit a board investigator or the board's 78816  
designee to inspect the person's business premises during regular 78817  
business hours, except as provided in division (A) of section 78818

4741.26 of the Revised Code; 78819

~~(X)~~(24) Violates any order of the board or fails to comply 78820  
with a subpoena of the board; 78821

~~(Y)~~(25) Fails to maintain medical records as required by rule 78822  
of the board; 78823

~~(Z)~~(26) Engages in cruelty to animals; 78824

~~(AA)~~(27) Uses, prescribes, or sells any veterinary 78825  
prescription drug or biologic, or prescribes any extra-label use 78826  
of any over-the-counter drug or dangerous drug in the absence of a 78827  
valid veterinary-client-patient relationship. 78828

~~Before~~ (B) Except as provided in division (D) of this 78829  
section, before the board may revoke, deny, refuse to renew, or 78830  
suspend a license, registration, or temporary permit or otherwise 78831  
discipline the holder of a license, registration, or temporary 78832  
permit, the executive director shall file written charges with the 78833  
board. The board shall conduct a hearing on the charges as 78834  
provided in Chapter 119. of the Revised Code. 78835

(C) If the board, after a hearing conducted pursuant to 78836  
Chapter 119. of the Revised Code, revokes, refuses to renew, or 78837  
suspends a license, registration, or temporary permit for a 78838  
violation of this section, section 4741.23, division (C) or (D) of 78839  
section 4741.19, or division (B), (C), or (D) of section 4741.21 78840  
of the Revised Code, the board may impose a civil penalty upon the 78841  
holder of the license, permit, or registration of not less than 78842  
one hundred dollars or more than one thousand dollars. In addition 78843  
to the civil penalty and any other penalties imposed pursuant to 78844  
this chapter, the board may assess any holder of a license, 78845  
permit, or registration the costs of the hearing conducted under 78846  
this section if the board determines that the holder has violated 78847  
any provision for which the board may impose a civil penalty under 78848  
this section. 78849

(D) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following: 78850  
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(1) There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual. 78854  
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(2) The individual's continued practice presents a danger of immediate and serious harm to the public. 78857  
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The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the suspension. 78859  
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If the individual subject to the suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual. 78865  
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A suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order. 78872  
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(E) A license or registration issued to an individual under 78880



this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the individual's license or registration.

**Sec. 4741.31.** The state veterinary medical licensing board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for approving and designating physicians and facilities as treatment providers for veterinarians with substance abuse problems and shall approve and designate treatment providers in accordance with the rules. The rules shall include standards for both inpatient and outpatient treatment. The rules shall provide that to be approved, a treatment provider must be capable of making an initial examination to determine the type of treatment required for a veterinarian with substance abuse problems. Subject to the rules, the board shall review and approve treatment providers on a regular basis and may, at its discretion, withdraw or deny approval.

An approved treatment provider shall:

(A) Report to the board the name of any veterinarian suffering or showing evidence of suffering impairment by reason of

alcohol or drug addiction as described in division ~~(C)~~(A)(3) of 78912  
section 4741.22 of the Revised Code who fails to comply within one 78913  
week with a referral for examination; 78914

(B) Report to the board the name of any impaired veterinarian 78915  
who fails to enter treatment within forty-eight hours following 78916  
the provider's determination that the veterinarian needs 78917  
treatment; 78918

(C) Require every veterinarian who enters treatment to agree 78919  
to a treatment contract establishing the terms of treatment and 78920  
aftercare, including any required supervision or restrictions of 78921  
practice during treatment or aftercare; 78922

(D) Require a veterinarian to suspend practice on entering 78923  
any required inpatient treatment; 78924

(E) Report to the board any failure by an impaired 78925  
veterinarian to comply with the terms of the treatment contract 78926  
during inpatient or outpatient treatment or aftercare; 78927

(F) Report to the board the resumption of practice of any 78928  
impaired veterinarian before the treatment provider has made a 78929  
clear determination that the veterinarian is capable of practicing 78930  
according to acceptable and prevailing standards of care; 78931

(G) Require a veterinarian who resumes practice after 78932  
completion of treatment to comply with an aftercare contract that 78933  
meets the requirements of rules adopted by the board for approval 78934  
of treatment providers; 78935

(H) Report to the board any veterinarian who suffers a 78936  
relapse at any time during or following aftercare. 78937

Any veterinarian who enters into treatment by an approved 78938  
treatment provider shall be deemed to have waived any 78939  
confidentiality requirements that would otherwise prevent the 78940  
treatment provider from making reports required under this 78941

section. 78942

In the absence of fraud or bad faith, no professional 78943  
association of veterinarians licensed under this chapter that 78944  
sponsors a committee or program to provide peer assistance to 78945  
veterinarians with substance abuse problems, no representative or 78946  
agent of such a committee or program, and no member of the state 78947  
veterinary medical licensing board shall be liable to any person 78948  
for damages in a civil action by reason of actions taken to refer 78949  
a veterinarian to a treatment provider designated by the board or 78950  
actions or omissions of the provider in treating a veterinarian. 78951

In the absence of fraud or bad faith, no person who reports 78952  
to the board a veterinarian with a suspected substance abuse 78953  
problem shall be liable to any person for damages in a civil 78954  
action as a result of the report. 78955

**Sec. 4760.02.** (A) Except as provided in division (B) of this 78956  
section, no person shall practice as an anesthesiologist assistant 78957  
unless the person holds a current, valid certificate ~~of~~ 78958  
~~registration~~ issued under this chapter to practice as an 78959  
anesthesiologist assistant. 78960

(B) Division (A) of this section does not apply to either of 78961  
the following: 78962

(1) A person participating in a training program leading 78963  
toward certification by the national commission for certification 78964  
of anesthesiologist assistants, as long as the person is 78965  
supervised by an anesthesiologist, an individual participating in 78966  
a hospital residency program in preparation to practice as an 78967  
anesthesiologist, or an anesthesiologist assistant who holds a 78968  
current, valid certificate ~~of registration~~ to practice issued 78969  
under this chapter; 78970

(2) Any person who otherwise holds professional authority 78971

granted pursuant to the Revised Code to perform any of the 78972  
activities that an anesthesiologist assistant is authorized to 78973  
perform. 78974

**Sec. 4760.03.** (A) An individual seeking a certificate ~~of~~ 78975  
~~registration to practice~~ as an anesthesiologist assistant shall 78976  
file with the state medical board a written application on a form 78977  
prescribed and supplied by the board. The application shall 78978  
include all of the following information: 78979

(1) Evidence satisfactory to the board that the applicant is 78980  
at least twenty-one years of age and of good moral character; 78981

(2) Evidence satisfactory to the board that the applicant has 78982  
successfully completed the training necessary to prepare 78983  
individuals to practice as anesthesiologist assistants, as 78984  
specified in section 4760.031 of the Revised Code; 78985

(3) Evidence satisfactory to the board that the applicant 78986  
holds current certification from the national commission for 78987  
certification of anesthesiologist assistants and that the 78988  
requirements for receiving the certification included passage of 78989  
an examination to determine the individual's competence to 78990  
practice as an anesthesiologist assistant; 78991

(4) Any other information the board considers necessary to 78992  
process the application and evaluate the applicant's 78993  
qualifications. 78994

(B) At the time of making application for a certificate ~~of~~ 78995  
~~registration to practice~~, the applicant shall pay the board a fee 78996  
of one hundred dollars, no part of which shall be returned. 78997

(C) The board shall review all applications received under 78998  
this section. Not later than sixty days after receiving a complete 78999  
application, the board shall determine whether an applicant meets 79000  
the requirements to receive a certificate ~~of registration to~~ 79001

practice. The affirmative vote of not fewer than six members of 79002  
the board is required to determine that an applicant meets the 79003  
requirements for a certificate. The board shall not issue a 79004  
certificate ~~of registration~~ to an applicant unless the applicant 79005  
is certified by the national commission for certification of 79006  
anesthesiologist assistants or a successor organization that is 79007  
recognized by the board. 79008

**Sec. 4760.031.** As a condition of being eligible to receive a 79009  
certificate ~~of registration~~ to practice as an anesthesiologist 79010  
assistant, an individual must successfully complete the following 79011  
training requirements: 79012

(A) A baccalaureate or higher degree program at an 79013  
institution of higher education accredited by an organization 79014  
recognized by the board of regents. The program must have included 79015  
courses in the following areas of study: 79016

- (1) General biology; 79017
- (2) General chemistry; 79018
- (3) Organic chemistry; 79019
- (4) Physics; 79020
- (5) Calculus. 79021

(B) A training program conducted for the purpose of preparing 79022  
individuals to practice as anesthesiologist assistants. If the 79023  
program was completed prior to ~~the effective date of this section~~ 79024  
May 31, 2000, the program must have been completed at case western 79025  
reserve university or emory university in Atlanta, Georgia. If the 79026  
program is completed on or after ~~the effective date of this~~ 79027  
~~section~~ May 31, 2000, the program must be a graduate-level program 79028  
accredited by the commission on accreditation of allied health 79029  
education programs or any of the commission's successor 79030  
organizations. In either case, the training program must have 79031

included at least all of the following components:	79032
(1) Basic sciences of anesthesia: physiology,	79033
pathophysiology, anatomy, and biochemistry. The courses must be	79034
presented as a continuum of didactic courses designed to teach	79035
students the foundations of human biological existence on which	79036
clinical correlations to anesthesia practice are based.	79037
(2) Pharmacology for the anesthetic sciences. The course must	79038
include instruction in the anesthetic principles of pharmacology,	79039
pharmacodynamics, pharmacokinetics, uptake and distribution,	79040
intravenous anesthetics and narcotics, and volatile anesthetics.	79041
(3) Physics in anesthesia.	79042
(4) Fundamentals of anesthetic sciences, presented as a	79043
continuum of courses covering a series of topics in basic medical	79044
sciences with special emphasis on the effects of anesthetics on	79045
normal physiology and pathophysiology.	79046
(5) Patient instrumentation and monitoring, presented as a	79047
continuum of courses focusing on the design of, proper preparation	79048
of, and proper methods of resolving problems that arise with	79049
anesthesia equipment. The courses must provide a balance between	79050
the engineering concepts used in anesthesia instruments and the	79051
clinical application of anesthesia instruments.	79052
(6) Clinically based conferences in which techniques of	79053
anesthetic management, quality assurance issues, and current	79054
professional literature are reviewed from the perspective of	79055
practice improvement.	79056
(7) Clinical experience consisting of at least two thousand	79057
hours of direct patient contact, presented as a continuum of	79058
courses throughout the entirety of the program, beginning with a	79059
gradual introduction of the techniques for the anesthetic	79060
management of patients and culminating in the assimilation of the	79061
graduate of the program into the work force. Areas of instruction	79062

must include the following:	79063
(a) Preoperative patient assessment;	79064
(b) Indwelling vascular catheter placement, including intravenous and arterial catheters;	79065 79066
(c) Airway management, including mask airway and orotracheal intubation;	79067 79068
(d) Intraoperative charting;	79069
(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	79070 79071
(f) Administration and maintenance of volatile anesthetics;	79072
(g) Administration of blood products and fluid therapy;	79073
(h) Patient monitoring;	79074
(i) Postoperative management of patients;	79075
(j) Regional anesthesia techniques;	79076
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	79077 79078
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	79079 79080 79081
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	79082 79083 79084 79085 79086
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red	79087 79088 79089 79090 79091

cross or the American heart association. 79092

**Sec. 4760.032.** In addition to any other eligibility 79093  
requirement set forth in this chapter, each applicant for a 79094  
certificate ~~of registration~~ to practice as an anesthesiologist 79095  
assistant shall comply with sections 4776.01 to 4776.04 of the 79096  
Revised Code. The state medical board shall not grant to an 79097  
applicant a certificate ~~of registration~~ to practice as an 79098  
anesthesiologist assistant unless the board, in its discretion, 79099  
decides that the results of the criminal records check do not make 79100  
the applicant ineligible for a certificate issued pursuant to 79101  
section 4760.04 of the Revised Code. 79102

**Sec. 4760.04.** If the state medical board determines under 79103  
section 4760.03 of the Revised Code that an applicant meets the 79104  
requirements for a certificate ~~of registration~~ to practice as an 79105  
anesthesiologist assistant, the secretary of the board shall 79106  
register the applicant as an anesthesiologist assistant and issue 79107  
to the applicant a certificate ~~of registration~~ to practice as an 79108  
anesthesiologist assistant. The certificate shall expire 79109  
biennially and may be renewed in accordance with section 4760.06 79110  
of the Revised Code. 79111

**Sec. 4760.05.** On application by the holder of a certificate 79112  
~~of registration~~ to practice as an anesthesiologist assistant, the 79113  
state medical board shall issue a duplicate certificate to replace 79114  
one that is missing or damaged, to reflect a name change, or for 79115  
any other reasonable cause. The fee for a duplicate certificate is 79116  
thirty-five dollars. 79117

**Sec. 4760.06.** (A) A person seeking to renew a certificate ~~of~~ 79118  
~~registration~~ to practice as an anesthesiologist assistant shall, 79119  
on or before the thirty-first day of January of each even-numbered 79120



year, apply for renewal of the certificate. The state medical 79121  
board shall ~~send~~ provide renewal notices at least one month prior 79122  
to the expiration date. 79123

Applications shall be submitted to the board ~~on forms in a~~ 79124  
manner prescribed by the board ~~shall prescribe and supply~~. Each 79125  
application shall be accompanied by a biennial renewal fee of one 79126  
hundred dollars. 79127

The applicant shall report any criminal offense that 79128  
constitutes grounds for refusing to issue a certificate ~~of~~ 79129  
~~registration to practice~~ under section 4760.13 of the Revised Code 79130  
to which the applicant has pleaded guilty, of which the applicant 79131  
has been found guilty, or for which the applicant has been found 79132  
eligible for intervention in lieu of conviction, since last 79133  
signing an application for a certificate ~~of registration to~~ 79134  
practice as an anesthesiologist assistant. 79135

(B) To be eligible for renewal, an anesthesiologist assistant 79136  
must certify to the board that the assistant has maintained 79137  
certification by the national commission for the certification of 79138  
anesthesiologist assistants. 79139

(C) If an applicant submits a complete renewal application 79140  
and qualifies for renewal pursuant to division (B) of this 79141  
section, the board shall ~~issue to the applicant a renewed renew~~ 79142  
the certificate of registration to practice as an anesthesiologist 79143  
assistant. 79144

(D) A certificate ~~of registration to practice~~ that is not 79145  
renewed on or before its expiration date is automatically 79146  
suspended on its expiration date. If a certificate has been 79147  
suspended pursuant to this division for two years or less, the 79148  
board shall reinstate the certificate upon an applicant's 79149  
submission of a renewal application, the biennial renewal fee, and 79150  
the applicable monetary penalty. The penalty for reinstatement is 79151

twenty-five dollars. If a certificate has been suspended pursuant 79152  
to this division for more than two years, it may be restored upon 79153  
an applicant's submission of a restoration application, the 79154  
biennial ~~registration~~ renewal fee, and the applicable monetary 79155  
penalty and compliance with sections 4776.01 to 4776.04 of the 79156  
Revised Code. The board shall not restore a certificate to 79157  
practice unless the board, in its discretion, decides that the 79158  
results of the criminal records check do not make the applicant 79159  
ineligible for a certificate issued pursuant to section 4760.04 of 79160  
the Revised Code. The penalty for restoration is fifty dollars. 79161

**Sec. 4760.13.** (A) The state medical board, by an affirmative 79162  
vote of not fewer than six members, may revoke or may refuse to 79163  
grant a certificate ~~of registration~~ to practice as an 79164  
anesthesiologist assistant to a person found by the board to have 79165  
committed fraud, misrepresentation, or deception in applying for 79166  
or securing the certificate. 79167

(B) The board, by an affirmative vote of not fewer than six 79168  
members, shall, to the extent permitted by law, limit, revoke, or 79169  
suspend an individual's certificate ~~of registration~~ to practice as 79170  
an anesthesiologist assistant, refuse to issue a certificate to an 79171  
applicant, refuse to renew a certificate, refuse to reinstate a 79172  
certificate, or reprimand or place on probation the holder of a 79173  
certificate for any of the following reasons: 79174

(1) Permitting the holder's name or certificate to be used by 79175  
another person; 79176

(2) Failure to comply with the requirements of this chapter, 79177  
Chapter 4731. of the Revised Code, or any rules adopted by the 79178  
board; 79179

(3) Violating or attempting to violate, directly or 79180  
indirectly, or assisting in or abetting the violation of, or 79181  
conspiring to violate, any provision of this chapter, Chapter 79182

4731. of the Revised Code, or the rules adopted by the board;	79183
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	79184 79185 79186 79187
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	79188 79189 79190 79191
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	79192 79193 79194 79195
(7) Willfully betraying a professional confidence;	79196
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate of <del>registration</del> to practice as an anesthesiologist assistant.	79197 79198 79199
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	79200 79201 79202 79203 79204 79205 79206 79207
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	79208 79209 79210
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of	79211 79212

conviction for, a felony;	79213
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	79214 79215 79216
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	79217 79218 79219
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	79220 79221 79222
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79223 79224 79225
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79226 79227 79228
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	79229 79230 79231 79232 79233
(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	79234 79235 79236 79237 79238 79239 79240 79241
(18) Violation of the conditions placed by the board on a	79242

certificate <del>of registration</del> <u>to practice</u> ;	79243
(19) Failure to use universal blood and body fluid	79244
precautions established by rules adopted under section 4731.051 of	79245
the Revised Code;	79246
(20) Failure to cooperate in an investigation conducted by	79247
the board under section 4760.14 of the Revised Code, including	79248
failure to comply with a subpoena or order issued by the board or	79249
failure to answer truthfully a question presented by the board at	79250
a deposition or in written interrogatories, except that failure to	79251
cooperate with an investigation shall not constitute grounds for	79252
discipline under this section if a court of competent jurisdiction	79253
has issued an order that either quashes a subpoena or permits the	79254
individual to withhold the testimony or evidence in issue;	79255
(21) Failure to comply with any code of ethics established by	79256
the national commission for the certification of anesthesiologist	79257
assistants;	79258
(22) Failure to notify the state medical board of the	79259
revocation or failure to maintain certification from the national	79260
commission for certification of anesthesiologist assistants.	79261
(C) Disciplinary actions taken by the board under divisions	79262
(A) and (B) of this section shall be taken pursuant to an	79263
adjudication under Chapter 119. of the Revised Code, except that	79264
in lieu of an adjudication, the board may enter into a consent	79265
agreement with an anesthesiologist assistant or applicant to	79266
resolve an allegation of a violation of this chapter or any rule	79267
adopted under it. A consent agreement, when ratified by an	79268
affirmative vote of not fewer than six members of the board, shall	79269
constitute the findings and order of the board with respect to the	79270
matter addressed in the agreement. If the board refuses to ratify	79271
a consent agreement, the admissions and findings contained in the	79272
consent agreement shall be of no force or effect.	79273

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate ~~of registration to practice~~ issued under this chapter, or applies for a certificate ~~of registration to practice~~, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a certificate ~~of registration to practice~~ issued under this chapter or who has applied for a certificate ~~of registration~~

to practice pursuant to this chapter to submit to a mental or 79306  
physical examination, or both. A physical examination may include 79307  
an HIV test. The expense of the examination is the responsibility 79308  
of the individual compelled to be examined. Failure to submit to a 79309  
mental or physical examination or consent to an HIV test ordered 79310  
by the board constitutes an admission of the allegations against 79311  
the individual unless the failure is due to circumstances beyond 79312  
the individual's control, and a default and final order may be 79313  
entered without the taking of testimony or presentation of 79314  
evidence. If the board finds an anesthesiologist assistant unable 79315  
to practice because of the reasons set forth in division (B)(5) of 79316  
this section, the board shall require the anesthesiologist 79317  
assistant to submit to care, counseling, or treatment by 79318  
physicians approved or designated by the board, as a condition for 79319  
an initial, continued, reinstated, or renewed certificate ~~of~~ 79320  
~~registration~~ to practice. An individual affected by this division 79321  
shall be afforded an opportunity to demonstrate to the board the 79322  
ability to resume practicing in compliance with acceptable and 79323  
prevailing standards of care. 79324

(2) For purposes of division (B)(6) of this section, if the 79325  
board has reason to believe that any individual who holds a 79326  
certificate ~~of registration~~ to practice issued under this chapter 79327  
or any applicant for a certificate ~~of registration~~ to practice 79328  
suffers such impairment, the board may compel the individual to 79329  
submit to a mental or physical examination, or both. The expense 79330  
of the examination is the responsibility of the individual 79331  
compelled to be examined. Any mental or physical examination 79332  
required under this division shall be undertaken by a treatment 79333  
provider or physician qualified to conduct such examination and 79334  
chosen by the board. 79335

Failure to submit to a mental or physical examination ordered 79336  
by the board constitutes an admission of the allegations against 79337

the individual unless the failure is due to circumstances beyond 79338  
the individual's control, and a default and final order may be 79339  
entered without the taking of testimony or presentation of 79340  
evidence. If the board determines that the individual's ability to 79341  
practice is impaired, the board shall suspend the individual's 79342  
certificate or deny the individual's application and shall require 79343  
the individual, as a condition for an initial, continued, 79344  
reinstated, or renewed certificate ~~of registration~~ to practice, to 79345  
submit to treatment. 79346

Before being eligible to apply for reinstatement of a 79347  
certificate suspended under this division, the anesthesiologist 79348  
assistant shall demonstrate to the board the ability to resume 79349  
practice in compliance with acceptable and prevailing standards of 79350  
care. The demonstration shall include the following: 79351

(a) Certification from a treatment provider approved under 79352  
section 4731.25 of the Revised Code that the individual has 79353  
successfully completed any required inpatient treatment; 79354

(b) Evidence of continuing full compliance with an aftercare 79355  
contract or consent agreement; 79356

(c) Two written reports indicating that the individual's 79357  
ability to practice has been assessed and that the individual has 79358  
been found capable of practicing according to acceptable and 79359  
prevailing standards of care. The reports shall be made by 79360  
individuals or providers approved by the board for making such 79361  
assessments and shall describe the basis for their determination. 79362

The board may reinstate a certificate suspended under this 79363  
division after such demonstration and after the individual has 79364  
entered into a written consent agreement. 79365

When the impaired anesthesiologist assistant resumes 79366  
practice, the board shall require continued monitoring of the 79367  
anesthesiologist assistant. The monitoring shall include 79368



monitoring of compliance with the written consent agreement 79369  
entered into before reinstatement or with conditions imposed by 79370  
board order after a hearing, and, on termination of the consent 79371  
agreement, submission to the board for at least two years of 79372  
annual written progress reports made under penalty of 79373  
falsification stating whether the anesthesiologist assistant has 79374  
maintained sobriety. 79375

(G) If the secretary and supervising member determine that 79376  
there is clear and convincing evidence that an anesthesiologist 79377  
assistant has violated division (B) of this section and that the 79378  
individual's continued practice presents a danger of immediate and 79379  
serious harm to the public, they may recommend that the board 79380  
suspend the individual's certificate ~~or registration~~ without a 79381  
prior hearing. Written allegations shall be prepared for 79382  
consideration by the board. 79383

The board, on review of the allegations and by an affirmative 79384  
vote of not fewer than six of its members, excluding the secretary 79385  
and supervising member, may suspend a certificate without a prior 79386  
hearing. A telephone conference call may be utilized for reviewing 79387  
the allegations and taking the vote on the summary suspension. 79388

The board shall issue a written order of suspension by 79389  
certified mail or in person in accordance with section 119.07 of 79390  
the Revised Code. The order shall not be subject to suspension by 79391  
the court during pendency of any appeal filed under section 119.12 79392  
of the Revised Code. If the anesthesiologist assistant requests an 79393  
adjudicatory hearing by the board, the date set for the hearing 79394  
shall be within fifteen days, but not earlier than seven days, 79395  
after the anesthesiologist assistant requests the hearing, unless 79396  
otherwise agreed to by both the board and the certificate holder. 79397

A summary suspension imposed under this division shall remain 79398  
in effect, unless reversed on appeal, until a final adjudicative 79399  
order issued by the board pursuant to this section and Chapter 79400

119. of the Revised Code becomes effective. The board shall issue 79401  
its final adjudicative order within sixty days after completion of 79402  
its hearing. Failure to issue the order within sixty days shall 79403  
result in dissolution of the summary suspension order, but shall 79404  
not invalidate any subsequent, final adjudicative order. 79405

(H) If the board takes action under division (B)(11), (13), 79406  
or (14) of this section, and the judicial finding of guilt, guilty 79407  
plea, or judicial finding of eligibility for intervention in lieu 79408  
of conviction is overturned on appeal, on exhaustion of the 79409  
criminal appeal, a petition for reconsideration of the order may 79410  
be filed with the board along with appropriate court documents. On 79411  
receipt of a petition and supporting court documents, the board 79412  
shall reinstate the certificate ~~of registration~~ to practice. The 79413  
board may then hold an adjudication under Chapter 119. of the 79414  
Revised Code to determine whether the individual committed the act 79415  
in question. Notice of opportunity for hearing shall be given in 79416  
accordance with Chapter 119. of the Revised Code. If the board 79417  
finds, pursuant to an adjudication held under this division, that 79418  
the individual committed the act, or if no hearing is requested, 79419  
it may order any of the sanctions specified in division (B) of 79420  
this section. 79421

(I) The certificate ~~of registration~~ to practice of an 79422  
anesthesiologist assistant and the assistant's practice in this 79423  
state are automatically suspended as of the date the 79424  
anesthesiologist assistant pleads guilty to, is found by a judge 79425  
or jury to be guilty of, or is subject to a judicial finding of 79426  
eligibility for intervention in lieu of conviction in this state 79427  
or treatment of intervention in lieu of conviction in another 79428  
jurisdiction for any of the following criminal offenses in this 79429  
state or a substantially equivalent criminal offense in another 79430  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 79431  
felonious assault, kidnapping, rape, sexual battery, gross sexual 79432

imposition, aggravated arson, aggravated robbery, or aggravated  
burglary. Continued practice after the suspension shall be  
considered practicing without a certificate.

The board shall notify the individual subject to the  
suspension by certified mail or in person in accordance with  
section 119.07 of the Revised Code. If an individual whose  
certificate is suspended under this division fails to make a  
timely request for an adjudication under Chapter 119. of the  
Revised Code, the board shall enter a final order permanently  
revoking the individual's certificate ~~of registration~~ to practice.

(J) In any instance in which the board is required by Chapter  
119. of the Revised Code to give notice of opportunity for hearing  
and the individual subject to the notice does not timely request a  
hearing in accordance with section 119.07 of the Revised Code, the  
board is not required to hold a hearing, but may adopt, by an  
affirmative vote of not fewer than six of its members, a final  
order that contains the board's findings. In the final order, the  
board may order any of the sanctions identified under division (A)  
or (B) of this section.

(K) Any action taken by the board under division (B) of this  
section resulting in a suspension shall be accompanied by a  
written statement of the conditions under which the  
anesthesiologist assistant's certificate may be reinstated. The  
board shall adopt rules in accordance with Chapter 119. of the  
Revised Code governing conditions to be imposed for reinstatement.  
Reinstatement of a certificate suspended pursuant to division (B)  
of this section requires an affirmative vote of not fewer than six  
members of the board.

(L) When the board refuses to grant or issue a certificate ~~of  
registration~~ to practice as an anesthesiologist assistant to an  
applicant, revokes an individual's certificate ~~of registration~~,  
refuses to renew a an individual's certificate ~~of registration~~, or

refuses to reinstate an individual's certificate ~~of registration~~, 79465  
the board may specify that its action is permanent. An individual 79466  
subject to a permanent action taken by the board is forever 79467  
thereafter ineligible to hold a certificate ~~of registration~~ to 79468  
practice as an anesthesiologist assistant and the board shall not 79469  
accept an application for reinstatement of the certificate or for 79470  
issuance of a new certificate. 79471

(M) Notwithstanding any other provision of the Revised Code, 79472  
all of the following apply: 79473

(1) The surrender of a certificate ~~of registration~~ to 79474  
practice issued under this chapter is not effective unless or 79475  
until accepted by the board. Reinstatement of a certificate 79476  
surrendered to the board requires an affirmative vote of not fewer 79477  
than six members of the board. 79478

(2) An application made under this chapter for a certificate 79479  
~~of registration~~ to practice may not be withdrawn without approval 79480  
of the board. 79481

(3) Failure by an individual to renew a certificate ~~of~~ 79482  
~~registration~~ to practice in accordance with section 4760.06 of the 79483  
Revised Code shall not remove or limit the board's jurisdiction to 79484  
take disciplinary action under this section against the 79485  
individual. 79486

**Sec. 4760.131.** On receipt of a notice pursuant to section 79487  
3123.43 of the Revised Code, the state medical board shall comply 79488  
with sections 3123.41 to 3123.50 of the Revised Code and any 79489  
applicable rules adopted under section 3123.63 of the Revised Code 79490  
with respect to a certificate ~~of registration~~ to practice as an 79491  
anesthesiologist assistant issued pursuant to this chapter. 79492

**Sec. 4760.132.** If the state medical board has reason to 79493  
believe that any person who has been granted a certificate ~~of~~ 79494

~~registration to practice~~ as an anesthesiologist assistant under 79495  
this chapter is mentally ill or mentally incompetent, it may file 79496  
in the probate court of the county in which the person has a legal 79497  
residence an affidavit in the form prescribed in section 5122.11 79498  
of the Revised Code and signed by the board secretary or a member 79499  
of the board secretary's staff, whereupon the same proceedings 79500  
shall be had as provided in Chapter 5122. of the Revised Code. The 79501  
attorney general may represent the board in any proceeding 79502  
commenced under this section. 79503

If any person who has been granted a certificate ~~of~~ 79504  
~~registration to practice~~ is adjudged by a probate court to be 79505  
mentally ill or mentally incompetent, the person's certificate 79506  
shall be automatically suspended until the person has filed with 79507  
the state medical board a certified copy of an adjudication by a 79508  
probate court of the person's subsequent restoration to competency 79509  
or has submitted to the board proof, satisfactory to the board, 79510  
that the person has been discharged as having a restoration to 79511  
competency in the manner and form provided in section 5122.38 of 79512  
the Revised Code. The judge of the probate court shall forthwith 79513  
notify the state medical board of an adjudication of mental 79514  
illness or mental incompetence, and shall note any suspension of a 79515  
certificate in the margin of the court's record of such 79516  
certificate. 79517

Sec. 4760.133. (A)(1) If an anesthesiologist assistant 79518  
violates any section of this chapter or any rule adopted under 79519  
this chapter, the state medical board may, pursuant to an 79520  
adjudication under Chapter 119. of the Revised Code and an 79521  
affirmative vote of not fewer than six of its members, impose a 79522  
civil penalty. The amount of the civil penalty shall be determined 79523  
by the board in accordance with the guidelines adopted under 79524  
division (A)(2) of this section. The civil penalty may be in 79525  
addition to any other action the board may take under section 79526

4760.13 of the Revised Code. 79527

(2) The board shall adopt and may amend guidelines regarding 79528  
the amounts of civil penalties to be imposed under this section. 79529  
Adoption or amendment of the guidelines requires the approval of 79530  
not fewer than six board members. 79531

Under the guidelines, no civil penalty amount shall exceed 79532  
twenty thousand dollars. 79533

(B) Amounts received from payment of civil penalties imposed 79534  
under this section shall be deposited by the board in accordance 79535  
with section 4731.24 of the Revised Code. Amounts received from 79536  
payment of civil penalties imposed for violations of division 79537  
(B)(6) of section 4760.13 of the Revised Code shall be used by the 79538  
board solely for investigations, enforcement, and compliance 79539  
monitoring. 79540

**Sec. 4760.15.** (A) As used in this section, "prosecutor" has 79541  
the same meaning as in section 2935.01 of the Revised Code. 79542

(B) Whenever any person holding a valid certificate issued 79543  
pursuant to this chapter pleads guilty to, is subject to a 79544  
judicial finding of guilt of, or is subject to a judicial finding 79545  
of eligibility for intervention in lieu of conviction for a 79546  
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 79547  
of any substantively comparable ordinance of a municipal 79548  
corporation in connection with the person's practice, the 79549  
prosecutor in the case, on forms prescribed and provided by the 79550  
state medical board, shall promptly notify the board of the 79551  
conviction. Within thirty days of receipt of that information, the 79552  
board shall initiate action in accordance with Chapter 119. of the 79553  
Revised Code to determine whether to suspend or revoke the 79554  
certificate under section 4760.13 of the Revised Code. 79555

(C) The prosecutor in any case against any person holding a 79556

valid certificate ~~of registration~~ to practice issued pursuant to 79557  
this chapter, on forms prescribed and provided by the state 79558  
medical board, shall notify the board of any of the following: 79559

(1) A plea of guilty to, a finding of guilt by a jury or 79560  
court of, or judicial finding of eligibility for intervention in 79561  
lieu of conviction for a felony, or a case in which the trial 79562  
court issues an order of dismissal upon technical or procedural 79563  
grounds of a felony charge; 79564

(2) A plea of guilty to, a finding of guilt by a jury or 79565  
court of, or judicial finding of eligibility for intervention in 79566  
lieu of conviction for a misdemeanor committed in the course of 79567  
practice, or a case in which the trial court issues an order of 79568  
dismissal upon technical or procedural grounds of a charge of a 79569  
misdemeanor, if the alleged act was committed in the course of 79570  
practice; 79571

(3) A plea of guilty to, a finding of guilt by a jury or 79572  
court of, or judicial finding of eligibility for intervention in 79573  
lieu of conviction for a misdemeanor involving moral turpitude, or 79574  
a case in which the trial court issues an order of dismissal upon 79575  
technical or procedural grounds of a charge of a misdemeanor 79576  
involving moral turpitude. 79577

The report shall include the name and address of the 79578  
certificate holder, the nature of the offense for which the action 79579  
was taken, and the certified court documents recording the action. 79580

**Sec. 4760.16.** (A) Within sixty days after the imposition of 79581  
any formal disciplinary action taken by any health care facility, 79582  
including a hospital, health care facility operated by an insuring 79583  
corporation, ambulatory surgical facility, or similar facility, 79584  
against any individual holding a valid certificate ~~of registration~~ 79585  
to practice as an anesthesiologist assistant, the chief 79586  
administrator or executive officer of the facility shall report to 79587

the state medical board the name of the individual, the action 79588  
taken by the facility, and a summary of the underlying facts 79589  
leading to the action taken. On request, the board shall be 79590  
provided certified copies of the patient records that were the 79591  
basis for the facility's action. Prior to release to the board, 79592  
the summary shall be approved by the peer review committee that 79593  
reviewed the case or by the governing board of the facility. 79594

The filing of a report with the board or decision not to file 79595  
a report, investigation by the board, or any disciplinary action 79596  
taken by the board, does not preclude a health care facility from 79597  
taking disciplinary action against an anesthesiologist assistant. 79598

In the absence of fraud or bad faith, no individual or entity 79599  
that provides patient records to the board shall be liable in 79600  
damages to any person as a result of providing the records. 79601

(B) An anesthesiologist assistant, professional association 79602  
or society of anesthesiologist assistants, physician, or 79603  
professional association or society of physicians that believes a 79604  
violation of any provision of this chapter, Chapter 4731. of the 79605  
Revised Code, or rule of the board has occurred shall report to 79606  
the board the information on which the belief is based. This 79607  
division does not require any treatment provider approved by the 79608  
board under section 4731.25 of the Revised Code or any employee, 79609  
agent, or representative of such a provider to make reports with 79610  
respect to an anesthesiologist assistant participating in 79611  
treatment or aftercare for substance abuse as long as the 79612  
anesthesiologist assistant maintains participation in accordance 79613  
with the requirements of section 4731.25 of the Revised Code and 79614  
the treatment provider or employee, agent, or representative of 79615  
the provider has no reason to believe that the anesthesiologist 79616  
assistant has violated any provision of this chapter or rule 79617  
adopted under it, other than being impaired by alcohol, drugs, or 79618  
other substances. This division does not require reporting by any 79619



member of an impaired practitioner committee established by a 79620  
health care facility or by any representative or agent of a 79621  
committee or program sponsored by a professional association or 79622  
society of anesthesiologist assistants to provide peer assistance 79623  
to anesthesiologist assistants with substance abuse problems with 79624  
respect to an anesthesiologist assistant who has been referred for 79625  
examination to a treatment program approved by the board under 79626  
section 4731.25 of the Revised Code if the anesthesiologist 79627  
assistant cooperates with the referral for examination and with 79628  
any determination that the anesthesiologist assistant should enter 79629  
treatment and as long as the committee member, representative, or 79630  
agent has no reason to believe that the anesthesiologist assistant 79631  
has ceased to participate in the treatment program in accordance 79632  
with section 4731.25 of the Revised Code or has violated any 79633  
provision of this chapter or rule adopted under it, other than 79634  
being impaired by alcohol, drugs, or other substances. 79635

(C) Any professional association or society composed 79636  
primarily of anesthesiologist assistants that suspends or revokes 79637  
an individual's membership for violations of professional ethics, 79638  
or for reasons of professional incompetence or professional 79639  
malpractice, within sixty days after a final decision, shall 79640  
report to the board, on forms prescribed and provided by the 79641  
board, the name of the individual, the action taken by the 79642  
professional organization, and a summary of the underlying facts 79643  
leading to the action taken. 79644

The filing of a report with the board or decision not to file 79645  
a report, investigation by the board, or any disciplinary action 79646  
taken by the board, does not preclude a professional organization 79647  
from taking disciplinary action against an anesthesiologist 79648  
assistant. 79649

(D) Any insurer providing professional liability insurance to 79650  
any person holding a valid certificate ~~of registration~~ to practice 79651

as an anesthesiologist assistant or any other entity that seeks to indemnify the professional liability of an anesthesiologist assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the anesthesiologist assistant.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving an anesthesiologist assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the

information obtained only as the basis for an investigation, as 79683  
evidence in a disciplinary hearing against an anesthesiologist 79684  
assistant or supervising physician, or in any subsequent trial or 79685  
appeal of a board action or order. 79686

The board may disclose the summaries and reports it receives 79687  
under this section only to health care facility committees within 79688  
or outside this state that are involved in credentialing or 79689  
recredentialing an anesthesiologist assistant or supervising 79690  
physician or reviewing their privilege to practice within a 79691  
particular facility. The board shall indicate whether or not the 79692  
information has been verified. Information transmitted by the 79693  
board shall be subject to the same confidentiality provisions as 79694  
when maintained by the board. 79695

(G) Except for reports filed by an individual pursuant to 79696  
division (B) of this section, the board shall send a copy of any 79697  
reports or summaries it receives pursuant to this section to the 79698  
anesthesiologist assistant. The anesthesiologist assistant shall 79699  
have the right to file a statement with the board concerning the 79700  
correctness or relevance of the information. The statement shall 79701  
at all times accompany that part of the record in contention. 79702

(H) An individual or entity that reports to the board or 79703  
refers an impaired anesthesiologist assistant to a treatment 79704  
provider approved by the board under section 4731.25 of the 79705  
Revised Code shall not be subject to suit for civil damages as a 79706  
result of the report, referral, or provision of the information. 79707

(I) In the absence of fraud or bad faith, a professional 79708  
association or society of anesthesiologist assistants that 79709  
sponsors a committee or program to provide peer assistance to an 79710  
anesthesiologist assistant with substance abuse problems, a 79711  
representative or agent of such a committee or program, and a 79712  
member of the state medical board shall not be held liable in 79713  
damages to any person by reason of actions taken to refer an 79714

anesthesiologist assistant to a treatment provider approved under 79715  
section 4731.25 of the Revised Code for examination or treatment. 79716

**Sec. 4760.18.** The attorney general, the prosecuting attorney 79717  
of any county in which the offense was committed or the offender 79718  
resides, the state medical board, or any other person having 79719  
knowledge of a person engaged either directly or by complicity in 79720  
practicing as an anesthesiologist assistant without having first 79721  
obtained a certificate ~~of registration~~ to practice pursuant to 79722  
this chapter, may, in accordance with provisions of the Revised 79723  
Code governing injunctions, maintain an action in the name of the 79724  
state to enjoin any person from engaging either directly or by 79725  
complicity in unlawfully practicing as an anesthesiologist 79726  
assistant by applying for an injunction in any court of competent 79727  
jurisdiction. 79728

Prior to application for an injunction, the secretary of the 79729  
state medical board shall notify the person allegedly engaged 79730  
either directly or by complicity in the unlawful practice by 79731  
registered mail that the secretary has received information 79732  
indicating that this person is so engaged. The person shall answer 79733  
the secretary within thirty days showing that the person is either 79734  
properly licensed for the stated activity or that the person is 79735  
not in violation of this chapter. If the answer is not forthcoming 79736  
within thirty days after notice by the secretary, the secretary 79737  
shall request that the attorney general, the prosecuting attorney 79738  
of the county in which the offense was committed or the offender 79739  
resides, or the state medical board proceed as authorized in this 79740  
section. 79741

Upon the filing of a verified petition in court, the court 79742  
shall conduct a hearing on the petition and shall give the same 79743  
preference to this proceeding as is given all proceedings under 79744  
Chapter 119. of the Revised Code, irrespective of the position of 79745

the proceeding on the calendar of the court. 79746

Injunction proceedings shall be in addition to, and not in 79747  
lieu of, all penalties and other remedies provided in this 79748  
chapter. 79749

**Sec. 4762.06.** (A) A person seeking to renew a certificate to 79750  
practice as an oriental medicine practitioner or certificate to 79751  
practice as an acupuncturist shall, on or before the thirty-first 79752  
day of January of each even-numbered year, apply for renewal of 79753  
the certificate. The state medical board shall ~~send~~ provide 79754  
renewal notices at least one month prior to the expiration date. 79755

Applications shall be submitted to the board ~~on forms in a~~ 79756  
manner prescribed by the board ~~shall prescribe and supply~~. Each 79757  
application shall be accompanied by a biennial renewal fee of one 79758  
hundred dollars. 79759

The applicant shall report any criminal offense that 79760  
constitutes grounds for refusing to issue a certificate under 79761  
section 4762.13 of the Revised Code to which the applicant has 79762  
pleaded guilty, of which the applicant has been found guilty, or 79763  
for which the applicant has been found eligible for intervention 79764  
in lieu of conviction, since last signing an application for a 79765  
certificate to practice as an oriental medicine practitioner or 79766  
certificate to practice as an acupuncturist. 79767

(B)(1) To be eligible for renewal of a certificate to 79768  
practice as an oriental medicine practitioner, an applicant shall 79769  
certify to the board both of the following, as applicable: 79770

(a) That the applicant has maintained a current and active 79771  
designation from the national certification commission for 79772  
acupuncture and oriental medicine as either a diplomate in 79773  
oriental medicine or diplomate of acupuncture and Chinese 79774  
herbology; 79775

(b) That the applicant has successfully completed one 79776  
six-hour course in herb and drug interaction approved by the 79777  
national certification commission for acupuncture and oriental 79778  
medicine in the four years immediately preceding the expiration 79779  
date of the applicant's current and active designation from the 79780  
commission as a diplomate in oriental medicine or diplomate of 79781  
acupuncture and Chinese herbology. 79782

(2) To be eligible for renewal of a certificate to practice 79783  
as an acupuncturist, an applicant shall certify to the board that 79784  
the acupuncturist has maintained a current and active designation 79785  
from the national certification commission for acupuncture and 79786  
oriental medicine as a diplomate in acupuncture. 79787

(C) If an applicant submits a complete renewal application 79788  
and qualifies for renewal pursuant to division (B) of this 79789  
section, the board shall issue to the applicant a renewed 79790  
certificate to practice. 79791

(D) A certificate to practice that is not renewed on or 79792  
before its expiration date is automatically suspended on its 79793  
expiration date. If a certificate has been suspended pursuant to 79794  
this division for two years or less, the board shall reinstate the 79795  
certificate upon an applicant's submission of a renewal 79796  
application, the biennial renewal fee, and the applicable monetary 79797  
penalty. The penalty for reinstatement is twenty-five dollars. If 79798  
a certificate has been suspended pursuant to this division for 79799  
more than two years, it may be restored upon an applicant's 79800  
submission of a restoration application, the biennial ~~registration~~ 79801  
renewal fee, and the applicable monetary penalty and compliance 79802  
with sections 4776.01 to 4776.04 of the Revised Code. The board 79803  
shall not restore a certificate to practice unless the board, in 79804  
its discretion, decides that the results of the criminal records 79805  
check do not make the applicant ineligible for a certificate 79806  
issued pursuant to section 4762.04 of the Revised Code. The 79807

penalty for restoration is fifty dollars. 79808

**Sec. 4762.13.** (A) The state medical board, by an affirmative 79809  
vote of not fewer than six members, may revoke or may refuse to 79810  
grant a certificate to practice as an oriental medicine 79811  
practitioner or certificate to practice as an acupuncturist to a 79812  
person found by the board to have committed fraud, 79813  
misrepresentation, or deception in applying for or securing the 79814  
certificate. 79815

(B) The board, by an affirmative vote of not fewer than six 79816  
members, shall, to the extent permitted by law, limit, revoke, or 79817  
suspend an individual's certificate to practice, refuse to issue a 79818  
certificate to an applicant, refuse to renew a certificate, refuse 79819  
to reinstate a certificate, or reprimand or place on probation the 79820  
holder of a certificate for any of the following reasons: 79821

(1) Permitting the holder's name or certificate to be used by 79822  
another person; 79823

(2) Failure to comply with the requirements of this chapter, 79824  
Chapter 4731. of the Revised Code, or any rules adopted by the 79825  
board; 79826

(3) Violating or attempting to violate, directly or 79827  
indirectly, or assisting in or abetting the violation of, or 79828  
conspiring to violate, any provision of this chapter, Chapter 79829  
4731. of the Revised Code, or the rules adopted by the board; 79830

(4) A departure from, or failure to conform to, minimal 79831  
standards of care of similar practitioners under the same or 79832  
similar circumstances whether or not actual injury to the patient 79833  
is established; 79834

(5) Inability to practice according to acceptable and 79835  
prevailing standards of care by reason of mental illness or 79836  
physical illness, including physical deterioration that adversely 79837

affects cognitive, motor, or perceptive skills;	79838
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	79839 79840 79841 79842
(7) Willfully betraying a professional confidence;	79843
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist.	79844 79845 79846 79847 79848
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	79849 79850 79851 79852 79853 79854 79855 79856
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	79857 79858 79859 79860
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	79861 79862 79863
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	79864 79865 79866
(12) Commission of an act that constitutes a felony in this	79867



state, regardless of the jurisdiction in which the act was committed; 79868  
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 79870  
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(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 79873  
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(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 79876  
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(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 79879  
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(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 79882  
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(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 79887  
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(19) Violation of the conditions placed by the board on a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist; 79895  
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(20) Failure to use universal blood and body fluid 79898  
precautions established by rules adopted under section 4731.051 of 79899  
the Revised Code; 79900

(21) Failure to cooperate in an investigation conducted by 79901  
the board under section 4762.14 of the Revised Code, including 79902  
failure to comply with a subpoena or order issued by the board or 79903  
failure to answer truthfully a question presented by the board at 79904  
a deposition or in written interrogatories, except that failure to 79905  
cooperate with an investigation shall not constitute grounds for 79906  
discipline under this section if a court of competent jurisdiction 79907  
has issued an order that either quashes a subpoena or permits the 79908  
individual to withhold the testimony or evidence in issue; 79909

(22) Failure to comply with the standards of the national 79910  
certification commission for acupuncture and oriental medicine 79911  
regarding professional ethics, commitment to patients, commitment 79912  
to the profession, and commitment to the public; 79913

(23) Failure to have adequate professional liability 79914  
insurance coverage in accordance with section 4762.22 of the 79915  
Revised Code; 79916

(24) Failure to maintain a current and active designation as 79917  
a diplomate in oriental medicine, diplomate of acupuncture and 79918  
Chinese herbology, or diplomate in acupuncture, as applicable, 79919  
from the national certification commission for acupuncture and 79920  
oriental medicine, including revocation by the commission of the 79921  
individual's designation, failure by the individual to meet the 79922  
commission's requirements for redesignation, or failure to notify 79923  
the board that the appropriate designation has not been 79924  
maintained. 79925

(C) Disciplinary actions taken by the board under divisions 79926  
(A) and (B) of this section shall be taken pursuant to an 79927  
adjudication under Chapter 119. of the Revised Code, except that 79928

in lieu of an adjudication, the board may enter into a consent 79929  
agreement with an oriental medicine practitioner or acupuncturist 79930  
or applicant to resolve an allegation of a violation of this 79931  
chapter or any rule adopted under it. A consent agreement, when 79932  
ratified by an affirmative vote of not fewer than six members of 79933  
the board, shall constitute the findings and order of the board 79934  
with respect to the matter addressed in the agreement. If the 79935  
board refuses to ratify a consent agreement, the admissions and 79936  
findings contained in the consent agreement shall be of no force 79937  
or effect. 79938

(D) For purposes of divisions (B)(12), (15), and (16) of this 79939  
section, the commission of the act may be established by a finding 79940  
by the board, pursuant to an adjudication under Chapter 119. of 79941  
the Revised Code, that the applicant or certificate holder 79942  
committed the act in question. The board shall have no 79943  
jurisdiction under these divisions in cases where the trial court 79944  
renders a final judgment in the certificate holder's favor and 79945  
that judgment is based upon an adjudication on the merits. The 79946  
board shall have jurisdiction under these divisions in cases where 79947  
the trial court issues an order of dismissal upon technical or 79948  
procedural grounds. 79949

(E) The sealing of conviction records by any court shall have 79950  
no effect upon a prior board order entered under the provisions of 79951  
this section or upon the board's jurisdiction to take action under 79952  
the provisions of this section if, based upon a plea of guilty, a 79953  
judicial finding of guilt, or a judicial finding of eligibility 79954  
for intervention in lieu of conviction, the board issued a notice 79955  
of opportunity for a hearing or entered into a consent agreement 79956  
prior to the court's order to seal the records. The board shall 79957  
not be required to seal, destroy, redact, or otherwise modify its 79958  
records to reflect the court's sealing of conviction records. 79959

(F) For purposes of this division, any individual who holds a 79960

certificate to practice issued under this chapter, or applies for 79961  
a certificate to practice, shall be deemed to have given consent 79962  
to submit to a mental or physical examination when directed to do 79963  
so in writing by the board and to have waived all objections to 79964  
the admissibility of testimony or examination reports that 79965  
constitute a privileged communication. 79966

(1) In enforcing division (B)(5) of this section, the board, 79967  
upon a showing of a possible violation, may compel any individual 79968  
who holds a certificate to practice issued under this chapter or 79969  
who has applied for a certificate pursuant to this chapter to 79970  
submit to a mental examination, physical examination, including an 79971  
HIV test, or both a mental and physical examination. The expense 79972  
of the examination is the responsibility of the individual 79973  
compelled to be examined. Failure to submit to a mental or 79974  
physical examination or consent to an HIV test ordered by the 79975  
board constitutes an admission of the allegations against the 79976  
individual unless the failure is due to circumstances beyond the 79977  
individual's control, and a default and final order may be entered 79978  
without the taking of testimony or presentation of evidence. If 79979  
the board finds an oriental medicine practitioner or acupuncturist 79980  
unable to practice because of the reasons set forth in division 79981  
(B)(5) of this section, the board shall require the individual to 79982  
submit to care, counseling, or treatment by physicians approved or 79983  
designated by the board, as a condition for an initial, continued, 79984  
reinstated, or renewed certificate to practice. An individual 79985  
affected by this division shall be afforded an opportunity to 79986  
demonstrate to the board the ability to resume practicing in 79987  
compliance with acceptable and prevailing standards of care. 79988

(2) For purposes of division (B)(6) of this section, if the 79989  
board has reason to believe that any individual who holds a 79990  
certificate to practice issued under this chapter or any applicant 79991  
for a certificate suffers such impairment, the board may compel 79992

the individual to submit to a mental or physical examination, or 79993  
both. The expense of the examination is the responsibility of the 79994  
individual compelled to be examined. Any mental or physical 79995  
examination required under this division shall be undertaken by a 79996  
treatment provider or physician qualified to conduct such 79997  
examination and chosen by the board. 79998

Failure to submit to a mental or physical examination ordered 79999  
by the board constitutes an admission of the allegations against 80000  
the individual unless the failure is due to circumstances beyond 80001  
the individual's control, and a default and final order may be 80002  
entered without the taking of testimony or presentation of 80003  
evidence. If the board determines that the individual's ability to 80004  
practice is impaired, the board shall suspend the individual's 80005  
certificate or deny the individual's application and shall require 80006  
the individual, as a condition for an initial, continued, 80007  
reinstated, or renewed certificate, to submit to treatment. 80008

Before being eligible to apply for reinstatement of a 80009  
certificate suspended under this division, the oriental medicine 80010  
practitioner or acupuncturist shall demonstrate to the board the 80011  
ability to resume practice in compliance with acceptable and 80012  
prevailing standards of care. The demonstration shall include the 80013  
following: 80014

(a) Certification from a treatment provider approved under 80015  
section 4731.25 of the Revised Code that the individual has 80016  
successfully completed any required inpatient treatment; 80017

(b) Evidence of continuing full compliance with an aftercare 80018  
contract or consent agreement; 80019

(c) Two written reports indicating that the individual's 80020  
ability to practice has been assessed and that the individual has 80021  
been found capable of practicing according to acceptable and 80022  
prevailing standards of care. The reports shall be made by 80023

individuals or providers approved by the board for making such 80024  
assessments and shall describe the basis for their determination. 80025

The board may reinstate a certificate suspended under this 80026  
division after such demonstration and after the individual has 80027  
entered into a written consent agreement. 80028

When the impaired individual resumes practice, the board 80029  
shall require continued monitoring of the individual. The 80030  
monitoring shall include monitoring of compliance with the written 80031  
consent agreement entered into before reinstatement or with 80032  
conditions imposed by board order after a hearing, and, upon 80033  
termination of the consent agreement, submission to the board for 80034  
at least two years of annual written progress reports made under 80035  
penalty of falsification stating whether the individual has 80036  
maintained sobriety. 80037

(G) If the secretary and supervising member determine both of 80038  
the following, they may recommend that the board suspend an 80039  
individual's certificate to practice without a prior hearing: 80040

(1) That there is clear and convincing evidence that an 80041  
oriental medicine practitioner or acupuncturist has violated 80042  
division (B) of this section; 80043

(2) That the individual's continued practice presents a 80044  
danger of immediate and serious harm to the public. 80045

Written allegations shall be prepared for consideration by 80046  
the board. The board, upon review of the allegations and by an 80047  
affirmative vote of not fewer than six of its members, excluding 80048  
the secretary and supervising member, may suspend a certificate 80049  
without a prior hearing. A telephone conference call may be 80050  
utilized for reviewing the allegations and taking the vote on the 80051  
summary suspension. 80052

The board shall issue a written order of suspension by 80053  
certified mail or in person in accordance with section 119.07 of 80054

the Revised Code. The order shall not be subject to suspension by 80055  
the court during pendency of any appeal filed under section 119.12 80056  
of the Revised Code. If the oriental medicine practitioner or 80057  
acupuncturist requests an adjudicatory hearing by the board, the 80058  
date set for the hearing shall be within fifteen days, but not 80059  
earlier than seven days, after the hearing is requested, unless 80060  
otherwise agreed to by both the board and the certificate holder. 80061

A summary suspension imposed under this division shall remain 80062  
in effect, unless reversed on appeal, until a final adjudicative 80063  
order issued by the board pursuant to this section and Chapter 80064  
119. of the Revised Code becomes effective. The board shall issue 80065  
its final adjudicative order within sixty days after completion of 80066  
its hearing. Failure to issue the order within sixty days shall 80067  
result in dissolution of the summary suspension order, but shall 80068  
not invalidate any subsequent, final adjudicative order. 80069

(H) If the board takes action under division (B)(11), (13), 80070  
or (14) of this section, and the judicial finding of guilt, guilty 80071  
plea, or judicial finding of eligibility for intervention in lieu 80072  
of conviction is overturned on appeal, upon exhaustion of the 80073  
criminal appeal, a petition for reconsideration of the order may 80074  
be filed with the board along with appropriate court documents. 80075  
Upon receipt of a petition and supporting court documents, the 80076  
board shall reinstate the certificate to practice. The board may 80077  
then hold an adjudication under Chapter 119. of the Revised Code 80078  
to determine whether the individual committed the act in question. 80079  
Notice of opportunity for hearing shall be given in accordance 80080  
with Chapter 119. of the Revised Code. If the board finds, 80081  
pursuant to an adjudication held under this division, that the 80082  
individual committed the act, or if no hearing is requested, it 80083  
may order any of the sanctions specified in division (B) of this 80084  
section. 80085

(I) The certificate to practice of an oriental medicine 80086

practitioner or acupuncturist and the practitioner's or 80087  
acupuncturist's practice in this state are automatically suspended 80088  
as of the date the practitioner or acupuncturist pleads guilty to, 80089  
is found by a judge or jury to be guilty of, or is subject to a 80090  
judicial finding of eligibility for intervention in lieu of 80091  
conviction in this state or treatment or intervention in lieu of 80092  
conviction in another jurisdiction for any of the following 80093  
criminal offenses in this state or a substantially equivalent 80094  
criminal offense in another jurisdiction: aggravated murder, 80095  
murder, voluntary manslaughter, felonious assault, kidnapping, 80096  
rape, sexual battery, gross sexual imposition, aggravated arson, 80097  
aggravated robbery, or aggravated burglary. Continued practice 80098  
after the suspension shall be considered practicing without a 80099  
certificate. 80100

The board shall notify the individual subject to the 80101  
suspension by certified mail or in person in accordance with 80102  
section 119.07 of the Revised Code. If an individual whose 80103  
certificate is suspended under this division fails to make a 80104  
timely request for an adjudication under Chapter 119. of the 80105  
Revised Code, the board shall enter a final order permanently 80106  
revoking the individual's certificate to practice. 80107

(J) In any instance in which the board is required by Chapter 80108  
119. of the Revised Code to give notice of opportunity for hearing 80109  
and the individual subject to the notice does not timely request a 80110  
hearing in accordance with section 119.07 of the Revised Code, the 80111  
board is not required to hold a hearing, but may adopt, by an 80112  
affirmative vote of not fewer than six of its members, a final 80113  
order that contains the board's findings. In the final order, the 80114  
board may order any of the sanctions identified under division (A) 80115  
or (B) of this section. 80116

(K) Any action taken by the board under division (B) of this 80117  
section resulting in a suspension shall be accompanied by a 80118



written statement of the conditions under which the certificate to  
practice may be reinstated. The board shall adopt rules in  
accordance with Chapter 119. of the Revised Code governing  
conditions to be imposed for reinstatement. Reinstatement of a  
certificate suspended pursuant to division (B) of this section  
requires an affirmative vote of not fewer than six members of the  
board.

(L) When the board refuses to grant or issue a certificate to  
practice to an applicant, revokes an individual's certificate,  
refuses to renew ~~a~~ an individual's certificate, or refuses to  
reinstate an individual's certificate, the board may specify that  
its action is permanent. An individual subject to a permanent  
action taken by the board is forever thereafter ineligible to hold  
a certificate to practice as an oriental medicine practitioner or  
certificate to practice as an acupuncturist and the board shall  
not accept an application for reinstatement of the certificate or  
for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code,  
all of the following apply:

(1) The surrender of a certificate to practice as an oriental  
medicine practitioner or certificate to practice as an  
acupuncturist issued under this chapter is not effective unless or  
until accepted by the board. Reinstatement of a certificate  
surrendered to the board requires an affirmative vote of not fewer  
than six members of the board.

(2) An application made under this chapter for a certificate  
may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in  
accordance with section 4762.06 of the Revised Code shall not  
remove or limit the board's jurisdiction to take disciplinary  
action under this section against the individual.

Sec. 4762.133. (A)(1) If an oriental medicine practitioner or acupuncturist violates any section of this chapter or any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4762.13 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(6) of section 4762.13 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

**Sec. 4763.01.** As used in this chapter:

(A) "Real estate appraisal" or "appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of identified real estate that is classified as either a valuation or an analysis.

(B) "Valuation" means an estimate of the value of real estate.

(C) "Analysis" means a study of real estate for purposes 80180  
other than valuation. 80181

(D) "Appraisal report" means a written communication of a 80182  
real estate appraisal, or appraisal review, ~~or appraisal~~ 80183  
~~consulting service~~ or an oral communication of a real estate 80184  
appraisal, or appraisal review, ~~or appraisal consulting service~~ 80185  
that is documented by a writing that supports the oral 80186  
communication. 80187

(E) "Appraisal assignment" means an engagement for which a 80188  
person licensed or certified under this chapter is employed, 80189  
retained, or engaged to act, or would be perceived by third 80190  
parties or the public as acting, as a disinterested third party in 80191  
rendering an unbiased real estate appraisal. 80192

(F) "Specialized services" means all appraisal services, 80193  
other than appraisal assignments, including, but not limited to, 80194  
valuation and analysis given in connection with activities such as 80195  
real estate brokerage, mortgage banking, real estate counseling, 80196  
and real estate tax counseling, and specialized marketing, 80197  
financing, and feasibility studies. 80198

(G) "Real estate" has the same meaning as in section 4735.01 80199  
of the Revised Code. 80200

(H) "Appraisal foundation" means a nonprofit corporation 80201  
incorporated under the laws of the state of Illinois on November 80202  
30, 1987, for the purposes of establishing and improving uniform 80203  
appraisal standards by defining, issuing, and promoting those 80204  
standards; establishing appropriate criteria for the certification 80205  
and recertification of qualified appraisers by defining, issuing, 80206  
and promoting the qualification criteria and disseminating the 80207  
qualification criteria to others; and developing or assisting in 80208  
development of appropriate examinations for qualified appraisers. 80209

(I) "Prepare" means to develop and communicate, whether 80210

through a personal physical inspection or through the act or 80211  
process of critically studying a report prepared by another who 80212  
made the physical inspection, an appraisal, analysis, or opinion, 80213  
or specialized service and to report the results. If the person 80214  
who develops and communicates the appraisal or specialized service 80215  
does not make the personal inspection, the name of the person who 80216  
does make the personal inspection shall be identified on the 80217  
appraisal or specialized service reported. 80218

(J) "Report" means any communication, written, oral, or by 80219  
any other means of transmission of information, of a real estate 80220  
appraisal, appraisal review, ~~appraisal consulting service~~, or 80221  
specialized service that is transmitted to a client or employer 80222  
upon completion of the appraisal or service. 80223

(K) "State-certified general real estate appraiser" means any 80224  
person who satisfies the certification requirements of this 80225  
chapter relating to the appraisal of all types of real property 80226  
and who holds a current and valid certificate or renewal 80227  
certificate issued to the person pursuant to this chapter. 80228

(L) "State-certified residential real estate appraiser" means 80229  
any person who satisfies the certification requirements only 80230  
relating to the appraisal of one to four units of single-family 80231  
residential real estate without regard to transaction value or 80232  
complexity and who holds a current and valid certificate or 80233  
renewal certificate issued to the person pursuant to this chapter. 80234

(M) "State-licensed residential real estate appraiser" means 80235  
any person who satisfies the licensure requirements of this 80236  
chapter relating to the appraisal of noncomplex one-to-four unit 80237  
single-family residential real estate having a transaction value 80238  
of less than one million dollars and complex one-to-four unit 80239  
single-family residential real estate having a transaction value 80240  
of less than two hundred fifty thousand dollars and who holds a 80241  
current and valid license or renewal license issued to the person 80242

pursuant to this chapter. 80243

(N) "Certified or licensed real estate appraisal" means an 80244  
appraisal prepared and reported by a certificate holder or 80245  
licensee under this chapter acting within the scope of 80246  
certification or licensure and as a disinterested third party. 80247

(O) "State-registered real estate appraiser assistant" means 80248  
any person, other than a state-certified general real estate 80249  
appraiser, state-certified residential real estate appraiser, or a 80250  
state-licensed residential real estate appraiser, who satisfies 80251  
the registration requirements of this chapter for participating in 80252  
the development and preparation of real estate appraisals and who 80253  
holds a current and valid registration or renewal registration 80254  
issued to the person pursuant to this chapter. 80255

(P) "Institution of higher education" means a state 80256  
university or college, a private college or university located in 80257  
this state that possesses a certificate of authorization issued by 80258  
the ~~Ohio board of regents~~ chancellor of higher education pursuant 80259  
to Chapter 1713. of the Revised Code, or an accredited college or 80260  
university located outside this state that is accredited by an 80261  
accrediting organization or professional accrediting association 80262  
recognized by the ~~Ohio board of regents~~ chancellor of higher 80263  
education. 80264

(Q) "Division of real estate" may be used interchangeably 80265  
with, and for all purposes has the same meaning as, "division of 80266  
real estate and professional licensing." 80267

(R) "Superintendent" or "superintendent of real estate" means 80268  
the superintendent of the division of real estate and professional 80269  
licensing of this state. Whenever the division or superintendent 80270  
of real estate is referred to or designated in any statute, rule, 80271  
contract, or other document, the reference or designation shall be 80272  
deemed to refer to the division or superintendent of real estate 80273

and professional licensing, as the case may be. 80274

(S) "Appraisal review" means the act or process of developing 80275  
and communicating an opinion about the quality of another 80276  
appraiser's work that was performed as part of an appraisal, or 80277  
appraisal review, ~~or appraisal consulting assignment.~~ 80278

(T) ~~"Appraisal consulting" means the act or process of 80279  
developing an analysis, recommendation, or opinion to solve a 80280  
problem related to real estate.~~ 80281

~~(U)~~ "Work file" means documentation used during the 80282  
preparation of an appraisal report or necessary to support an 80283  
appraiser's analyses, opinions, or conclusions. 80284

**Sec. 4763.07.** (A) Every state-certified general real estate 80285  
appraiser, state-certified residential real estate appraiser and 80286  
state-licensed residential real estate appraiser shall submit 80287  
proof of successfully completing a minimum of fourteen classroom 80288  
hours of continuing education instruction in courses or seminars 80289  
approved by the real estate appraiser board. The certificate 80290  
holder and licensee shall have satisfied the fourteen-hour 80291  
continuing education requirements within the one-year period 80292  
immediately following the issuance of the initial certificate or 80293  
license and shall satisfy those requirements annually thereafter. 80294  
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In accordance with federal law, each state-registered real 80296  
estate appraiser assistant who remains in this classification for 80297  
more than two years shall satisfy in the third and successive 80298  
years this section's requirements submit proof of successfully 80299  
completing a minimum of fourteen classroom hours of continuing 80300  
education instruction in courses or seminars approved by the real 80301  
estate appraiser board. Each registrant shall satisfy the 80302  
fourteen-hour continuing education requirements annually. 80303

This division does not apply to an appraiser with a certification or license from another state that is temporarily recognized in this state pursuant to division (E)(2) of section 4763.05 of the Revised Code. A 80304  
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A certificate holder, licensee, or registrant who fails to submit proof to the superintendent of meeting these requirements is ineligible to obtain a renewal certificate, license, or registration and shall comply with section 4763.05 of the Revised Code in order to regain a certificate, license, or registration, except that the certificate holder, licensee, or registrant may submit proof to the superintendent of meeting these requirements within three months after the date of expiration of the certificate, license, or registration, or by obtaining a medical exception under division (E) of this section, without having to comply with section 4763.05 of the Revised Code. A certificate holder, licensee, or registrant may not engage in any activities permitted by the certificate, license, or registration during the three-month period following the certificate's, license's, or registration's normal expiration date or during the time period for which a medical exception applies. 80308  
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A certificate holder, licensee, or registrant may satisfy all or a portion of the required hours of classroom instruction in the following manner: 80324  
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(1) Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses or seminars approved by the board; 80327  
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(2) Participation, other than as a student, in educational processes or programs approved by the board that relate to real estate appraisal theory, practices, or techniques. 80330  
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A certificate holder, licensee, or registrant shall present to the superintendent of real estate evidence of the manner in 80333  
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which the certificate holder, licensee, or registrant satisfied 80335  
the requirements of division (A) of this section. 80336

(B) The board shall adopt rules for implementing a continuing 80337  
education program for state-certified general real estate 80338  
appraisers, state-certified residential real estate appraisers, 80339  
state-licensed residential real estate appraisers, and 80340  
state-registered real estate appraiser assistants for the purpose 80341  
of assuring that certificate holders, licensees, and registrants 80342  
have current knowledge of real estate appraisal theories, 80343  
practices, and techniques that will provide a high degree of 80344  
service and protection to members of the public. In addition to 80345  
any other provisions the board considers appropriate, the rules 80346  
adopted by the board shall prescribe the following: 80347

(1) Policies and procedures for obtaining board approval of 80348  
courses of instruction and seminars; 80349

(2) Standards, policies, and procedures to be applied in 80350  
evaluating the alternative methods of complying with continuing 80351  
education requirements set forth in divisions (A)(1) and (2) of 80352  
this section; 80353

(3) Standards, monitoring methods, and systems for recording 80354  
attendance to be employed by course sponsors as a prerequisite to 80355  
approval of courses for continuing education credit. 80356

(C) No amendment or rescission of a rule the board adopts 80357  
pursuant to division (B) of this section shall operate to deprive 80358  
a certificate holder or licensee of credit toward renewal of 80359  
certification or licensure for any course of instruction completed 80360  
by the certificate holder or licensee prior to the effective date 80361  
of the amendment or rescission that would have qualified for 80362  
credit under the rule as it existed prior to amendment or 80363  
rescission. 80364

(D) The superintendent of real estate shall not issue a 80365



renewal certificate, registration, or license to any person who 80366  
does not meet applicable minimum criteria for state certification, 80367  
registration, or licensure prescribed by federal law or rule. 80368

(E) The superintendent may grant a medical exception upon 80369  
application by a person certified, registered, or licensed under 80370  
this chapter. To receive an exception, the certificate holder, 80371  
registrant, or licensee shall submit a request to the 80372  
superintendent with proof satisfactory that a medical exception is 80373  
warranted. If the superintendent makes a determination that 80374  
satisfactory proof has not been presented, within fifteen days of 80375  
the date of the denial of the medical exception, the certificate 80376  
holder, registrant, or licensee may file with the division of real 80377  
estate a request that the real estate appraiser board review the 80378  
determination. The board may adopt reasonable rules in accordance 80379  
with Chapter 119. of the Revised Code to implement this division. 80380

Sec. 4765.161. The state board of emergency medical, fire, 80381  
and transportation services shall adopt rules under section 80382  
4765.11 of the Revised Code to establish an expedited veterans 80383  
paramedic certification program for any person who is a veteran of 80384  
the armed forces of the United States and who, while serving in 80385  
the armed forces of the United States, received training as what 80386  
this state categorizes as a paramedic. The program shall provide 80387  
for a method or procedure whereby, upon application by such a 80388  
veteran, the veteran is evaluated to determine the extent of the 80389  
training the veteran received while serving in the armed forces of 80390  
the United States. If the evaluation indicates that the training 80391  
the veteran received while serving in the armed forces of the 80392  
United States was such that the veteran is eligible to be issued a 80393  
certificate to practice as a paramedic, the board shall issue the 80394  
veteran a certificate to practice as a paramedic as provided in 80395  
section 4765.30 of the Revised Code upon payment of the 80396  
appropriate fee. 80397

If the evaluation indicates that the training the veteran received while serving in the armed forces of the United States was such that the veteran is not eligible to be issued a certificate to practice as a paramedic, the veteran shall receive credit for the training the veteran received while serving in the armed forces of the United States and shall be required to successfully complete only the necessary additional training or instruction in order to be issued a certificate to practice as a paramedic.

Sec. 4765.361. An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic may perform medical services that the technician is authorized by law to perform in nonemergency situations if the services are performed under the direction of the technician's medical director or cooperating physician advisory board. In nonemergency situations, no medical director or cooperating physician advisory board shall delegate, instruct, or otherwise authorize a technician to perform any medical service that the technician is not authorized by law to perform.

**Sec. 4774.06.** (A) An individual seeking to renew a certificate to practice as a radiologist assistant shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall ~~send~~ provide renewal notices at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4774.11 of the Revised Code.

The applicant shall report any criminal offense that

constitutes grounds for refusing to issue a certificate under 80428  
section 4774.13 of the Revised Code to which the applicant has 80429  
pleaded guilty, of which the applicant has been found guilty, or 80430  
for which the applicant has been found eligible for intervention 80431  
in lieu of conviction, since last signing an application for a 80432  
certificate to practice as a radiologist assistant. 80433

(B) To be eligible for renewal, a radiologist assistant shall 80434  
certify to the board that the assistant has maintained both of the 80435  
following: 80436

(1) A license as a radiographer under Chapter 4773. of the 80437  
Revised Code; 80438

(2) Certification as a registered radiologist assistant from 80439  
the American registry of radiologic technologists by meeting the 80440  
registry's requirements for annual registration, including 80441  
completion of the continuing education requirements established by 80442  
the registry. 80443

(C) If an applicant submits a renewal application that the 80444  
board considers to be complete and qualifies for renewal pursuant 80445  
to division (B) of this section, the board shall issue to the 80446  
applicant a renewed certificate to practice as a radiologist 80447  
assistant. 80448

(D) A certificate to practice that is not renewed on or 80449  
before its expiration date is automatically suspended on its 80450  
expiration date, subject to the provisions of section 119.06 of 80451  
the Revised Code specifying that an applicant who appropriately 80452  
files a renewal application is not required to discontinue 80453  
practicing merely because the board has failed to act on the 80454  
application. If a certificate has been suspended pursuant to this 80455  
division for two years or less, the board shall reinstate the 80456  
certificate upon an applicant's submission of a renewal 80457  
application, the biennial renewal fee, and the applicable monetary 80458

penalty. The penalty for reinstatement is twenty-five dollars. If 80459  
a certificate has been suspended pursuant to this division for 80460  
more than two years, it may be restored upon an applicant's 80461  
submission of a restoration application, the biennial renewal fee, 80462  
and the applicable monetary penalty and compliance with sections 80463  
4776.01 to 4776.04 of the Revised Code. The board shall not 80464  
restore a certificate unless the board, in its discretion, decides 80465  
that the results of the criminal records check do not make the 80466  
applicant ineligible for a certificate issued pursuant to section 80467  
4774.04 of the Revised Code. The penalty for restoration is fifty 80468  
dollars. 80469

**Sec. 4774.13.** (A) The state medical board, by an affirmative 80470  
vote of not fewer than six members, may revoke or may refuse to 80471  
grant a certificate to practice as a radiologist assistant to an 80472  
individual found by the board to have committed fraud, 80473  
misrepresentation, or deception in applying for or securing the 80474  
certificate. 80475

(B) The board, by an affirmative vote of not fewer than six 80476  
members, shall, to the extent permitted by law, limit, revoke, or 80477  
suspend an individual's certificate to practice as a radiologist 80478  
assistant, refuse to issue a certificate to an applicant, refuse 80479  
to renew a certificate, refuse to reinstate a certificate, or 80480  
reprimand or place on probation the holder of a certificate for 80481  
any of the following reasons: 80482

(1) Permitting the holder's name or certificate to be used by 80483  
another person; 80484

(2) Failure to comply with the requirements of this chapter, 80485  
Chapter 4731. of the Revised Code, or any rules adopted by the 80486  
board; 80487

(3) Violating or attempting to violate, directly or 80488  
indirectly, or assisting in or abetting the violation of, or 80489

conspiring to violate, any provision of this chapter, Chapter	80490
4731. of the Revised Code, or the rules adopted by the board;	80491
(4) A departure from, or failure to conform to, minimal	80492
standards of care of similar practitioners under the same or	80493
similar circumstances whether or not actual injury to the patient	80494
is established;	80495
(5) Inability to practice according to acceptable and	80496
prevailing standards of care by reason of mental illness or	80497
physical illness, including physical deterioration that adversely	80498
affects cognitive, motor, or perceptive skills;	80499
(6) Impairment of ability to practice according to acceptable	80500
and prevailing standards of care because of habitual or excessive	80501
use or abuse of drugs, alcohol, or other substances that impair	80502
ability to practice;	80503
(7) Willfully betraying a professional confidence;	80504
(8) Making a false, fraudulent, deceptive, or misleading	80505
statement in securing or attempting to secure a certificate to	80506
practice as a radiologist assistant.	80507
As used in this division, "false, fraudulent, deceptive, or	80508
misleading statement" means a statement that includes a	80509
misrepresentation of fact, is likely to mislead or deceive because	80510
of a failure to disclose material facts, is intended or is likely	80511
to create false or unjustified expectations of favorable results,	80512
or includes representations or implications that in reasonable	80513
probability will cause an ordinarily prudent person to	80514
misunderstand or be deceived.	80515
(9) The obtaining of, or attempting to obtain, money or a	80516
thing of value by fraudulent misrepresentations in the course of	80517
practice;	80518
(10) A plea of guilty to, a judicial finding of guilt of, or	80519

a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 80520  
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 80522  
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 80525  
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 80528  
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 80531  
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 80534  
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 80537  
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 80542  
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(18) Violation of the conditions placed by the board on a certificate to practice as a radiologist assistant; 80550  
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 80552  
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(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 80555  
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(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code; 80564  
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(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained; 80566  
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(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant. 80573  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that 80578  
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in lieu of an adjudication, the board may enter into a consent 80581  
agreement with a radiologist assistant or applicant to resolve an 80582  
allegation of a violation of this chapter or any rule adopted 80583  
under it. A consent agreement, when ratified by an affirmative 80584  
vote of not fewer than six members of the board, shall constitute 80585  
the findings and order of the board with respect to the matter 80586  
addressed in the agreement. If the board refuses to ratify a 80587  
consent agreement, the admissions and findings contained in the 80588  
consent agreement shall be of no force or effect. 80589

(D) For purposes of divisions (B)(11), (14), and (15) of this 80590  
section, the commission of the act may be established by a finding 80591  
by the board, pursuant to an adjudication under Chapter 119. of 80592  
the Revised Code, that the applicant or certificate holder 80593  
committed the act in question. The board shall have no 80594  
jurisdiction under these divisions in cases where the trial court 80595  
renders a final judgment in the certificate holder's favor and 80596  
that judgment is based upon an adjudication on the merits. The 80597  
board shall have jurisdiction under these divisions in cases where 80598  
the trial court issues an order of dismissal on technical or 80599  
procedural grounds. 80600

(E) The sealing of conviction records by any court shall have 80601  
no effect on a prior board order entered under the provisions of 80602  
this section or on the board's jurisdiction to take action under 80603  
the provisions of this section if, based upon a plea of guilty, a 80604  
judicial finding of guilt, or a judicial finding of eligibility 80605  
for intervention in lieu of conviction, the board issued a notice 80606  
of opportunity for a hearing prior to the court's order to seal 80607  
the records. The board shall not be required to seal, destroy, 80608  
redact, or otherwise modify its records to reflect the court's 80609  
sealing of conviction records. 80610

(F) For purposes of this division, any individual who holds a 80611  
certificate to practice as a radiologist assistant issued under 80612



this chapter, or applies for a certificate to practice, shall be 80613  
deemed to have given consent to submit to a mental or physical 80614  
examination when directed to do so in writing by the board and to 80615  
have waived all objections to the admissibility of testimony or 80616  
examination reports that constitute a privileged communication. 80617

(1) In enforcing division (B)(5) of this section, the board, 80618  
on a showing of a possible violation, may compel any individual 80619  
who holds a certificate to practice as a radiologist assistant 80620  
issued under this chapter or who has applied for a certificate to 80621  
practice to submit to a mental or physical examination, or both. A 80622  
physical examination may include an HIV test. The expense of the 80623  
examination is the responsibility of the individual compelled to 80624  
be examined. Failure to submit to a mental or physical examination 80625  
or consent to an HIV test ordered by the board constitutes an 80626  
admission of the allegations against the individual unless the 80627  
failure is due to circumstances beyond the individual's control, 80628  
and a default and final order may be entered without the taking of 80629  
testimony or presentation of evidence. If the board finds a 80630  
radiologist assistant unable to practice because of the reasons 80631  
set forth in division (B)(5) of this section, the board shall 80632  
require the radiologist assistant to submit to care, counseling, 80633  
or treatment by physicians approved or designated by the board, as 80634  
a condition for an initial, continued, reinstated, or renewed 80635  
certificate to practice. An individual affected by this division 80636  
shall be afforded an opportunity to demonstrate to the board the 80637  
ability to resume practicing in compliance with acceptable and 80638  
prevailing standards of care. 80639

(2) For purposes of division (B)(6) of this section, if the 80640  
board has reason to believe that any individual who holds a 80641  
certificate to practice as a radiologist assistant issued under 80642  
this chapter or any applicant for a certificate to practice 80643  
suffers such impairment, the board may compel the individual to 80644

submit to a mental or physical examination, or both. The expense 80645  
of the examination is the responsibility of the individual 80646  
compelled to be examined. Any mental or physical examination 80647  
required under this division shall be undertaken by a treatment 80648  
provider or physician qualified to conduct such examination and 80649  
chosen by the board. 80650

Failure to submit to a mental or physical examination ordered 80651  
by the board constitutes an admission of the allegations against 80652  
the individual unless the failure is due to circumstances beyond 80653  
the individual's control, and a default and final order may be 80654  
entered without the taking of testimony or presentation of 80655  
evidence. If the board determines that the individual's ability to 80656  
practice is impaired, the board shall suspend the individual's 80657  
certificate or deny the individual's application and shall require 80658  
the individual, as a condition for an initial, continued, 80659  
reinstated, or renewed certificate to practice, to submit to 80660  
treatment. 80661

Before being eligible to apply for reinstatement of a 80662  
certificate suspended under this division, the radiologist 80663  
assistant shall demonstrate to the board the ability to resume 80664  
practice in compliance with acceptable and prevailing standards of 80665  
care. The demonstration shall include the following: 80666

(a) Certification from a treatment provider approved under 80667  
section 4731.25 of the Revised Code that the individual has 80668  
successfully completed any required inpatient treatment; 80669

(b) Evidence of continuing full compliance with an aftercare 80670  
contract or consent agreement; 80671

(c) Two written reports indicating that the individual's 80672  
ability to practice has been assessed and that the individual has 80673  
been found capable of practicing according to acceptable and 80674  
prevailing standards of care. The reports shall be made by 80675

individuals or providers approved by the board for making such 80676  
assessments and shall describe the basis for their determination. 80677

The board may reinstate a certificate suspended under this 80678  
division after such demonstration and after the individual has 80679  
entered into a written consent agreement. 80680

When the impaired radiologist assistant resumes practice, the 80681  
board shall require continued monitoring of the radiologist 80682  
assistant. The monitoring shall include monitoring of compliance 80683  
with the written consent agreement entered into before 80684  
reinstatement or with conditions imposed by board order after a 80685  
hearing, and, on termination of the consent agreement, submission 80686  
to the board for at least two years of annual written progress 80687  
reports made under penalty of falsification stating whether the 80688  
radiologist assistant has maintained sobriety. 80689

(G) If the secretary and supervising member determine that 80690  
there is clear and convincing evidence that a radiologist 80691  
assistant has violated division (B) of this section and that the 80692  
individual's continued practice presents a danger of immediate and 80693  
serious harm to the public, they may recommend that the board 80694  
suspend the individual's certificate to practice without a prior 80695  
hearing. Written allegations shall be prepared for consideration 80696  
by the board. 80697

The board, on review of the allegations and by an affirmative 80698  
vote of not fewer than six of its members, excluding the secretary 80699  
and supervising member, may suspend a certificate without a prior 80700  
hearing. A telephone conference call may be utilized for reviewing 80701  
the allegations and taking the vote on the summary suspension. 80702

The board shall issue a written order of suspension by 80703  
certified mail or in person in accordance with section 119.07 of 80704  
the Revised Code. The order shall not be subject to suspension by 80705  
the court during pendency of any appeal filed under section 119.12 80706

of the Revised Code. If the radiologist assistant requests an 80707  
adjudicatory hearing by the board, the date set for the hearing 80708  
shall be within fifteen days, but not earlier than seven days, 80709  
after the radiologist assistant requests the hearing, unless 80710  
otherwise agreed to by both the board and the certificate holder. 80711

A summary suspension imposed under this division shall remain 80712  
in effect, unless reversed on appeal, until a final adjudicative 80713  
order issued by the board pursuant to this section and Chapter 80714  
119. of the Revised Code becomes effective. The board shall issue 80715  
its final adjudicative order within sixty days after completion of 80716  
its hearing. Failure to issue the order within sixty days shall 80717  
result in dissolution of the summary suspension order, but shall 80718  
not invalidate any subsequent, final adjudicative order. 80719

(H) If the board takes action under division (B)(10), (12), 80720  
or (13) of this section, and the judicial finding of guilt, guilty 80721  
plea, or judicial finding of eligibility for intervention in lieu 80722  
of conviction is overturned on appeal, on exhaustion of the 80723  
criminal appeal, a petition for reconsideration of the order may 80724  
be filed with the board along with appropriate court documents. On 80725  
receipt of a petition and supporting court documents, the board 80726  
shall reinstate the certificate to practice as a radiologist 80727  
assistant. The board may then hold an adjudication under Chapter 80728  
119. of the Revised Code to determine whether the individual 80729  
committed the act in question. Notice of opportunity for hearing 80730  
shall be given in accordance with Chapter 119. of the Revised 80731  
Code. If the board finds, pursuant to an adjudication held under 80732  
this division, that the individual committed the act, or if no 80733  
hearing is requested, it may order any of the sanctions specified 80734  
in division (B) of this section. 80735

(I) The certificate to practice of a radiologist assistant 80736  
and the assistant's practice in this state are automatically 80737  
suspended as of the date the radiologist assistant pleads guilty 80738

to, is found by a judge or jury to be guilty of, or is subject to 80739  
a judicial finding of eligibility for intervention in lieu of 80740  
conviction in this state or treatment of intervention in lieu of 80741  
conviction in another jurisdiction for any of the following 80742  
criminal offenses in this state or a substantially equivalent 80743  
criminal offense in another jurisdiction: aggravated murder, 80744  
murder, voluntary manslaughter, felonious assault, kidnapping, 80745  
rape, sexual battery, gross sexual imposition, aggravated arson, 80746  
aggravated robbery, or aggravated burglary. Continued practice 80747  
after the suspension shall be considered practicing without a 80748  
certificate. 80749

The board shall notify the individual subject to the 80750  
suspension by certified mail or in person in accordance with 80751  
section 119.07 of the Revised Code. If an individual whose 80752  
certificate is suspended under this division fails to make a 80753  
timely request for an adjudication under Chapter 119. of the 80754  
Revised Code, the board shall enter a final order permanently 80755  
revoking the individual's certificate to practice. 80756

(J) In any instance in which the board is required by Chapter 80757  
119. of the Revised Code to give notice of opportunity for hearing 80758  
and the individual subject to the notice does not timely request a 80759  
hearing in accordance with section 119.07 of the Revised Code, the 80760  
board is not required to hold a hearing, but may adopt, by an 80761  
affirmative vote of not fewer than six of its members, a final 80762  
order that contains the board's findings. In the final order, the 80763  
board may order any of the sanctions identified under division (A) 80764  
or (B) of this section. 80765

(K) Any action taken by the board under division (B) of this 80766  
section resulting in a suspension shall be accompanied by a 80767  
written statement of the conditions under which the radiologist 80768  
assistant's certificate may be reinstated. The board shall adopt 80769  
rules in accordance with Chapter 119. of the Revised Code 80770

governing conditions to be imposed for reinstatement. 80771  
Reinstatement of a certificate suspended pursuant to division (B) 80772  
of this section requires an affirmative vote of not fewer than six 80773  
members of the board. 80774

(L) When the board refuses to grant or issue a certificate to 80775  
practice as a radiologist assistant to an applicant, revokes an 80776  
individual's certificate, refuses to renew a an individual's 80777  
certificate, or refuses to reinstate an individual's certificate, 80778  
the board may specify that its action is permanent. An individual 80779  
subject to a permanent action taken by the board is forever 80780  
thereafter ineligible to hold a certificate to practice as a 80781  
radiologist assistant and the board shall not accept an 80782  
application for reinstatement of the certificate or for issuance 80783  
of a new certificate. 80784

(M) Notwithstanding any other provision of the Revised Code, 80785  
all of the following apply: 80786

(1) The surrender of a certificate to practice as a 80787  
radiologist assistant issued under this chapter is not effective 80788  
unless or until accepted by the board. Reinstatement of a 80789  
certificate surrendered to the board requires an affirmative vote 80790  
of not fewer than six members of the board. 80791

(2) An application made under this chapter for a certificate 80792  
to practice may not be withdrawn without approval of the board. 80793

(3) Failure by an individual to renew a certificate to 80794  
practice in accordance with section 4774.06 of the Revised Code 80795  
shall not remove or limit the board's jurisdiction to take 80796  
disciplinary action under this section against the individual. 80797

Sec. 4774.133. (A)(1) If a radiologist assistant violates any 80798  
section of this chapter or any rule adopted under this chapter, 80799  
the state medical board may, pursuant to an adjudication under 80800

Chapter 119. of the Revised Code and an affirmative vote of not 80801  
fewer than six of its members, impose a civil penalty. The amount 80802  
of the civil penalty shall be determined by the board in 80803  
accordance with the guidelines adopted under division (A)(2) of 80804  
this section. The civil penalty may be in addition to any other 80805  
action the board may take under section 4774.13 of the Revised 80806  
Code. 80807

(2) The board shall adopt and may amend guidelines regarding 80808  
the amounts of civil penalties to be imposed under this section. 80809  
Adoption or amendment of the guidelines requires the approval of 80810  
not fewer than six board members. 80811

Under the guidelines, no civil penalty amount shall exceed 80812  
twenty thousand dollars. 80813

(B) Amounts received from payment of civil penalties imposed 80814  
under this section shall be deposited by the board in accordance 80815  
with section 4731.24 of the Revised Code. Amounts received from 80816  
payment of civil penalties imposed for violations of division 80817  
(B)(6) of section 4774.13 of the Revised Code shall be used by the 80818  
board solely for investigations, enforcement, and compliance 80819  
monitoring. 80820

**Sec. 4778.06.** (A) An individual seeking to renew a license to 80821  
practice as a genetic counselor shall, on or before the 80822  
thirty-first day of January of each even-numbered year, apply for 80823  
renewal of the license. The state medical board shall ~~send~~ provide 80824  
renewal notices at least one month prior to the expiration date. 80825

Renewal applications shall be submitted to the board in a 80826  
manner prescribed by the board. Each application shall be 80827  
accompanied by a biennial renewal fee of one hundred fifty 80828  
dollars. 80829

The applicant shall report any criminal offense to which the 80830

applicant has pleaded guilty, of which the applicant has been 80831  
found guilty, or for which the applicant has been found eligible 80832  
for intervention in lieu of conviction, since last signing an 80833  
application for a license to practice as a genetic counselor. 80834

(B) To be eligible for renewal, a genetic counselor shall 80835  
certify to the board that the counselor has done both of the 80836  
following: 80837

(1) Maintained the counselor's status as a certified genetic 80838  
counselor; 80839

(2) Completed at least thirty hours of continuing education 80840  
in genetic counseling that has been approved by the national 80841  
society of genetic counselors or American board of genetic 80842  
counseling. 80843

(C) If an applicant submits a renewal application that the 80844  
board considers to be complete and qualifies for renewal pursuant 80845  
to division (B) of this section, the board shall issue to the 80846  
applicant a renewed license to practice as a genetic counselor. 80847

(D) The board may require a random sample of genetic 80848  
counselors to submit materials documenting that their status as 80849  
certified genetic counselors has been maintained and that the 80850  
number of hours of continuing education required under division 80851  
(B)(2) of this section has been completed. 80852

If a genetic counselor certifies that the genetic counselor 80853  
has completed the number of hours and type of continuing education 80854  
required for renewal of a license, and the board finds through the 80855  
random sample or any other means that the genetic counselor did 80856  
not complete the requisite continuing education, the board may 80857  
impose a civil penalty of not more than five thousand dollars. ~~The~~ 80858  
If a civil penalty is imposed in addition to any other action the 80859  
board takes under section 4778.14 of the Revised Code, the board's 80860  
finding shall be made pursuant to an adjudication under Chapter 80861



119. of the Revised Code and by an affirmative vote of not fewer 80862  
than six members. A civil penalty imposed under this division may 80863  
be in addition to or in lieu of any other action the board may 80864  
take under section 4778.14 of the Revised Code. The board shall 80865  
deposit civil penalties in accordance with section 4731.24 of the 80866  
Revised Code. 80867

**Sec. 4778.14.** (A) The state medical board, by an affirmative 80868  
vote of not fewer than six members, may revoke or may refuse to 80869  
grant a license to practice as a genetic counselor to an 80870  
individual found by the board to have committed fraud, 80871  
misrepresentation, or deception in applying for or securing the 80872  
license. 80873

(B) The board, by an affirmative vote of not fewer than six 80874  
members, shall, to the extent permitted by law, limit, revoke, or 80875  
suspend an individual's license to practice as a genetic 80876  
counselor, refuse to issue a license to an applicant, refuse to 80877  
renew a license, refuse to reinstate a license, or reprimand or 80878  
place on probation the holder of a license for any of the 80879  
following reasons: 80880

(1) Permitting the holder's name or license to be used by 80881  
another person; 80882

(2) Failure to comply with the requirements of this chapter, 80883  
Chapter 4731. of the Revised Code, or any rules adopted by the 80884  
board; 80885

(3) Violating or attempting to violate, directly or 80886  
indirectly, or assisting in or abetting the violation of, or 80887  
conspiring to violate, any provision of this chapter, Chapter 80888  
4731. of the Revised Code, or the rules adopted by the board; 80889

(4) A departure from, or failure to conform to, minimal 80890  
standards of care of similar practitioners under the same or 80891

similar circumstances whether or not actual injury to the patient	80892
is established;	80893
(5) Inability to practice according to acceptable and	80894
prevaling standards of care by reason of mental illness or	80895
physical illness, including physical deterioration that adversely	80896
affects cognitive, motor, or perceptive skills;	80897
(6) Impairment of ability to practice according to acceptable	80898
and prevailing standards of care because of habitual or excessive	80899
use or abuse of drugs, alcohol, or other substances that impair	80900
ability to practice;	80901
(7) Willfully betraying a professional confidence;	80902
(8) Making a false, fraudulent, deceptive, or misleading	80903
statement in securing or attempting to secure a license to	80904
practice as a genetic counselor.	80905
As used in this division, "false, fraudulent, deceptive, or	80906
misleading statement" means a statement that includes a	80907
misrepresentation of fact, is likely to mislead or deceive because	80908
of a failure to disclose material facts, is intended or is likely	80909
to create false or unjustified expectations of favorable results,	80910
or includes representations or implications that in reasonable	80911
probability will cause an ordinarily prudent person to	80912
misunderstand or be deceived.	80913
(9) The obtaining of, or attempting to obtain, money or a	80914
thing of value by fraudulent misrepresentations in the course of	80915
practice;	80916
(10) A plea of guilty to, a judicial finding of guilt of, or	80917
a judicial finding of eligibility for intervention in lieu of	80918
conviction for, a felony;	80919
(11) Commission of an act that constitutes a felony in this	80920
state, regardless of the jurisdiction in which the act was	80921

committed;	80922
(12) A plea of guilty to, a judicial finding of guilt of, or	80923
a judicial finding of eligibility for intervention in lieu of	80924
conviction for, a misdemeanor committed in the course of practice;	80925
(13) A plea of guilty to, a judicial finding of guilt of, or	80926
a judicial finding of eligibility for intervention in lieu of	80927
conviction for, a misdemeanor involving moral turpitude;	80928
(14) Commission of an act in the course of practice that	80929
constitutes a misdemeanor in this state, regardless of the	80930
jurisdiction in which the act was committed;	80931
(15) Commission of an act involving moral turpitude that	80932
constitutes a misdemeanor in this state, regardless of the	80933
jurisdiction in which the act was committed;	80934
(16) A plea of guilty to, a judicial finding of guilt of, or	80935
a judicial finding of eligibility for intervention in lieu of	80936
conviction for violating any state or federal law regulating the	80937
possession, distribution, or use of any drug, including	80938
trafficking in drugs;	80939
(17) Any of the following actions taken by an agency	80940
responsible for authorizing, certifying, or regulating an	80941
individual to practice a health care occupation or provide health	80942
care services in this state or in another jurisdiction, for any	80943
reason other than the nonpayment of fees: the limitation,	80944
revocation, or suspension of an individual's license to practice;	80945
acceptance of an individual's license surrender; denial of a	80946
license; refusal to renew or reinstate a license; imposition of	80947
probation; or issuance of an order of censure or other reprimand;	80948
(18) Violation of the conditions placed by the board on a	80949
license to practice as a genetic counselor;	80950
(19) Failure to cooperate in an investigation conducted by	80951

the board under section 4778.18 of the Revised Code, including 80952  
failure to comply with a subpoena or order issued by the board or 80953  
failure to answer truthfully a question presented by the board at 80954  
a deposition or in written interrogatories, except that failure to 80955  
cooperate with an investigation shall not constitute grounds for 80956  
discipline under this section if a court of competent jurisdiction 80957  
has issued an order that either quashes a subpoena or permits the 80958  
individual to withhold the testimony or evidence in issue; 80959

(20) Failure to maintain the individual's status as a 80960  
certified genetic counselor; 80961

(21) Failure to comply with the code of ethics established by 80962  
the national society of genetic counselors. 80963

(C) Disciplinary actions taken by the board under divisions 80964  
(A) and (B) of this section shall be taken pursuant to an 80965  
adjudication under Chapter 119. of the Revised Code, except that 80966  
in lieu of an adjudication, the board may enter into a consent 80967  
agreement with a genetic counselor or applicant to resolve an 80968  
allegation of a violation of this chapter or any rule adopted 80969  
under it. A consent agreement, when ratified by an affirmative 80970  
vote of not fewer than six members of the board, shall constitute 80971  
the findings and order of the board with respect to the matter 80972  
addressed in the agreement. If the board refuses to ratify a 80973  
consent agreement, the admissions and findings contained in the 80974  
consent agreement shall be of no force or effect. 80975

A telephone conference call may be utilized for ratification 80976  
of a consent agreement that revokes or suspends an individual's 80977  
license. The telephone conference call shall be considered a 80978  
special meeting under division (F) of section 121.22 of the 80979  
Revised Code. 80980

(D) For purposes of divisions (B)(11), (14), and (15) of this 80981  
section, the commission of the act may be established by a finding 80982

by the board, pursuant to an adjudication under Chapter 119. of 80983  
the Revised Code, that the applicant or license holder committed 80984  
the act in question. The board shall have no jurisdiction under 80985  
these divisions in cases where the trial court renders a final 80986  
judgment in the license holder's favor and that judgment is based 80987  
upon an adjudication on the merits. The board shall have 80988  
jurisdiction under these divisions in cases where the trial court 80989  
issues an order of dismissal on technical or procedural grounds. 80990

(E) The sealing of conviction records by any court shall have 80991  
no effect on a prior board order entered under the provisions of 80992  
this section or on the board's jurisdiction to take action under 80993  
the provisions of this section if, based upon a plea of guilty, a 80994  
judicial finding of guilt, or a judicial finding of eligibility 80995  
for intervention in lieu of conviction, the board issued a notice 80996  
of opportunity for a hearing or took other formal action under 80997  
Chapter 119. of the Revised Code prior to the court's order to 80998  
seal the records. The board shall not be required to seal, 80999  
destroy, redact, or otherwise modify its records to reflect the 81000  
court's sealing of conviction records. 81001

(F) For purposes of this division, any individual who holds a 81002  
license to practice as a genetic counselor, or applies for a 81003  
license, shall be deemed to have given consent to submit to a 81004  
mental or physical examination when directed to do so in writing 81005  
by the board and to have waived all objections to the 81006  
admissibility of testimony or examination reports that constitute 81007  
a privileged communication. 81008

(1) In enforcing division (B)(5) of this section, the board, 81009  
on a showing of a possible violation, may compel any individual 81010  
who holds a license to practice as a genetic counselor or who has 81011  
applied for a license to practice as a genetic counselor to submit 81012  
to a mental or physical examination, or both. A physical 81013  
examination may include an HIV test. The expense of the 81014

examination is the responsibility of the individual compelled to 81015  
be examined. Failure to submit to a mental or physical examination 81016  
or consent to an HIV test ordered by the board constitutes an 81017  
admission of the allegations against the individual unless the 81018  
failure is due to circumstances beyond the individual's control, 81019  
and a default and final order may be entered without the taking of 81020  
testimony or presentation of evidence. If the board finds a 81021  
genetic counselor unable to practice because of the reasons set 81022  
forth in division (B)(5) of this section, the board shall require 81023  
the genetic counselor to submit to care, counseling, or treatment 81024  
by physicians approved or designated by the board, as a condition 81025  
for an initial, continued, reinstated, or renewed license to 81026  
practice. An individual affected by this division shall be 81027  
afforded an opportunity to demonstrate to the board the ability to 81028  
resume practicing in compliance with acceptable and prevailing 81029  
standards of care. 81030

(2) For purposes of division (B)(6) of this section, if the 81031  
board has reason to believe that any individual who holds a 81032  
license to practice as a genetic counselor or any applicant for a 81033  
license suffers such impairment, the board may compel the 81034  
individual to submit to a mental or physical examination, or both. 81035  
The expense of the examination is the responsibility of the 81036  
individual compelled to be examined. Any mental or physical 81037  
examination required under this division shall be undertaken by a 81038  
treatment provider or physician qualified to conduct such 81039  
examination and chosen by the board. 81040

Failure to submit to a mental or physical examination ordered 81041  
by the board constitutes an admission of the allegations against 81042  
the individual unless the failure is due to circumstances beyond 81043  
the individual's control, and a default and final order may be 81044  
entered without the taking of testimony or presentation of 81045  
evidence. If the board determines that the individual's ability to 81046

practice is impaired, the board shall suspend the individual's 81047  
license or deny the individual's application and shall require the 81048  
individual, as a condition for an initial, continued, reinstated, 81049  
or renewed license, to submit to treatment. 81050

Before being eligible to apply for reinstatement of a license 81051  
suspended under this division, the genetic counselor shall 81052  
demonstrate to the board the ability to resume practice in 81053  
compliance with acceptable and prevailing standards of care. The 81054  
demonstration shall include the following: 81055

(a) Certification from a treatment provider approved under 81056  
section 4731.25 of the Revised Code that the individual has 81057  
successfully completed any required inpatient treatment; 81058

(b) Evidence of continuing full compliance with an aftercare 81059  
contract or consent agreement; 81060

(c) Two written reports indicating that the individual's 81061  
ability to practice has been assessed and that the individual has 81062  
been found capable of practicing according to acceptable and 81063  
prevailing standards of care. The reports shall be made by 81064  
individuals or providers approved by the board for making such 81065  
assessments and shall describe the basis for their determination. 81066

The board may reinstate a license suspended under this 81067  
division after such demonstration and after the individual has 81068  
entered into a written consent agreement. 81069

When the impaired genetic counselor resumes practice, the 81070  
board shall require continued monitoring of the genetic counselor. 81071  
The monitoring shall include monitoring of compliance with the 81072  
written consent agreement entered into before reinstatement or 81073  
with conditions imposed by board order after a hearing, and, on 81074  
termination of the consent agreement, submission to the board for 81075  
at least two years of annual written progress reports made under 81076  
penalty of falsification stating whether the genetic counselor has 81077

maintained sobriety. 81078

(G) If the secretary and supervising member determine both of 81079  
the following, they may recommend that the board suspend an 81080  
individual's license to practice without a prior hearing: 81081

(1) That there is clear and convincing evidence that a 81082  
genetic counselor has violated division (B) of this section; 81083

(2) That the individual's continued practice presents a 81084  
danger of immediate and serious harm to the public. 81085

Written allegations shall be prepared for consideration by 81086  
the board. The board, on review of the allegations and by an 81087  
affirmative vote of not fewer than six of its members, excluding 81088  
the secretary and supervising member, may suspend a license 81089  
without a prior hearing. A telephone conference call may be 81090  
utilized for reviewing the allegations and taking the vote on the 81091  
summary suspension. 81092

The board shall issue a written order of suspension by 81093  
certified mail or in person in accordance with section 119.07 of 81094  
the Revised Code. The order shall not be subject to suspension by 81095  
the court during pendency of any appeal filed under section 119.12 81096  
of the Revised Code. If the genetic counselor requests an 81097  
adjudicatory hearing by the board, the date set for the hearing 81098  
shall be within fifteen days, but not earlier than seven days, 81099  
after the genetic counselor requests the hearing, unless otherwise 81100  
agreed to by both the board and the genetic counselor. 81101

A summary suspension imposed under this division shall remain 81102  
in effect, unless reversed on appeal, until a final adjudicative 81103  
order issued by the board pursuant to this section and Chapter 81104  
119. of the Revised Code becomes effective. The board shall issue 81105  
its final adjudicative order within sixty days after completion of 81106  
its hearing. Failure to issue the order within sixty days shall 81107  
result in dissolution of the summary suspension order, but shall 81108



not invalidate any subsequent, final adjudicative order. 81109

(H) If the board takes action under division (B)(10), (12), 81110  
or (13) of this section, and the judicial finding of guilt, guilty 81111  
plea, or judicial finding of eligibility for intervention in lieu 81112  
of conviction is overturned on appeal, on exhaustion of the 81113  
criminal appeal, a petition for reconsideration of the order may 81114  
be filed with the board along with appropriate court documents. On 81115  
receipt of a petition and supporting court documents, the board 81116  
shall reinstate the license to practice as a genetic counselor. 81117  
The board may then hold an adjudication under Chapter 119. of the 81118  
Revised Code to determine whether the individual committed the act 81119  
in question. Notice of opportunity for hearing shall be given in 81120  
accordance with Chapter 119. of the Revised Code. If the board 81121  
finds, pursuant to an adjudication held under this division, that 81122  
the individual committed the act, or if no hearing is requested, 81123  
it may order any of the sanctions specified in division (B) of 81124  
this section. 81125

(I) The license to practice as a genetic counselor and the 81126  
counselor's practice in this state are automatically suspended as 81127  
of the date the genetic counselor pleads guilty to, is found by a 81128  
judge or jury to be guilty of, or is subject to a judicial finding 81129  
of eligibility for intervention in lieu of conviction in this 81130  
state or treatment of intervention in lieu of conviction in 81131  
another jurisdiction for any of the following criminal offenses in 81132  
this state or a substantially equivalent criminal offense in 81133  
another jurisdiction: aggravated murder, murder, voluntary 81134  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 81135  
gross sexual imposition, aggravated arson, aggravated robbery, or 81136  
aggravated burglary. Continued practice after the suspension shall 81137  
be considered practicing without a license. 81138

The board shall notify the individual subject to the 81139  
suspension by certified mail or in person in accordance with 81140

section 119.07 of the Revised Code. If an individual whose license 81141  
is suspended under this division fails to make a timely request 81142  
for an adjudication under Chapter 119. of the Revised Code, the 81143  
board shall enter a final order permanently revoking the 81144  
individual's license to practice. 81145

(J) In any instance in which the board is required by Chapter 81146  
119. of the Revised Code to give notice of opportunity for hearing 81147  
and the individual subject to the notice does not timely request a 81148  
hearing in accordance with section 119.07 of the Revised Code, the 81149  
board is not required to hold a hearing, but may adopt, by an 81150  
affirmative vote of not fewer than six of its members, a final 81151  
order that contains the board's findings. In the final order, the 81152  
board may order any of the sanctions identified under division (A) 81153  
or (B) of this section. 81154

(K) Any action taken by the board under division (B) of this 81155  
section resulting in a suspension shall be accompanied by a 81156  
written statement of the conditions under which the license of the 81157  
genetic counselor may be reinstated. The board shall adopt rules 81158  
in accordance with Chapter 119. of the Revised Code governing 81159  
conditions to be imposed for reinstatement. Reinstatement of a 81160  
license suspended pursuant to division (B) of this section 81161  
requires an affirmative vote of not fewer than six members of the 81162  
board. 81163

(L) When the board refuses to grant or issue a license to 81164  
practice as a genetic counselor to an applicant, revokes an 81165  
individual's license, refuses to renew a an individual's license, 81166  
or refuses to reinstate an individual's license, the board may 81167  
specify that its action is permanent. An individual subject to a 81168  
permanent action taken by the board is forever thereafter 81169  
ineligible to hold a license to practice as a genetic counselor 81170  
and the board shall not accept an application for reinstatement of 81171  
the license or for issuance of a new license. 81172

(M) Notwithstanding any other provision of the Revised Code, 81173  
all of the following apply: 81174

(1) The surrender of a license to practice as a genetic 81175  
counselor is not effective unless or until accepted by the board. 81176  
A telephone conference call may be utilized for acceptance of the 81177  
surrender of an individual's license. The telephone conference 81178  
call shall be considered a special meeting under division (F) of 81179  
section 121.22 of the Revised Code. Reinstatement of a license 81180  
surrendered to the board requires an affirmative vote of not fewer 81181  
than six members of the board. 81182

(2) An application made under this chapter for a license to 81183  
practice may not be withdrawn without approval of the board. 81184

(3) Failure by an individual to renew a license in accordance 81185  
with section 4778.06 of the Revised Code shall not remove or limit 81186  
the board's jurisdiction to take disciplinary action under this 81187  
section against the individual. 81188

Sec. 4778.141. (A)(1) If a genetic counselor violates any 81189  
section of this chapter other than section 4778.06 of the Revised 81190  
Code or violates any rule adopted under this chapter, the state 81191  
medical board may, pursuant to an adjudication under Chapter 119, 81192  
of the Revised Code and an affirmative vote of not fewer than six 81193  
of its members, impose a civil penalty. The amount of the civil 81194  
penalty shall be determined by the board in accordance with 81195  
guidelines adopted under division (A)(2) of this section. The 81196  
civil penalty may be in addition to any other action the board may 81197  
take under section 4778.14 of the Revised Code. 81198

(2) The board shall adopt and may amend guidelines regarding 81199  
the amounts of civil penalties to be imposed under this section. 81200  
Adoption or amendment of the guidelines requires the approval of 81201  
not fewer than six board members. 81202

Under the guidelines, no civil penalty amount shall exceed 81203  
twenty thousand dollars. 81204

(B) Amounts received from payment of civil penalties imposed 81205  
under this section shall be deposited by the board in accordance 81206  
with section 4731.24 of the Revised Code. Amounts received from 81207  
payment of civil penalties imposed for violations of division 81208  
(B)(6) of section 4778.14 of the Revised Code shall be used by the 81209  
board solely for investigations, enforcement, and compliance 81210  
monitoring. 81211

**Sec. 4905.71.** (A) Every telephone or electric light company 81212  
that is a public utility as defined by section 4905.02 of the 81213  
Revised Code and, subject to section 4927.15 of the Revised Code, 81214  
every incumbent local exchange carrier as defined by section 81215  
4927.01 of the Revised Code shall permit, upon reasonable terms 81216  
and conditions and the payment of reasonable charges, the 81217  
attachment of any wire, cable, facility, or apparatus to its 81218  
poles, pedestals, or placement of same in conduit duct space, by 81219  
any person or entity other than a public utility that is 81220  
authorized and has obtained, under law, any necessary public or 81221  
private authorization and permission to construct and maintain the 81222  
attachment, so long as the attachment does not interfere, 81223  
obstruct, or delay the service and operation of the ~~telephone or~~ 81224  
~~electric light~~ company or carrier, or create a hazard to safety. 81225  
Every such ~~telephone or electric light~~ company or carrier shall 81226  
file tariffs with the public utilities commission containing the 81227  
charges, terms, and conditions established for such use. 81228

(B) The commission shall regulate the justness and 81229  
reasonableness of the charges, terms, and conditions contained in 81230  
any such tariff, and may, upon complaint of any persons in which 81231  
it appears that reasonable grounds for complaint are stated, or 81232  
upon its own initiative, investigate such charges, terms, and 81233

conditions and conduct a hearing to establish just and reasonable 81234  
charges, terms, and conditions, and to resolve any controversy 81235  
that may arise among the parties as to such attachment. 81236

**Sec. 4905.81.** The public utilities commission shall: 81237

(A) Supervise and regulate each motor carrier; 81238

(B) Regulate the safety of operation of each motor carrier, 81239  
and of each intermodal equipment provider as defined in section 81240  
4923.041 of the Revised Code; 81241

(C) Adopt reasonable safety rules applicable to the highway 81242  
transportation of persons or property in interstate and intrastate 81243  
commerce by motor carriers; 81244

(D) Adopt safety rules applicable to the transportation and 81245  
offering for transportation of hazardous materials in interstate 81246  
and intrastate commerce by motor carriers. The rules shall not be 81247  
incompatible with the requirements of the United States department 81248  
of transportation. 81249

(E) Require the filing of reports and other data by motor 81250  
carriers; 81251

(F) Adopt reasonable rules for the administration and 81252  
enforcement of this chapter and Chapters 4901., 4903., 4907., 81253  
4909., 4921., and 4923. of the Revised Code applying to each motor 81254  
carrier in this state; 81255

(G) Supervise and regulate motor carriers in all other 81256  
matters affecting the relationship between those carriers and the 81257  
public to the exclusion of all local authorities, except as 81258  
provided in this section. The commission, in the exercise of the 81259  
jurisdiction conferred upon it by this chapter and Chapters 4901., 81260  
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 81261  
adopt rules affecting motor carriers, notwithstanding the 81262  
provisions of any ordinance, resolution, license, or permit 81263

enacted, adopted, or granted by any township, municipal 81264  
corporation, municipal corporation and county, or county. In case 81265  
of conflict between any such ordinance, resolution, license, or 81266  
permit, the order or rule of the commission shall prevail. Local 81267  
subdivisions may adopt reasonable local police rules within their 81268  
respective boundaries not inconsistent with those chapters and 81269  
rules adopted under them. 81270

The commission has jurisdiction to receive, hear, and 81271  
determine as a question of fact, upon complaint of any party or 81272  
upon its own motion, and upon not less than fifteen days' notice 81273  
of the time and place of the hearing and the matter to be heard, 81274  
whether any corporation, company, association, joint-stock 81275  
association, person, firm, or copartnership, or their lessees, 81276  
legal or personal representatives, trustees, or receivers or 81277  
trustees appointed by any court, is engaged as a motor carrier. 81278  
The finding of the commission on such a question is a final order 81279  
that may be reviewed as provided in section 4923.15 of the Revised 81280  
Code. 81281

**Sec. 4909.161.** (A) Notwithstanding the provisions of Chapters 81282  
4905. and 4909. of the Revised Code, the payment of any type of 81283  
increased excise tax levy shall be considered to be a normal 81284  
expense incurred by a public utility in the course of rendering 81285  
service to the public, and may be recovered as such in accordance 81286  
with an order of the public utilities commission. Any public 81287  
utility required to pay any such increased excise tax levy may 81288  
file with the public utilities commission revised rate schedules 81289  
that will permit full recovery on an interim or permanent basis in 81290  
its rates, of the amount of any resultant increased tax payments 81291  
and the commission shall promptly act to approve such schedules. 81292

(B) Notwithstanding Chapters 4905. and 4909. of the Revised 81293  
81294

Code, the payment of the kilowatt-hour tax imposed by section 81295  
5727.81 of the Revised Code shall be considered a normal expense 81296  
incurred by an electric distribution utility, as defined in 81297  
section 4928.01 of the Revised Code, in the course of rendering 81298  
service to the public, and may be recovered as such in accordance 81299  
with an order of the commission. An electric distribution utility 81300  
required to pay the kilowatt-hour tax may file with the commission 81301  
revised rate schedules, consistent with Chapters 4905. and 4909. 81302  
and division (A)(6) of section 4928.34 of the Revised Code, that 81303  
will permit full recovery on a permanent basis in its rates, of 81304  
the amount of any resultant tax payments, after taking into 81305  
account any reductions of taxes in its rates resulting from Sub. 81306  
S.B. No. 3 of the 123rd general assembly, and the commission shall 81307  
act promptly to approve those schedules. 81308

(C) Notwithstanding the provisions of Chapters 4905. and 81309  
4909. of the Revised Code, the payment of any increased tax on 81310  
transmission and distribution property and energy conversion 81311  
equipment that results from the amendment of divisions (E) and (H) 81312  
of section 5727.111 of the Revised Code by H.B. 64 of the 131st 81313  
general assembly shall be considered to be a normal expense 81314  
incurred by an electric company in the course of rendering service 81315  
to the public, and may be recovered as such in accordance with an 81316  
order of the commission. Any electric company required to pay any 81317  
such increased tax may file with the commission a request for a 81318  
reconcilable rider that will permit full recovery of the amount of 81319  
any resultant increased tax payments, and the commission shall 81320  
promptly approve the rider. 81321

**Sec. 4923.04.** (A)~~(1)~~ The public utilities commission shall 81322  
adopt rules applicable to ~~the~~ all of the following: 81323

(1) The transportation of persons or property by motor 81324  
carriers operating in interstate and intrastate commerce; 81325

(2) The ~~commission shall adopt rules applicable to the~~ 81326  
highway transportation and offering for transportation of 81327  
hazardous materials by motor carriers, and persons engaging in the 81328  
highway transportation and offering for transportation of 81329  
hazardous materials, operating in interstate or intrastate 81330  
commerce; 81331

(3) The use and interchange of intermodal equipment, as those 81332  
terms are defined in section 4923.041 of the Revised Code. 81333

(B) The rules adopted under division (A) of this section 81334  
shall not be incompatible with the requirements of the United 81335  
States department of transportation. 81336

(C) To achieve the purposes of this chapter and to assist the 81337  
commission in the performance of any of its powers or duties, the 81338  
commission, either through the public utilities commissioners or 81339  
employees authorized by it, may do either or both of the 81340  
following: 81341

(1) Apply for, and any judge of a court of record of 81342  
competent jurisdiction may issue, an appropriate search warrant; 81343

(2) Examine under oath, at the offices of the commission, any 81344  
officer, agent, or employee of any person subject to this chapter. 81345  
The commission, by subpoena, also may compel the attendance of a 81346  
witness for the purpose of the examination and, by subpoena duces 81347  
tecum, may compel the production of all books, contracts, records, 81348  
and documents that relate to ~~the transportation and offering for~~ 81349  
~~transportation of hazardous materials~~ compliance with this chapter 81350  
or compliance with rules adopted under this chapter. 81351

**Sec. 4923.041.** (A) As used in section 4923.04 of the Revised 81352  
Code: 81353

"Interchange" means the act of providing intermodal equipment 81354  
to a motor carrier pursuant to an intermodal equipment interchange 81355



agreement for the purpose of transporting the equipment for 81356  
loading or unloading by any person or repositioning the equipment 81357  
for the benefit of the equipment provider, but it does not include 81358  
the leasing of equipment to a motor carrier for primary use in the 81359  
motor carrier's freight hauling operations. 81360

"Intermodal equipment" means trailing equipment that is used 81361  
in the intermodal transportation of containers over public 81362  
highways in interstate commerce, including trailers and chassis. 81363

(B) As used in this section: 81364

"Intermodal equipment interchange agreement" means the 81365  
uniform intermodal interchange and facilities access agreement or 81366  
any other written document executed by an intermodal equipment 81367  
provider or its agent and a motor carrier or its agent, the 81368  
primary purpose of which is to establish the responsibilities and 81369  
liabilities of both parties with respect to the interchange of the 81370  
intermodal equipment. 81371

"Intermodal equipment provider" means any person that 81372  
interchanges intermodal equipment with a motor carrier pursuant to 81373  
a written interchange agreement or has a contractual 81374  
responsibility for the maintenance of the intermodal equipment. 81375

"Person" means any individual, partnership, association, 81376  
corporation, business trust, or any other organized group of 81377  
individuals. 81378

**Sec. 4927.01.** (A) As used in this chapter: 81379

(1) "Basic local exchange service" means residential-end-user 81380  
access to and usage of telephone-company-provided services over a 81381  
single line or small-business-end-user access to and usage of 81382  
telephone-company-provided services over the primary access line 81383  
of service, which in the case of residential and small-business 81384  
access and usage is not part of a bundle or package of services, 81385

that does both of the following:	81386
(a) Enables a customer to originate or receive voice communications within a local service area as that area exists on September 13, 2010, <del>the effective date of the amendment of this section by S.B. 162 of the 128th general assembly</del> <u>or as that area is changed with the approval of the public utilities commission;</u>	81387 81388 81389 81390 81391
(b) Consists of all of the following services:	81392
(i) Local dial tone service;	81393
(ii) For residential end users, flat-rate telephone exchange service;	81394 81395
(iii) Touch tone dialing service;	81396
(iv) Access to and usage of 9-1-1 services, where such services are available;	81397 81398
(v) Access to operator services and directory assistance;	81399
(vi) Provision of a telephone directory in any reasonable format for no additional charge and a listing in that directory, with reasonable accommodations made for private listings;	81400 81401 81402
(vii) Per call, caller identification blocking services;	81403
(viii) Access to telecommunications relay service; and	81404
(ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.	81405 81406
<u>"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.</u>	81407 81408 81409
(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.	81410 81411 81412
(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers	81413 81414

originating or receiving voice grade, data, or image 81415  
communications, over a local exchange telephone company network 81416  
operated within a local service area, to access interexchange or 81417  
other networks and includes special access. 81418

(4) "Federal poverty level" means the income level 81419  
represented by the poverty guidelines as revised annually by the 81420  
United States department of health and human services in 81421  
accordance with section 673(2) of the "Omnibus Reconciliation Act 81422  
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 81423  
size equal to the size of the family of the person whose income is 81424  
being determined. 81425

(5) "Incumbent local exchange carrier" means, with respect to 81426  
an area, the local exchange carrier that: 81427

(a) On February 8, 1996, provided telephone exchange service 81428  
in such area; and 81429

(b)(i) On February 8, 1996, was deemed to be a member of the 81430  
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 81431

(ii) Is a person or entity that, on or after February 8, 81432  
1996, became a successor or assign of a member described in 81433  
division (A)(5)(b)(i) of this section. 81434

(6) "Internet protocol-enabled services" means any services, 81435  
capabilities, functionalities, or applications that are provided 81436  
using internet protocol or a successor protocol to enable an end 81437  
user to send or receive communications in internet protocol format 81438  
or a successor format, regardless of how any particular such 81439  
service is classified by the federal communications commission, 81440  
and includes voice over internet protocol service. 81441

(7) "Interstate-access component" means the portion of 81442  
carrier access that is within the jurisdiction of the federal 81443  
communications commission. 81444

(8) "Local exchange carrier" means any person engaged in the 81445  
provision of telephone exchange service, or the offering of access 81446  
to telephone exchange service or facilities for the purpose of 81447  
originating or terminating telephone toll service. 81448

~~(8)~~(9) "Local service area" means the geographic area that 81449  
may encompass more than one exchange area and within which a 81450  
telephone customer, by paying the rate for basic local exchange 81451  
service, may complete calls to other telephone customers without 81452  
being assessed long distance toll charges. 81453

~~(9)~~(10) "Small business" means a nonresidential service 81454  
customer with three or fewer service access lines. 81455

~~(10)~~(11) "Telecommunications" means the transmission, between 81456  
or among points specified by the user, of information of the 81457  
user's choosing, without change in the form or content of the 81458  
information as sent and received. 81459

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 81460  
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 81461  
153. 81462

~~(12)~~(13) "Telecommunications service" means the offering of 81463  
telecommunications for a fee directly to the public, or to such 81464  
classes of users as to be effectively available directly to the 81465  
public, regardless of the facilities used. 81466

~~(13)~~(14) "Telephone company" means a company described in 81467  
division (A) of section 4905.03 of the Revised Code that is a 81468  
public utility under section 4905.02 of the Revised Code. 81469

~~(14)~~(15) "Telephone exchange service" means 81470  
telecommunications service that is within a telephone exchange, or 81471  
within a connected system of telephone exchanges within the same 81472  
exchange area operated to furnish to subscribers 81473  
intercommunicating service of the character ordinarily furnished 81474  
by a single exchange, and that is covered by the exchange service 81475

charge; or comparable service provided through a system of 81476  
switches, transmission equipment, or other facilities, or 81477  
combination thereof, by which a customer can originate and 81478  
terminate a telecommunications service. 81479

~~(15)~~(16) "Telephone toll service" means telephone service 81480  
between stations in different exchange areas for which there is 81481  
made a separate charge not included in contracts with customers 81482  
for exchange service. 81483

~~(16)~~(17) "Voice over internet protocol service" means a 81484  
service that ~~uses a broadband connection from an end user's~~ 81485  
~~location and~~ enables real-time, two-way, voice communications that 81486  
originate or terminate from the user's location using internet 81487  
protocol or a successor protocol, including, but not limited to, 81488  
any such service that permits an end user to receive calls from 81489  
and terminate calls to the public switched network. 81490

~~(17)~~(18) "Voice service" includes all of the applicable 81491  
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 81492  
is not the same as basic local exchange service. 81493

(19) "Wireless service" means federally licensed commercial 81494  
mobile service as defined in the "Telecommunications Act of 1996," 81495  
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 81496  
commercial mobile radio service in 47 C.F.R. 20.3. Under division 81497  
(A)~~(17)~~(19) of this section, commercial mobile radio service is 81498  
specifically limited to mobile telephone, mobile cellular 81499  
telephone, paging, personal communications services, and 81500  
specialized mobile radio service provided by a common carrier in 81501  
this state and excludes fixed wireless service. 81502

~~(18)~~(20) "Wireless service provider" means a facilities-based 81503  
provider of wireless service to one or more end users in this 81504  
state. 81505

(B) The definitions of this section shall be applied 81506

consistent with the definitions in the "Telecommunications Act of 81507  
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 81508  
federal decisions interpreting those definitions. 81509

**Sec. 4927.02.** (A) It is the policy of this state to: 81510

(1) Ensure the availability of adequate basic local exchange 81511  
service or voice service to citizens throughout the state; 81512

(2) Provide incentives for competing providers of 81513  
telecommunications service to provide advanced, high-quality 81514  
telecommunications service to citizens throughout the state; 81515

(3) Rely primarily on market forces, where they exist, to 81516  
maintain reasonable service levels for telecommunications services 81517  
at reasonable rates; 81518

(4) Encourage innovation in the telecommunications industry 81519  
and the deployment of advanced telecommunications services; 81520

(5) Create a regulatory climate that provides incentives to 81521  
create and maintain high technology jobs for Ohioans; 81522

(6) Promote diversity and options in the supply of 81523  
telecommunications services and equipment throughout the state; 81524

(7) Recognize the continuing emergence of a competitive 81525  
telecommunications environment through flexible regulatory 81526  
treatment of telecommunications services where appropriate; 81527

(8) Consider the regulatory treatment of competing and 81528  
functionally equivalent services and, to the extent practicable, 81529  
provide for equivalent regulation of all telephone companies and 81530  
services; 81531

(9) Not unduly favor or advantage any provider and not unduly 81532  
disadvantage providers of competing and functionally equivalent 81533  
services; and 81534

(10) Protect the affordability of telephone service for 81535

low-income subscribers through the continuation of federal 81536  
lifeline assistance programs. 81537

(B) The public utilities commission shall consider the policy 81538  
set forth in this section in carrying out this chapter. 81539

**Sec. 4927.07.** (A) ~~A~~ Except as provided under the notice 81540  
requirements of section 4927.10 of the Revised Code, a telephone 81541  
company may withdraw any telecommunications service if it gives at 81542  
least thirty days' prior notice to the public utilities commission 81543  
and to its affected customers. 81544

(B) ~~A~~ Except as provided under the notice requirements of 81545  
section 4927.10 of the Revised Code, a telephone company may 81546  
abandon entirely telecommunications service in this state if it 81547  
gives at least thirty days' prior notice to the commission, to its 81548  
wholesale and retail customers, and to any telephone company 81549  
wholesale provider of its services. 81550

(C) Divisions (A) and (B) of this section do not apply to any 81551  
of the following: 81552

(1) ~~Basic local exchange service provided by an incumbent~~ 81553  
~~local exchange carrier;~~ 81554

~~(2)~~ Pole attachments under section 4905.71 of the Revised 81555  
Code; 81556

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised 81557  
Code; 81558

~~(4)~~(3) Interconnection and resale agreements approved under 81559  
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 81560  
et seq., as amended. 81561

(D) ~~An~~ Except as provided in section 4927.10 of the Revised 81562  
Code, an incumbent local exchange carrier may not withdraw or 81563  
abandon basic local exchange service. 81564

(E) A Neither a telephone company nor an incumbent local exchange carrier may ~~not~~, without first filing a request with the commission and obtaining commission approval, withdraw any tariff filed with the commission for pole attachments or conduit occupancy under section 4905.71 of the Revised Code or abandon service provided under that section.

**Sec. 4927.10.** (A) Subject to division (B) of this section, if the federal communications commission adopts an order that allows an incumbent local exchange carrier to withdraw the interstate-access component of its basic local exchange service under 47 U.S.C. 214, neither of the following shall apply, beginning when the order is adopted, with regard to any exchange area in which an incumbent local exchange carrier withdraws that component:

(1) The prohibition contained in division (D) of section 4927.07 of the Revised Code against the withdrawal or abandonment of basic local exchange service by an incumbent local exchange carrier, provided that the carrier gives at least one hundred twenty days' prior notice to the public utilities commission and to its affected customers of the withdrawal or abandonment;

(2) The requirements contained in division (A) of section 4927.11 of the Revised Code.

(B) If a residential customer to whom notice has been given under this section will be unable to obtain reasonable and comparatively priced voice service upon the carrier's withdrawal or abandonment of basic local exchange service, the customer may file a petition with the public utilities commission not later than ninety days prior to the effective date of the withdrawal or abandonment. If a residential customer is identified by the collaborative process established under Section 749.10 of H.B. 64 of the 131st general assembly as a customer who will be unable to



obtain reasonable and comparatively priced voice service upon the withdrawal or abandonment of basic local exchange service, that customer shall be treated as though the customer filed a timely petition under this division. 81596  
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(1) The public utilities commission shall issue an order disposing of the petition not later than ninety days after the filing of the petition. 81600  
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(a) If the public utilities commission determines after an investigation that no reasonable and comparatively priced voice service will be available to the affected customer at the customer's residence, the public utilities commission shall attempt to identify a willing provider of a reasonable and comparatively priced voice service to serve the customer. 81603  
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(b) If no willing provider is identified, the public utilities commission may order the withdrawing or abandoning carrier to provide a reasonable and comparatively priced voice service to the customer at the customer's residence. 81609  
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(c) The willing provider or the carrier, as applicable, may utilize any technology or service arrangement to provide the voice service. 81613  
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(2) Except as provided in division (B)(2) of this section, an order adopted under division (B)(1)(b) of this section shall not be in effect for more than twelve months after the date that it is issued. If an order is issued under division (B)(1)(b) of this section, the public utilities commission shall evaluate, during the twelve-month period in which the order is effective, whether an alternative reasonable and comparatively priced voice service is found to exist for the affected customer. If no such voice service is available, the public utilities commission may extend the order for one additional twelve-month period. If, at the end of the second twelve-month period, no alternative reasonable and 81616  
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comparatively priced voice service is available, the public 81627  
utilities commission may order the withdrawing or abandoning 81628  
carrier to continue to provide a reasonable and comparatively 81629  
priced voice service to the affected customer at the customer's 81630  
residence, utilizing any technology or service arrangement to 81631  
provide the voice service. 81632

(3) For purposes of this division, the public utilities 81633  
commission shall define the term "reasonable and comparatively 81634  
priced voice service" to include service that provides voice grade 81635  
access to the public switched network or its functional 81636  
equivalent, access to 9-1-1, and that is competitively priced, 81637  
when considering all the alternatives in the marketplace and their 81638  
functionalities. 81639

Sec. 4927.101. (A) Section 4927.10 of the Revised Code and 81640  
the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 81641  
of the Revised Code made by H.B. 64 of the 131st general assembly 81642  
shall not affect any of the following: 81643

(1) Any contractual obligation, including agreements under 81644  
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 81645  
and 252, as amended; 81646

(2) Any right or obligation under federal law or rules; 81647

(3) The carrier-access requirements under section 4927.15 of 81648  
the Revised Code; 81649

(4) Any right or obligation under section 4905.71 of the 81650  
Revised Code; 81651

(5) Any state law or rule adopted under this title related to 81652  
wholesale rights or obligations. 81653

(B) The amendments to section 4927.15 of the Revised Code 81654  
made by H.B. 64 of the 131st general assembly shall not affect the 81655  
obligations and rights described in divisions (A)(1), (2), (4), 81656

and (5) of this section. 81657

**Sec. 4927.11.** (A) Except as otherwise provided in this 81658  
section and section 4927.10 of the Revised Code, an incumbent 81659  
local exchange carrier shall provide basic local exchange service 81660  
to all persons or entities in its service area requesting that 81661  
service, and that service shall be provided on a reasonable and 81662  
nondiscriminatory basis. 81663

(B)(1) An incumbent local exchange carrier is not obligated 81664  
to construct facilities and provide basic local exchange service, 81665  
or any other telecommunications service, to the occupants of 81666  
multitenant real estate, including, but not limited to, 81667  
apartments, condominiums, subdivisions, office buildings, or 81668  
office parks, if the owner, operator, or developer of the 81669  
multitenant real estate does any of the following to the benefit 81670  
of any other telecommunications service provider: 81671

(a) Permits only one provider of telecommunications service 81672  
to install the company's facilities or equipment during the 81673  
construction or development phase of the multitenant real estate; 81674

(b) Accepts or agrees to accept incentives or rewards that 81675  
are offered by a telecommunications service provider to the owner, 81676  
operator, developer, or occupants of the multitenant real estate 81677  
and are contingent on the provision of telecommunications service 81678  
by that provider to the occupants, to the exclusion of services 81679  
provided by other telecommunications service providers; 81680

(c) Collects from the occupants of the multitenant real 81681  
estate any charges for the provision of telecommunications service 81682  
to the occupants, including charges collected through rents, fees, 81683  
or dues. 81684

(2) A carrier not obligated to construct facilities and 81685  
provide basic local exchange service pursuant to division (B)(1) 81686

of this section shall notify the public utilities commission of 81687  
that fact within one hundred twenty days of receiving knowledge 81688  
thereof. 81689

(3) The commission by rule may establish a process for 81690  
determining a necessary successor telephone company to provide 81691  
service to real estate described in division (B)(1) of this 81692  
section when the circumstances described in that division cease to 81693  
exist. 81694

(4) An incumbent local exchange carrier that receives a 81695  
request from any person or entity to provide service under the 81696  
circumstances described in division (B)(1) of this section shall, 81697  
within fifteen days of such receipt, provide notice to the person 81698  
or entity specifying whether the carrier will provide the 81699  
requested service. If the carrier provides notice that it will not 81700  
serve the person or entity, the notice shall describe the person's 81701  
or entity's right to file a complaint with the commission under 81702  
section 4927.21 of the Revised Code within thirty days after 81703  
receipt of the notice. In resolving any such complaint, the 81704  
commission's determination shall be limited to whether any 81705  
circumstance described in divisions (B)(1)(a) to (c) of this 81706  
section exists. Upon a finding by the commission that such a 81707  
circumstance exists, the complaint shall be dismissed. Upon a 81708  
finding that such circumstances do not exist, the person's or 81709  
entity's sole remedy shall be provision by the carrier of the 81710  
requested service within a reasonable time. 81711

(C) An incumbent local exchange carrier may apply to the 81712  
commission for a waiver from compliance with division (A) of this 81713  
section. The application shall include, at a minimum, the reason 81714  
for the requested waiver, the number of persons or entities who 81715  
would be impacted by the waiver, and the alternatives that would 81716  
be available to those persons or entities if the waiver were 81717  
granted. The incumbent local exchange carrier applying for the 81718

waiver shall publish notice of the waiver application one time in 81719  
a newspaper of general circulation throughout the service area 81720  
identified in the application and shall provide additional notice 81721  
to affected persons or entities as required by the commission in 81722  
rules adopted under this division. The commission's rules shall 81723  
define "affected" for purposes of this division. The commission 81724  
shall afford such persons or entities a reasonable opportunity to 81725  
comment to the commission on the application. This opportunity 81726  
shall include a public hearing conducted in accordance with rules 81727  
adopted under this division and conducted in the service area 81728  
identified in the application. After a reasonable opportunity to 81729  
comment has been provided, but not later than one hundred twenty 81730  
days after the application is filed, the commission either shall 81731  
issue an order granting the waiver if, upon investigation, it 81732  
finds the waiver to be just, reasonable, and not contrary to the 81733  
public interest, and that the applicant demonstrates a financial 81734  
hardship or an unusual technical limitation, or shall issue an 81735  
order denying the waiver based on a failure to meet those 81736  
standards and specifying the reasons for the denial. The 81737  
commission shall adopt rules to implement division (C) of this 81738  
section. 81739

**Sec. 4927.15.** (A)(1) The rates, terms, and conditions for 81740  
9-1-1 service provided in this state by a telephone company or a 81741  
telecommunications carrier and each of the following provided in 81742  
this state by a telephone company shall be approved and tariffed 81743  
in the manner prescribed by rule adopted by the public utilities 81744  
commission and shall be subject to the applicable laws, including 81745  
rules or regulations adopted and orders issued by the commission 81746  
or the federal communications commission: 81747

~~(1) Carrier access;~~ 81748

~~(2)(a) N-1-1 services, other than 9-1-1 service;~~ 81749

<del>(3) Pole attachments and conduit occupancy under section</del>	81750
<del>4905.71 of the Revised Code;</del>	81751
<del>(4)(b) Pay telephone access lines;</del>	81752
<del>(5)(c) Toll presubscription;</del>	81753
<del>(6)(d) Telecommunications relay service.</del>	81754
<u>(2) The rates, terms, and conditions for both of the</u>	81755
<u>following provided in this state by a telephone company or an</u>	81756
<u>incumbent local exchange carrier shall be approved and tariffed in</u>	81757
<u>the manner prescribed by rule adopted by the public utilities</u>	81758
<u>commission and shall be subject to the applicable laws, including</u>	81759
<u>rules or regulations adopted and orders issued by the commission</u>	81760
<u>or the federal communications commission:</u>	81761
<u>(a) Carrier access;</u>	81762
<u>(b) Pole attachments and conduit occupancy under section</u>	81763
<u>4905.71 of the Revised Code.</u>	81764
(B) The public utilities commission may order changes in a	81765
telephone company's rates for carrier access in this state subject	81766
to this division. In the event that the public utilities	81767
commission reduces a telephone company's rates for carrier access	81768
that are in effect on September 13, 2010, that reduction shall be	81769
on a revenue-neutral basis under terms and conditions established	81770
by the public utilities commission, and any resulting rate changes	81771
necessary to comply with division (B) or (C) of this section shall	81772
be in addition to any upward rate alteration made under section	81773
4927.12 of the Revised Code.	81774
(C) The public utilities commission has authority to address	81775
carrier access policy and to create and administer mechanisms for	81776
carrier access reform, including, but not limited to, high cost	81777
support.	81778
<del>Sec. 4928.54. Beginning on the starting date of competitive</del>	81779

~~retail electric service, the~~ The director of development ~~may~~ 81780  
services shall aggregate percentage of income payment plan program 81781  
customers for the purpose of ~~competitively auctioning~~ establishing 81782  
a competitive procurement process for the supply of competitive 81783  
retail electric ~~generation~~ service ~~to~~ for those customers. The 81784  
process shall be an auction. Only bidders certified under section 81785  
4928.08 of the Revised Code ~~and further qualified under~~ 81786  
~~eligibility criteria the director prescribes by rule under~~ 81787  
~~division (B) of section 4928.53 of the Revised Code after~~ 81788  
~~consultation with the commission and electric light companies~~ 81789  
~~regarding any such rule. The objectives of~~ may participate in the 81790  
auction ~~shall be to provide reliable retail electric generation~~ 81791  
~~service to customers, based on selection criteria that the winning~~ 81792  
~~bid provide the lowest cost and best value to customers. The rules~~ 81793  
~~adopted by the director under division (b) of section 4928.53 of~~ 81794  
~~the Revised Code shall ensure a fair and unbiased auction process~~ 81795  
~~and the performance of any winning bidder.~~ 81796

Sec. 4928.541. The competitive procurement process 81797  
established under section 4928.54 of the Revised Code shall be 81798  
conducted until a winning bid is or winning bids are selected. 81799

Sec. 4928.542. The winning bid or bids selected through the 81800  
competitive procurement process established under section 4928.54 81801  
of the Revised Code shall meet all of the following requirements: 81802

(A) Be designed to provide reliable competitive retail 81803  
electric service to percentage of income payment plan program 81804  
customers; 81805

(B) Reduce the cost of the percentage of income payment plan 81806  
program relative to the otherwise applicable standard service 81807  
offer established under sections 4928.141, 4928.142, and 4928.143 81808  
of the Revised Code; 81809

(C) Result in the best value for persons paying the universal service rider under section 4928.52 of the Revised Code. 81810  
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Sec. 4928.543. The director of development services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 4928.54, 4928.541, and 4928.542 of the Revised Code. The rules shall ensure a fair and unbiased auction process and the performance of the winning bidder or bidders. 81812  
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Sec. 4928.544. (A) For the purpose of facilitating compliance with sections 4928.54, 4928.541, and 4928.542 of the Revised Code, and upon written request by the director of development services, the public utilities commission shall design, manage, and supervise the competitive procurement process required by section 4928.54 of the Revised Code. To the extent reasonably possible, and to minimize costs, the process may be designed based on any existing competitive procurement process for the establishment of the default generation supply price for electric distribution utilities. 81817  
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This division does not preclude a process design that is based on a competitive procurement process that applies to the combined certified territories of electric distribution utilities subject to common ownership. 81827  
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(B) The director of development services shall reimburse the commission for its costs incurred under division (A) of this section. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code. 81831  
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Sec. 4928.55. The director of development services shall establish an energy efficiency and weatherization program targeted, to the extent practicable, to high-cost, high-volume use structures occupied by customers eligible for the percentage of 81836  
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income payment plan program, with the goal of reducing the energy 81840  
bills of the occupants. Acceptance of energy efficiency and 81841  
weatherization services provided by the program shall be a 81842  
condition for the eligibility of any such customer to participate 81843  
in the percentage of income payment plan program. ~~Any difference~~ 81844  
~~between universal service fund revenues under section 4928.51 of~~ 81845  
~~the Revised Code and any savings in percentage of income payment~~ 81846  
~~plan program costs as a result of competitive auctioning under~~ 81847  
~~section 4928.54 of the Revised Code shall be reinvested in the~~ 81848  
~~targeted energy efficiency and weatherization program.~~ 81849

Sec. 4928.581. (A) The public benefits advisory board shall 81850  
conduct an independent investigation and analysis for the purpose 81851  
of making the report required under division (B) of this section. 81852

(B) With the approval of a majority of its voting members, 81853  
the board shall prepare a written report containing all of the 81854  
following: 81855

(1) For each year since the establishment of the universal 81856  
service fund and for each electric distribution utility, the 81857  
annual amount of revenue collected from customers for the purpose 81858  
of supporting the universal service fund and the low-income 81859  
customer assistance programs. 81860

(2) For 2016, 2017, and 2018, and for each electric 81861  
distribution utility, a forecast of the annual amount of revenue 81862  
that will be collected from customers for the purpose of 81863  
supporting the universal service fund and the low-income customer 81864  
assistance programs, assuming no changes are made to the programs. 81865  
The forecast shall identify all assumptions, input variables, and 81866  
values assigned to input variables. The forecast may include 81867  
alternative outcomes based on variations in the assumptions, 81868  
variables, and values, so as to show the sensitivity of the 81869  
forecast to alternative inputs. 81870

(3) A recommendation as to any changes that should be made to the design and implementation of the current universal service fund and the low-income customer assistance programs to ensure that energy services are provided to low-income and other consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code. 81871  
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(C) The report required under division (B) of this section may include dissenting views and alternative recommendations. 81877  
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(D) On or before December 15, 2015, the board shall submit the report required under division (B) of this section to the governor, the president of the senate, the speaker of the house of representatives, each member of the standing committees of both houses of the general assembly that have primary jurisdiction regarding public utility legislation, the director of development services, the chairperson of the public utilities commission, the Ohio consumers' counsel, and each member of the public benefits advisory board. 81879  
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**Sec. 4928.582.** (A) To discharge the duties under section 4928.581 of the Revised Code, the public benefits advisory board may obtain professional services as the board determines appropriate. The professionals shall be promptly reimbursed by the director of development services for the actual and necessary expenses incurred in the performance of their duties under section 4928.581 of the Revised Code. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code. 81888  
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(B) The chairperson of the board may execute, subject to the advice and consent of the board, any professional-services retention agreements that the board determines appropriate. 81898  
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Sec. 4928.583. The director of development services, the 81901  
public utilities commission, and each electric distribution 81902  
utility shall promptly respond to requests by the public benefits 81903  
advisory board for information needed to prepare the report 81904  
required under section 4928.581 of the Revised Code. 81905

**Sec. 4929.164.** (A) A natural gas company may file an 81906  
application with the public utilities commission for approval of 81907  
an economic development project that has been ~~certified by~~ 81908  
submitted to the director of development services ~~under~~ for the 81909  
SiteOhio certification program, pursuant to section 122.9511 of 81910  
the Revised Code. The company shall file the application prior to 81911  
beginning the project. 81912

(B) The commission may approve a project under this section 81913  
if both of the following apply: 81914

(1) The infrastructure development costs for the project are 81915  
projected to generate a return on the company's investment that is 81916  
less than the most recently authorized rate of return. 81917

(2) The amount of infrastructure development costs to be 81918  
incurred by the company per calendar year, for the project and all 81919  
other projects previously approved under this section, is not 81920  
projected to exceed the product of one dollar multiplied by the 81921  
aggregate number of the company's customers in this state. 81922

(C) The commission shall adopt rules to provide for an 81923  
accelerated review of an application filed under division (A) of 81924  
this section. The rules shall provide for the automatic approval 81925  
of the application not later than ninety days after the date of 81926  
the application filing unless the commission suspends the 81927  
application for good cause shown. If the application is suspended, 81928  
the commission shall approve, deny, modify, or hold a hearing on 81929  
the application not later than forty-five days after the date that 81930

the suspension begins. 81931

Sec. 5101.072. There is hereby created in the state treasury 81932  
the human services projects fund. The fund may consist of 81933  
intrastate agency transfers, nonfederal grants, and other similar 81934  
revenue sources. The department of job and family services shall 81935  
use the fund to support program and administrative expenses 81936  
related to the implementation of human services initiatives within 81937  
the department. 81938

Sec. 5101.073. There is hereby created in the state treasury 81939  
the ODJFS ~~general services administration~~ audit settlements and 81940  
~~operating contingency~~ fund. The ~~director of job and family~~ 81941  
~~services may submit a deposit modification and payment detail~~ 81942  
~~report to the treasurer of state after the completion of the~~ 81943  
~~reconciliation of all final transactions with the federal~~ 81944  
~~government regarding a federal grant for a program the department~~ 81945  
~~of job and family services administers and a final closeout for~~ 81946  
~~the grant. On receipt of the report, the treasurer of state shall~~ 81947  
~~transfer the money in the refunds and audit settlements fund that~~ 81948  
~~is the subject of the report to the ODJFS general services~~ 81949  
~~administration and operating fund. Money in the ODJFS general~~ 81950  
~~services administration and operating fund shall be used to pay~~ 81951  
~~for the expenses of the programs the department administers and~~ 81952  
~~the department's administrative expenses, including the costs of~~ 81953  
~~state hearings under section 5101.35 of the Revised Code, required~~ 81954  
~~audit adjustments~~ audits, settlements, contingencies, and other 81955  
related expenses. As necessary for the purposes of the fund, the 81956  
director of job and family services may request the director of 81957  
budget and management to transfer money from any of the funds used 81958  
by the department of job and family services, except the general 81959  
revenue fund, to the ODJFS audit settlements and contingency fund. 81960  
Upon receipt of such a request, the director of budget and 81961

management may transfer the money requested. The director of 81962  
budget and management, in consultation with the director of job 81963  
and family services, may transfer money from the ODJFS audit 81964  
settlements and contingency fund to any fund used by the 81965  
department or to the general revenue fund. 81966

**Sec. 5101.54.** (A) The director of job and family services 81967  
shall administer the supplemental nutrition assistance program in 81968  
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 81969  
et seq.). The department may: 81970

(1) Prepare and submit to the secretary of the United States 81971  
department of agriculture a plan for the administration of the 81972  
supplemental nutrition assistance program; 81973

(2) Prescribe forms for applications, certificates, reports, 81974  
records, and accounts of county departments of job and family 81975  
services, and other matters; 81976

(3) Require such reports and information from each county 81977  
department of job and family services as may be necessary and 81978  
advisable; 81979

(4) Administer and expend any sums appropriated by the 81980  
general assembly for the purposes of the supplemental nutrition 81981  
assistance program and all sums paid to the state by the United 81982  
States as authorized by the Food and Nutrition Act of 2008; 81983

(5) Conduct such investigations as are necessary; 81984

(6) Enter into interagency agreements and cooperate with 81985  
investigations conducted by the department of public safety, 81986  
including providing information for investigative purposes, 81987  
exchanging property and records, passing through federal financial 81988  
participation, modifying any agreements with the United States 81989  
department of agriculture, providing for the supply, security, and 81990  
accounting of supplemental nutrition assistance program benefits 81991

for investigative purposes, and meeting any other requirements 81992  
necessary for the detection and deterrence of illegal activities 81993  
in the supplemental nutrition assistance program; 81994

(7) Adopt rules in accordance with Chapter 119. of the 81995  
Revised Code governing employment and training requirements of 81996  
recipients of supplemental nutrition assistance program benefits, 81997  
including rules specifying which recipients are subject to the 81998  
requirements and establishing sanctions for failure to satisfy the 81999  
requirements. The rules shall be consistent with 7 U.S.C. 2015, 82000  
including its work and employment and training requirements, and, 82001  
to the extent practicable, ~~may~~ shall provide for the recipients to 82002  
participate in work activities, developmental activities, and 82003  
alternative work activities ~~established under~~ described in 82004  
sections 5107.40 to 5107.69 of the Revised Code that are 82005  
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 82006  
rules may reference rules adopted under section 5107.05 of the 82007  
Revised Code governing work activities, developmental activities, 82008  
and alternative work activities ~~established under~~ described in 82009  
sections 5107.40 to 5107.69 of the Revised Code. 82010

(8) Adopt rules in accordance with section 111.15 of the 82011  
Revised Code that are consistent with the Food and Nutrition Act 82012  
of 2008, as amended, and regulations adopted thereunder governing 82013  
the following: 82014

(a) Eligibility requirements for the supplemental nutrition 82015  
assistance program; 82016

(b) Sanctions for failure to comply with eligibility 82017  
requirements; 82018

(c) Allotment of supplemental nutrition assistance program 82019  
benefits; 82020

(d) To the extent permitted under federal statutes and 82021  
regulations, a system under which some or all recipients of 82022

supplemental nutrition assistance program benefits subject to 82023  
employment and training requirements established by rules adopted 82024  
under division (A)(7) of this section receive the benefits after 82025  
satisfying the requirements; 82026

(e) Administration of the program by county departments of 82027  
job and family services; 82028

(f) Other requirements necessary for the efficient 82029  
administration of the program. 82030

(9) Submit a plan to the United States secretary of 82031  
agriculture for the department of job and family services to 82032  
operate a simplified supplemental nutrition assistance program 82033  
pursuant to 7 U.S.C. 2035 under which requirements governing the 82034  
Ohio works first program established under Chapter 5107. of the 82035  
Revised Code also govern the supplemental nutrition assistance 82036  
program in the case of households receiving supplemental nutrition 82037  
assistance program benefits and participating in Ohio works first. 82038

(B) A household that is entitled to receive supplemental 82039  
nutrition assistance program benefits and that is determined to be 82040  
in immediate need of nutrition assistance, shall receive 82041  
certification of eligibility for program benefits, pending 82042  
verification, within twenty-four hours, or, if mitigating 82043  
circumstances occur, within seventy-two hours, after application, 82044  
if: 82045

(1) The results of the application interview indicate that 82046  
the household will be eligible upon full verification; 82047

(2) Information sufficient to confirm the statements in the 82048  
application has been obtained from at least one additional source, 82049  
not a member of the applicant's household. Such information shall 82050  
be recorded in the case file, and shall include: 82051

(a) The name of the person who provided the name of the 82052  
information source; 82053

(b) The name and address of the information source; 82054

(c) A summary of the information obtained. 82055

The period of temporary eligibility shall not exceed one 82056  
month from the date of certification of temporary eligibility. If 82057  
eligibility is established by full verification, benefits shall 82058  
continue without interruption as long as eligibility continues. 82059

At the time of application, the county department of job and 82060  
family services shall provide to a household described in this 82061  
division a list of community assistance programs that provide 82062  
emergency food. 82063

(C) All applications shall be approved or denied through full 82064  
verification within thirty days from receipt of the application by 82065  
the county department of job and family services. 82066

(D) Nothing in this section shall be construed to prohibit 82067  
the certification of households that qualify under federal 82068  
regulations to receive supplemental nutrition assistance program 82069  
benefits without charge under the Food and Nutrition Act of 2008. 82070

(E) Any person who applies for the supplemental nutrition 82071  
assistance program shall receive a voter registration application 82072  
under section 3503.10 of the Revised Code. 82073

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 82074  
Revised Code: 82075

(A) "Abuse" means the infliction upon an adult by self or 82076  
others of injury, unreasonable confinement, intimidation, or cruel 82077  
punishment with resulting physical harm, pain, or mental anguish. 82078

(B) "Adult" means any person sixty years of age or older 82079  
within this state who is handicapped by the infirmities of aging 82080  
or who has a physical or mental impairment which prevents the 82081  
person from providing for the person's own care or protection, and 82082  
who resides in an independent living arrangement. An "independent 82083



living arrangement" is a domicile of a person's own choosing, 82084  
including, but not limited to, a private home, apartment, trailer, 82085  
or rooming house. An "independent living arrangement" includes a 82086  
residential facility licensed under section 5119.34 of the Revised 82087  
Code that provides accommodations, supervision, and personal care 82088  
services for three to sixteen unrelated adults, but does not 82089  
include other institutions or facilities licensed by the state or 82090  
facilities in which a person resides as a result of voluntary, 82091  
civil, or criminal commitment. 82092

(C) "Caretaker" means the person assuming the responsibility 82093  
for the care of an adult on a voluntary basis, by contract, 82094  
through receipt of payment for care, as a result of a family 82095  
relationship, or by order of a court of competent jurisdiction. 82096

(D) "Court" means the probate court in the county where an 82097  
adult resides. 82098

(E) "Emergency" means that the adult is living in conditions 82099  
which present a substantial risk of immediate and irreparable 82100  
physical harm or death to self or any other person. 82101

(F) "Emergency services" means protective services furnished 82102  
to an adult in an emergency. 82103

(G) "Exploitation" means the unlawful or improper act of a 82104  
caretaker using an adult or an adult's resources for monetary or 82105  
personal benefit, profit, or gain when the caretaker obtained or 82106  
exerted control over the adult or the adult's resources in any of 82107  
the following ways: 82108

(1) Without the adult's consent or the consent of the person 82109  
authorized to give consent on the adult's behalf; 82110

(2) Beyond the scope of the express or implied consent of the 82111  
adult or the person authorized to give consent on the adult's 82112  
behalf; 82113

<u>(3) By deception;</u>	82114
<u>(4) By threat;</u>	82115
<u>(5) By intimidation.</u>	82116
(H) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.	82117 82118 82119 82120
(I) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.	82121 82122 82123 82124 82125 82126 82127 82128 82129
(J) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.	82130 82131 82132 82133
(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.	82134 82135 82136 82137
(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.	82138 82139
(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.	82140 82141
(N) "Protective services" means services provided by the county department of job and family services or its designated	82142 82143

agency to an adult who has been determined by evaluation to 82144  
require such services for the prevention, correction, or 82145  
discontinuance of an act of as well as conditions resulting from 82146  
abuse, neglect, or exploitation. Protective services may include, 82147  
but are not limited to, case work services, medical care, mental 82148  
health services, legal services, fiscal management, home health 82149  
care, homemaker services, housing-related services, guardianship 82150  
services, and placement services as well as the provision of such 82151  
commodities as food, clothing, and shelter. 82152

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 82153  
and Friday, except when such day is a holiday as defined in 82154  
section 1.14 of the Revised Code. 82155

**Sec. 5101.61.** (A) As used in this section: 82156

(1) "Senior service provider" means any person who provides 82157  
care or services to a person who is an adult as defined in 82158  
division (B) of section 5101.60 of the Revised Code. 82159

(2) "Ambulatory health facility" means a nonprofit, public or 82160  
proprietary freestanding organization or a unit of such an agency 82161  
or organization that: 82162

(a) Provides preventive, diagnostic, therapeutic, 82163  
rehabilitative, or palliative items or services furnished to an 82164  
outpatient or ambulatory patient, by or under the direction of a 82165  
physician or dentist in a facility which is not a part of a 82166  
hospital, but which is organized and operated to provide medical 82167  
care to outpatients; 82168

(b) Has health and medical care policies which are developed 82169  
with the advice of, and with the provision of review of such 82170  
policies, an advisory committee of professional personnel, 82171  
including one or more physicians, one or more dentists, if dental 82172  
care is provided, and one or more registered nurses; 82173

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a registered professional nurse on duty at all times of clinical operations;

(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;

(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility. 82205  
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(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 82208  
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(a) Is primarily engaged in providing home health services; 82210

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy; 82211  
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(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies; 82218  
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(d) Maintains comprehensive records on all patients; 82222

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 82223  
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(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home: 82232  
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(a) Nursing care provided by or under the supervision of a registered professional nurse;	82236
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(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	82238
	82239
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	82240
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(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	82243
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(e) Medical supplies and the use of medical appliances;	82246
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	82247
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(g) Any of the foregoing items and services which:	82251
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	82252
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(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	82255
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Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34	82260
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of the Revised Code that provides accommodations, supervision, and 82266  
personal care services for three to sixteen unrelated adults, any 82267  
employee of a nursing home, residential care facility, or home for 82268  
the aging, as defined in section 3721.01 of the Revised Code, any 82269  
senior service provider, any peace officer, coroner, member of the 82270  
clergy, any employee of a community mental health facility, and 82271  
any person engaged in professional counseling, social work, or 82272  
marriage and family therapy having reasonable cause to believe 82273  
that an adult is being abused, neglected, or exploited, or is in a 82274  
condition which is the result of abuse, neglect, or exploitation 82275  
shall immediately report such belief to the county department of 82276  
job and family services. This section does not apply to employees 82277  
of any hospital or public hospital as defined in section 5122.01 82278  
of the Revised Code. 82279

(B) Any person having reasonable cause to believe that an 82280  
adult has suffered abuse, neglect, or exploitation may report, or 82281  
cause reports to be made of such belief to the department. 82282

(C) The reports made under this section shall be made orally 82283  
or in writing except that oral reports shall be followed by a 82284  
written report if a written report is requested by the department. 82285  
Written reports shall include: 82286

(1) The name, address, and approximate age of the adult who 82287  
is the subject of the report; 82288

(2) The name and address of the individual responsible for 82289  
the adult's care, if any individual is, and if the individual is 82290  
known; 82291

(3) The nature and extent of the alleged abuse, neglect, or 82292  
exploitation of the adult; 82293

(4) The basis of the reporter's belief that the adult has 82294  
been abused, neglected, or exploited. 82295

(D) Any person with reasonable cause to believe that an adult 82296

is suffering abuse, neglect, or exploitation who makes a report 82297  
pursuant to this section or who testifies in any administrative or 82298  
judicial proceeding arising from such a report, or any employee of 82299  
the state or any of its subdivisions who is discharging 82300  
responsibilities under section 5101.62 of the Revised Code shall 82301  
be immune from civil or criminal liability on account of such 82302  
investigation, report, or testimony, except liability for perjury, 82303  
unless the person has acted in bad faith or with malicious 82304  
purpose. 82305

(E) No employer or any other person with the authority to do 82306  
so shall discharge, demote, transfer, prepare a negative work 82307  
performance evaluation, or reduce benefits, pay, or work 82308  
privileges, or take any other action detrimental to an employee or 82309  
in any way retaliate against an employee as a result of the 82310  
employee's having filed a report under this section. 82311

(F) ~~Neither the~~ The written or oral report provided for in 82312  
this section ~~nor~~ and the investigatory report provided for in 82313  
section 5101.62 of the Revised Code ~~shall be considered a~~ are 82314  
confidential and are not public record records, as defined in 82315  
section 149.43 of the Revised Code. ~~Information~~ In accordance with 82316  
rules adopted by the department of job and family services, 82317  
information contained in the report shall upon request be made 82318  
available to the adult who is the subject of the report, ~~to~~ 82319  
~~agencies authorized by the department to receive information~~ 82320  
~~contained in the report,~~ and to legal counsel for the adult. 82321

(G) The county department of job and family services shall be 82322  
available to receive the written or oral report provided for in 82323  
this section twenty-four hours a day and seven days a week. 82324

**Sec. 5101.611.** (A) If a county department of job and family 82325  
services knows or has reasonable cause to believe that the subject 82326  
of a report made under section 5101.61 or of an investigation 82327



conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 82328  
~~of the department of the Revised Code is mentally retarded or~~ 82329  
~~developmentally disabled~~ an individual with a developmental 82330  
disability as defined in section 5126.01 of the Revised Code, the 82331  
county department shall refer the case to the county board of 82332  
developmental disabilities of that county for review pursuant to 82333  
section 5126.31 of the Revised Code. 82334

If a county board of developmental disabilities refers a case 82335  
to the county department of job and family services in accordance 82336  
with section 5126.31, the county department of job and family 82337  
services shall proceed with the case in accordance with sections 82338  
5101.60 to 5101.71 of the Revised Code. 82339

(B) If a county department of job and family services knows 82340  
or has reasonable cause to believe that the subject of a report 82341  
made under section 5101.61 or of an investigation conducted under 82342  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 82343  
long-term care facility, as defined in section 173.14 of the 82344  
Revised Code, the department shall refer the case to the office of 82345  
the state long-term care ombudsman program for review pursuant to 82346  
section 173.19 of the Revised Code. 82347

If the state ombudsman or regional long-term care ombudsman 82348  
program refers a case to the county department of job and family 82349  
services in accordance with rules adopted pursuant to section 82350  
173.20 of the Revised Code, the county department shall proceed 82351  
with the case in accordance with sections 5101.60 to 5101.71 of 82352  
the Revised Code. 82353

(C) If a county department of job and family services knows 82354  
or has reasonable cause to believe that the subject of a report 82355  
made under section 5101.61 or of an investigation conducted under 82356  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 82357  
nursing home, as defined in section 3721.01 of the Revised Code, 82358  
and has allegedly been abused, neglected, or exploited by an 82359

employee of the nursing home, the department shall refer the case 82360  
to the department of health for investigation pursuant to section 82361  
3721.031 of the Revised Code. 82362

(D) If a county department of job and family services knows 82363  
or has reasonable cause to believe that the subject of a report 82364  
made under section 5101.61 or of an investigation conducted under 82365  
sections 5101.62 to 5101.64 of the Revised Code is a child, as 82366  
defined in section 5153.01 of the Revised Code, the department 82367  
shall refer the case to the public children services agency of 82368  
that county. 82369

(E) A referral by the county department of job and family 82370  
services of a case to another public regulatory agency or 82371  
investigatory entity pursuant to this section shall be made in 82372  
accordance with rules adopted by the department of job and family 82373  
services. 82374

**Sec. 5101.612.** (A) The department of job and family services 82375  
shall establish and maintain a uniform statewide automated adult 82376  
protective services information system. The information system 82377  
shall contain records regarding all of the following: 82378

(1) All reports of abuse, neglect, or exploitation of adults 82379  
made to county departments of job and family services under 82380  
section 5101.61 of the Revised Code; 82381

(2) Investigations conducted under section 5101.62 of the 82382  
Revised Code; 82383

(3) Protective services provided to adults pursuant to 82384  
sections 5101.60 to 5101.71 of the Revised Code; 82385

(4) Any other information related to adults in need of 82386  
protective services that state or federal law, regulation, or rule 82387  
requires the department or a county department to maintain. 82388

(B) The department shall plan implementation of the 82389

information system on a county-by-county basis. The department 82390  
shall promptly notify all county departments of the initiation and 82391  
completion of statewide implementation of the information system. 82392

(C) Except as provided in division (C)(3) of this section and 82393  
in rules adopted by the department pursuant to that division: 82394

(1) The information contained in or obtained from the 82395  
information system is confidential and is not subject to 82396  
disclosure pursuant to section 149.43 or 1347.08 of the Revised 82397  
Code. 82398

(2) No person shall knowingly do either of the following: 82399

(a) Access or use information contained in the information 82400  
system; 82401

(b) Disclose information obtained from the information 82402  
system. 82403

(3) Information contained in the information system may be 82404  
accessed or used only in a manner, to the extent, and for the 82405  
purposes, authorized by rules adopted by the department. 82406

**Sec. 5101.62.** The county department of job and family 82407  
services or its designee shall be responsible for the 82408  
investigation of all reports provided for in section 173.20 or 82409  
5101.61 and all cases referred to it under section 5126.31 of the 82410  
Revised Code and for evaluating the need for and, to the extent of 82411  
available funds, providing or arranging for the provision of 82412  
protective services. ~~The department may designate another agency~~ 82413  
~~to perform the department's duties under this section.~~ 82414

Investigation of the report provided for in section 5101.61 82415  
or a case referred to the department under section 5126.31 of the 82416  
Revised Code shall be initiated within twenty-four hours after the 82417  
department receives the report or case if any emergency exists; 82418  
otherwise investigation shall be initiated within three working 82419

days. 82420

Investigation of the need for protective services shall 82421  
include a face-to-face visit with the adult who is the subject of 82422  
the report, preferably in the adult's residence, and consultation 82423  
with the person who made the report, if feasible, and agencies or 82424  
persons who have information about the adult's alleged abuse, 82425  
neglect, or exploitation. 82426

The department shall give written notice of the intent of the 82427  
investigation and an explanation of the notice in language 82428  
reasonably understandable to the adult who is the subject of the 82429  
investigation, at the time of the initial interview with that 82430  
person. 82431

Upon completion of the investigation, the department shall 82432  
determine from its findings whether or not the adult who is the 82433  
subject of the report is in need of protective services. No adult 82434  
shall be determined to be abused, neglected, or in need of 82435  
protective services for the sole reason that, in lieu of medical 82436  
treatment, the adult relies on or is being furnished spiritual 82437  
treatment through prayer alone in accordance with the tenets and 82438  
practices of a church or religious denomination of which the adult 82439  
is a member or adherent. The department shall write a report which 82440  
confirms or denies the need for protective services and states why 82441  
it reached this conclusion. 82442

Sec. 5101.621. (A) Each county department of job and family 82443  
services shall prepare a memorandum of understanding that is 82444  
signed by all of the following: 82445

(1) The director of the county department of job and family 82446  
services; 82447

(2) If the county department has entered into an interagency 82448  
agreement with a local agency pursuant to section 5101.622 of the 82449

<u>Revised Code, the director of the local agency;</u>	82450
<u>(3) The county peace officer;</u>	82451
<u>(4) All chief municipal peace officers within the county;</u>	82452
<u>(5) Other law enforcement officers handling adult abuse,</u> <u>neglect, and exploitation cases in the county;</u>	82453 82454
<u>(6) The prosecuting attorney of the county;</u>	82455
<u>(7) The coroner of the county.</u>	82456
<u>(B) The memorandum of understanding shall set forth the</u> <u>procedures to be followed by the persons listed in division (A) of</u> <u>this section in the execution of their respective responsibilities</u> <u>related to cases of adult abuse, neglect, and exploitation. The</u> <u>memorandum of understanding shall establish all of the following:</u>	82457 82458 82459 82460 82461
<u>(1) An interdisciplinary team to coordinate efforts related</u> <u>to the prevention, reporting, and treatment of abuse, neglect, and</u> <u>exploitation of adults;</u>	82462 82463 82464
<u>(2) The roles and responsibilities for handling cases that</u> <u>have been referred by the county department to another agency</u> <u>pursuant to section 5101.611 of the Revised Code;</u>	82465 82466 82467
<u>(3) The roles and responsibilities for filing criminal</u> <u>charges against persons alleged to have abused, neglected, or</u> <u>exploited adults.</u>	82468 82469 82470
<u>Failure to follow the procedure set forth in the memorandum</u> <u>of understanding is not grounds for, and shall not result in, the</u> <u>dismissal of any charge or complaint arising from a report of</u> <u>abuse, neglect, or exploitation or the suppression of any evidence</u> <u>obtained as a result of a report of abuse, neglect, or</u> <u>exploitation and does not give any rights or grounds for appeal or</u> <u>post-conviction relief to any person.</u>	82471 82472 82473 82474 82475 82476 82477
<u>(C) The memorandum of understanding may, in addition, be</u> <u>signed by any of the following persons who are also members of the</u>	82478 82479

<u>interdisciplinary team described in division (B)(1) of this</u>	82480
<u>section:</u>	82481
<u>(1) A representative of the area agency on aging, as defined</u>	82482
<u>in section 173.14 of the Revised Code;</u>	82483
<u>(2) The regional long-term care ombudsman;</u>	82484
<u>(3) A representative of the board of alcohol, drug addiction,</u>	82485
<u>and mental health services;</u>	82486
<u>(4) A representative of the board of health of a city or</u>	82487
<u>general health district;</u>	82488
<u>(5) A representative of the county board of developmental</u>	82489
<u>disabilities;</u>	82490
<u>(6) A representative of a victim assistance program;</u>	82491
<u>(7) A representative of a local housing authority;</u>	82492
<u>(8) Any other person whose participation furthers the goals</u>	82493
<u>of the memorandum of understanding.</u>	82494
<u>Sec. 5101.622. The county department of job and family</u>	82495
<u>services may enter into an agreement or contract with another</u>	82496
<u>person or government entity to perform the following duties:</u>	82497
<u>(A) In accordance with division (G) of section 5101.61 of the</u>	82498
<u>Revised Code, receive reports made under that section;</u>	82499
<u>(B) Perform the county department's duties under section</u>	82500
<u>5101.62 of the Revised Code;</u>	82501
<u>(C) Petition the court pursuant to section 5101.65 or 5101.69</u>	82502
<u>of the Revised Code for an order authorizing the provision of</u>	82503
<u>protective services.</u>	82504
<u>Sec. 5101.69. (A) Upon petition by the county department of</u>	82505
<u>human job and family services or its designee, the court may issue</u>	82506
<u>an order authorizing the provision of protective services on an</u>	82507

emergency basis to an adult. The petition for any emergency order 82508  
shall include all of the following: 82509

(1) The name, age, and address of the adult in need of 82510  
protective services; 82511

(2) The nature of the emergency; 82512

(3) The proposed protective services; 82513

(4) The petitioner's reasonable belief, together with facts 82514  
supportive thereof, as to the existence of the circumstances 82515  
described in divisions (D)(1) to (3) of this section; 82516

(5) Facts showing the petitioner's attempts to obtain the 82517  
adult's consent to the protective services. 82518

(B) Notice of the filing and contents of the petition 82519  
provided for in division (A) of this section, the rights of the 82520  
person in the hearing provided for in division (C) of this 82521  
section, and the possible consequences of a court order, shall be 82522  
given to the adult. Notice shall also be given to the spouse of 82523  
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 82524  
children or next of kin, and ~~his~~ the adult's guardian, if any, if 82525  
~~his~~ the guardian's whereabouts are known. The notice shall be 82526  
given in language reasonably understandable to its recipients at 82527  
least twenty-four hours prior to the hearing provided for in this 82528  
section. The court may waive the twenty-four ~~hour~~ hours' notice 82529  
~~requiement~~ requirement upon a showing that both of the following 82530  
are the case: 82531

(1) Immediate and irreparable physical harm or immediate and 82532  
irreparable financial harm to the adult or others will result from 82533  
the twenty-four hour delay; ~~and~~ 82534

(2) Reasonable attempts have been made to notify the adult, 82535  
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 82536  
adult's adult children or next of kin, if any, and ~~his~~ the adult's 82537

guardian, if any, if ~~his~~ the guardian's whereabouts are known. 82538

Notice of the court's determination shall be given to all 82539  
persons receiving notice of the filing of the petition provided 82540  
for in this division. 82541

(C) Upon receipt of a petition for an order for emergency 82542  
services, the court shall hold a hearing no sooner than 82543  
twenty-four and no later than seventy-two hours after the notice 82544  
provided for in division (B) of this section has been given, 82545  
unless the court has waived the notice. The adult who is the 82546  
subject of the petition shall have the right to be present at the 82547  
hearing, present, evidence, and examine and cross-examine 82548  
witnesses. 82549

(D) The court shall issue an order authorizing the provision 82550  
of protective services on an emergency basis if it finds, on the 82551  
basis of clear and convincing evidence, ~~that~~ all of the following: 82552

(1) The adult is an incapacitated person; 82553

(2) An emergency exists; 82554

(3) No person authorized by law or court order to give 82555  
consent for the adult is available or willing to consent to 82556  
emergency services. 82557

(E) In issuing an emergency order, the court shall adhere to 82558  
the following limitations: 82559

(1) The court shall order only such protective services as 82560  
are necessary and available locally to remove the conditions 82561  
creating the emergency, and the court shall specifically designate 82562  
those protective services the adult shall receive; 82563

(2) The court shall not order any change of residence under 82564  
this section unless the court specifically finds that a change of 82565  
residence is necessary; 82566

(3) The court may order emergency ~~series~~ services only for 82567



fourteen days. The county department or its designee may petition 82568  
the court for a renewal of the order for a fourteen-day period 82569  
upon a showing that continuation of the order is necessary to 82570  
remove the emergency. 82571

(4) In its order the court shall authorize the director of 82572  
the county department ~~or his,~~ the director's designee, or a 82573  
representative of the department's designee to give consent for 82574  
the person for the approved emergency services until the 82575  
expiration of the order; 82576

(5) The court shall not order a person to a hospital or 82577  
public hospital as defined in section 5122.01 of the Revised Code. 82578

(F) If the county department or its designee determines that 82579  
the adult continues to need protective services after the order 82580  
provided for in division (D) of this section has expired, the 82581  
county department or its designee may petition the court for an 82582  
order to continue protective services, pursuant to section 5101.65 82583  
of the Revised Code. After the filing of the petition, the county 82584  
department or its designee may continue to provide protective 82585  
services pending a hearing by the court. 82586

**Sec. 5101.691.** (A) A court, through a probate judge or a 82587  
magistrate under the direction of a probate judge, may issue by 82588  
telephone an ex parte emergency order authorizing the provision of 82589  
protective services, including the relief available under division 82590  
(B) of section 5101.692 of the Revised Code, to an adult on an 82591  
emergency basis if all of the following are the case: 82592

(1) The court receives notice from the county department of 82593  
job and family services, an authorized employee of the county 82594  
department, the department's designee, or an authorized employee 82595  
of the department's designee, that the county department, 82596  
designee, or employee believes an emergency order is needed as 82597  
described in this section. 82598

(2) There is reasonable cause to believe that the adult is incapacitated. 82599  
82600

(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death. 82601  
82602  
82603

(B)(1) The judge or magistrate shall journalize any order issued under this section. 82604  
82605

(2) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day. 82606  
82607  
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(C)(1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of section 5101.69 of the Revised Code. 82610  
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(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next working day. 82615  
82616  
82617

(3) Except as provided in section 5101.692 of the Revised Code, proceedings on the petition shall be conducted in accordance with section 5101.69 of the Revised Code. 82618  
82619  
82620

**Sec. 5101.692.** (A) If an order is issued pursuant to section 5101.691 of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day. 82621  
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(B) At the hearing, the court: 82628

(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs; 82629  
82630

(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal settlement; 82631  
82632  
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(3) May order emergency services; 82637

(4) May freeze the financial assets of the adult. 82638

(C) A temporary order issued pursuant to division (B)(2) of this section is effective for thirty days. The court may renew the order for an additional thirty-day period. 82639  
82640  
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Information contained in the order may be entered into the law enforcement automated data system. 82642  
82643

**Sec. 5101.71.** (A) The county departments of job and family services shall implement sections 5101.60 to 5101.71 of the Revised Code. The department of job and family services ~~may~~ shall provide a program of ongoing, comprehensive, formal training ~~to county departments and other agencies authorized to implement~~ regarding the implementation of sections 5101.60 to 5101.71 of the Revised Code and require all adult protective services caseworkers and their supervisors to undergo the training. Training shall not be limited to the procedures for implementing section 5101.62 of the Revised Code. The department of job and family services shall adopt any rules it deems necessary regarding the training. 82644  
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(B) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code ~~governing the county departments' implementation to carry out the purposes~~ of sections 5101.60 to 5101.71 of the Revised Code. The rules 82655  
82656  
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adopted pursuant to this division may include a requirement that 82659  
the county departments provide on forms prescribed by the rules a 82660  
plan of proposed expenditures, and a report of actual 82661  
expenditures, of funds necessary to implement sections 5101.60 to 82662  
5101.71 of the Revised Code and other requirements for intake 82663  
procedures, investigations, case management, and the provision of 82664  
protective services. 82665

**Sec. 5101.72.** The department of job and family services, ~~to~~ 82666  
~~the extent of available funds,~~ may reimburse county departments of 82667  
job and family services for all or part of the costs they incur in 82668  
implementing sections 5101.60 to 5101.71 of the Revised Code. The 82669  
director of job and family services shall adopt internal 82670  
management rules in accordance with section 111.15 of the Revised 82671  
Code that provide for reimbursement of county departments of job 82672  
and family services under this section. 82673

The director shall adopt internal management rules in 82674  
accordance with section 111.15 of the Revised Code that do both of 82675  
the following: 82676

(A) Implement sections 5101.60 to 5101.71 of the Revised 82677  
Code; 82678

(B) Require the county departments to collect and submit to 82679  
the department, or ensure that a designated agency collects and 82680  
submits to the department, data concerning the implementation of 82681  
sections 5101.60 to 5101.71 of the Revised Code. 82682

**Sec. 5101.91.** (A) As used in sections 5101.91 and 5101.92 of 82683  
the Revised Code: 82684

(1) "Political subdivision" has the same meaning as in 82685  
section 2744.01 of the Revised Code. 82686

(2) "Publicly funded assistance program" means any physical 82687  
health, behavioral health, social, employment, education, housing, 82688

or similar program funded or provided by the state or a political subdivision of the state. 82689  
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(B) There is hereby created the Ohio healthier buckeye advisory council in the department of job and family services. The council shall meet at the discretion of the director of job and family services and shall consist of the following members: 82691  
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82693  
82694

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor; 82695  
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82697  
82698

(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate; 82699  
82700  
82701

(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives; 82702  
82703  
82704

(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court; 82705  
82706

(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor. 82707  
82708  
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(C) Initial appointments to the council shall be made not later than thirty days after ~~the effective date of this section~~ September 15, 2014. 82710  
82711  
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A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments. 82713  
82714  
82715  
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(D) The director of job and family services shall serve as chairperson of the council. 82717  
82718

(E) The department of job and family services shall provide administrative assistance to the council. 82719  
82720

(F) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. 82721  
82722  
82723

(G) Annually, the Ohio healthier buckeye advisory council shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, to the general assembly. Each report shall contain a description of the council's activities for the preceding year and any other information the council considers appropriate to include in the report. 82724  
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**Sec. 5101.92.** The Ohio healthier buckeye advisory council ~~may~~ shall do all of the following: 82730  
82731

(A) Develop the means by which ~~county local~~ healthier buckeye councils established under section 355.02 of the Revised Code may reduce the reliance of individuals on publicly funded assistance programs as provided in section 355.03 of the Revised Code; 82732  
82733  
82734  
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~~(B) Recommend to the director of job and family services eligibility criteria, application processes, and maximum grant amounts for the Ohio healthier buckeye grant program~~ Provide assistance in the establishment of local healthier buckeye councils under Chapter 355. of the Revised Code; 82736  
82737  
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~~(C) Not later than December 1, 2015, submit to the director recommendations for doing all of the following:~~ 82741  
82742

~~(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty;~~ 82743  
82744  
82745

~~(2) Revising incentives for public assistance programs to foster person centered case management;~~ 82746  
82747

~~(3) Standardizing and automating eligibility determination~~ 82748

~~policies and processes for public assistance programs~~ Identify 82749  
barriers and gaps to achieving greater financial independence for 82750  
individuals and families, and provide advice to remove those 82751  
barriers and gaps; 82752

(D) Collect, analyze, and report performance measure 82753  
information. 82754

**Sec. 5101.99.** (A) Whoever violates division (A) or (B) of 82755  
section 5101.61 of the Revised Code shall be fined not more than 82756  
five hundred dollars. 82757

(B) Whoever violates division (A) of section 5101.27 of the 82758  
Revised Code is guilty of a misdemeanor of the first degree. 82759

(C) Whoever violates section 5101.133 or division (C)(2) of 82760  
section 5101.612 of the Revised Code is guilty of a misdemeanor of 82761  
the fourth degree. 82762

**Sec. 5103.02.** As used in sections 5103.03 to 5103.17 of the 82763  
Revised Code: 82764

(A)(1) "Association" or "institution" includes all of the 82765  
following: 82766

(a) Any incorporated or unincorporated organization, society, 82767  
association, or agency, public or private, that receives or cares 82768  
for children for two or more consecutive weeks; 82769

(b) Any individual, including the operator of a foster home, 82770  
who, for hire, gain, or reward, receives or cares for children for 82771  
two or more consecutive weeks, unless the individual is related to 82772  
them by blood or marriage; 82773

(c) Any individual not in the regular employ of a court, or 82774  
of an institution or association certified in accordance with 82775  
section 5103.03 of the Revised Code, who in any manner becomes a 82776  
party to the placing of children in foster homes, unless the 82777

individual is related to such children by blood or marriage or is 82778  
the appointed guardian of such children. 82779

(2) "Association" or "institution" does not include any of 82780  
the following: 82781

(a) Any organization, society, association, school, agency, 82782  
child guidance center, detention or rehabilitation facility, or 82783  
children's clinic licensed, regulated, approved, operated under 82784  
the direction of, or otherwise certified by the department of 82785  
education, a local board of education, the department of youth 82786  
services, the department of mental health and addiction services, 82787  
or the department of developmental disabilities; 82788

(b) Any individual who provides care for only a single-family 82789  
group, placed there by their parents or other relative having 82790  
custody; 82791

(c) A private, nonprofit therapeutic wilderness camp. 82792

(B) "Family foster home" means a foster home that is not a 82793  
specialized foster home. 82794

(C) "Foster caregiver" means a person holding a valid foster 82795  
home certificate issued under section 5103.03 of the Revised Code. 82796

(D) "Foster home" means a private residence in which children 82797  
are received apart from their parents, guardian, or legal 82798  
custodian, by an individual reimbursed for providing the children 82799  
nonsecure care, supervision, or training twenty-four hours a day. 82800  
"Foster home" does not include care provided for a child in the 82801  
home of a person other than the child's parent, guardian, or legal 82802  
custodian while the parent, guardian, or legal custodian is 82803  
temporarily away. Family foster homes and specialized foster homes 82804  
are types of foster homes. 82805

(E) "Medically fragile foster home" means a foster home that 82806  
provides specialized medical services designed to meet the needs 82807



of children with intensive health care needs who meet all of the 82808  
following criteria: 82809

(1) Under rules adopted by the medicaid director governing 82810  
medicaid payments for long-term care services, the children 82811  
require a skilled level of care. 82812

(2) The children require the services of a doctor of medicine 82813  
or osteopathic medicine at least once a week due to the 82814  
instability of their medical conditions. 82815

(3) The children require the services of a registered nurse 82816  
on a daily basis. 82817

(4) The children are at risk of institutionalization in a 82818  
hospital, skilled nursing facility, or intermediate care facility 82819  
for individuals with intellectual disabilities. 82820

(F) "Private, nonprofit therapeutic wilderness camp" means a 82821  
structured, alternative residential setting for children who are 82822  
experiencing emotional, behavioral, moral, social, or learning 82823  
difficulties at home or school in which all of the following are 82824  
the case: 82825

(1) The children spend the majority of their time, including 82826  
overnight, either outdoors or in a primitive structure. 82827

(2) The children have been placed there by their parents or 82828  
another relative having custody. 82829

(3) The camp accepts no public funds for use in its 82830  
operations. 82831

(G) "Recommending agency" means a public children services 82832  
agency, private child placing agency, or private noncustodial 82833  
agency that recommends that the department of job and family 82834  
services take any of the following actions under section 5103.03 82835  
of the Revised Code regarding a foster home: 82836

(1) Issue a certificate; 82837

(2) Deny a certificate;	82838
(3) Renew a certificate;	82839
(4) Deny renewal of a certificate;	82840
(5) Revoke a certificate.	82841
<del>(G)</del> (H) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	82842 82843
<del>(H)</del> (I) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs.	82844 82845 82846 82847 82848 82849
<u>Sec. 5103.50. (A) As used in this section and sections 5103.51 to 5103.55 of the Revised Code, "private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.</u>	82850 82851 82852 82853
<u>(B) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards set forth in division (D) of this section and section 5103.54 of the Revised Code that are substantially similar, as determined by the director, to other similarly situated providers of residential care to children.</u>	82854 82855 82856 82857 82858 82859
<u>(C) The director of job and family services shall issue a license to a private, nonprofit therapeutic wilderness camp that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the camp meets the standards set forth in rules adopted under division (B) of this section.</u>	82860 82861 82862 82863 82864 82865
<u>(D) In accordance with rules adopted by the director under division (B) of this section, the camp shall develop and implement</u>	82866 82867

<u>written policies that establish all of the following:</u>	82868
<u>(1) Standards for hiring, training, and supervising staff;</u>	82869
<u>(2) Standards for behavioral intervention, including</u> <u>standards prohibiting the use of prone restraint and governing the</u> <u>use of other restraints or isolation;</u>	82870 82871 82872
<u>(3) Standards for recordkeeping, including specifying</u> <u>information that must be included in each child's record, who may</u> <u>access records, confidentiality, maintenance, security, and</u> <u>disposal of records;</u>	82873 82874 82875 82876
<u>(4) A procedure for handling complaints about the camp from</u> <u>the children attending the camp, their families, staff, and the</u> <u>public;</u>	82877 82878 82879
<u>(5) Standards for emergency and disaster preparedness,</u> <u>including procedures for emergency evacuation and standards</u> <u>requiring that a method of emergency communication be accessible</u> <u>at all times;</u>	82880 82881 82882 82883
<u>(6) Standards that ensure the protection of children's civil</u> <u>rights;</u>	82884 82885
<u>(7) Standards for the admission and discharge of children</u> <u>attending the camp, including standards for emergency discharge;</u>	82886 82887
<u>(8) Standards for the supervision of children, including</u> <u>minimum staff to child ratios;</u>	82888 82889
<u>(9) Standards for ensuring proper medical care, including</u> <u>administration of medications;</u>	82890 82891
<u>(10) Standards for proper notification of critical incidents;</u>	82892
<u>(11) Standards regarding the health and safety of residents,</u> <u>including proper health department approvals, fire inspections,</u> <u>and food service licenses;</u>	82893 82894 82895
<u>(12) Standards for ensuring the reporting requirements under</u>	82896

section 2151.421 of the Revised Code are met. 82897

(E) The camp shall ensure that no child resides at the camp 82898  
for more than twelve consecutive months, unless the camp has 82899  
completed a full evaluation that determines the child is not ready 82900  
for reunification with the child's family or guardian. Such 82901  
evaluation shall include any outside professional determined to be 82902  
necessary by the director of job and family services. This 82903  
evaluation shall be conducted in accordance with rules adopted by 82904  
the director. 82905

(F) The camp shall cooperate with any request from the 82906  
director for an inspection or for access to records or written 82907  
policies of the camp. 82908

(G) The camps shall ensure that no child is left without 82909  
supervision of camp staff at any time. 82910

(H) The camp shall ensure that if there is a weather 82911  
emergency or warning issued by the national weather service in the 82912  
camp's geographic area, the children will be moved to a safe 82913  
structure guarded from the weather event. 82914

(I) The camp shall ensure that all sharp tools used in the 82915  
camp, including axes and knives, are locked unless in use by camp 82916  
staff or otherwise under camp staff supervision. 82917

Sec. 5103.51. A license issued under section 5103.50 of the 82918  
Revised Code is valid for two years, unless earlier revoked by the 82919  
director of job and family services. The license may be renewed. 82920

Each private, nonprofit therapeutic wilderness camp seeking 82921  
license renewal shall submit to the director an application for 82922  
license renewal on such form as the director prescribes. 82923

Sec. 5103.52. (A) The director of job and family services may 82924  
inspect a private, nonprofit therapeutic wilderness camp at any 82925

<u>time.</u>	82926
<u>(B) The director may request access to the camp's records or</u>	82927
<u>to the written policies adopted by the camp pursuant to section</u>	82928
<u>5103.50 of the Revised Code.</u>	82929
<u><b>Sec. 5103.53.</b> A private, nonprofit therapeutic wilderness</u>	82930
<u>camp shall not operate without a license issued under section</u>	82931
<u>5103.50 of the Revised Code. If the director of job and family</u>	82932
<u>services determines that a camp is operating without a license,</u>	82933
<u>the director may petition the court of common pleas in the county</u>	82934
<u>in which the camp is located for an order enjoining its operation.</u>	82935
<u>The court shall grant injunctive relief upon a showing that the</u>	82936
<u>camp is operating without a license.</u>	82937
<u><b>Sec. 5103.54.</b> (A) The director of job and family services</u>	82938
<u>shall adopt rules in accordance with Chapter 119. of the Revised</u>	82939
<u>Code to establish the following:</u>	82940
<u>(1) Policies and procedures for enforcing the minimum</u>	82941
<u>standards of operation for private, nonprofit therapeutic</u>	82942
<u>wilderness camps;</u>	82943
<u>(2) Procedures the director shall follow if the director</u>	82944
<u>determines that conditions at a camp pose imminent risk to the</u>	82945
<u>life, health, or safety of one or more children at a camp.</u>	82946
<u>(B) Rules adopted under this section shall be substantially</u>	82947
<u>similar, as determined by the director, to rules applicable to</u>	82948
<u>other residential care providers to children.</u>	82949
<u>(C) The director may issue, deny, or revoke a license</u>	82950
<u>according to procedures set forth in rules adopted under this</u>	82951
<u>section or section 5103.50 of the Revised Code.</u>	82952
<u><b>Sec. 5103.55.</b> A parent of a child attending a private,</u>	82953
<u>nonprofit therapeutic wilderness camp is not relieved of the</u>	82954

parent's obligations regarding compulsory school attendance 82955  
pursuant to section 3321.04 of the Revised Code. 82956

**Sec. 5104.01.** As used in this chapter: 82957

(A) "Administrator" means the person responsible for the 82958  
daily operation of a center, type A home, or type B home. The 82959  
administrator and the owner may be the same person. 82960

(B) "Approved child day camp" means a child day camp approved 82961  
pursuant to section 5104.22 of the Revised Code. 82962

(C) "Border state child care provider" means a child care 82963  
provider that is located in a state bordering Ohio and that is 82964  
licensed, certified, or otherwise approved by that state to 82965  
provide child care. 82966

(D) "Career pathways model" means an alternative pathway to 82967  
meeting the requirements to be a child-care staff member or 82968  
administrator that does both of the following: 82969

(1) Uses a framework approved by the director of job and 82970  
family services to document formal education, training, 82971  
experience, and specialized credentials and certifications; 82972

(2) Allows the child-care staff member or administrator to 82973  
achieve a designation as an early childhood professional level 82974  
one, two, three, four, five, or six. 82975

(E) "Caretaker parent" means the father or mother of a child 82976  
whose presence in the home is needed as the caretaker of the 82977  
child, a person who has legal custody of a child and whose 82978  
presence in the home is needed as the caretaker of the child, a 82979  
guardian of a child whose presence in the home is needed as the 82980  
caretaker of the child, and any other person who stands in loco 82981  
parentis with respect to the child and whose presence in the home 82982  
is needed as the caretaker of the child. 82983

(F) "Chartered nonpublic school" means a school that meets 82984

standards for nonpublic schools prescribed by the state board of 82985  
education for nonpublic schools pursuant to section 3301.07 of the 82986  
Revised Code. 82987

(G) "Child" includes an infant, toddler, preschool-age child, 82988  
or school-age child. 82989

(H) "Child care block grant act" means the "Child Care and 82990  
Development Block Grant Act of 1990," established in section 5082 82991  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 82992  
1388-236 (1990), 42 U.S.C. 9858, as amended. 82993

(I) "Child day camp" means a program in which only school-age 82994  
children attend or participate, that operates for no more than 82995  
seven hours per day, that operates only during one or more public 82996  
school district's regular vacation periods or for no more than 82997  
fifteen weeks during the summer, and that operates outdoor 82998  
activities for each child who attends or participates in the 82999  
program for a minimum of fifty per cent of each day that children 83000  
attend or participate in the program, except for any day when 83001  
hazardous weather conditions prevent the program from operating 83002  
outdoor activities for a minimum of fifty per cent of that day. 83003  
For purposes of this division, the maximum seven hours of 83004  
operation time does not include transportation time from a child's 83005  
home to a child day camp and from a child day camp to a child's 83006  
home. 83007

(J) "Child care" means administering all of the following: 83008

(1) Administering to the needs of infants, toddlers, 83009  
preschool-age children, and school-age children outside of school 83010  
hours ~~by~~; 83011

(2) By persons other than their parents ~~or~~, guardians, or 83012  
custodians, ~~or relatives by blood, marriage, or adoption for~~; 83013

(3) For any part of the twenty-four-hour day ~~in~~; 83014

(4) In a place ~~or residence~~ other than a child's own home, 83015  
except that an in-home aide provides child care in the child's own 83016  
home. 83017

(K) "Child day-care center" and "center" mean any place in 83018  
which child care or publicly funded child care is provided for 83019  
thirteen or more children at one time or any place that is not the 83020  
permanent residence of the licensee or administrator in which 83021  
child care or publicly funded child care is provided for seven to 83022  
twelve children at one time. In counting children for the purposes 83023  
of this division, any children under six years of age who are 83024  
related to a licensee, administrator, or employee and who are on 83025  
the premises of the center shall be counted. "Child day-care 83026  
center" and "center" do not include any of the following: 83027

(1) A place located in and operated by a hospital, as defined 83028  
in section 3727.01 of the Revised Code, in which the needs of 83029  
children are administered to, if all the children whose needs are 83030  
being administered to are monitored under the on-site supervision 83031  
of a physician licensed under Chapter 4731. of the Revised Code or 83032  
a registered nurse licensed under Chapter 4723. of the Revised 83033  
Code, and the services are provided only for children who, in the 83034  
opinion of the child's parent, guardian, or custodian, are 83035  
exhibiting symptoms of a communicable disease or other illness or 83036  
are injured; 83037

(2) A child day camp; 83038

(3) A place that provides child care, but not publicly funded 83039  
child care, if all of the following apply: 83040

(a) An organized religious body provides the child care; 83041

(b) A parent, custodian, or guardian of at least one child 83042  
receiving child care is on the premises and readily accessible at 83043  
all times; 83044

(c) The child care is not provided for more than thirty days 83045



a year;	83046
(d) The child care is provided only for preschool-age and school-age children.	83047 83048
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	83049 83050 83051
(M) "Child care resource and referral services" means all of the following services:	83052 83053
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	83054 83055 83056
(2) Provision of individualized consumer education to families seeking child care;	83057 83058
(3) Provision of timely referrals of available child care providers to families seeking child care;	83059 83060
(4) Recruitment of child care providers;	83061
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	83062 83063 83064 83065
(6) Collection and analysis of data on the supply of and demand for child care in the community;	83066 83067
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	83068 83069 83070
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	83071 83072 83073
(9) Provision of written educational materials to caretaker	83074

parents and informational resources to child care providers; 83075

(10) Coordination of services among child care resource and 83076  
referral service organizations to assist in developing and 83077  
maintaining a statewide system of child care resource and referral 83078  
services if required by the department of job and family services; 83079

(11) Cooperation with the county department of job and family 83080  
services in encouraging the establishment of parent cooperative 83081  
child care centers and parent cooperative type A family day-care 83082  
homes. 83083

(N) "Child-care staff member" means an employee of a child 83084  
day-care center or type A family day-care home who is primarily 83085  
responsible for the care and supervision of children. The 83086  
administrator may be a part-time child-care staff member when not 83087  
involved in other duties. 83088

(O) "Drop-in child day-care center," "drop-in center," 83089  
"drop-in type A family day-care home," and "drop-in type A home" 83090  
mean a center or type A home that provides child care or publicly 83091  
funded child care for children on a temporary, irregular basis. 83092

(P) "Employee" means a person who either: 83093

(1) Receives compensation for duties performed in a child 83094  
day-care center or type A family day-care home; 83095

(2) Is assigned specific working hours or duties in a child 83096  
day-care center or type A family day-care home. 83097

(Q) "Employer" means a person, firm, institution, 83098  
organization, or agency that operates a child day-care center or 83099  
type A family day-care home subject to licensure under this 83100  
chapter. 83101

(R) "Federal poverty line" means the official poverty 83102  
guideline as revised annually in accordance with section 673(2) of 83103  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 83104

U.S.C. 9902, as amended, for a family size equal to the size of 83105  
the family of the person whose income is being determined. 83106

(S) "Head start program" means a comprehensive child 83107  
development program serving birth to three years old and 83108  
preschool-age children that receives funds distributed under the 83109  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 83110  
amended, and is licensed as a child day-care center. 83111

(T) "Income" means gross income, as defined in section 83112  
5107.10 of the Revised Code, less any amounts required by federal 83113  
statutes or regulations to be disregarded. 83114

(U) "Indicator checklist" means an inspection tool, used in 83115  
conjunction with an instrument-based program monitoring 83116  
information system, that contains selected licensing requirements 83117  
that are statistically reliable indicators or predictors of a 83118  
child day-care center's type A family day-care home's, or licensed 83119  
type B family day-care home's compliance with licensing 83120  
requirements. 83121

(V) "Infant" means a child who is less than eighteen months 83122  
of age. 83123

(W) "In-home aide" means a person who does not reside with 83124  
the child but provides care in the child's home and is certified 83125  
by a county director of job and family services pursuant to 83126  
section 5104.12 of the Revised Code to provide publicly funded 83127  
child care to a child in a child's own home pursuant to this 83128  
chapter and any rules adopted under it. 83129

(X) "Instrument-based program monitoring information system" 83130  
means a method to assess compliance with licensing requirements 83131  
for child day-care centers, type A family day-care homes, and 83132  
licensed type B family day-care homes in which each licensing 83133  
requirement is assigned a weight indicative of the relative 83134  
importance of the requirement to the health, growth, and safety of 83135

the children that is used to develop an indicator checklist. 83136

(Y) "License capacity" means the maximum number in each age 83137  
category of children who may be cared for in a child day-care 83138  
center or type A family day-care home at one time as determined by 83139  
the director of job and family services considering building 83140  
occupancy limits established by the department of commerce, amount 83141  
of available indoor floor space and outdoor play space, and amount 83142  
of available play equipment, materials, and supplies. For the 83143  
purposes of a provisional license issued under this chapter, the 83144  
director shall also consider the number of available child-care 83145  
staff members when determining "license capacity" for the 83146  
provisional license. 83147

(Z) "Licensed child care program" means any of the following: 83148

(1) A child day-care center licensed by the department of job 83149  
and family services pursuant to this chapter; 83150

(2) A type A family day-care home or type B family day-care 83151  
home licensed by the department of job and family services 83152  
pursuant to this chapter; 83153

(3) A licensed preschool program or licensed school child 83154  
program. 83155

(AA) "Licensed preschool program" or "licensed school child 83156  
program" means a preschool program or school child program, as 83157  
defined in section 3301.52 of the Revised Code, that is licensed 83158  
by the department of education pursuant to sections 3301.52 to 83159  
3301.59 of the Revised Code. 83160

(BB) "Licensed type B family day-care home" and "licensed 83161  
type B home" mean a type B family day-care home for which there is 83162  
a valid license issued by the director of job and family services 83163  
pursuant to section 5104.03 of the Revised Code. 83164

(CC) "Licensee" means the owner of a child day-care center, 83165

type A family day-care home, or type B family day-care home that 83166  
is licensed pursuant to this chapter and who is responsible for 83167  
ensuring its compliance with this chapter and rules adopted 83168  
pursuant to this chapter. 83169

(DD) "Operate a child day camp" means to operate, establish, 83170  
manage, conduct, or maintain a child day camp. 83171

(EE) "Owner" includes a person, as defined in section 1.59 of 83172  
the Revised Code, ~~or~~ government entity, firm, organization, 83173  
institution, agency, as well as any individual governing board 83174  
members, partners, incorporators, agents, or authorized 83175  
representatives of the owner. 83176

(FF) "Parent cooperative child day-care center," "parent 83177  
cooperative center," "parent cooperative type A family day-care 83178  
home," and "parent cooperative type A home" mean a corporation or 83179  
association organized for providing educational services to the 83180  
children of members of the corporation or association, without 83181  
gain to the corporation or association as an entity, in which the 83182  
services of the corporation or association are provided only to 83183  
children of the members of the corporation or association, 83184  
ownership and control of the corporation or association rests 83185  
solely with the members of the corporation or association, and at 83186  
least one parent-member of the corporation or association is on 83187  
the premises of the center or type A home during its hours of 83188  
operation. 83189

(GG) "Part-time child day-care center," "part-time center," 83190  
"part-time type A family day-care home," and "part-time type A 83191  
home" mean a center or type A home that provides child care or 83192  
publicly funded child care for ~~no~~ not more than four hours a day 83193  
for any child or not more than fifteen consecutive weeks per year, 83194  
regardless of the number of hours per day. 83195

(HH) "Place of worship" means a building where activities of 83196

an organized religious group are conducted and includes the 83197  
grounds and any other buildings on the grounds used for such 83198  
activities. 83199

(II) "Preschool-age child" means a child who is three years 83200  
old or older but is not a school-age child. 83201

(JJ) "Protective child care" means publicly funded child care 83202  
for the direct care and protection of a child to whom either of 83203  
the following applies: 83204

(1) A case plan prepared and maintained for the child 83205  
pursuant to section 2151.412 of the Revised Code indicates a need 83206  
for protective care and the child resides with a parent, 83207  
stepparent, guardian, or another person who stands in loco 83208  
parentis as defined in rules adopted under section 5104.38 of the 83209  
Revised Code; 83210

(2) The child and the child's caretaker either temporarily 83211  
reside in a facility providing emergency shelter for homeless 83212  
families or are determined by the county department of job and 83213  
family services to be homeless, and are otherwise ineligible for 83214  
publicly funded child care. 83215

(KK) "Publicly funded child care" means administering to the 83216  
needs of infants, toddlers, preschool-age children, and school-age 83217  
children under age thirteen during any part of the 83218  
twenty-four-hour day by persons other than their caretaker parents 83219  
for remuneration wholly or in part with federal or state funds, 83220  
including funds available under the child care block grant act, 83221  
Title IV-A, and Title XX, distributed by the department of job and 83222  
family services. 83223

(LL) "Religious activities" means any of the following: 83224  
worship or other religious services; religious instruction; Sunday 83225  
school classes or other religious classes conducted during or 83226  
prior to worship or other religious services; youth or adult 83227

fellowship activities; choir or other musical group practices or 83228  
programs; meals; festivals; or meetings conducted by an organized 83229  
religious group. 83230

(MM) "School-age child" means a child who is enrolled in or 83231  
is eligible to be enrolled in a grade of kindergarten or above but 83232  
is less than fifteen years old. 83233

(NN) "School-age child care center" and "school-age child 83234  
type A home" mean a center or type A home that provides child care 83235  
for school-age children only and that does either or both of the 83236  
following: 83237

(1) Operates only during that part of the day that 83238  
immediately precedes or follows the public school day of the 83239  
school district in which the center or type A home is located; 83240

(2) Operates only when the public schools in the school 83241  
district in which the center or type A home is located are not 83242  
open for instruction with pupils in attendance. 83243

(OO) "Serious risk noncompliance" means a licensure or 83244  
certification rule violation that leads to a great risk of harm 83245  
to, or death of, a child, and is observable, not inferable. 83246

(PP) "State median income" means the state median income 83247  
calculated by the department of development pursuant to division 83248  
(A)(1)(g) of section 5709.61 of the Revised Code. 83249

(QQ) "Title IV-A" means Title IV-A of the "Social Security 83250  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 83251

(RR) "Title XX" means Title XX of the "Social Security Act," 83252  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 83253

(SS) "Toddler" means a child who is at least eighteen months 83254  
of age but less than three years of age. 83255

(TT) "Type A family day-care home" and "type A home" mean a 83256  
permanent residence of the administrator in which child care or 83257

publicly funded child care is provided for seven to twelve 83258  
children at one time or a permanent residence of the administrator 83259  
in which child care is provided for four to twelve children at one 83260  
time if four or more children at one time are under two years of 83261  
age. In counting children for the purposes of this division, any 83262  
children under six years of age who are related to a licensee, 83263  
administrator, or employee and who are on the premises of the type 83264  
A home shall be counted. "Type A family day-care home" and "type A 83265  
home" do not include any child day camp. 83266

(UU) "Type B family day-care home" and "type B home" mean a 83267  
permanent residence of the provider in which child care is 83268  
provided for one to six children at one time and in which no more 83269  
than three children are under two years of age at one time. In 83270  
counting children for the purposes of this division, any children 83271  
under six years of age who are related to the provider and who are 83272  
on the premises of the type B home shall be counted. "Type B 83273  
family day-care home" and "type B home" do not include any child 83274  
day camp. 83275

**Sec. 5104.013.** (A)(1) At the times specified in division 83276  
(A)(3) of this section, the director of job and family services, 83277  
as part of the process of licensure of child day-care centers, 83278  
type A family day-care homes, and ~~licensed~~ type B family day-care 83279  
homes shall request the superintendent of the bureau of criminal 83280  
identification and investigation to conduct a criminal records 83281  
check with respect to the following persons: 83282

(a) Any owner, licensee, or administrator of a ~~child day-care~~ 83283  
center; 83284

(b) Any owner, licensee, or administrator of a type A ~~family~~ 83285  
~~day-care home~~ or type B home and any person eighteen years of age 83286  
or older who resides in a type A ~~family day-care home~~; 83287

~~(c) Any administrator of a licensed type B family day-care~~ 83288



~~home and any person eighteen years of age or older who resides in~~ 83289  
~~a licensed type B family day care home or type B home.~~ 83290

(2) At the time specified in division (A)(3) of this section, 83291  
the director of a county department of job and family services, as 83292  
part of the process of certification of in-home aides, shall 83293  
request the superintendent of the bureau of criminal 83294  
identification and investigation to conduct a criminal records 83295  
check with respect to any in-home aide. 83296

(3) The director of job and family services shall request a 83297  
criminal records check pursuant to division (A)(1) of this section 83298  
at the time of the initial application for licensure and every 83299  
five years thereafter. The director of a county department of job 83300  
and family services shall request a criminal records check 83301  
pursuant to division (A)(2) of this section at the time of the 83302  
initial application for certification and every five years 83303  
thereafter. When the director of job and family services or the 83304  
director of a county department of job and family services 83305  
requests pursuant to division (A)(1) or (2) of this section a 83306  
criminal records check for a person at the time of the person's 83307  
initial application for licensure or certification, the director 83308  
shall request that the superintendent of the bureau of criminal 83309  
identification and investigation obtain information from the 83310  
federal bureau of investigation as a part of the criminal records 83311  
check for the person, including fingerprint-based checks of 83312  
national crime information databases as described in 42 U.S.C. 671 83313  
for the person subject to the criminal records check. In all other 83314  
cases in which the director of job and family services or the 83315  
director of a county department of job and family services 83316  
requests a criminal records check for an applicant pursuant to 83317  
division (A)(1) or (2) of this section, the director may request 83318  
that the superintendent include information from the federal 83319  
bureau of investigation in the criminal records check, including 83320

fingerprint-based checks of national crime information databases 83321  
as described in 42 U.S.C. 671. 83322

(4) The director of job and family services shall review the 83323  
results of a criminal records check subsequent to a request made 83324  
pursuant to divisions (A)(1) and (3) of this section prior to 83325  
approval of a license. The director of a county department of job 83326  
and family services shall review the results of a criminal records 83327  
check subsequent to a request made pursuant to divisions (A)(2) 83328  
and (3) of this section prior to approval of certification. 83329

(B) The director of job and family services or the director 83330  
of a county department of job and family services shall provide to 83331  
each person for whom a criminal records check is required under 83332  
this section a copy of the form prescribed pursuant to division 83333  
(C)(1) of section 109.572 of the Revised Code and a standard 83334  
impression sheet to obtain fingerprint impressions prescribed 83335  
pursuant to division (C)(2) of that section, obtain the completed 83336  
form and impression sheet from that person, and forward the 83337  
completed form and impression sheet to the superintendent of the 83338  
bureau of criminal identification and investigation. 83339

(C) A person who receives pursuant to division (B) of this 83340  
section a copy of the form and standard impression sheet described 83341  
in that division and who is requested to complete the form and 83342  
provide a set of fingerprint impressions shall complete the form 83343  
or provide all the information necessary to complete the form and 83344  
shall provide the impression sheet with the impressions of the 83345  
person's fingerprints. If the person, upon request, fails to 83346  
provide the information necessary to complete the form or fails to 83347  
provide impressions of the person's fingerprints, the director may 83348  
consider the failure as a reason to deny licensure or 83349  
certification. 83350

(D) Except as provided in rules adopted under division ~~(G)~~(N) 83351  
of this section, ~~the~~: 83352

(1) ~~The director of job and family services shall not grant a license to a child day care center, type A family day care home, or type B family day care home and a county director of job and family services shall not certify an in-home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 83353  
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(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code. 83361  
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(E) Each ~~child day care center, type A family day care home, and type B family day care home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 83367  
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(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment. 83374  
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(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an 83380  
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applicant at the time of the applicant's initial application for 83385  
employment, the administrator shall request that the 83386  
superintendent obtain information from the federal bureau of 83387  
investigation as a part of the criminal records check for the 83388  
applicant, including fingerprint-based checks of national crime 83389  
information databases as described in 42 U.S.C. 671, for the 83390  
person subject to the criminal records check. In all other cases 83391  
in which the administrator requests a criminal records check for 83392  
an applicant pursuant to division (F)(1) of this section, the 83393  
administrator may request that the superintendent include 83394  
information from the federal bureau of investigation in the 83395  
criminal records check, including fingerprint-based checks of 83396  
national crime information databases as described in 42 U.S.C. 83397  
671. 83398

(G) Any person required by division (F) of this section to 83399  
request a criminal records check shall inform each person, at the 83400  
time of the person's initial application for employment, that the 83401  
person is required to provide a set of impressions of the person's 83402  
fingerprints and that a criminal records check is required to be 83403  
conducted and satisfactorily completed in accordance with section 83404  
109.572 of the Revised Code if the person comes under final 83405  
consideration for appointment or employment as a precondition to 83406  
employment for that position. 83407

(H) A person required by division (F) of this section to 83408  
request a criminal records check shall provide to each applicant a 83409  
copy of the form prescribed pursuant to division (C)(1) of section 83410  
109.572 of the Revised Code, provide to each applicant a standard 83411  
impression sheet to obtain fingerprint impressions prescribed 83412  
pursuant to division (C)(2) of section 109.572 of the Revised 83413  
Code, obtain the completed form and impression sheet from each 83414  
applicant, and forward the completed form and impression sheet to 83415  
the superintendent of the bureau of criminal identification and 83416

investigation at the time the person requests a criminal records 83417  
check pursuant to division (F) of this section. 83418

(I) An applicant who receives pursuant to division (H) of 83419  
this section a copy of the form prescribed pursuant to division 83420  
(C)(1) of section 109.572 of the Revised Code and a copy of an 83421  
impression sheet prescribed pursuant to division (C)(2) of that 83422  
section and who is requested to complete the form and provide a 83423  
set of fingerprint impressions shall complete the form or provide 83424  
all the information necessary to complete the form and shall 83425  
provide the impression sheet with the impressions of the 83426  
applicant's fingerprints. If an applicant, upon request, fails to 83427  
provide the information necessary to complete the form or fails to 83428  
provide impressions of the applicant's fingerprints, the center or 83429  
type A home shall not employ that applicant for any position for 83430  
which a criminal records check is required by division (F) of this 83431  
section. 83432

(J)(1) Except as provided in rules adopted under division (N) 83433  
of this section, no center, type A home, or licensed type B home 83434  
shall employ or contract with another entity for the services of a 83435  
person if the person previously has been convicted of or pleaded 83436  
guilty to any of the violations described in division (A)(5) of 83437  
section 109.572 of the Revised Code. 83438

(2) A center, type A home, or licensed type B home may employ 83439  
an applicant conditionally until the criminal records check 83440  
required by this section is completed and the center or home 83441  
receives the results of the criminal records check. If the results 83442  
of the criminal records check indicate that, pursuant to division 83443  
(J)(1) of this section, the applicant does not qualify for 83444  
employment, the center, type A home, or licensed type B home shall 83445  
release the applicant from employment. 83446

(3) The administrator of a center, type A home, or licensed 83447  
type B home shall review the results of the criminal records check 83448

before an applicant has sole responsibility for the care, custody, or control of any child. 83449  
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(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home. 83451  
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(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment. 83458  
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~~(F)~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the 83469  
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criminal records check. 83481

(M)(1) Each of the following persons shall sign a statement 83482  
on forms prescribed by the director of job and family services 83483  
attesting to the fact that the person has not been convicted of or 83484  
pleaded guilty to any offense set forth in division (A)(5) of 83485  
section 109.572 of the Revised Code and that no child has been 83486  
removed from the person's home pursuant to section 2151.353 of the 83487  
Revised Code: 83488

(a) An employee of a center, type A home, or licensed type B 83489  
home; 83490

(b) A person eighteen years of age or older who resides in a 83491  
type A home or licensed type B home; 83492

(c) An in-home aide; 83493

(d) An owner, licensee, or administrator of a center, type A 83494  
home, or licensed type B home. 83495

(2) Each licensee of a type A home or type B home shall sign 83496  
a statement on a form prescribed by the director of job and family 83497  
services attesting to the fact that no person who resides at the 83498  
type A home or licensed type B home and is under eighteen years of 83499  
age has been adjudicated a delinquent child for committing a 83500  
violation of any section listed in division (A)(5) of section 83501  
109.572 of the Revised Code. 83502

(3) The statements required under divisions (M)(1) and (2) of 83503  
this section shall be kept on file as follows: 83504

(a) With respect to an owner, licensee, administrator, or 83505  
employee of a center, type A home, or licensed type B home, or a 83506  
person eighteen years of age or older residing in a type A home or 83507  
licensed type B home, at the center, type A home, or licensed type 83508  
B home; 83509

(b) With respect to in-home aides, at the county department 83510

of job and family services. 83511

(4) No owner, administrator, licensee, or employee of a 83512  
center, type A home, or licensed type B home, and no person 83513  
eighteen years of age or older residing in a type A home or 83514  
licensed type B home, shall withhold information from, or falsify 83515  
information on, any statement required pursuant to division (M)(1) 83516  
or (2) of this section. 83517

~~(G)~~(N) The director of job and family services shall adopt 83518  
rules in accordance with Chapter 119. of the Revised Code to 83519  
implement this section, including rules specifying exceptions to 83520  
the ~~prohibition~~ prohibitions in ~~division~~ divisions (D) and (J) of 83521  
this section for persons who have been convicted of an offense 83522  
listed in ~~that division~~ division (A)(5) of section 109.572 of the 83523  
Revised Code but who meet standards in regard to rehabilitation 83524  
set by the director. 83525

~~(H)~~(O) As used in this section, ~~"criminal:~~ 83526

(1) "Applicant" means a person who is under final 83527  
consideration for appointment to or employment in a position with 83528  
a center, a type A home, or licensed type B home or any person who 83529  
would serve in any position with a center, type A home, or 83530  
licensed type B home pursuant to a contract with another entity. 83531

(2) "Criminal records check" has the same meaning as in 83532  
section 109.572 of the Revised Code. 83533

**Sec. 5104.015.** The director of job and family services shall 83534  
adopt rules in accordance with Chapter 119. of the Revised Code 83535  
governing the operation of child day-care centers, including 83536  
parent cooperative centers, part-time centers, drop-in centers, 83537  
and school-age child care centers. The rules shall reflect the 83538  
various forms of child care and the needs of children receiving 83539  
child care or publicly funded child care and shall include 83540



specific rules for school-age child care centers that are 83541  
developed in consultation with the department of education. The 83542  
rules shall not require an existing school facility that is in 83543  
compliance with applicable building codes to undergo an additional 83544  
building code inspection or to have structural modifications. The 83545  
rules shall include the following: 83546

(A) Submission of a site plan and descriptive plan of 83547  
operation to demonstrate how the center proposes to meet the 83548  
requirements of this chapter and rules adopted pursuant to this 83549  
chapter for the initial license application; 83550

(B) Standards for ensuring that the physical surroundings of 83551  
the center are safe and sanitary including the physical 83552  
environment, the physical plant, and the equipment of the center; 83553

(C) Standards for the supervision, care, and discipline of 83554  
children receiving child care or publicly funded child care in the 83555  
center; 83556

(D) Standards for a program of activities, and for play 83557  
equipment, materials, and supplies, to enhance the development of 83558  
each child; however, any educational curricula, philosophies, and 83559  
methodologies that are developmentally appropriate and that 83560  
enhance the social, emotional, intellectual, and physical 83561  
development of each child shall be permissible. As used in this 83562  
division, "program" does not include instruction in religious or 83563  
moral doctrines, beliefs, or values that is conducted at child 83564  
day-care centers owned and operated by churches and does include 83565  
methods of disciplining children at child day-care centers. 83566

(E) Admissions policies and procedures; 83567

(F) Health care policies and procedures, including procedures 83568  
for the isolation of children with communicable diseases; 83569

(G) First aid and emergency procedures; 83570

(H) Procedures for discipline and supervision of children;	83571
(I) Standards for the provision of nutritious meals and snacks;	83572 83573
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	83574 83575 83576
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	83577 83578
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	83579 83580 83581 83582
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	83583 83584 83585
(N) Procedures for record keeping, organization, and administration;	83586 83587
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	83588 83589 83590
(P) Inspection procedures;	83591
(Q) Procedures and standards for setting initial license application fees;	83592 83593
(R) Procedures for receiving, recording, and responding to complaints about centers;	83594 83595
(S) Procedures for enforcing section 5104.04 of the Revised Code;	83596 83597
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number	83598 83599

on each center provisional license or license which any person may 83600  
use to report a suspected violation by the center of this chapter 83601  
or rules adopted pursuant to this chapter; 83602

(U) Requirements for the training of administrators and 83603  
child-care staff members, including training in first aid, in 83604  
prevention, recognition, and management of communicable diseases, 83605  
and in child abuse recognition and prevention. ~~Training~~ 83606  
~~requirements for child day care centers adopted under this~~ 83607  
~~division shall be consistent with sections 5104.034 and 5104.037~~ 83608  
~~of the Revised Code.~~ 83609

(V) Standards providing for the special needs of children who 83610  
are handicapped or who require treatment for health conditions 83611  
while the child is receiving child care or publicly funded child 83612  
care in the center; 83613

(W) A procedure for reporting of injuries of children that 83614  
occur at the center; 83615

(X) Standards for licensing child day-care centers for 83616  
children with short-term illnesses and other temporary medical 83617  
conditions; 83618

(Y) Minimum requirements for instructional time for child 83619  
day-care centers rated through the step up to quality program 83620  
established pursuant to section 5104.29 of the Revised Code; 83621

(Z) Any other procedures and standards necessary to carry out 83622  
the provisions of this chapter regarding child day-care centers. 83623

**Sec. 5104.016.** The director of job and family services, in 83624  
addition to the rules adopted under section 5104.015 of the 83625  
Revised Code, shall adopt rules establishing minimum requirements 83626  
for child day-care centers. The rules shall include the 83627  
requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 83628  
of the Revised Code. Except as provided in section 5104.07 of the 83629

Revised Code, the rules shall not change the square footage 83630  
requirements of section 5104.032 of the Revised Code; the maximum 83631  
number of children per child-care staff member and maximum group 83632  
size requirements of section 5104.033 of the Revised Code; the 83633  
educational and experience requirements of section 5104.035 of the 83634  
Revised Code; the age, educational, and experience requirements of 83635  
section 5104.036 of the Revised Code; ~~the number and type of~~ 83636  
~~inservice training hours required under section 5104.037 of the~~ 83637  
~~Revised Code;~~ however, the rules shall provide procedures for 83638  
determining compliance with those requirements. 83639

**Sec. 5104.017.** The director of job and family services shall 83640  
adopt rules pursuant to Chapter 119. of the Revised Code governing 83641  
the operation of type A family day-care homes, including parent 83642  
cooperative type A homes, part-time type A homes, drop-in type A 83643  
homes, and school-age child type A homes. The rules shall reflect 83644  
the various forms of child care and the needs of children 83645  
receiving child care. The rules shall include the following: 83646

(A) Submission of a site plan and descriptive plan of 83647  
operation to demonstrate how the type A home proposes to meet the 83648  
requirements of this chapter and rules adopted pursuant to this 83649  
chapter for the initial license application; 83650

(B) Standards for ensuring that the physical surroundings of 83651  
the type A home are safe and sanitary, including the physical 83652  
environment, the physical plant, and the equipment of the type A 83653  
home; 83654

(C) Standards for the supervision, care, and discipline of 83655  
children receiving child care or publicly funded child care in the 83656  
type A home; 83657

(D) Standards for a program of activities, and for play 83658  
equipment, materials, and supplies, to enhance the development of 83659

each child; however, any educational curricula, philosophies, and	83660
methodologies that are developmentally appropriate and that	83661
enhance the social, emotional, intellectual, and physical	83662
development of each child shall be permissible;	83663
(E) Admissions policies and procedures;	83664
(F) Health care policies and procedures, including procedures	83665
for the isolation of children with communicable diseases;	83666
(G) First aid and emergency procedures;	83667
(H) Procedures for discipline and supervision of children;	83668
(I) Standards for the provision of nutritious meals and	83669
snacks;	83670
(J) Procedures for screening children, including any	83671
necessary physical examinations and the immunizations required	83672
pursuant to section 5104.014 of the Revised Code;	83673
(K) Procedures for screening employees, including any	83674
necessary physical examinations and immunizations;	83675
(L) Methods for encouraging parental participation in the	83676
type A home and methods for ensuring that the rights of children,	83677
parents, and employees are protected and that the responsibilities	83678
of parents and employees are met;	83679
(M) Procedures for ensuring the safety and adequate	83680
supervision of children traveling off the premises of the type A	83681
home while under the care of a type A home employee;	83682
(N) Procedures for record keeping, organization, and	83683
administration;	83684
(O) Procedures for issuing, denying, and revoking a license	83685
that are not otherwise provided for in Chapter 119. of the Revised	83686
Code;	83687
(P) Inspection procedures;	83688

(Q) Procedures and standards for setting initial license application fees;	83689
	83690
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	83691
	83692
(S) Procedures for enforcing section 5104.04 of the Revised Code;	83693
	83694
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	83695
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(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	83700
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(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	83704
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(W) Standards for the maximum number of children per child-care staff member;	83708
	83709
(X) Requirements for the amount of usable indoor floor space for each child;	83710
	83711
(Y) Requirements for safe outdoor play space;	83712
(Z) Qualifications and training requirements for administrators and for child-care staff members;	83713
	83714
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	83715
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	83717
(BB) Standards for the preparation and distribution of a	83718

roster of parents, custodians, and guardians;	83719
(CC) <u>Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;</u>	83720 83721 83722
(DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	83723 83724
<b>Sec. 5104.018.</b> The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	83725 83726 83727 83728 83729 83730 83731
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code-;i	83732 83733 83734
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	83735 83736 83737
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	83738 83739 83740
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	83741 83742 83743 83744 83745 83746
(E) Admission policies and procedures;	83747
(F) Health care, first aid and emergency procedures;	83748

(G) Procedures for the care of sick children;	83749
(H) Procedures for discipline and supervision of children;	83750
(I) Nutritional standards;	83751
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	83752 83753 83754
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	83755 83756
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	83757 83758 83759 83760
(M) Standards for the safe transport of children when under the care of administrators;	83761 83762
(N) Procedures for issuing, denying, or revoking licenses;	83763
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	83764 83765 83766
(P) Procedures for record keeping and evaluation;	83767
(Q) Procedures for receiving, recording, and responding to complaints;	83768 83769
(R) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	83770 83771 83772 83773
(S) Requirements for the amount of usable indoor floor space for each child;	83774 83775
(T) Requirements for safe outdoor play space;	83776
(U) Qualification and training requirements for	83777



administrators; 83778

(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation; 83779  
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(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code; 83782  
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(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code; 83785  
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(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes. 83788  
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**Sec. 5104.03.** (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form. 83791  
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Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund. 83800  
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(B)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or 83806  
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type B home to determine the license capacity for each age 83808  
category of children of the center, type A home, or type B home 83809  
and to determine whether the center, type A home, or type B home 83810  
complies with this chapter and rules adopted pursuant to this 83811  
chapter. When, after investigation and inspection, the director is 83812  
satisfied that this chapter and rules adopted pursuant to it are 83813  
complied with, subject to division (H) of this section, a license 83814  
shall be issued as soon as practicable in such form and manner as 83815  
prescribed by the director. The license shall be designated as 83816  
provisional and shall be valid for twelve months from the date of 83817  
issuance unless revoked. 83818

(2) The director may contract with a government entity or a 83819  
private nonprofit entity for the entity to inspect type A or type 83820  
B family day-care homes pursuant to this section. If the director 83821  
contracts with a government entity or private nonprofit entity for 83822  
that purpose, the entity may contract with another government 83823  
entity or private nonprofit entity for the other entity to inspect 83824  
type A or type B homes pursuant to this section. The director, 83825  
government entity, or private nonprofit entity shall conduct an 83826  
inspection prior to the issuance of a license for a type A or type 83827  
B home and, as part of that inspection, ensure that the ~~type B~~ 83828  
home is safe and sanitary. 83829

(C)(1) On receipt of an application for licensure as a type B 83830  
family day-care home to provide publicly funded child care, the 83831  
director shall search the uniform statewide automated child 83832  
welfare information system for information concerning any abuse or 83833  
neglect report made pursuant to section 2151.421 of the Revised 83834  
Code of which the applicant, any other adult residing in the 83835  
applicant's home, or a person designated by the applicant to be an 83836  
emergency or substitute caregiver for the applicant is the 83837  
subject. 83838

(2) The director shall consider any information discovered 83839

pursuant to division (C)(1) of this section or that is provided by 83840  
a public children services agency pursuant to section 5153.175 of 83841  
the Revised Code. If the director determines that the information, 83842  
when viewed within the totality of the circumstances, reasonably 83843  
leads to the conclusion that the applicant may directly or 83844  
indirectly endanger the health, safety, or welfare of children, 83845  
the director shall deny the application for licensure or revoke 83846  
the license of a type B family day-care home. 83847

(D) The director shall investigate and inspect the center, 83848  
type A home, or type B home at least once during operation under a 83849  
license designated as provisional. If after the investigation and 83850  
inspection the director determines that the requirements of this 83851  
chapter and rules adopted pursuant to this chapter are met, 83852  
subject to division (H) of this section, the director shall issue 83853  
a new license to the center or home. 83854

(E) Each license shall state the name of the licensee, the 83855  
name of the administrator, the address of the center, type A home, 83856  
or licensed type B home, and the license capacity for each age 83857  
category of children. The license shall include thereon, in 83858  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 83859  
Revised Code, the toll-free telephone number to be used by persons 83860  
suspecting that the center, type A home, or licensed type B home 83861  
has violated a provision of this chapter or rules adopted pursuant 83862  
to this chapter. A license is valid only for the licensee, 83863  
administrator, address, and license capacity for each age category 83864  
of children designated on the license. The license capacity 83865  
specified on the license is the maximum number of children in each 83866  
age category that may be cared for in the center, type A home, or 83867  
licensed type B home at one time. 83868

The center or type A home licensee shall notify the director 83869  
when the administrator of the center or home changes. The director 83870  
shall amend the current license to reflect a change in an 83871

administrator, if the administrator meets the requirements of this 83872  
chapter and rules adopted pursuant to this chapter, or a change in 83873  
license capacity for any age category of children as determined by 83874  
the director of job and family services. 83875

(F) If the director revokes the license of a center, a type A 83876  
home, or a type B home, the director shall not issue another 83877  
license to the owner of the center, type A home, or type B home 83878  
until five years have elapsed from the date the license is 83879  
revoked. 83880

If the director denies an application for a license, the 83881  
director shall not ~~accept~~ consider another application from the 83882  
applicant until five years have elapsed from the date the 83883  
application is denied. 83884

(G) If during the application for licensure process the 83885  
director determines that the license of the owner has been 83886  
revoked, the investigation of the center, type A home, or type B 83887  
home shall cease. This action does not constitute denial of the 83888  
application and may not be appealed under division (H) of this 83889  
section. 83890

(H) ~~All~~ (1) Except as provided in division (H)(2) of this 83891  
section, all actions of the director with respect to licensing 83892  
centers, type A homes, or type B homes, refusal to license, and 83893  
revocation of a license shall be in accordance with Chapter 119. 83894  
of the Revised Code. ~~Any~~ Except as provided in division (H)(2) of 83895  
this section, any applicant who is denied a license or any owner 83896  
whose license is revoked may appeal in accordance with section 83897  
119.12 of the Revised Code. 83898

(2) The following actions by the director are not subject to 83899  
Chapter 119. of the Revised Code: 83900

(a) The director does not issue a license to the owner of a 83901  
center, type A home, or type B home because the owner sought a 83902

license before five years had elapsed from the date the previous 83903  
license was revoked. 83904

(b) The director does not issue a license because the 83905  
applicant applied for licensure before five years had elapsed from 83906  
the date the previous application was denied. 83907

(I) In no case shall the director issue a license under this 83908  
section for a center, type A home, or type B home if the director, 83909  
based on documentation provided by the appropriate county 83910  
department of job and family services, determines that the 83911  
applicant had been certified as a type B family day-care home when 83912  
such certifications were issued by county departments prior to 83913  
January 1, 2014, that the county department revoked that 83914  
certification within the immediately preceding five years, that 83915  
the revocation was based on the applicant's refusal or inability 83916  
to comply with the criteria for certification, and that the 83917  
refusal or inability resulted in a risk to the health or safety of 83918  
children. 83919

(J)(1) Except as provided in division (J)(2) of this section, 83920  
an administrator of a type B family day-care home that receives a 83921  
license pursuant to this section to provide publicly funded child 83922  
care is an independent contractor and is not an employee of the 83923  
department of job and family services. 83924

(2) For purposes of Chapter 4141. of the Revised Code, 83925  
determinations concerning the employment of an administrator of a 83926  
type B family day-care home that receives a license pursuant to 83927  
this section shall be determined under Chapter 4141. of the 83928  
Revised Code. 83929

**Sec. 5104.036.** (A) All child-care staff members of a child 83930  
day-care center shall be at least eighteen years of age, shall 83931  
comply with the training requirements set forth in rules adopted 83932  
pursuant to section 5104.015 of the Revised Code, and shall 83933

furnish the director of job and family services or the director's 83934  
designee evidence of at least high school graduation or 83935  
certification of high school equivalency by the state board of 83936  
education or the appropriate agency of another state or evidence 83937  
of completion of a training program approved by the department of 83938  
job and family services or state board of education, except as 83939  
follows: 83940

(B) A child-care staff member may be less than eighteen years 83941  
of age if the staff member is either of the following: 83942

(1) A graduate of a two-year vocational child-care training 83943  
program approved by the state board of education; 83944

(2) A student enrolled in the second year of a vocational 83945  
child-care training program approved by the state board of 83946  
education which leads to high school graduation, provided that the 83947  
student performs the student's duties in the child day-care center 83948  
under the continuous supervision of an experienced child-care 83949  
staff member, receives periodic supervision from the vocational 83950  
child-care training program teacher-coordinator in the student's 83951  
high school, and meets all other requirements of this chapter and 83952  
rules adopted pursuant to this chapter. 83953

(C) A child-care staff member shall be exempt from the 83954  
educational requirements of division (A) of this section if the 83955  
staff member: 83956

(1) Prior to January 1, 1972, was employed or designated by a 83957  
child day-care center and has been continuously employed since 83958  
either by the same child day-care center employer or at the same 83959  
child day-care center; 83960

(2) Is a student enrolled in the second year of a vocational 83961  
child-care training program approved by the state board of 83962  
education which leads to high school graduation, provided that the 83963

student performs the student's duties in the child day-care center 83964  
under the continuous supervision of an experienced child-care 83965  
staff member, receives periodic supervision from the vocational 83966  
child-care training program teacher-coordinator in the student's 83967  
high school, and meets all other requirements of this chapter and 83968  
rules adopted pursuant to this chapter; 83969

(3) Is receiving or has completed the final year of 83970  
instruction at home as authorized under section 3321.04 of the 83971  
Revised Code or has graduated from a nonchartered, nonpublic 83972  
school in Ohio. 83973

**Sec. 5104.04.** (A) The department of job and family services 83974  
shall establish procedures to be followed in investigating, 83975  
inspecting, and licensing child day-care centers, type A family 83976  
day-care homes, and licensed type B family day-care homes. 83977

(B)(1)(a) The department shall, at least once during every 83978  
twelve-month period of operation of a center, type A home, or 83979  
licensed type B home, inspect the center, type A home, or licensed 83980  
type B home. The department shall inspect a part-time center or 83981  
part-time type A home at least once during every twelve-month 83982  
period of operation. The department shall provide a written 83983  
inspection report to the licensee within a reasonable time after 83984  
each inspection. The licensee shall display its most recent 83985  
inspection report in a conspicuous place in the center, type A 83986  
home, or licensed type B home. 83987

Inspections may be unannounced. No person, firm, 83988  
organization, institution, or agency shall interfere with the 83989  
inspection of a center, type A home, or licensed type B home by 83990  
any state or local official engaged in performing duties required 83991  
of the state or local official by this chapter or rules adopted 83992  
pursuant to this chapter, including inspecting the center, type A 83993  
home, or licensed type B home, reviewing records, or interviewing 83994

licensees, employees, children, or parents. 83995

(b) Upon receipt of any complaint that a center, type A home 83996  
or licensed type B home is out of compliance with the requirements 83997  
of this chapter or rules adopted pursuant to this chapter, the 83998  
department shall investigate the center or home, and both of the 83999  
following apply: 84000

(i) If the complaint alleges that a child suffered physical 84001  
harm while receiving child care at the center or home or that the 84002  
noncompliance alleged in the complaint involved, resulted in, or 84003  
poses a substantial risk of physical harm to a child receiving 84004  
child care at the center or home, the department shall inspect the 84005  
center or home. 84006

(ii) If division (B)(1)(b)(i) of this section does not apply 84007  
regarding the complaint, the department may inspect the center or 84008  
home. 84009

(c) Division (B)(1)(b) of this section does not limit, 84010  
restrict, or negate any duty of the department to inspect a 84011  
center, type A home, or licensed type B home that otherwise is 84012  
imposed under this section, or any authority of the department to 84013  
inspect a center, type A home, or licensed type B home that 84014  
otherwise is granted under this section when the department 84015  
believes the inspection is necessary and it is permitted under the 84016  
grant. 84017

(2) If the department implements an instrument-based program 84018  
monitoring information system, it may use an indicator checklist 84019  
to comply with division (B)(1) of this section. 84020

(3) The department shall contract with a third party by the 84021  
first day of October in each even-numbered year to collect 84022  
information concerning the amounts charged by the center or home 84023  
for providing child care services for use in establishing 84024  
reimbursement ceilings and payment pursuant to section 5104.30 of 84025



the Revised Code. The third party shall compile the information 84026  
and report the results of the survey to the department not later 84027  
than the first day of December in each even-numbered year. 84028

(C) The department may deny an application or revoke a 84029  
license of a center, type A home, or licensed type B home, if the 84030  
applicant knowingly makes a false statement on the application, 84031  
the center or home does not comply with the requirements of this 84032  
chapter or rules adopted pursuant to this chapter, or the 84033  
applicant or owner has pleaded guilty to or been convicted of an 84034  
offense described in division (A)(5) of section 5104.09 109.572 of 84035  
the Revised Code. 84036

(D) If the department finds, after notice and hearing 84037  
pursuant to Chapter 119. of the Revised Code, that any applicant, 84038  
person, firm, organization, institution, or agency applying for 84039  
licensure or licensed under section 5104.03 of the Revised Code is 84040  
in violation of any provision of this chapter or rules adopted 84041  
pursuant to this chapter, the department may issue an order of 84042  
denial to the applicant or an order of revocation to the center, 84043  
type A home, or licensed type B home revoking the license 84044  
previously issued by the department. Upon the issuance of such an 84045  
order, the person whose application is denied or whose license is 84046  
revoked may appeal in accordance with section 119.12 of the 84047  
Revised Code. 84048

(E) The surrender of a center, type A home, or licensed type 84049  
B home license to the department or the withdrawal of an 84050  
application for licensure by the owner or administrator of the 84051  
center, type A home, or licensed type B home shall not prohibit 84052  
the department from instituting any of the actions set forth in 84053  
this section. 84054

(F) Whenever the department receives a complaint, is advised, 84055  
or otherwise has any reason to believe that a center or type A 84056  
home is providing child care without a license issued pursuant to 84057

section 5104.03 and is not exempt from licensing pursuant to 84058  
section 5104.02 of the Revised Code, the department shall 84059  
investigate the center or type A home and may inspect the areas 84060  
children have access to or areas necessary for the care of 84061  
children in the center or type A home during suspected hours of 84062  
operation to determine whether the center or type A home is 84063  
subject to the requirements of this chapter or rules adopted 84064  
pursuant to this chapter. 84065

(G) The department, upon determining that the center or type 84066  
A home is operating without a license, shall notify the attorney 84067  
general, the prosecuting attorney of the county in which the 84068  
center or type A home is located, or the city attorney, village 84069  
solicitor, or other chief legal officer of the municipal 84070  
corporation in which the center or type A home is located, that 84071  
the center or type A home is operating without a license. Upon 84072  
receipt of the notification, the attorney general, prosecuting 84073  
attorney, city attorney, village solicitor, or other chief legal 84074  
officer of a municipal corporation shall file a complaint in the 84075  
court of common pleas of the county in which the center or type A 84076  
home is located requesting that the court grant an order enjoining 84077  
the owner from operating the center or type A home in violation of 84078  
section 5104.02 of the Revised Code. The court shall grant such 84079  
injunctive relief upon a showing that the respondent named in the 84080  
complaint is operating a center or type A home and is doing so 84081  
without a license. 84082

(H) The department shall prepare an annual report on 84083  
inspections conducted under this section. The report shall include 84084  
the number of inspections conducted, the number and types of 84085  
violations found, and the steps taken to address the violations. 84086  
The department shall file the report with the governor, the 84087  
president and minority leader of the senate, and the speaker and 84088  
minority leader of the house of representatives on or before the 84089

first day of January of each year, beginning in 1999. 84090

Sec. 5104.042. (A) The department of job and family services 84091  
may suspend, without a prior hearing, the license of a child 84092  
day-care center, type A family day-care home, or licensed type B 84093  
family day-care home if any of the following occur: 84094

(1) A child dies or suffers a serious injury while receiving 84095  
child care in the center, type A home, or licensed type B home. 84096

(2) A public children services agency receives a report 84097  
pursuant to section 2151.421 of the Revised Code, and the person 84098  
alleged to have inflicted abuse or neglect on the child who is the 84099  
subject of the report is any of the following: 84100

(a) The owner, licensee, or administrator of the center, type 84101  
A home, or licensed type B home; 84102

(b) An employee of the center, type A home, or licensed type 84103  
B home; 84104

(c) Any person who resides in the type A home or licensed 84105  
type B home. 84106

(3) An owner, licensee, administrator, or employee of the 84107  
center, type A home, or licensed type B home, or a resident of the 84108  
type A home or licensed type B home is charged by an indictment, 84109  
information, or complaint with an offense relating to the abuse or 84110  
neglect of a child. 84111

(4) The department or a county department of job and family 84112  
services determines that the center, type A home, or licensed type 84113  
B home created a serious risk to the health or safety of a child 84114  
receiving child care in the center, type A home, or licensed type 84115  
B home that resulted in or could have resulted in a child's death 84116  
or injury. 84117

(5) The owner, licensee, or administrator of the center, type 84118  
A home, or licensed type B home is charged by indictment, 84119

information, or complaint with fraud. 84120

(B) The department shall issue a written order of suspension and furnish a copy to the licensee. The licensee may appeal the suspension in accordance with section 119.12 of the Revised Code. 84121  
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(C) Except as provided in division (D) of this section, any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until any of the following occurs: 84124  
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(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code. 84128  
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(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 84131  
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(3) A final order is issued by the department pursuant to Chapter 119. of the Revised Code becomes effective. 84133  
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(D) If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed. 84135  
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(E) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 84138  
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(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses. 84144  
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**Sec. 5104.09.** ~~(A)(1) Except as provided in rules adopted pursuant to division (D) of this section, no individual who has been convicted of or pleaded guilty to a violation described in~~ 84147  
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~~division (A)(5) of section 109.572 of the Revised Code, a 84150  
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 84151  
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 84152  
of the Revised Code or a violation of an existing or former law or 84153  
ordinance of any municipal corporation, this state, any other 84154  
state, or the United States that is substantially equivalent to 84155  
any of those violations, or two violations of section 4511.19 of 84156  
the Revised Code during operation of the center or home shall be 84157  
certified as an in-home aide or be employed in any capacity in or 84158  
own or operate a child day care center, type A family day care 84159  
home, type B family day care home, or licensed type B family 84160  
day care home. 84161~~

~~(2) Each employee of a child day care center and type A home 84162  
and every person eighteen years of age or older residing in a type 84163  
A home or licensed type B home shall sign a statement on forms 84164  
prescribed by the director of job and family services attesting to 84165  
the fact that the employee or resident person has not been 84166  
convicted of or pleaded guilty to any offense set forth in 84167  
division (A)(1) of this section and that no child has been removed 84168  
from the employee's or resident person's home pursuant to section 84169  
2151.353 of the Revised Code. Each licensee of a type A family 84170  
day care home or type B family day care home shall sign a 84171  
statement on a form prescribed by the director attesting to the 84172  
fact that no person who resides at the type A home or licensed 84173  
type B home and who is under the age of eighteen has been 84174  
adjudicated a delinquent child for committing a violation of any 84175  
section listed in division (A)(1) of this section. The statements 84176  
shall be kept on file at the center, type A home, or licensed type 84177  
B home. 84178~~

~~(3) Each in-home aide shall sign a statement on forms 84179  
prescribed by the director of job and family services attesting 84180  
that the aide has not been convicted of or pleaded guilty to any 84181~~

~~offense set forth in division (A)(1) of this section and that no 84182  
child has been removed from the aide's home pursuant to section 84183  
2151.353 of the Revised Code. The statement shall be kept on file 84184  
at the county department of job and family services. 84185~~

~~(4) Each administrator and licensee of a center, type A home, 84186  
or licensed type B home shall sign a statement on a form 84187  
prescribed by the director of job and family services attesting 84188  
that the administrator or licensee has not been convicted of or 84189  
pleaded guilty to any offense set forth in division (A)(1) of this 84190  
section and that no child has been removed from the 84191  
administrator's or licensee's home pursuant to section 2151.353 of 84192  
the Revised Code. The statement shall be kept on file at the 84193  
center, type A home, or licensed type B home. 84194~~

~~(B) No in home aide, no administrator, licensee, or employee 84195  
of a center, type A home, or licensed type B home, and no person 84196  
eighteen years of age or older residing in a type A home or 84197  
licensed type B home shall withhold information from, or falsify 84198  
information on, any statement required pursuant to division 84199  
(A)(2), (3), or (4) of this section. 84200~~

~~(C) No administrator, licensee, or child-care staff member 84201  
shall discriminate in the enrollment of children in a child 84202  
day-care center upon the basis of race, color, religion, sex, or 84203  
national origin. 84204~~

~~(D) The director of job and family services shall adopt rules 84205  
in accordance with Chapter 119. of the Revised Code to implement 84206  
this section, including rules specifying exceptions to the 84207  
prohibition in division (A) of this section for persons who have 84208  
been convicted of an offense listed in that division but meet 84209  
rehabilitation standards set by the director. 84210~~

**Sec. 5104.29.** (A) As used in this section, "early learning 84211  
and development program" has the same meaning as "licensed child 84212

care program" as defined in section 5104.01 of the Revised Code. 84213

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components: 84214  
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(1) Quality program standards for early learning and development programs; 84221  
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(2) Accountability measures that include tiered ratings representing each program's level of quality; 84223  
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(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program; 84225  
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84227

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards; 84228  
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(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children. 84231  
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(C) The step up to quality program shall have the following goals: 84234  
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(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs; 84236  
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(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs; 84239  
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(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality; 84241  
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<u>(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.</u>	84243
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<u>(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.</u>	84246
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<u>(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:</u>	84251
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<u>(1) Learning and development;</u>	84255
<u>(2) Administration and leadership practices;</u>	84256
<u>(3) Staff quality and professional development;</u>	84257
<u>(4) Family and community partnerships.</u>	84258
<u>(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.</u>	84259
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<u>(G)(1) The department of job and family services shall ensure that the following percentages of early learning and development programs that are not type B family day-care homes and that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program:</u>	84263
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<u>(a) By June 30, 2017, twenty-five per cent;</u>	84268
<u>(b) By June 30, 2019, forty per cent;</u>	84269
<u>(c) By June 30, 2021, sixty per cent;</u>	84270
<u>(d) By June 30, 2023, eighty per cent;</u>	84271



<u>(e) By June 30, 2025, one hundred per cent.</u>	84272
<u>(2) The department of job and family services and the department of education shall identify ways to accelerate early learning and development programs moving to higher tiers in the step up to quality program and identify strategies for appropriate ratings of type B homes. The departments may consult with the early childhood advisory council established pursuant to section 3301.90 of the Revised Code to facilitate their efforts and shall include owners and administrators of early learning and development programs in the identification process. The departments shall report their recommendations to the general assembly not later than October 31, 2016.</u>	84273 84274 84275 84276 84277 84278 84279 84280 84281 84282 84283
<b>Sec. 5104.30.</b> (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:	84284 84285 84286 84287 84288
(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;	84289 84290
(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;	84291 84292
(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;	84293 84294 84295 84296 84297
(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;	84298 84299 84300
(5) Subject to available funds, other individuals determined	84301

eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 84302  
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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care. 84304  
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(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care. 84315  
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(C) In the use of federal funds available under the child care block grant act, all of the following apply: 84323  
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(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 84325  
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(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs. 84329  
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(3) The department shall allocate and use at least four per 84332

cent of the federal funds for the following: 84333

(a) Activities designed to provide comprehensive consumer 84334  
education to parents and the public; 84335

(b) Activities that increase parental choice; 84336

(c) Activities, including child care resource and referral 84337  
services, designed to improve the quality, and increase the 84338  
supply, of child care; 84339

(d) Establishing a ~~tiered quality rating and improvement~~ 84340  
~~system in which participation in the program may allow child~~ 84341  
~~day care providers to be eligible for grants, technical~~ 84342  
~~assistance, training, or other assistance and become eligible for~~ 84343  
~~unrestricted monetary awards for maintaining a quality rating the~~ 84344  
~~step up to quality program pursuant to section 5104.29 of the~~ 84345  
~~Revised Code.~~ 84346

(4) The department shall ensure that the federal funds will 84347  
be used only to supplement, and will not be used to supplant, 84348  
federal, state, and local funds available on the effective date of 84349  
the child care block grant act for publicly funded child care and 84350  
related programs. If authorized by rules adopted by the department 84351  
pursuant to section 5104.42 of the Revised Code, county 84352  
departments of job and family services may purchase child care 84353  
from funds obtained through any other means. 84354

(D) The department shall encourage the development of 84355  
suitable child care throughout the state, especially in areas with 84356  
high concentrations of recipients of public assistance and 84357  
families with low incomes. The department shall encourage the 84358  
development of suitable child care designed to accommodate the 84359  
special needs of migrant workers. On request, the department, 84360  
through its employees or contracts with state or community child 84361  
care resource and referral service organizations, shall provide 84362  
consultation to groups and individuals interested in developing 84363

child care. The department of job and family services may enter 84364  
into interagency agreements with the department of education, the 84365  
~~board of regents~~ chancellor of higher education, the department of 84366  
development, and other state agencies and entities whenever the 84367  
cooperative efforts of the other state agencies and entities are 84368  
necessary for the department of job and family services to fulfill 84369  
its duties and responsibilities under this chapter. 84370

The department shall develop and maintain a registry of 84371  
persons providing child care. The director shall adopt rules in 84372  
accordance with Chapter 119. of the Revised Code establishing 84373  
procedures and requirements for the registry's administration. 84374

(E)(1) The director shall adopt rules in accordance with 84375  
Chapter 119. of the Revised Code establishing both of the 84376  
following: 84377

(a) Reimbursement ceilings for providers of publicly funded 84378  
child care not later than the first day of July in each 84379  
odd-numbered year; 84380

(b) A procedure for reimbursing and paying providers of 84381  
publicly funded child care. 84382

(2) In establishing reimbursement ceilings under division 84383  
(E)(1)(a) of this section, the director shall do all of the 84384  
following: 84385

(a) Use the information obtained under division (B)(3) of 84386  
section 5104.04 of the Revised Code; 84387

(b) Establish an enhanced reimbursement ceiling for providers 84388  
who provide child care for caretaker parents who work 84389  
nontraditional hours; 84390

(c) For an in-home aide, establish a an hourly reimbursement 84391  
ceiling ~~that is seventy five per cent of the reimbursement ceiling~~ 84392  
~~that applies to a licensed type B family day care home;~~ 84393

(d) With regard to the ~~tiered quality rating and improvement system~~ step up to quality program established pursuant to ~~division (C)(3)(d) of this section~~ 5104.29 of the Revised Code, do both of the following:

(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the ~~system~~ program and maintain quality ratings ~~under the system~~;

(ii) ~~In the case of child day care providers that have been given access to the system by the department, weigh~~ Weigh any reduction in reimbursement ceilings more heavily against ~~those~~ providers that do not participate in the ~~system~~ program or do not maintain quality ratings ~~under the system~~.

(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:

- (a) Geographic location of the provider;
- (b) Type of care provided;
- (c) Age of the child served;
- (d) Special needs of the child served;
- (e) Whether the expanded hours of service are provided;
- (f) Whether weekend service is provided;
- (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;
- (h) Any other factors the director considers appropriate.

~~(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the tiered quality rating and improvement system described in division (C)(3)(d) of this section.~~

Sec. 5104.31. (A) Publicly funded child care may be provided	84422
only by the following:	84423
(1) Any of the following licensed by the department of job	84424
and family services pursuant to section 5104.03 of the Revised	84425
Code or pursuant to rules adopted under section 5104.018 of the	84426
Revised Code:	84427
(a) A child day-care center, including a parent cooperative	84428
child day-care center;	84429
(b) A type A family day-care home, including a parent	84430
cooperative type A family day-care home;	84431
(c) A licensed type B family day-care home.	84432
(2) An in-home aide who has been certified by the county	84433
department of job and family services pursuant to section 5104.12	84434
of the Revised Code;	84435
(3) A child day camp approved pursuant to section 5104.22 of	84436
the Revised Code;	84437
(4) A licensed preschool program;	84438
(5) A licensed school child program;	84439
(6) A border state child care provider, except that a border	84440
state child care provider may provide publicly funded child care	84441
only to an individual who resides in an Ohio county that borders	84442
the state in which the provider is located.	84443
(B) Publicly funded child day-care may be provided in a	84444
child's own home only by an in-home aide.	84445
(C) Beginning July 1, 2020, publicly funded child care may be	84446
provided only by a provider that is rated through the <del>tiered</del>	84447
<del>quality rating and improvement system</del> <u>step up to quality program</u>	84448
established pursuant to section <del>5104.30</del> <u>5104.29</u> of the Revised	84449
Code.	84450

**Sec. 5104.34.** (A)(1) Each county department of job and family 84451  
services shall implement procedures for making determinations of 84452  
eligibility for publicly funded child care. Under those 84453  
procedures, the eligibility determination for each applicant shall 84454  
be made no later than thirty calendar days from the date the 84455  
county department receives a completed application for publicly 84456  
funded child care. Each applicant shall be notified promptly of 84457  
the results of the eligibility determination. An applicant 84458  
aggrieved by a decision or delay in making an eligibility 84459  
determination may appeal the decision or delay to the department 84460  
of job and family services in accordance with section 5101.35 of 84461  
the Revised Code. The due process rights of applicants shall be 84462  
protected. 84463

To the extent permitted by federal law, the county department 84464  
may make all determinations of eligibility for publicly funded 84465  
child care, may contract with child care providers or child care 84466  
resource and referral service organizations for the providers or 84467  
resource and referral service organizations to make all or any 84468  
part of the determinations, and may contract with child care 84469  
providers or child care resource and referral service 84470  
organizations for the providers or resource and referral service 84471  
organizations to collect specified information for use by the 84472  
county department in making determinations. If a county department 84473  
contracts with a child care provider or a child care resource and 84474  
referral service organization for eligibility determinations or 84475  
for the collection of information, the contract shall require the 84476  
provider or resource and referral service organization to make 84477  
each eligibility determination no later than thirty calendar days 84478  
from the date the provider or resource and referral organization 84479  
receives a completed application that is the basis of the 84480  
determination and to collect and transmit all necessary 84481  
information to the county department within a period of time that 84482

enables the county department to make each eligibility 84483  
determination no later than thirty days after the filing of the 84484  
application that is the basis of the determination. 84485

The county department may station employees of the department 84486  
in various locations throughout the county to collect information 84487  
relevant to applications for publicly funded child care and to 84488  
make eligibility determinations. The county department, child care 84489  
provider, and child care resource and referral service 84490  
organization shall make each determination of eligibility for 84491  
publicly funded child care no later than thirty days after the 84492  
filing of the application that is the basis of the determination, 84493  
shall make each determination in accordance with any relevant 84494  
rules adopted pursuant to section 5104.38 of the Revised Code, and 84495  
shall notify promptly each applicant for publicly funded child 84496  
care of the results of the determination of the applicant's 84497  
eligibility. 84498

The director of job and family services shall adopt rules in 84499  
accordance with Chapter 119. of the Revised Code for monitoring 84500  
the eligibility determination process. In accordance with those 84501  
rules, the state department shall monitor eligibility 84502  
determinations made by county departments of job and family 84503  
services and shall direct any entity that is not in compliance 84504  
with this division or any rule adopted under this division to 84505  
implement corrective action specified by the department. 84506

(2)(a) All eligibility determinations for publicly funded 84507  
child care shall be made in accordance with rules adopted pursuant 84508  
to division (A) of section 5104.38 of the Revised Code. Except as 84509  
otherwise provided in this section, both of the following apply: 84510

(i) Publicly funded child care may be provided only to 84511  
eligible infants, toddlers, preschool-age children, and school-age 84512  
children under age thirteen. 84513



(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care. 84514  
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(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the licensed child care program shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division. 84521  
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(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks not to extend beyond the caretaker parent's twelve-month eligibility period. Such authorization may be given only once during a twelve-month period. 84533  
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Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or 84540  
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(4) of section 5104.30 of the Revised Code. If the department must 84546  
limit eligibility due to lack of available funds, it shall give 84547  
first priority for publicly funded child care to an assistance 84548  
group whose income is not more than the maximum income eligibility 84549  
limit that received transitional child care in the previous month 84550  
but is no longer eligible because the twelve-month period has 84551  
expired. Such an assistance group shall continue to receive 84552  
priority for publicly funded child care until its income exceeds 84553  
the maximum income eligibility limit. 84554

(3) An assistance group that ceases to participate in the 84555  
Ohio works first program established under Chapter 5107. of the 84556  
Revised Code is eligible for transitional child care at any time 84557  
during the immediately following twelve-month period that both of 84558  
the following apply: 84559

(a) The assistance group requires child care due to 84560  
employment; 84561

(b) The assistance group's income is not more than one 84562  
hundred fifty per cent of the federal poverty line. 84563

An assistance group ineligible to participate in the Ohio 84564  
works first program pursuant to section 5101.83 or section 5107.16 84565  
of the Revised Code is not eligible for transitional child care. 84566

(B) To the extent permitted by federal law, the department of 84567  
job and family services may require a caretaker parent determined 84568  
to be eligible for publicly funded child care to pay a fee 84569  
according to the schedule of fees established in rules adopted 84570  
under section 5104.38 of the Revised Code. The department shall 84571  
make protective child care services available to children without 84572  
regard to the income or assets of the caretaker parent of the 84573  
child. 84574

(C) A caretaker parent receiving publicly funded child care 84575  
shall report to the entity that determined eligibility any changes 84576

in status with respect to employment or participation in a program 84577  
of education or training not later than ten calendar days after 84578  
the change occurs. 84579

(D) If the department of job and family services determines 84580  
that available resources are not sufficient to provide publicly 84581  
funded child care to all eligible families who request it, the 84582  
department may establish a waiting list. The department may 84583  
establish separate waiting lists within the waiting list based on 84584  
income. 84585

(E) A caretaker parent shall not receive full-time publicly 84586  
funded child care from more than one child care provider per child 84587  
during any period a week, unless a county department grants the 84588  
family an exemption for one of the following reasons: 84589

(a) The child needs additional care during non-traditional 84590  
hours; 84591

(b) The child needs to change providers in the middle of the 84592  
week and the hours of care provided by the providers do not 84593  
overlap; 84594

(c) The child's provider is closed on scheduled school days 84595  
off or on calamity days; 84596

(d) The child is enrolled in a part-time program 84597  
participating in the tiered quality rating and improvement system 84598  
established under section 5104.30 of the Revised Code and needs 84599  
care from an additional part-time provider. 84600

(F) As used in this section, "maximum income eligibility 84601  
limit" means the amount of income specified in rules adopted under 84602  
division (A) of section 5104.38 of the Revised Code. 84603

**Sec. 5104.37.** (A) As used in this section, "eligible 84604  
provider" means an individual or entity eligible to provide 84605  
publicly funded child care pursuant to section 5104.31 of the 84606

Revised Code. 84607

(B) The department of job and family services may withhold 84608  
any money due under this chapter and recover through any 84609  
appropriate method any money erroneously paid under this chapter 84610  
if evidence exists of less than full compliance with this chapter 84611  
and any rules adopted under it. 84612

(C) Notwithstanding any other provision of this chapter to 84613  
the contrary, the department shall take action against an eligible 84614  
provider as described in this section. 84615

(D) Subject to the notice and appeal provisions of divisions 84616  
(G) and (H) of this section, the department may suspend a contract 84617  
entered into under section 5104.32 of the Revised Code with an 84618  
eligible provider if the department has initiated an investigation 84619  
of the provider for either of the following reasons: 84620

(1) The department has evidence that the eligible provider 84621  
received an improper child care payment as a result of the 84622  
provider's intentional act. 84623

(2) The department receives notice and a copy of an 84624  
indictment, information, or complaint charging the eligible 84625  
provider or the owner or operator of the provider with committing 84626  
any of the following: 84627

(a) An act that is a felony or misdemeanor relating to 84628  
providing or billing for publicly funded child care or providing 84629  
management or administrative services relating to providing 84630  
publicly funded child care; 84631

(b) An act that would constitute an offense described in 84632  
division (A)(5) of section ~~5104.09~~ 109.572 of the Revised Code. 84633

(E)(1) Except as provided in division (E)(2) of this section, 84634  
the suspension of a contract under division (D) of this section 84635  
shall continue until the department completes its investigation or 84636

all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 84637  
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(2) If the department initiates the termination of a contract that has been suspended pursuant to division (D) of this section, the suspension shall continue until the termination process is completed. 84639  
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(F) An eligible provider shall not provide publicly funded child care while the provider's contract is under suspension pursuant to division (D) of this section. As of the date the eligible provider's contract is suspended, the department shall withhold payment to the eligible provider for publicly funded child care. 84643  
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(G) Before suspending an eligible provider's contract pursuant to division (D) of this section, the department shall notify the eligible provider. The notice shall include all of the following: 84649  
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(1) A description, which need not disclose specific information concerning any ongoing administrative or criminal investigation, of the reason that the department initiated its investigation of the provider; 84653  
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(2) A statement that the eligible provider will be prohibited from providing publicly funded child care while the contract is under suspension; 84657  
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(3) A statement that the suspension will continue until the department completes its investigation or all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty, and that if the department initiates the termination of the contract, the suspension will continue until the termination process is completed. 84660  
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(H) An eligible provider may file an appeal with the department regarding any proposal by the department to suspend the 84666  
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provider's contract pursuant to division (D) of this section. The 84668  
appeal must be received by the department not later than fifteen 84669  
days after the date the provider receives the notification 84670  
described in division (G) of this section. The department shall 84671  
review the evidence and issue a decision not later than thirty 84672  
days after receiving the appeal. The department shall not suspend 84673  
a contract pursuant to division (D) of this section until the time 84674  
for filing the appeal has passed or, if the provider files a 84675  
timely appeal, the department has issued a decision on the appeal. 84676

**Sec. 5104.38.** In addition to any other rules adopted under 84677  
this chapter, the director of job and family services shall adopt 84678  
rules in accordance with Chapter 119. of the Revised Code 84679  
governing financial and administrative requirements for publicly 84680  
funded child care and establishing all of the following: 84681

(A) Procedures and criteria to be used in making 84682  
determinations of eligibility for publicly funded child care that 84683  
give priority to children of families with lower incomes and 84684  
procedures and criteria for eligibility for publicly funded 84685  
protective child care. The rules shall specify the maximum amount 84686  
of income a family may have for initial and continued eligibility. 84687  
The maximum amount shall not exceed ~~two~~ three hundred per cent of 84688  
the federal poverty line. The rules may specify exceptions to the 84689  
eligibility requirements in the case of a family that previously 84690  
received publicly funded child care and is seeking to have the 84691  
child care reinstated after the family's eligibility was 84692  
terminated. 84693

(B) Procedures under which an applicant for publicly funded 84694  
child care may receive publicly funded child care while the county 84695  
department of job and family services determines eligibility and 84696  
under which a licensed child care program may appeal a denial of 84697  
payment under division (A)(2)(b) of section 5104.34 of the Revised 84698

Code; 84699

(C) A schedule of fees requiring all eligible caretaker 84700  
parents to pay a fee for publicly funded child care according to 84701  
income and family size, which shall be uniform for all types of 84702  
publicly funded child care, except as authorized by rule, and, to 84703  
the extent permitted by federal law, shall permit the use of state 84704  
and federal funds to pay the customary deposits and other advance 84705  
payments that a provider charges all children who receive child 84706  
care from that provider. ~~The schedule of fees may not provide for~~ 84707  
~~a caretaker parent to pay a fee that exceeds ten per cent of the~~ 84708  
~~parent's family income.~~ 84709

(D) A formula for determining the amount of state and federal 84710  
funds appropriated for publicly funded child care that may be 84711  
allocated to a county department to use for administrative 84712  
purposes; 84713

(E) Procedures to be followed by the department and county 84714  
departments in recruiting individuals and groups to become 84715  
providers of child care; 84716

(F) Procedures to be followed in establishing state or local 84717  
programs designed to assist individuals who are eligible for 84718  
publicly funded child care in identifying the resources available 84719  
to them and to refer the individuals to appropriate sources to 84720  
obtain child care; 84721

(G) Procedures to deal with fraud and abuse committed by 84722  
either recipients or providers of publicly funded child care; 84723

(H) Procedures for establishing a child care grant or loan 84724  
program in accordance with the child care block grant act; 84725

(I) Standards and procedures for applicants to apply for 84726  
grants and loans, and for the department to make grants and loans; 84727

(J) A definition of "person who stands in loco parentis" for 84728

the purposes of division (JJ)(1) of section 5104.01 of the Revised Code; 84729  
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(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 84731  
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(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 84736  
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(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 84741  
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(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code. 84749  
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**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows: 84751  
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(1) For each offense, the offender shall be fined not less than one hundred dollars nor more than five hundred dollars multiplied by the number of children receiving child care at the child day-care center or type A family day-care home that either exceeds the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type 84753  
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A family day-care home that is operating as a child day-care center without being licensed as a center, exceeds the license capacity of the type A home. 84759  
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(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply: 84762  
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(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home. 84764  
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(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. 84772  
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(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code. 84778  
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(d) If the offender previously has been convicted of or 84790  
pleaded guilty to three or more violations of section 5104.02 of 84791  
the Revised Code, the offender is guilty of a felony of the fifth 84792  
degree, and the court shall order the offender to cease the 84793  
provision of child care to any person until it obtains a child 84794  
day-care center license or a type A family day-care home license, 84795  
as appropriate, under section 5104.03 of the Revised Code. The 84796  
court shall impose the fine specified in division (A)(1) of this 84797  
section and may impose an additional fine provided that the total 84798  
amount of the fines so imposed does not exceed the maximum fine 84799  
authorized for a felony of the fifth degree under section 2929.18 84800  
of the Revised Code. 84801

(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~ 84802  
5104.013 of the Revised Code is guilty of a misdemeanor of the 84803  
first degree. If the offender is a licensee of a center ~~or~~, type A 84804  
home, or licensed type B home, the conviction shall constitute 84805  
grounds for denial or revocation of an application for licensure 84806  
pursuant to section 5104.04 of the Revised Code. Except as 84807  
otherwise provided in this division, the offense established under 84808  
division (M)(4) of section 5104.013 of the Revised Code is a 84809  
strict liability offense, and section 2901.20 of the Revised Code 84810  
does not apply. If the offender is a person eighteen years of age 84811  
or older residing in a ~~center or~~ type A home or licensed type B 84812  
home or is an employee of a center ~~or a~~, type A home, or licensed 84813  
type B home and if the licensee had knowledge of, and acquiesced 84814  
in, the commission of the offense, the conviction shall constitute 84815  
grounds for denial or revocation of an application for licensure 84816  
pursuant to section 5104.04 of the Revised Code. 84817

(C) Whoever violates ~~division (C)~~ of section 5104.09 of the 84818  
Revised Code is guilty of a misdemeanor of the third degree. 84819

**Sec. 5107.05.** The director of job and family services shall 84820

adopt rules to implement this chapter. The rules shall be 84821  
consistent with Title IV-A, Title IV-D, federal regulations, state 84822  
law, the Title IV-A state plan submitted to the United States 84823  
secretary of health and human services under section 5101.80 of 84824  
the Revised Code, amendments to the plan, and waivers granted by 84825  
the United States secretary. Rules governing eligibility, program 84826  
participation, and other applicant and participant requirements 84827  
shall be adopted in accordance with Chapter 119. of the Revised 84828  
Code. Rules governing financial and other administrative 84829  
requirements applicable to the department of job and family 84830  
services and county departments of job and family services shall 84831  
be adopted in accordance with section 111.15 of the Revised Code. 84832

(A) The rules shall specify, establish, or govern all of the 84833  
following: 84834

(1) A payment standard for Ohio works first based on federal 84835  
and state appropriations that is increased in accordance with 84836  
section 5107.04 of the Revised Code; 84837

(2) For the purpose of section 5107.04 of the Revised Code, 84838  
the method of determining the amount of cash assistance an 84839  
assistance group receives under Ohio works first; 84840

(3) Requirements for initial and continued eligibility for 84841  
Ohio works first, including requirements regarding income, 84842  
citizenship, age, residence, and assistance group composition; 84843

(4) For the purpose of section 5107.12 of the Revised Code, 84844  
application and verification procedures, including the minimum 84845  
information an application must contain; 84846

(5) The extent to which a participant of Ohio works first 84847  
must notify, pursuant to section 5107.12 of the Revised Code, a 84848  
county department of job and family services of additional income 84849  
not previously reported to the county department; 84850

(6) For the purpose of section 5107.16 of the Revised Code, 84851

both of the following:	84852
(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	84853 84854 84855
(b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a self-sufficiency contract.	84856 84857 84858 84859
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	84860 84861 84862
(8) For the purpose of division (B) of section 5107.17 of the Revised Code, the circumstances under which the adult member of an assistance group or an assistance group's minor head of household whose failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract causes a sanction under section 5107.16 of the Revised Code must enter into a new, or amend an existing, self-sufficiency contract before the assistance group may resume participation in Ohio works first following the sanction;	84863 84864 84865 84866 84867 84868 84869 84870 84871
(9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;	84872 84873 84874
(10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate;	84875 84876 84877 84878
(11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program;	84879 84880 84881

(12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;

(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;

(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;

(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;

(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;

(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.

The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)(13) of this section

shall specify that the circumstances include that a school or 84912  
place of work is closed due to a holiday or weather or other 84913  
emergency and that an employer grants the minor head of household 84914  
or adult leave for illness or earned vacation. 84915

(C) The rules may provide that a county department of job and 84916  
family services is not required to take action under section 84917  
5107.76 of the Revised Code to recover an erroneous payment under 84918  
circumstances the rules specify. 84919

**Sec. 5107.64.** County departments of job and family services 84920  
shall establish and administer alternative work activities for 84921  
minor heads of households and adults participating in Ohio works 84922  
first. In establishing alternative work activities, county 84923  
departments are not limited by the restrictions Title IV-A imposes 84924  
on work activities. The following are examples of alternative work 84925  
activities that a county department may establish: 84926

(A) Parenting classes and life-skills training; 84927

(B) Participation in addiction services provided by a 84928  
community addiction services provider ~~certified by the department~~ 84929  
~~of mental health and addiction services under section 5119.36, as~~ 84930  
defined in section 5119.01 of the Revised Code; 84931

(C) In the case of a homeless assistance group, finding a 84932  
home; 84933

(D) In the case of a minor head of household or adult with a 84934  
disability, active work in an individual written rehabilitation 84935  
plan with the opportunities for Ohioans with disabilities agency; 84936

(E) In the case of a minor head of household or adult who has 84937  
been the victim of domestic violence, residing in a domestic 84938  
violence shelter, receiving counseling or treatment related to the 84939  
domestic violence, or participating in criminal justice activities 84940  
against the domestic violence offender; 84941

(F) An education program under which a participant who does not speak English attends English as a second language course.

**Sec. 5115.04.** ~~(A)~~ The department of job and family services shall supervise and administer the disability financial assistance program, ~~except that the~~ subject to the following exceptions:

The department may require county departments of job and family services to perform any administrative function for the program, as specified in rules adopted by the director of job and family services.

~~(B)~~ If the department requires county departments to perform administrative functions under this ~~section~~ division, the director shall adopt rules in accordance with section 111.15 of the Revised Code governing the performance of the functions ~~to be performed~~ by county departments. County departments shall perform the functions in accordance with the rules. The director shall conduct investigations to determine whether disability financial assistance is being administered in compliance with the Revised Code and rules adopted by the director.

~~(C)~~ If disability financial assistance payments are made by the county department of job and family services, the department shall advance sufficient funds to provide the county treasurer with the amount estimated for the payments. Financial assistance payments shall be distributed in accordance with sections 126.35, 319.16, and 329.03 of the Revised Code.

The department may enter into an agreement with a state agency whereby the state agency agrees to make eligibility determinations for the program. If the department enters into such an agreement, the department shall cover the administrative costs incurred by the state agency to make the eligibility determinations.

As used in this division, "state agency" has the same meaning 84972  
as in section 117.01 of the Revised Code. 84973

**Sec. 5119.01.** (A) As used in this chapter: 84974

(1) "Addiction" means the chronic and habitual use of 84975  
alcoholic beverages, the use of a drug of abuse as defined in 84976  
section 3719.011 of the Revised Code, or the use of gambling by an 84977  
individual to the extent that the individual no longer can control 84978  
the individual's use of alcohol, the individual becomes physically 84979  
or psychologically dependent on the drug, the individual's use of 84980  
alcohol or drugs endangers the health, safety, or welfare of the 84981  
individual or others, or the individual's gambling causes 84982  
psychological, financial, emotional, marital, legal, or other 84983  
difficulties endangering the health, safety, or welfare of the 84984  
individual or others. 84985

(2) "Addiction services" means services, including 84986  
intervention, for the treatment of persons with alcohol, drug, or 84987  
gambling addictions, and for the prevention of such addictions. 84988

(3) "Alcohol and drug addiction services" means services, 84989  
including intervention, for the treatment of alcoholics or persons 84990  
who abuse drugs of abuse and for the prevention of alcoholism and 84991  
drug addiction. 84992

(4) "Alcoholic" means a person suffering from alcoholism. 84993

(5) "Alcoholism" means the chronic and habitual use of 84994  
alcoholic beverages by an individual to the extent that the 84995  
individual no longer can control the individual's use of alcohol 84996  
or endangers the health, safety, or welfare of the individual or 84997  
others. 84998

(6) "Community addiction services provider" means an agency, 84999  
association, corporation, individual, or program that provides 85000  
~~community~~ alcohol, drug addiction, or gambling addiction services 85001



that are certified by the department of mental health and 85002  
addiction services under section 5119.36 of the Revised Code. 85003

(7) "Community mental health services provider" means an 85004  
agency, association, corporation, individual, or program that 85005  
provides ~~community~~ mental health services that are certified by 85006  
the department of mental health and addiction services under 85007  
section 5119.36 of the Revised Code. 85008

(8) "Drug addiction" means the use of a drug of abuse, as 85009  
defined in section 3719.011 of the Revised Code, by an individual 85010  
to the extent that the individual becomes physically or 85011  
psychologically dependent on the drug or endangers the health, 85012  
safety, or welfare of the individual or others. 85013

(9) "Gambling addiction" means the use of gambling by an 85014  
individual to the extent that it causes psychological, financial, 85015  
emotional, marital, legal, or other difficulties endangering the 85016  
health, safety, or welfare of the individual or others. 85017

(10) "Gambling addiction services" means services for the 85018  
treatment of persons who have a gambling addiction and for the 85019  
prevention of gambling addiction. 85020

(11) "Hospital" means a hospital or inpatient unit licensed 85021  
by the department of mental health and addiction services under 85022  
section 5119.33 of the Revised Code, and any institution, 85023  
hospital, or other place established, controlled, or supervised by 85024  
the department under Chapter 5119. of the Revised Code. 85025

(12) "Mental illness" means a substantial disorder of 85026  
thought, mood, perception, orientation, or memory that grossly 85027  
impairs judgment, behavior, capacity to recognize reality, or 85028  
ability to meet the ordinary demands of life. 85029

(13) "Mental health services" means services for the 85030  
assessment, care, or treatment of persons who have a mental 85031  
illness as defined in this section. 85032

(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

**Sec. 5119.10.** (A) The director of mental health and addiction services is the chief executive and appointing authority of the department of mental health and addiction services. The director may organize the department for its efficient operation, including

creating divisions or offices as necessary. The director may 85064  
establish procedures for the governance of the department, conduct 85065  
of its employees and officers, performance of its business, and 85066  
custody, use, and preservation of departmental records, papers, 85067  
books, documents, and property. Whenever the Revised Code imposes 85068  
a duty upon or requires an action of the department or any of its 85069  
institutions, the director or the director's designee shall 85070  
perform the action or duty in the name of the department, except 85071  
that the medical director appointed pursuant to section 5119.11 of 85072  
the Revised Code shall be responsible for decisions relating to 85073  
medical diagnosis, treatment, rehabilitation, quality assurance, 85074  
and the clinical aspects of the following: licensure of hospitals 85075  
and residential facilities, research, community addiction and 85076  
mental health services plans, and certification and delivery of 85077  
~~mental health and~~ addiction and mental health services. 85078

85079

(B) The director shall:

85080

(1) Adopt rules for the proper execution of the powers and 85081  
duties of the department with respect to the institutions under 85082  
its control, and require the performance of additional duties by 85083  
the officers of the institutions as necessary to fully meet the 85084  
requirements, intents, and purposes of this chapter. In case of an 85085  
apparent conflict between the powers conferred upon any managing 85086  
officer and those conferred by such sections upon the department, 85087  
the presumption shall be conclusive in favor of the department. 85088

(2) Adopt rules for the nonpartisan management of the 85089  
institutions under the department's control. An officer or 85090  
employee of the department or any officer or employee of any 85091  
institution under its control who, by solicitation or otherwise, 85092  
exerts influence directly or indirectly to induce any other 85093  
officer or employee of the department or any of its institutions 85094  
to adopt the exerting officer's or employee's political views or 85095

to favor any particular person, issue, or candidate for office 85096  
shall be removed from the exerting officer's or employee's office 85097  
or position, by the department in case of an officer or employee, 85098  
and by the governor in case of the director. 85099

(3) Appoint such employees, including the medical director, 85100  
as are necessary for the efficient conduct of the department, and 85101  
prescribe their titles and duties; 85102

(4) Prescribe the forms of affidavits, applications, medical 85103  
certificates, orders of hospitalization and release, and all other 85104  
forms, reports, and records that are required in the 85105  
hospitalization or admission and release of all persons to the 85106  
institutions under the control of the department, or are otherwise 85107  
required under this chapter or Chapter 5122. of the Revised Code; 85108

(5) Exercise the powers and perform the duties relating to 85109  
~~community~~ addiction and mental health facilities and services that 85110  
are assigned to the director under this chapter and Chapter 340. 85111  
of the Revised Code; 85112

(6) Develop and implement clinical evaluation and monitoring 85113  
of services that are operated by the department; 85114

(7) Adopt rules establishing standards for the performance of 85115  
evaluations by a forensic center or other psychiatric program or 85116  
facility of the mental condition of defendants ordered by the 85117  
court under section 2919.271, or 2945.371 of the Revised Code, and 85118  
for the treatment of defendants who have been found incompetent to 85119  
stand trial and ordered by the court under section 2945.38, 85120  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 85121  
treatment in facilities; 85122

(8) On behalf of the department, have the authority and 85123  
responsibility for entering into contracts and other agreements 85124  
with providers, agencies, institutions, and other entities, both 85125  
public and private, as necessary for the department to carry out 85126

its duties under this chapter and Chapters 340., 2919., 2945., and 85127  
5122. of the Revised Code. Chapter 125. of the Revised Code does 85128  
not apply to contracts the director enters into under this section 85129  
for services provided to individuals with mental illness by 85130  
providers, agencies, institutions, and other entities not owned or 85131  
operated by the department. 85132

(9) Adopt rules in accordance with Chapter 119. of the 85133  
Revised Code specifying the supplemental services that may be 85134  
provided through a trust authorized by section 5815.28 of the 85135  
Revised Code; 85136

(10) Adopt rules in accordance with Chapter 119. of the 85137  
Revised Code establishing standards for the maintenance and 85138  
distribution to a beneficiary of assets of a trust authorized by 85139  
section 5815.28 of the Revised Code. 85140

(C) The director may contract with hospitals licensed by the 85141  
department under section 5119.33 of the Revised Code for the care 85142  
and treatment of mentally ill patients, or with persons, 85143  
organizations, or agencies for the custody, evaluation, 85144  
supervision, care, or treatment of mentally ill persons receiving 85145  
services elsewhere than within the enclosure of a hospital 85146  
operated under section 5119.14 of the Revised Code. 85147

**Sec. 5119.11.** (A) The director of mental health and addiction 85148  
services shall appoint a medical director who is eligible or 85149  
certified by the American board of psychiatry and neurology or the 85150  
American osteopathic board of neurology and psychiatry, and has at 85151  
least five years of clinical and two years of administrative 85152  
experience. The medical director shall also have certification or 85153  
substantial training and experience in the field of addiction 85154  
medicine or addiction psychiatry. The medical director shall be 85155  
responsible for decisions relating to medical diagnosis, 85156  
treatment, prevention, rehabilitation, quality assurance, and the 85157

clinical aspects of ~~mental health and~~ addiction and mental health 85158  
services involving all of the following: 85159

(1) Licensure of hospitals, residential facilities, and 85160  
outpatient facilities; 85161

(2) Research; 85162

(3) Community addiction and mental health services plans; 85163

(4) Certification and delivery of ~~mental health and~~ addiction 85164  
and mental health services. 85165

(B) The medical director shall also exercise clinical 85166  
supervision of the chief clinical officers of hospitals and 85167  
institutions under the jurisdiction of the department and shall 85168  
review and approve decisions relating to the employment of the 85169  
chief clinical officers. The medical director or the medical 85170  
director's designee shall advise the director on matters relating 85171  
to licensure, research, and the certification and delivery of 85172  
~~mental health and~~ addiction and mental health services and 85173  
community addiction and mental health plans. The medical director 85174  
shall participate in the development of guidelines for community 85175  
addiction and mental health services plans. The director of mental 85176  
health and addiction services may establish other duties of the 85177  
medical director. 85178

**Sec. 5119.161.** The department of mental health and addiction 85179  
services, in conjunction with the department of job and family 85180  
services, shall develop a joint state plan to improve the 85181  
accessibility and timeliness of alcohol and drug addiction 85182  
services for individuals identified by a public children services 85183  
agency as in need of those services. The plan shall address the 85184  
fact that Ohio works first participants may be among the persons 85185  
receiving services under section 340.15 of the Revised Code and 85186  
shall require the department of job and family services to seek 85187

federal funds available under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the services to Ohio works first participants who are receiving services under section 340.15 of the Revised Code.

~~The plan shall address the need and manner for sharing information and include a request for the general assembly to appropriate an amount of funds specified in the report to be used by the departments to pay for services under section 340.15 of the Revised Code. The departments shall review and amend the plan as necessary.~~

~~Not later than the first day of July of each even numbered year, the departments shall submit a report on the progress made under the joint state plan to the governor, president of the senate, and speaker of the house of representatives. The report shall include information on treatment capacity, needs assessments, and number of individuals who received services pursuant to section 340.15 of the Revised Code.~~

**Sec. 5119.18.** An appointing authority may appoint a person who holds a certified or permanent position in the classified service within the department of mental health and addiction services to a position in the unclassified service within the department. A person appointed pursuant to this section to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, pursuant to division (D) of section 124.11 of the Revised Code.

A person who holds a position in the classified service and who is appointed to a position in the unclassified service on or after January 1, 2016, shall have the right to resume a position in the classified service under this section only within five

years after the effective date of the person's appointment in the 85219  
unclassified service. 85220

**Sec. 5119.186.** (A) The director of mental health and 85221  
addiction services or the managing officer of an institution of 85222  
the department may enter into an agreement with boards of trustees 85223  
or boards of directors of one or more institutions of higher 85224  
education or hospitals licensed pursuant to section 5119.33 of the 85225  
Revised Code to establish, manage, and conduct collaborative 85226  
training efforts for students enrolled in courses of studies for 85227  
occupations or professions that involve the care and treatment for 85228  
persons receiving ~~mental health or~~ addiction or mental health 85229  
services. 85230

(B) Such collaborative training efforts may include but are 85231  
not limited to programs in psychiatry, psychology, nursing, social 85232  
work, counseling professions, and others considered appropriate by 85233  
the director of mental health and addiction services. Any such 85234  
program shall be approved or accredited by its respective 85235  
professional organization or state board having jurisdiction over 85236  
the profession. 85237

(1) The department shall require that the following be 85238  
provided for in agreements between the department and institutions 85239  
of higher education or hospitals licensed pursuant to section 85240  
5119.33 of the Revised Code: 85241

(a) Establishment of inter-disciplinary committees to advise 85242  
persons responsible for training programs. Each committee shall 85243  
have representation drawn from the geographical community the 85244  
institution of higher education or hospital serves and shall 85245  
include representatives of agencies, boards, targeted populations 85246  
as determined by the department, racial and ethnic minority 85247  
groups, and publicly funded programs; 85248

(b) Funding procedures; 85249



(c) Specific outcomes and accomplishments that are expected	85250
or required of a program under such agreement;	85251
(d) The types of services to be provided under such	85252
agreement.	85253
(2) The department may require that the following be provided	85254
for in agreements between the department and institutions of	85255
higher education or hospitals licensed pursuant to section 5119.33	85256
of the Revised Code:	85257
(a) Special arrangements for individual residents or trainees	85258
to encourage their employment in publicly funded settings upon	85259
completion of their training;	85260
(b) Procedures for the selection of residents or trainees to	85261
promote the admission, retention, and graduation of women,	85262
minorities, and disabled persons;	85263
(c) Cross-cultural training and other subjects considered	85264
necessary to enhance training efforts and the care and treatment	85265
of patients and clients;	85266
(d) Funding of faculty positions oriented toward meeting the	85267
needs of publicly funded programs.	85268
Subject to appropriations by the general assembly, the	85269
director of mental health and addiction services has final	85270
approval of the funding of these collaborative training efforts.	85271
<b>Sec. 5119.21.</b> (A) The department of mental health and	85272
addiction services shall:	85273
(1) To the extent the department has available resources and	85274
in consultation with boards of alcohol, drug addiction, and mental	85275
health services, support a continuum of care in accordance with	85276
Chapter 340. of the Revised Code on a district or multi-district	85277
basis. The department shall define the essential elements of a	85278
continuum of care, shall assist in identifying resources, and may	85279

prioritize support for one or more of the elements. 85280

(2) Provide training, consultation, and technical assistance 85281  
regarding ~~mental health and~~ addiction and mental health services 85282  
and appropriate prevention, recovery, and mental health promotion 85283  
activities, including those that are culturally competent, to 85284  
employees of the department, community mental health and addiction 85285  
services providers, boards of alcohol, drug addiction, and mental 85286  
health services, and other agencies providing ~~mental health and~~ 85287  
addiction and mental health services; 85288

(3) To the extent the department has available resources, 85289  
promote and support a full range of ~~mental health and~~ addiction 85290  
and mental health services that are available and accessible to 85291  
all residents of this state, especially for severely ~~mentally~~ 85292  
~~disabled~~ emotionally disturbed children, and adolescents, severely 85293  
mentally disabled adults, pregnant women, parents, guardians or 85294  
custodians of children at risk of abuse or neglect, and other 85295  
special target populations, including racial and ethnic 85296  
minorities, as determined by the department; 85297

(4) Develop standards and measures for evaluating the 85298  
effectiveness of ~~mental health and~~ addiction and mental health 85299  
services, including services that use methadone treatment, of 85300  
gambling addiction services, and for increasing the accountability 85301  
of community mental health and ~~alcohol and~~ addiction services 85302  
providers ~~and of gambling addiction services providers~~; 85303

(5) Design and set criteria for the determination of priority 85304  
populations; 85305

(6) Promote, direct, conduct, and coordinate scientific 85306  
research, taking ethnic and racial differences into consideration, 85307  
concerning the causes and prevention of mental illness and 85308  
addiction, methods of providing effective services and treatment, 85309  
and means of enhancing the mental health of and recovery from 85310

addiction of all residents of this state; 85311

(7) Foster the establishment and availability of vocational 85312  
rehabilitation services and the creation of employment 85313  
opportunities for ~~consumers of mental health and~~ individuals with 85314  
addiction ~~services~~ and mental health needs, including members of 85315  
racial and ethnic minorities; 85316

(8) Establish a program to protect and promote the rights of 85317  
persons receiving ~~mental health and~~ addiction and mental health 85318  
services, including the issuance of guidelines on informed consent 85319  
and other rights; 85320

(9) Promote the involvement of persons who are receiving or 85321  
have received ~~mental health or~~ addiction or mental health 85322  
services, including families and other persons having a close 85323  
relationship to a person receiving those services, in the 85324  
planning, evaluation, delivery, and operation of ~~mental health and~~ 85325  
addiction and mental health services; 85326

(10) Notify and consult with the relevant constituencies that 85327  
may be affected by rules, standards, and guidelines issued by the 85328  
department of mental health and addiction services. These 85329  
constituencies shall include consumers of ~~mental health and~~ 85330  
addiction and mental health services and their families, and may 85331  
include public and private providers, employee organizations, and 85332  
others when appropriate. Whenever the department proposes the 85333  
adoption, amendment, or rescission of rules under Chapter 119. of 85334  
the Revised Code, the notification and consultation required by 85335  
this division shall occur prior to the commencement of proceedings 85336  
under Chapter 119. The department shall adopt rules under Chapter 85337  
119. of the Revised Code that establish procedures for the 85338  
notification and consultation required by this division. 85339

(11) Provide consultation to the department of rehabilitation 85340  
and correction concerning the delivery of ~~mental health and~~ 85341

addiction and mental health services in state correctional 85342  
institutions-; 85343

(12) Promote and coordinate efforts in the provision of 85344  
alcohol and drug addiction services and of gambling addiction 85345  
services by other state agencies, as defined in section 1.60 of 85346  
the Revised Code; courts; hospitals; clinics; physicians in 85347  
private practice; public health authorities; boards of alcohol, 85348  
drug addiction, and mental health services; ~~alcohol and drug~~ 85349  
community addiction services providers; law enforcement agencies; 85350  
~~gambling addiction services providers;~~ and related groups; 85351

(13) Provide to each court of record, and biennially update, 85352  
a list of the treatment and education programs within that court's 85353  
jurisdiction that the court may require an offender, sentenced 85354  
pursuant to section 4511.19 of the Revised Code, to attend; 85355

(14) Make the warning sign described in sections 3313.752, 85356  
3345.41, and 3707.50 of the Revised Code available on the 85357  
department's internet web site; 85358

(15) Provide a program of gambling addiction services on 85359  
behalf of the state lottery commission, pursuant to an agreement 85360  
entered into with the director of the commission under division 85361  
(K) of section 3770.02 of the Revised Code, and provide a program 85362  
of gambling addiction services on behalf of the Ohio casino 85363  
control commission, under an agreement entered into with the 85364  
executive director of the commission under section 3772.062 of the 85365  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 85366  
Constitution, the department may enter into agreements with boards 85367  
of alcohol, drug addiction, and mental health services, including 85368  
boards with districts in which a casino facility is not located, 85369  
and nonprofit organizations to provide gambling addiction services 85370  
and ~~substance abuse~~ alcohol and drug addiction services, and with 85371  
state institutions of higher education or private nonprofit 85372  
institutions that possess a certificate of authorization issued 85373

under Chapter 1713. of the Revised Code to perform related 85374  
research. 85375

(B) The department may accept and administer grants from 85376  
public or private sources for carrying out any of the duties 85377  
enumerated in this section. 85378

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 85379  
~~department shall adopt a rule defining the term "intervention" as~~ 85380  
~~it is used in this chapter in connection with alcohol and drug~~ 85381  
~~addiction services and in connection with gambling addiction~~ 85382  
~~services.~~ The department may adopt ~~other~~ rules in accordance with 85383  
Chapter 119. of the Revised Code as necessary to implement the 85384  
requirements of this chapter. 85385

**Sec. 5119.23.** (A) The department of mental health and 85386  
addiction services shall establish a methodology for allocating to 85387  
boards of alcohol, drug addiction, and mental health services the 85388  
funds appropriated by the general assembly to the department for 85389  
the purpose of ~~local mental health and addiction services~~ 85390  
~~continuum~~ the continuum of care that each board establishes under 85391  
section 340.03 of the Revised Code. The department shall establish 85392  
the methodology after notifying and consulting with relevant 85393  
constituencies as required by division (A)(10) of section 5119.21 85394  
of the Revised Code. The methodology may provide for the funds to 85395  
be allocated to boards on a district or multi-district basis. 85396

(B) Subject to section 5119.25 of the Revised Code, and to 85397  
required submissions and approvals under section 340.08 of the 85398  
Revised Code, the department shall allocate the funds to the 85399  
boards in a manner consistent with the methodology, this section, 85400  
other state and federal laws, rules, and regulations. 85401

(C) In consultation with boards, community addiction services 85402  
providers, community mental health ~~and addiction~~ services 85403  
providers, and persons receiving services, the department shall 85404

establish guidelines for the use of funds allocated ~~and~~ 85405  
~~distributed~~ under this section. 85406

**Sec. 5119.25.** (A) The director of mental health and addiction 85407  
services, in whole or in part, may withhold funds otherwise to be 85408  
allocated to a board of alcohol, drug addiction, and mental health 85409  
services under section 5119.23 of the Revised Code if the board 85410  
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 85411  
~~5119.36, or 5119.371~~ 5119. of the Revised Code or rules of the 85412  
department of mental health and addiction services. However, 85413  
beginning September 15, 2016, the director shall withhold all such 85414  
funds from the board when required to do so under division (A)(4) 85415  
of section 340.08 of the Revised Code or division (G)(1) of 85416  
section 5119.22 of the Revised Code. 85417

(B) The director of mental health and addiction services may 85418  
withhold funds otherwise to be allocated to a board of alcohol, 85419  
drug addiction, and mental health services under section 5119.23 85420  
of the Revised Code if the board denies available service on the 85421  
basis of race, color, religion, creed, sex, age, national origin, 85422  
disability as defined in section 4112.01 of the Revised Code, or 85423  
developmental disability. 85424

(C) The director shall issue a notice identifying the areas 85425  
of noncompliance and the action necessary to achieve compliance. 85426  
The director may offer technical assistance to the board to 85427  
achieve compliance. The board shall have thirty days from receipt 85428  
of the notice of noncompliance to present its position that it is 85429  
in compliance or to submit to the director evidence of corrective 85430  
action the board took to achieve compliance. Before withholding 85431  
funds, the director or the director's designee shall hold a 85432  
hearing within thirty days of receipt of the board's position or 85433  
evidence to determine if there are continuing violations and that 85434  
either assistance is rejected or the board is unable, or has 85435

failed, to achieve compliance. The director may appoint a 85436  
representative from another board of alcohol, drug addiction, and 85437  
mental health services to serve as a mentor for the board in 85438  
developing and executing a plan of corrective action to achieve 85439  
compliance. Any such representative shall be from a board that is 85440  
in compliance with Chapter 340. of the Revised Code, ~~sections~~ 85441  
~~5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code~~ this 85442  
chapter, and the department's rules. Subsequent to the hearing 85443  
process, if it is determined that compliance has not been 85444  
achieved, the director may allocate all or part of the withheld 85445  
funds to one or more community mental health services providers or 85446  
community addiction services providers to provide the ~~community~~ 85447  
mental health ~~or community~~ service or addiction service for which 85448  
the board is not in compliance until the time that there is 85449  
compliance. The director shall adopt rules in accordance with 85450  
Chapter 119. of the Revised Code to implement this section. 85451

**Sec. 5119.28.** (A) All records, and reports, other than court 85452  
journal entries or court docket entries, identifying a person and 85453  
pertaining to the person's mental health condition, assessment, 85454  
provision of care or treatment, or payment for assessment, care or 85455  
treatment that are maintained in connection with any services 85456  
certified by the department of mental health and addiction 85457  
services, or any hospitals or facilities licensed or operated by 85458  
the department, shall be kept confidential and shall not be 85459  
disclosed by any person except: 85460

(1) If the person identified, or the person's legal guardian, 85461  
if any, or if the person is a minor, the person's parent or legal 85462  
guardian, consents; 85463

(2) When disclosure is provided for in this chapter or 85464  
Chapter 340. or 5122. of the Revised Code or in accordance with 85465  
other provisions of state or federal law authorizing such 85466

disclosure; 85467

(3) That hospitals, boards of alcohol, drug addiction, and 85468  
mental health services, licensed facilities, and community mental 85469  
health services providers may release necessary information to 85470  
insurers and other third-party payers, including government 85471  
entities responsible for processing and authorizing payment, to 85472  
obtain payment for goods and services furnished to the person; 85473

(4) Pursuant to a court order signed by a judge; 85474

(5) That a person shall be granted access to the person's own 85475  
psychiatric and medical records, unless access specifically is 85476  
restricted in a person's treatment plan for clear treatment 85477  
reasons; 85478

(6) That the department of mental health and addiction 85479  
services may exchange psychiatric records and other pertinent 85480  
information with community mental health services providers and 85481  
boards of alcohol, drug addiction, and mental health services 85482  
relating to the person's care or services. Records and information 85483  
that may be exchanged pursuant to this division shall be limited 85484  
to medication history, physical health status and history, 85485  
financial status, summary of course of treatment, summary of 85486  
treatment needs, and a discharge summary, if any. 85487

(7) That the department of mental health and addiction 85488  
services, hospitals and community providers operated by the 85489  
department, hospitals licensed by the department under section 85490  
5119.33 of the Revised Code, and community mental health services 85491  
providers may exchange psychiatric records and other pertinent 85492  
information with payers and other providers of treatment and 85493  
health services if the purpose of the exchange is to facilitate 85494  
continuity of care for the person or for the emergency treatment 85495  
of the person; 85496

(8) That the department of mental health and addiction 85497



services and community mental health services providers may 85498  
exchange psychiatric records and other pertinent information with 85499  
boards of alcohol, drug addiction, and mental health services for 85500  
purposes of any board function set forth in Chapter 340. of the 85501  
Revised Code. Boards of alcohol, drug addiction, and mental health 85502  
services shall not access any personal information from the 85503  
department or providers except as required or permitted by this 85504  
section, or Chapter 340. or 5122. of the Revised Code for purposes 85505  
related to payment, care coordination, health care operations, 85506  
program and service evaluation, reporting activities, research, 85507  
system administration, oversight, or other authorized purposes. 85508

(9) That a person's family member who is involved in the 85509  
provision, planning, and monitoring of services to the person may 85510  
receive medication information, a summary of the person's 85511  
diagnosis and prognosis, and a list of the services and personnel 85512  
available to assist the person and the person's family, if the 85513  
person's treatment provider determines that the disclosure would 85514  
be in the best interests of the person. No such disclosure shall 85515  
be made unless the person is notified first and receives the 85516  
information and does not object to the disclosure. 85517

(10) That community mental health services providers may 85518  
exchange psychiatric records and certain other information with 85519  
the board of alcohol, drug addiction, and mental health services 85520  
and other providers in order to provide services to a person 85521  
involuntarily committed to a board. Release of records under this 85522  
division shall be limited to medication history, physical health 85523  
status and history, financial status, summary of course of 85524  
treatment, summary of treatment needs, and discharge summary, if 85525  
any. 85526

(11) That information may be disclosed to the executor or the 85527  
administrator of an estate of a deceased person when the 85528  
information is necessary to administer the estate; 85529

(12) That information may be disclosed to staff members of 85530  
the appropriate board or to staff members designated by the 85531  
director of mental health and addiction services for the purpose 85532  
of evaluating the quality, effectiveness, and efficiency of 85533  
services and determining if the services meet minimum standards. 85534  
Information obtained during such evaluations shall not be retained 85535  
with the name of any person. 85536

(13) That records pertaining to the person's diagnosis, 85537  
course of treatment, treatment needs, and prognosis shall be 85538  
disclosed and released to the appropriate prosecuting attorney if 85539  
the person was committed pursuant to section 2945.38, 2945.39, 85540  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 85541  
attorney designated by the board for proceedings pursuant to 85542  
involuntary commitment under Chapter 5122. of the Revised Code. 85543

(14) That the department of mental health and addiction 85544  
services may exchange psychiatric hospitalization records, other 85545  
mental health treatment records, and other pertinent information 85546  
with the department of rehabilitation and correction and with the 85547  
department of youth services to ensure continuity of care for 85548  
inmates and offenders who are receiving mental health services in 85549  
an institution of the department of rehabilitation and correction 85550  
or the department of youth services and may exchange psychiatric 85551  
hospitalization records, other mental health treatment records, 85552  
and other pertinent information with boards of alcohol, drug 85553  
addiction, and mental health services and community mental health 85554  
services providers to ensure continuity of care for inmates or 85555  
offenders who are receiving mental health services in an 85556  
institution and are scheduled for release within six months. The 85557  
release of records under this division is limited to records 85558  
regarding an inmate's or offender's medication history, physical 85559  
health status and history, summary of course of treatment, summary 85560  
of treatment needs, and a discharge summary, if any. 85561

(15) That a community mental health services provider that 85562  
ceases to operate may transfer to either a community mental health 85563  
services provider that assumes its caseload or to the board of 85564  
alcohol, drug addiction, and mental health services of the service 85565  
district in which the person resided at the time services were 85566  
most recently provided any ~~treatment~~ records concerning treatment 85567  
that have not been transferred elsewhere at the person's request; 85568

(16) That records and reports relating to a person who has 85569  
been deceased for fifty years or more are no longer considered 85570  
confidential. 85571

(B) Before records are disclosed pursuant to divisions 85572  
(A)(3), (6), and (10) of this section, the custodian of the 85573  
records shall attempt to obtain the person's consent for the 85574  
disclosure. 85575

(C) No person shall reveal the content of a medical record of 85576  
a person that is confidential pursuant to this section, except as 85577  
authorized by law. 85578

**Sec. 5119.31.** The department of administrative services shall 85579  
purchase all supplies needed for the proper support and 85580  
maintenance of the institutions under the control of the 85581  
department of mental health and addiction services in accordance 85582  
with the competitive selection procedures of Chapter 125. of the 85583  
Revised Code and such rules as the department of administrative 85584  
services adopts. All bids shall be publicly opened on the day and 85585  
hour and at the place specified in the advertisement. 85586

Preference shall be given to bidders in localities wherein 85587  
the institution is located, if the price is fair and reasonable 85588  
and not greater than the usual price; but bids not meeting the 85589  
specifications shall be rejected. 85590

The department of administrative services may require such 85591

security as it considers proper to accompany the bids and shall 85592  
fix the security to be given by the contractor. 85593

The department of administrative services may reject any or 85594  
all bids and secure new bids, if for any reason it is deemed for 85595  
the best interest of the state to do so, and it may authorize the 85596  
managing officer of any institution to purchase perishable goods 85597  
and supplies for use in cases of emergency, in which cases such 85598  
managing officer shall certify such fact in writing and the 85599  
department of administrative services shall record the reasons for 85600  
such purchase. 85601

**Sec. 5119.33.** (A)(1) The department of mental health and 85602  
addiction services shall inspect and license all hospitals that 85603  
receive mentally ill persons, except those hospitals managed by 85604  
the department. No hospital may receive for care or treatment, 85605  
either at public or private expense, any person who is or appears 85606  
to be mentally ill, whether or not so adjudicated, unless the 85607  
hospital has received a license from the department authorizing it 85608  
to receive for care or treatment persons who are mentally ill or 85609  
the hospital is managed by the department. 85610

(2) No such license shall be granted to a hospital for the 85611  
treatment of mentally ill persons unless the department is 85612  
satisfied, after investigation, that the hospital is managed and 85613  
operated by qualified persons and has on its staff one or more 85614  
qualified physicians responsible for the medical care of the 85615  
patients confined there. At least one such physician shall be a 85616  
psychiatrist. 85617

(B) The department shall adopt rules under Chapter 119. of 85618  
the Revised Code prescribing minimum standards for the operation 85619  
of hospitals for the care and treatment of mentally ill persons 85620  
and establishing standards and procedures for the issuance, 85621  
renewal, or revocation of full, probationary, and interim 85622

licenses. No license shall be granted to any hospital established 85623  
or used for the care of mentally ill persons unless such hospital 85624  
is operating in accordance with this section and rules adopted 85625  
pursuant to this section. A full license shall expire one year 85626  
after the date of issuance, a probationary license shall expire at 85627  
the time prescribed by rule adopted pursuant to Chapter 119. of 85628  
the Revised Code by the director of mental health and addiction 85629  
services, and an interim license shall expire ninety days after 85630  
the date of issuance. A full, probationary, or interim license may 85631  
be renewed, except that an interim license may be renewed only 85632  
twice. The department may fix reasonable fees for licenses and for 85633  
license renewals. Such hospitals are subject to inspection and 85634  
on-site review by the department. 85635

(C) Except as otherwise provided in Chapter 5122. of the 85636  
Revised Code, neither the director of mental health and addiction 85637  
services; an employee of the department; a board of alcohol, drug 85638  
addiction, and mental health services or employee of a community 85639  
mental health services provider; nor any other public official 85640  
shall hospitalize any mentally ill person for care or treatment in 85641  
any hospital that is not licensed in accordance with this section. 85642

(D) The department may issue an order suspending the 85643  
admission of patients who are mentally ill to a hospital for care 85644  
or treatment if it finds either of the following: 85645

(1) The hospital is not in compliance with rules adopted by 85646  
the director pursuant to this section. 85647

(2) The hospital has been cited for more than one violation 85648  
of statutes or rules during any previous period of time during 85649  
which the hospital is licensed pursuant to this section. 85650

(E) Any license issued by the department under this section 85651  
may be revoked or not renewed by the department for any of the 85652  
following reasons: 85653

<del>(A)</del> (1) The hospital is no longer a suitable place for the care or treatment of mentally ill persons.	85654 85655
<del>(B)</del> (2) The hospital refuses to be subject to inspection or on-site review by the department.	85656 85657
<del>(C)</del> (3) The hospital has failed to furnish humane, kind, and adequate treatment and care.	85658 85659
<del>(D)</del> (4) The hospital fails to comply with the licensure rules of the department.	85660 85661
(F) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.	85662 85663 85664
<b>Sec. 5119.34.</b> (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:	85665 85666
(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.	85667 85668 85669 85670 85671
(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.	85672 85673
(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.	85674 85675 85676
(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.	85677 85678 85679
(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.	85680 85681 85682

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code. 85683  
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(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. 85686  
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(8) "Personal care services" means services including, but not limited to, the following: 85691  
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(a) Assisting residents with activities of daily living; 85693

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 85694  
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(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 85696  
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"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services. 85700  
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~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:~~ 85705  
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~~(a) Accommodations, supervision, personal care services, and community mental health services for one or more unrelated adults with mental illness or severe mental disabilities or to one or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from~~ 85707  
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~~a community mental health services provider, hospital, or practitioner.~~ 85713  
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~~(b) Accommodations, supervision, and personal care services to any of the following:~~ 85715  
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~~(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;~~ 85717  
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~~(ii) One or two unrelated adults who are receiving residential state supplement payments;~~ 85721  
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~~(iii) Three to sixteen unrelated adults.~~ 85723

~~(c) Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~ 85724  
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~~(10) "Residential facility" does not include any of the following:~~ 85728  
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~~(a) A hospital subject to licensure under section 5119.33 of the Revised Code;~~ 85730  
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~~(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;~~ 85732  
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~~(c) An institution or association subject to certification under section 5103.03 of the Revised Code;~~ 85735  
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~~(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;~~ 85737  
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~~(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;~~ 85740  
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<del>(f) Alcohol or drug addiction services certified pursuant to section 5119.36 of the Revised Code;</del>	85742
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<del>(g) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;</del>	85744
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<del>(h) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;</del>	85746
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<del>(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;</del>	85750
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<del>(j) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.</del>	85753
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<del>(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.</del>	85757
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<del>(12)</del> <u>(10)</u> "Residential state supplement" means the program administered under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social Security Act. Residential state supplement payments are used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients the department of mental health and addition services determines are at risk of needing institutional care.	85760
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<del>(13)</del> <u>(11)</u> "Supervision" means any of the following:	85770
(a) Observing a resident to ensure the resident's health,	85771

safety, and welfare while the resident engages in activities of 85772  
daily living or other activities; 85773

(b) Reminding a resident to perform or complete an activity, 85774  
such as reminding a resident to engage in personal hygiene or 85775  
other self-care activities; 85776

(c) Assisting a resident in making or keeping an appointment. 85777

~~(14)~~(12) "Unrelated" means that a resident is not related to 85778  
the owner or operator of a residential facility or to the owner's 85779  
or operator's spouse as a parent, grandparent, child, stepchild, 85780  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 85781  
the child of an aunt or uncle. 85782

(B)(1) A "residential facility" is a publicly or privately 85783  
operated home or facility that falls into one of the following 85784  
categories: 85785

(a) Class one facilities provide accommodations, supervision, 85786  
personal care services, and mental health services for one or more 85787  
unrelated adults with mental illness or one or more unrelated 85788  
children or adolescents with severe emotional disturbances; 85789

(b) Class two facilities provide accommodations, supervision, 85790  
and personal care services to any of the following: 85791

(i) One or two unrelated persons with mental illness; 85792

(ii) One or two unrelated adults who are receiving 85793  
residential state supplement payments; 85794

(iii) Three to sixteen unrelated adults. 85795

(c) Class three facilities provide room and board for five or 85796  
more unrelated adults with mental illness. 85797

(2) "Residential facility" does not include any of the 85798  
following: 85799

(a) A hospital subject to licensure under section 5119.33 of 85800

the Revised Code or an institution maintained, operated, managed, 85801  
and governed by the department of mental health and addiction 85802  
services for the hospitalization of mentally ill persons pursuant 85803  
to section 5119.14 of the Revised Code; 85804

(b) A residential facility licensed under section 5123.19 of 85805  
the Revised Code or otherwise regulated by the department of 85806  
developmental disabilities; 85807

(c) An institution or association subject to certification 85808  
under section 5103.03 of the Revised Code; 85809

(d) A facility operated by a hospice care program licensed 85810  
under section 3712.04 of the Revised Code that is used exclusively 85811  
for care of hospice patients; 85812

(e) A nursing home, residential care facility, or home for 85813  
the aging as defined in section 3721.02 of the Revised Code; 85814

(f) A facility licensed to provide methadone treatment under 85815  
section 5119.391 of the Revised Code; 85816

(g) Any facility that receives funding for operating costs 85817  
from the development services agency under any program established 85818  
to provide emergency shelter housing or transitional housing for 85819  
the homeless; 85820

(h) A terminal care facility for the homeless that has 85821  
entered into an agreement with a hospice care program under 85822  
section 3712.07 of the Revised Code; 85823

(i) A facility approved by the veterans administration under 85824  
section 104(a) of the "Veterans Health Care Amendments of 1983," 85825  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 85826  
the placement and care of veterans; 85827

(j) The residence of a relative or guardian of a person with 85828  
mental illness. 85829

(C) Nothing in division (A)-(9)(B) of this section shall be 85830

construed to permit personal care services to be imposed on a 85831  
resident who is capable of performing the activity in question 85832  
without assistance. 85833

~~(C)~~(D) Except in the case of a residential facility described 85834  
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 85835  
staff of a residential facility shall not administer medication to 85836  
the facility's residents, but may do any of the following: 85837

(1) Remind a resident when to take medication and watch to 85838  
ensure that the resident follows the directions on the container; 85839

(2) Assist a resident in the self-administration of 85840  
medication by taking the medication from the locked area where it 85841  
is stored, in accordance with rules adopted pursuant to this 85842  
section, and handing it to the resident. If the resident is 85843  
physically unable to open the container, a staff member may open 85844  
the container for the resident. 85845

(3) Assist a physically impaired but mentally alert resident, 85846  
such as a resident with arthritis, cerebral palsy, or Parkinson's 85847  
disease, in removing oral or topical medication from containers 85848  
and in consuming or applying the medication, upon request by or 85849  
with the consent of the resident. If a resident is physically 85850  
unable to place a dose of medicine to the resident's mouth without 85851  
spilling it, a staff member may place the dose in a container and 85852  
place the container to the mouth of the resident. 85853

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 85854  
section, a person operating or seeking to operate a residential 85855  
facility shall apply for licensure of the facility to the 85856  
department of mental health and addiction services. The 85857  
application shall be submitted by the operator. When applying for 85858  
the license, the applicant shall pay to the department the 85859  
application fee specified in rules adopted under division ~~(K)~~(L) 85860  
of this section. The fee is nonrefundable. 85861

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was refused for any reason other than nonpayment of the license renewal fee, unless both of the following conditions are met:

(a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.

(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.

~~(E)~~(F)(1) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of ~~mental health~~ mental health and addiction services under division ~~(K)~~(L) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in

accordance with rules adopted by the director under division 85893  
(K)(L) of this section. The renewal application shall be submitted 85894  
by the operator. When applying for renewal of a license, the 85895  
applicant shall pay to the department the renewal fee specified in 85896  
rules adopted under division (K)(L) of this section. The fee is 85897  
nonrefundable. 85898

(2) The department may issue an order suspending the 85899  
admission of residents to the facility or refuse to issue or renew 85900  
and may revoke a license if it finds ~~the~~ any of the following: 85901

(a) The facility is not in compliance with rules adopted by 85902  
the director pursuant to division (K)(L) of this section ~~or if~~ 85903  
any; 85904

(b) Any facility operated by the applicant or licensee has 85905  
been cited for a pattern of serious noncompliance or repeated 85906  
violations of statutes or rules during the period of current or 85907  
previous licenses. ~~Proceedings;~~ 85908

(c) The applicant or licensee submits false or misleading 85909  
information as part of a license application, renewal, or 85910  
investigation. 85911

Proceedings initiated to deny applications for full or 85912  
probationary licenses or to revoke such licenses are governed by 85913  
Chapter 119. of the Revised Code. An order issued pursuant to this 85914  
division remains in effect during the pendency of those 85915  
proceedings. 85916

~~(F)~~(G) The department may issue an interim license to operate 85917  
a residential facility if both of the following conditions are 85918  
met: 85919

(1) The department determines that the closing of or the need 85920  
to remove residents from another residential facility has created 85921  
an emergency situation requiring immediate removal of residents 85922  
and an insufficient number of licensed beds are available. 85923

(2) The residential facility applying for an interim license 85924  
meets standards established for interim licenses in rules adopted 85925  
by the director under division ~~(K)~~(L) of this section. 85926

An interim license shall be valid for ninety days and may be 85927  
renewed by the director no more than twice. Proceedings initiated 85928  
to deny applications for or to revoke interim licenses under this 85929  
division are not subject to Chapter 119. of the Revised Code. 85930

~~(G)~~(H)(1) The department of mental health and addiction 85931  
services may conduct an inspection of a residential facility as 85932  
follows: 85933

(a) Prior to issuance of a license for the facility; 85934

(b) Prior to renewal of the license; 85935

(c) To determine whether the facility has completed a plan of 85936  
correction required pursuant to division ~~(G)~~(H)(2) of this section 85937  
and corrected deficiencies to the satisfaction of the department 85938  
and in compliance with this section and rules adopted pursuant to 85939  
it; 85940

(d) Upon complaint by any individual or agency; 85941

(e) At any time the director considers an inspection to be 85942  
necessary in order to determine whether the facility is in 85943  
compliance with this section and rules adopted pursuant to this 85944  
section. 85945

(2) In conducting inspections the department may conduct an 85946  
on-site examination and evaluation of the residential facility and 85947  
its personnel, activities, and services. The department shall have 85948  
access to examine and copy all records, accounts, and any other 85949  
documents relating to the operation of the residential facility, 85950  
including records pertaining to residents, and shall have access 85951  
to the facility in order to conduct interviews with the operator, 85952  
staff, and residents. Following each inspection and review, the 85953

department shall complete a report listing any deficiencies, and 85954  
including, when appropriate, a time table within which the 85955  
operator shall correct the deficiencies. The department may 85956  
require the operator to submit a plan of correction describing how 85957  
the deficiencies will be corrected. 85958

~~(H)~~(I) No person shall do any of the following: 85959

(1) Operate a residential facility unless the facility holds 85960  
a valid license; 85961

(2) Violate any of the conditions of licensure after having 85962  
been granted a license; 85963

(3) Interfere with a state or local official's inspection or 85964  
investigation of a residential facility; 85965

(4) Violate any of the provisions of this section or any 85966  
rules adopted pursuant to this section. 85967

~~(I)~~(J) The following may enter a residential facility at any 85968  
time: 85969

(1) Employees designated by the director of mental health and 85970  
addiction services; 85971

(2) Employees of an ADAMHS board under either of the 85972  
following circumstances: 85973

(a) When a resident of the facility is receiving services 85974  
from a community mental health services provider under contract 85975  
with that ADAMHS board or another ADAMHS board; 85976

(b) When authorized by section 340.05 of the Revised Code. 85977

(3) Employees of a community mental health services provider 85978  
under either of the following circumstances: 85979

(a) When the ~~services~~ provider has a person receiving 85980  
services residing in the facility; 85981

(b) When the ~~services~~ provider is acting as an agent of an 85982



ADAMHS board other than the board with which it is under contract. 85983

(4) Representatives of the state long-term care ombudsman 85984  
program when the facility provides accommodations, supervision, 85985  
and personal care services for three to sixteen unrelated adults 85986  
or to one or two unrelated adults who are recipients under the 85987  
residential state supplement program. 85988

The persons specified in division ~~(I)~~(J) of this section 85989  
shall be afforded access to examine and copy all records, 85990  
accounts, and any other documents relating to the operation of the 85991  
residential facility, including records pertaining to residents. 85992

~~(J)~~(K) Employees of the department of mental health and 85993  
addiction services may enter, for the purpose of investigation, 85994  
any institution, residence, facility, or other structure which has 85995  
been reported to the department as, or that the department has 85996  
reasonable cause to believe is, operating as a residential 85997  
facility without a valid license. 85998

~~(K)~~(L) The director shall adopt and may amend and rescind 85999  
rules pursuant to Chapter 119. of the Revised Code governing the 86000  
licensing and operation of residential facilities. The rules shall 86001  
establish all of the following: 86002

(1) Minimum standards for the health, safety, adequacy, and 86003  
cultural competency of treatment of and services for persons in 86004  
residential facilities; 86005

(2) Procedures for the issuance, renewal, or revocation of 86006  
the licenses of residential facilities; 86007

(3) Procedures for conducting ~~criminal records checks~~ 86008  
background investigations for prospective or current operators, 86009  
employees, ~~and~~ volunteers, and other non-resident occupants who 86010  
may have direct access to facility residents; 86011

(4) The fee to be paid when applying for a new residential 86012

facility license or renewing the license;	86013
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	86014 86015 86016 86017 86018 86019
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	86020 86021
(7) Measures to be taken by residential facilities relative to residents' medication;	86022 86023
(8) Requirements relating to preparation of special diets;	86024
(9) The maximum number of residents who may be served in a residential facility;	86025 86026
(10) The rights of residents of residential facilities and procedures to protect such rights;	86027 86028
<del>(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider;</del>	86029 86030 86031
<del>(12)</del> Standards and procedures under which the director may waive the requirements of any of the rules adopted.	86032 86033
<del>(L)</del> <u>(M)</u> (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	86034 86035 86036 86037 86038 86039 86040 86041
(2) Any person who makes a complaint under division <del>(L)</del> <u>(M)</u> (1)	86042

of this section, or any person who participates in an 86043  
administrative or judicial proceeding resulting from such a 86044  
complaint, is immune from civil liability and is not subject to 86045  
criminal prosecution, other than for perjury, unless the person 86046  
has acted in bad faith or with malicious purpose. 86047

~~(M)~~(N)(1) The director of mental health and addiction 86048  
services may petition the court of common pleas of the county in 86049  
which a residential facility is located for an order enjoining any 86050  
person from operating a residential facility without a license or 86051  
from operating a licensed facility when, in the director's 86052  
judgment, there is a present danger to the health or safety of any 86053  
of the occupants of the facility. The court shall have 86054  
jurisdiction to grant such injunctive relief upon a showing that 86055  
the respondent named in the petition is operating a facility 86056  
without a license or there is a present danger to the health or 86057  
safety of any residents of the facility. 86058

(2) When the court grants injunctive relief in the case of a 86059  
facility operating without a license, the court shall issue, at a 86060  
minimum, an order enjoining the facility from admitting new 86061  
residents to the facility and an order requiring the facility to 86062  
assist with the safe and orderly relocation of the facility's 86063  
residents. 86064

(3) If injunctive relief is granted against a facility for 86065  
operating without a license and the facility continues to operate 86066  
without a license, the director shall refer the case to the 86067  
attorney general for further action. 86068

~~(N)~~(O) The director may fine a person for violating division 86069  
~~(H)~~(I) of this section. The fine shall be five hundred dollars for 86070  
a first offense; for each subsequent offense, the fine shall be 86071  
one thousand dollars. The director's actions in imposing a fine 86072  
shall be taken in accordance with Chapter 119. of the Revised 86073  
Code. 86074

Sec. 5119.341. (A) Any person may operate a residential 86075  
facility providing accommodations and personal care services for 86076  
one to five unrelated persons and licensed as a residential 86077  
facility that meets the criteria specified in division ~~(A)(9)(b)~~ 86078  
(B)(1)(b) of section 5119.34 of the Revised Code as a permitted 86079  
use in any residential district or zone, including any 86080  
single-family residential district or zone of any political 86081  
subdivision. Such facilities may be required to comply with area, 86082  
height, yard, and architectural compatibility requirements that 86083  
are uniformly imposed upon all single-family residences within the 86084  
district or zone. 86085

(B) Any person may operate a residential facility providing 86086  
accommodations and personal care services for six to sixteen 86087  
persons and licensed as a residential facility that meets the 86088  
criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 86089  
5119.34 of the Revised Code as a permitted use in any 86090  
multiple-family residential district or zone of any political 86091  
subdivision, except that a political subdivision that has enacted 86092  
a zoning ordinance or resolution establishing planned-unit 86093  
developments as defined in section 519.021 of the Revised Code may 86094  
exclude such facilities from such districts, and a political 86095  
subdivision that has enacted a zoning ordinance or resolution may 86096  
regulate such facilities in multiple-family residential districts 86097  
or zones as a conditionally permitted use or special exception, in 86098  
either case, under reasonable and specific standards and 86099  
conditions set out in the zoning ordinance or resolution to: 86100

(1) Require the architectural design and site layout of the 86101  
home and the location, nature, and height of any walls, screens, 86102  
and fences to be compatible with adjoining land uses and the 86103  
residential character of the neighborhood; 86104

(2) Require compliance with yard, parking, and sign 86105

regulation. 86106

(C) Divisions (A) and (B) of this section do not affect any 86107  
right of a political subdivision to permit a person to operate a 86108  
residential facility licensed under section 5119.34 of the Revised 86109  
Code in a single-family residential district or zone under 86110  
conditions established by the political subdivision. 86111

(D)(1) Notwithstanding divisions (A) and (B) of this section 86112  
and except as provided in division (D)(2) of this section, a 86113  
political subdivision that has enacted a zoning ordinance or 86114  
resolution may limit the excessive concentration of licensed 86115  
residential facilities that meet the criteria specified in 86116  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 86117  
Code. 86118

(2) Division (D)(1) of this section does not authorize a 86119  
political subdivision to prevent or limit the continued existence 86120  
and operation of residential facilities existing and operating on 86121  
September 10, 2012, and that meet the criteria specified in 86122  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 86123  
Code. A political subdivision may consider the existence of such 86124  
facilities for the purpose of limiting the excessive concentration 86125  
of such facilities that meet the criteria specified in division 86126  
~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that 86127  
are not existing and operating on September 10, 2012. 86128

**Sec. 5119.36.** (A) A community mental health services provider 86129  
applicant or community addiction services provider applicant that 86130  
seeks certification of its ~~community~~ mental health services or 86131  
~~community~~ addiction services shall submit an application to the 86132  
director of mental health and addiction services. On receipt of 86133  
the application, the director may conduct an on-site review and 86134  
shall evaluate the ~~provider~~ applicant to determine whether its 86135  
services satisfy the standards established by rules adopted under 86136

division (E) of this section. The director shall make the 86137  
evaluation, and, if the director conducts an on-site review of the 86138  
~~provider applicant~~, may make the review, in cooperation with the 86139  
board of alcohol, drug addiction, and mental health services for 86140  
treatment or prevention services with which the ~~provider applicant~~ 86141  
seeks to contract under division (A)(8)(a) of section 340.03 of 86142  
the Revised Code. 86143

(B) Subject to section 5119.371 of the Revised Code, the 86144  
director shall determine whether the services of ~~an a community~~ 86145  
mental health services provider applicant or community addiction 86146  
services applicant satisfy the standards for certification of the 86147  
services. If the director determines that ~~a community mental~~ 86148  
~~health services provider's or a community addiction services~~ 86149  
~~provider's~~ an applicant's services satisfy the standards for 86150  
certification and the ~~provider applicant~~ has paid the fee required 86151  
under division (D) of this section, the director shall certify the 86152  
services. No community mental health services provider or 86153  
community addiction services provider shall be eligible to receive 86154  
state or federal funds, or funds administered by a board of 86155  
alcohol, drug addiction, and mental health services for treatment 86156  
or prevention services unless its services have been certified by 86157  
the department. 86158

(C) If the director determines that a community mental health 86159  
services ~~provider's~~ provider applicant's or a community addiction 86160  
services ~~provider's~~ provider applicant's services do not satisfy 86161  
the standards for certification, the director shall identify the 86162  
areas of noncompliance, specify what action is necessary to 86163  
satisfy the standards, and may offer technical assistance to the 86164  
~~provider applicant~~ and to the board of alcohol, drug addiction, 86165  
and mental health services so that the board may assist the 86166  
~~provider applicant~~ in satisfying the standards. The director shall 86167  
give the ~~provider applicant~~ a reasonable time within which to 86168

demonstrate that its services satisfy the standards or to bring 86169  
the services into compliance with the standards. If the director 86170  
concludes that the services continue to fail to satisfy the 86171  
standards, the director may request that the board reallocate any 86172  
funds for the mental health or addiction services the ~~provider~~ 86173  
applicant was to provide to another community mental health or 86174  
addiction services provider whose ~~community~~ mental health or 86175  
~~community~~ addiction services satisfy the standards. If the board 86176  
does not reallocate such funds in a reasonable period of time, the 86177  
director may withhold state and federal funds for the services and 86178  
allocate those funds directly to a community mental health or 86179  
community addiction services provider whose services satisfy the 86180  
standards. 86181

(D) Each community mental health services provider applicant 86182  
or community addiction services provider applicant seeking 86183  
certification of its ~~mental health or~~ addiction or mental health 86184  
services under this section shall pay a fee for the certification 86185  
required by this section, unless the ~~provider~~ applicant is exempt 86186  
under rules adopted under division (E) of this section. Fees shall 86187  
be paid into the state treasury to the credit of the sale of goods 86188  
and services fund created pursuant to section 5119.45 of the 86189  
Revised Code. 86190

(E) The director shall adopt rules in accordance with Chapter 86191  
119. of the Revised Code to implement this section. The rules 86192  
shall do all of the following: 86193

(1) Establish certification standards for mental health 86194  
services and addiction services that are consistent with 86195  
nationally recognized applicable standards and facilitate 86196  
participation in federal assistance programs. The rules shall 86197  
include as certification standards only requirements that improve 86198  
the quality of services or the health and safety of persons 86199  
receiving ~~community mental health and~~ addiction and mental health 86200

services. The standards shall address at a minimum all of the	86201
following:	86202
(a) Reporting major unusual incidents to the director;	86203
(b) Procedures for applicants for and persons receiving	86204
<del>community mental health and</del> <u>addiction and mental health</u> services	86205
to file grievances and complaints;	86206
(c) Seclusion;	86207
(d) Restraint;	86208
(e) Requirements regarding physical facilities of service	86209
delivery sites;	86210
(f) Requirements with regard to health, safety, adequacy, and	86211
cultural specificity and sensitivity;	86212
(g) Standards for evaluating services;	86213
(h) Standards and procedures for granting full <del>or</del>	86214
<del>conditional, probationary, and interim</del> certification to a <del>service</del>	86215
<u>community mental health services provider applicant or community</u>	86216
<u>addiction services applicant</u> ;	86217
(i) Standards and procedures for revoking the certification	86218
of a <u>community mental health or addiction services</u> provider's	86219
services that do not continue to meet the minimum standards	86220
established pursuant to this section;	86221
(j) The limitations to be placed on a provider that is	86222
granted <del>conditional</del> <u>probationary or interim</u> certification;	86223
(k) Development of written policies addressing the rights of	86224
persons receiving services, including all of the following:	86225
(i) The right to a copy of the written policies addressing	86226
the rights of persons receiving services;	86227
(ii) The right at all times to be treated with consideration	86228
and respect for the person's privacy and dignity;	86229



(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;

(iv) The right to have a client rights officer provided by the ~~services~~ provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.

(2) Establish the process for certification of ~~community mental health and~~ addiction and mental health services;

(3) Set the amount of certification review fees;

(4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.

(F) The department may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if it finds either of the following:

(1) The provider is not in compliance with rules adopted by the director pursuant to division (E) of this section;

(2) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.

(G) The department shall maintain a current list of community addiction services providers ~~whose addiction services are certified by the department under division (B) of this section~~ and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list ~~of certified addiction services~~ shall identify each provider by its name, its address, and the county in which it is located.

~~(G)~~(H) No person shall represent in any manner that a provider is certified by the department if the provider is not certified at the time the representation is made.

**Sec. 5119.361.** The director of mental health and addiction services shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health services provider and community addiction services provider with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide ~~community mental health or~~ addiction or mental health services establish grievance procedures consistent with rules adopted under section 5119.36 of the Revised Code that are available to all persons seeking or receiving services from a community mental health or addiction services provider.

**Sec. 5119.365.** The director of mental health and addiction services shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:

(A) Streamline the intake procedures used by a community addiction services provider accepting and beginning to serve a new ~~patient~~ individual, including procedures regarding intake forms and questionnaires;

(B) Enable a community addiction services provider to retain ~~a patient~~ an individual as an active patient even though the patient last received services from the provider more than thirty days before resumption of services so that the ~~patient~~ individual and provider do not have to repeat the intake procedures.

**Sec. 5119.41.** (A) As used in this section ~~and section 5119.411 of the Revised Code:~~

(1) "Nursing facility" has the same meaning as in section

5165.01 of the Revised Code. 86289

(2) "Residential state supplement administrative agency" 86290  
means the department of mental health and addiction services or, 86291  
if the department designates an entity under division (C) of this 86292  
section for a particular area, the designated entity. 86293

(3) "Residential state supplement program" means the program 86294  
administered pursuant to this section. 86295

(B) The department of mental health and addiction services 86296  
shall implement the residential state supplement program under 86297  
which the state supplements the supplemental security income 86298  
payments received by aged, blind, or disabled adults under Title 86299  
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 86300  
Residential state supplement payments shall be used for the 86301  
provision of accommodations, supervision, and personal care 86302  
services to social security, supplemental security income, and 86303  
social security disability insurance recipients who the department 86304  
determines are at risk of needing institutional care. 86305

(C) In implementing the program, the department may designate 86306  
one or more entities to be responsible for providing 86307  
administrative services regarding the program. The department may 86308  
designate an entity to be a residential state supplement 86309  
administrative agency under this division either by entering into 86310  
a contract with the entity to serve in that capacity or by 86311  
otherwise delegating to the entity the responsibility to serve in 86312  
that capacity. 86313

(D) For an individual to be eligible for residential state 86314  
supplement payments, all of the following must be the case: 86315

(1) Except as provided by division ~~(H)~~(G) of this section, 86316  
the individual must reside in one of the following living 86317  
arrangements: 86318

(a) A residential care facility licensed by the department of 86319

health under Chapter 3721. of the Revised Code or an assisted 86320  
living program as defined in section 5111.89 of the Revised Code; 86321

~~(b) A residential facility as defined in division (A)(9)(b) 86322  
of licensed by the department of mental health and addiction 86323  
services under section 5119.34 of the Revised Code licensed by the 86324  
department of mental health and addiction services; 86325~~

~~(c) An apartment or room used to provide community mental 86326  
health housing services certified by the department of mental 86327  
health and addiction services under section 5119.36 of the Revised 86328  
Code and approved by a board of alcohol, drug addiction, and 86329  
mental health services under division (A)(14) of section 340.03 of 86330  
the Revised Code. 86331~~

~~(2) A residential state supplement administrative agency must 86332  
have determined that the environment in which the individual will 86333  
be living while receiving the payments is appropriate for the 86334  
individual's needs. If the individual is eligible for social 86335  
security payments, supplemental security income payments, or 86336  
social security disability insurance benefits because of a mental 86337  
disability, the If a residential state supplement administrative 86338  
agency is aware that an individual enrolled in the program has 86339  
mental health needs, the agency shall refer the individual to a 86340  
community mental health services provider for an assessment under 86341  
pursuant to division (A) of section 340.091 of the Revised Code. 86342~~

(3) The individual satisfies all eligibility requirements 86343  
established by rules adopted under division (E) of this section. 86344

(4) An individual residing in a living arrangement housing 86345  
more than sixteen individuals shall not be eligible for inclusion 86346  
in the program unless the director of mental health and addiction 86347  
services specifically waives this size limitation with respect to 86348  
that individual in that living arrangement. An individual with 86349  
such a waiver as of October 1, 2015, shall remain eligible for the 86350

program as long as the individual remains in that living arrangement. 86351  
86352

(E) The director of mental health and addiction services and 86353  
medicaid director shall adopt rules in accordance with ~~section~~ 86354  
~~111.15~~ Chapter 119. of the Revised Code as necessary to implement 86355  
the residential state supplement program. 86356

To the extent permitted by Title XVI of the "Social Security 86357  
Act," and any other provision of federal law, the medicaid 86358  
director may adopt rules establishing standards for adjusting the 86359  
eligibility requirements concerning the level of impairment a 86360  
person must have so that the amount appropriated for the program 86361  
by the general assembly is adequate for the number of eligible 86362  
individuals. The rules shall not limit the eligibility of disabled 86363  
persons solely on a basis classifying disabilities as physical or 86364  
mental. The medicaid director also may adopt rules that establish 86365  
eligibility standards for aged, blind, or disabled individuals who 86366  
reside in one of the homes or facilities specified in division 86367  
(D)(1) of this section but who, because of their income, do not 86368  
receive supplemental security income payments. The rules may 86369  
provide that these individuals may include individuals who receive 86370  
other types of benefits, including, social security payments or 86371  
social security disability insurance benefits provided under Title 86372  
II of the "Social Security Act," 42 U.S.C. 401, et seq. 86373  
Notwithstanding division (B) of this section, such payments may be 86374  
made if funds are available for them. 86375

The director of mental health and addiction services may 86376  
adopt rules establishing the method to be used to determine the 86377  
amount an eligible individual will receive under the program. The 86378  
amount the general assembly appropriates for the program may be a 86379  
factor included in the method that director establishes. 86380

(F) The county department of job and family services of the 86381  
county in which an applicant for the residential state supplement 86382

program resides or the department of medicaid shall determine 86383  
whether the applicant meets income and resource requirements for 86384  
the program. 86385

~~(G) The department of mental health and addiction services 86386  
shall maintain a waiting list of any individuals eligible for 86387  
payments under this section but not receiving them because moneys 86388  
appropriated to the department for the purposes of this section 86389  
are insufficient to make payments to all eligible individuals. An 86390  
individual may apply to be placed on the waiting list even though 86391  
the individual does not reside in one of the homes or facilities 86392  
specified in division (D)(1) of this section at the time of 86393  
application. The director of mental health and addiction services, 86394  
by rules adopted in accordance with Chapter 119. of the Revised 86395  
Code, may specify procedures and requirements for placing an 86396  
individual on the waiting list and priorities for the order in 86397  
which individuals placed on the waiting list are to begin to 86398  
receive residential state supplement payments. The rules 86399  
specifying priorities may give priority to individuals placed on 86400  
the waiting list on or after July 1, 2006, who receive social 86401  
security payments, social security disability insurance, or 86402  
supplemental security income benefits under Title XVI of the 86403  
"Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not 86404  
affect the place on the waiting list of any person who was on the 86405  
list on July 1, 2006. The rules specifying priorities may also set 86406  
additional priorities based on living arrangement, such as whether 86407  
an individual resides in a facility listed in division (D)(1) of 86408  
this section or has been admitted to a nursing facility. 86409~~

~~(H) An individual in a licensed or certified living 86410  
arrangement receiving state supplementation on November 15, 1990, 86411  
under former section 5101.531 of the Revised Code shall not become 86412  
ineligible for payments under this section solely by reason of the 86413  
individual's living arrangement as long as the individual remains 86414~~

in the living arrangement in which the individual resided on 86415  
November 15, 1990. 86416

~~(I)~~(H) The county department of job and family services from 86417  
which the person is receiving benefits or the department of 86418  
medicaid shall notify each person denied approval for payments 86419  
under this section of the person's right to a hearing. On request, 86420  
the hearing shall be provided in accordance with ~~Chapter 119.~~ 86421  
section 5101.35 of the Revised Code. 86422

**Sec. 5119.44.** As used in this section, "free clinic" has the 86423  
same meaning as in section 2305.2341 of the Revised Code. 86424

(A) The department of mental health and addiction services 86425  
may provide certain goods and services for the department of 86426  
mental health and addiction services, the department of 86427  
developmental disabilities, the department of rehabilitation and 86428  
correction, the department of youth services, and other state, 86429  
county, or municipal agencies requesting such goods and services 86430  
when the department of mental health and addiction services 86431  
determines that it is in the public interest, and considers it 86432  
advisable, to provide these goods and services. The department of 86433  
mental health and addiction services also may provide goods and 86434  
services to agencies operated by the United States government and 86435  
to public or private nonprofit agencies, other than free clinics, 86436  
that are funded in whole or in part by the state if the public or 86437  
private nonprofit agencies are designated for participation in 86438  
this program by the director of mental health and addiction 86439  
services for community addiction services providers and community 86440  
mental health services providers, the director of developmental 86441  
disabilities for community mental retardation and developmental 86442  
disabilities agencies, the director of rehabilitation and 86443  
correction for community rehabilitation and correction agencies, 86444  
or the director of youth services for community youth services 86445

agencies. 86446

Designated community agencies or services providers shall 86447  
receive goods and services through the department of mental health 86448  
and addiction services only in those cases where the designating 86449  
state agency certifies that providing such goods and services to 86450  
the agency or services provider will conserve public resources to 86451  
the benefit of the public and where the provision of such goods 86452  
and services is considered feasible by the department of mental 86453  
health and addiction services. 86454

(B) The department of mental health and addiction services 86455  
may permit free clinics to purchase certain goods and services to 86456  
the extent the purchases fall within the exemption to the 86457  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 86458  
institutions, in 15 U.S.C. 13c, as amended. 86459

(C) The goods and services that may be provided by the 86460  
department of mental health and addiction services under divisions 86461  
(A) and (B) of this section may include: 86462

(1) Procurement, storage, processing, and distribution of 86463  
food and professional consultation on food operations; 86464

(2) Procurement, storage, and distribution of medical and 86465  
laboratory supplies, dental supplies, medical records, forms, 86466  
optical supplies, and sundries, subject to section 5120.135 of the 86467  
Revised Code; 86468

(3) Procurement, storage, repackaging, distribution, and 86469  
dispensing of drugs, the provision of professional pharmacy 86470  
consultation, and drug information services; 86471

(4) Other goods and services. 86472

(D) The department of mental health and addiction services 86473  
may provide the goods and services designated in division (C) of 86474  
this section to its institutions and to state-operated 86475



community-based mental health or addiction services providers. 86476

(E) After consultation with and advice from the director of 86477  
developmental disabilities, the director of rehabilitation and 86478  
correction, and the director of youth services, the department of 86479  
mental health and addiction services may provide the goods and 86480  
services designated in division (C) of this section to the 86481  
department of developmental disabilities, the department of 86482  
rehabilitation and correction, and the department of youth 86483  
services. 86484

(F) The cost of administration of this section shall be 86485  
determined by the department of mental health and addiction 86486  
services and paid by the agencies, services providers, or free 86487  
clinics receiving the goods and services to the department for 86488  
deposit in the state treasury to the credit of the ~~office of~~ 86489  
~~support~~ Ohio pharmacy services fund, which is hereby created. The 86490  
fund shall be used to pay the cost of administration of this 86491  
section to the department. 86492

(G) Whenever a state agency fails to make a payment for goods 86493  
and services provided under this section within thirty-one days 86494  
after the date the payment was due, the office of budget and 86495  
management may transfer moneys from the state agency to the 86496  
department of mental health and addiction services. The amount 86497  
transferred shall not exceed the amount of overdue payments. Prior 86498  
to making a transfer under this division, the office of budget and 86499  
management shall apply any credits the state agency has 86500  
accumulated in payments for goods and services provided under this 86501  
section. 86502

(H) Purchases of goods and services under this section are 86503  
not subject to section 307.86 of the Revised Code. 86504

**Sec. 5119.61.** (A) The department of mental health and 86505  
addiction services shall collect and compile statistics and other 86506

information on the care and treatment of mentally disabled 86507  
persons, and the care, treatment, and rehabilitation of 86508  
alcoholics, drug dependent persons, and persons in danger of drug 86509  
dependence in this state, including, without limitation, 86510  
information on the number of such persons, the type of drug 86511  
involved, the type of care, treatment, or rehabilitation 86512  
prescribed or undertaken, and the success or failure of the care, 86513  
treatment, or rehabilitation. The department shall collect 86514  
information about services delivered and persons served as 86515  
required for reporting and evaluation relating to state and 86516  
federal funds expended for such purposes. 86517

(B) No alcohol, drug addiction, or mental health services 86518  
provider shall fail to supply statistics and other information 86519  
within its knowledge and with respect to its services, upon 86520  
request of the department. 86521

(C) Communications by a person seeking aid in good faith for 86522  
alcoholism or drug dependence are confidential, and this section 86523  
does not require the collection or permit the disclosure of 86524  
information which reveals or comprises the identity of any person 86525  
seeking aid. 86526

(D) Based on the information collected and compiled under 86527  
division (A) of this section, the department shall develop a 86528  
project to assess the outcomes of persons served by community 86529  
alcohol and drug addiction services providers and community mental 86530  
health services providers that receive funds distributed by the 86531  
department. 86532

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 86533  
section 5119.93 of the Revised Code and the payment of the 86534  
appropriate filing fee, if any, the probate court shall examine 86535  
the petitioner under oath as to the contents of the petition. 86536

(B) If, after reviewing the allegations contained in the 86537

petition and examining the petitioner under oath, it appears to 86538  
the probate court that there is probable cause to believe the 86539  
respondent may reasonably benefit from treatment, the court shall 86540  
do all of the following: 86541

(1) Schedule a hearing to be held within seven days to 86542  
determine if there is clear and convincing evidence that the 86543  
respondent may reasonably benefit from treatment for alcohol and 86544  
other drug abuse; 86545

(2) Notify the respondent, the legal guardian, if any and if 86546  
known, and the spouse, parents, or nearest relative or friend of 86547  
the respondent concerning the allegations and contents of the 86548  
petition and of the date and purpose of the hearing; 86549

(3) Notify the respondent that the respondent may retain 86550  
counsel and, if the person is unable to obtain an attorney, that 86551  
the respondent may be represented by court-appointed counsel at 86552  
public expense if the person is indigent. Upon the appointment of 86553  
an attorney to represent an indigent respondent, the court shall 86554  
notify the respondent of the name, address, and telephone number 86555  
of the attorney appointed to represent the respondent. 86556

(4) Notify the respondent that the court shall cause the 86557  
respondent to be examined not later than twenty-four hours before 86558  
the hearing date by a physician for the purpose of a physical 86559  
examination and by a qualified health professional for the purpose 86560  
of a drug and alcohol addiction assessment and diagnosis. In 86561  
addition, the court shall notify the respondent that the 86562  
respondent may have an independent expert evaluation of the 86563  
person's physical and mental condition conducted at the 86564  
respondent's own expense. 86565

(5) Cause the respondent to be examined not later than 86566  
twenty-four hours before the hearing date by a physician for the 86567  
purpose of a physical examination and by a qualified health 86568

professional for the purpose of a drug and alcohol addiction 86569  
assessment and diagnosis; 86570

(6) Conduct the hearing. 86571

(C) The physician and qualified health professional who 86572  
examine the respondent pursuant to division (B)(5) of this section 86573  
or who are obtained by the respondent at the respondent's own 86574  
expense shall certify their findings to the court within 86575  
twenty-four hours of the examinations. The findings of each 86576  
qualified health professional shall include a recommendation for 86577  
treatment if the qualified health professional determines that 86578  
treatment is necessary. 86579

(D)(1) If upon completion of the hearing held under this 86580  
section the probate court finds by clear and convincing evidence 86581  
that the respondent may reasonably benefit from treatment, the 86582  
court may order the treatment after considering the qualified 86583  
health professionals' recommendations for treatment that have been 86584  
submitted to the court under division (C) of this section. If the 86585  
court orders the treatment under this division, the court shall 86586  
order the treatment to be provided through a community addiction 86587  
services provider ~~certified under section 5119.36 of the Revised~~ 86588  
~~Code~~ or by an individual licensed or certified by the state 86589  
medical board under Chapter 4731. of the Revised Code, the 86590  
chemical dependency professionals board under Chapter 4758. of the 86591  
Revised Code, the counselor, social worker, and marriage and 86592  
family therapist board under Chapter 4757. of the Revised Code, or 86593  
a similar board of another state authorized to provide substance 86594  
abuse treatment. 86595

(2) Failure of a respondent to undergo and complete any 86596  
treatment ordered pursuant to this division is contempt of court. 86597  
~~Any alcohol and drug~~ community addiction program services provider 86598  
or person providing treatment under this division shall notify the 86599  
probate court of a respondent's failure to undergo or complete the 86600

ordered treatment. 86601

(E) If, at any time after a petition is filed under section 86602  
5119.93 of the Revised Code, the probate court finds that there is 86603  
not probable cause to continue treatment or if the petitioner 86604  
withdraws the petition, then the court shall dismiss the 86605  
proceedings against the respondent. 86606

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 86607  
Revised Code is guilty of a misdemeanor of the first degree. 86608

(B) Whoever violates division (B) of section 5119.61 of the 86609  
Revised Code is guilty of a misdemeanor of the fourth degree. 86610

(C) Whoever violates section 5119.27 or 5119.28 or division 86611  
(G)(H) of section 5119.36 of the Revised Code is guilty of a 86612  
felony of the fifth degree. 86613

**Sec. 5120.035.** (A) As used in this section: 86614

(1) "Community treatment provider" means a program that 86615  
provides substance use disorder assessment and treatment for 86616  
persons and that satisfies all of the following: 86617

(a) It is located outside of a state correctional 86618  
institution. 86619

(b) It shall provide the assessment and treatment for 86620  
qualified prisoners referred and transferred to it under this 86621  
section in a suitable facility that is licensed pursuant to 86622  
division (C) of section 2967.14 of the Revised Code. 86623

(c) All qualified prisoners referred and transferred to it 86624  
under this section shall reside initially in the suitable facility 86625  
specified in division (A)(1)(b) of this section while undergoing 86626  
the assessment and treatment. 86627

(2) "Electronic monitoring device" has the same meaning as in 86628  
section 2929.01 of the Revised Code. 86629

(3) "State correctional institution" has the same meaning as 86630  
in section 2967.01 of the Revised Code. 86631

(4) "Qualified prisoner" means a person who satisfies all of 86632  
the following: 86633

(a) The person is confined in a state correctional 86634  
institution under a prison term imposed for a felony of the fourth 86635  
or fifth degree that is not an offense of violence. 86636

(b) The person has not previously been convicted of or 86637  
pleaded guilty to an offense of violence. 86638

(c) The department of rehabilitation and correction 86639  
determines, using a standardized assessment tool, that the person 86640  
has a substance use disorder. 86641

(d) The person has not more than twelve months remaining to 86642  
be served under the prison term described in division (A)(4)(a) of 86643  
this section. 86644

(e) The person is not serving any prison term other than the 86645  
term described in division (A)(4)(a) of this section. 86646

(f) The person is eighteen years of age or older. 86647

(g) The person does not show signs of drug or alcohol 86648  
withdrawal and does not require medical detoxification. 86649

(h) As determined by the department of rehabilitation and 86650  
correction, the person is physically and mentally capable of 86651  
uninterrupted participation in the substance use disorder 86652  
treatment program established under division (B) of this section. 86653

(B) The department of rehabilitation and correction shall 86654  
establish and operate a program for community-based substance use 86655  
disorder treatment for qualified prisoners. The purpose of the 86656  
program shall be to provide substance use disorder assessment and 86657  
treatment through community treatment providers to help reduce 86658  
substance use relapses and recidivism for qualified prisoners 86659

while preparing them for reentry into the community and improving public safety. 86660  
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(C)(1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C)(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 2967.193 of the Revised Code, but otherwise neither the placement nor the prisoner's participation in or completion of the program shall result in any reduction of the prisoner's prison term. 86662  
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(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state correctional institution. 86682  
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(3) If the department places a prisoner in the substance use disorder treatment program and the prisoner is satisfactorily participating in the program, the department may permit the prisoner to reside at a residence approved by the department if 86688  
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the department determines, with input from the community treatment provider, that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. If a prisoner is permitted under this division to reside at a residence approved by the department, the prisoner shall be monitored during the period of that residence by an electronic monitoring device. 86692  
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(D)(1) When a prisoner has been placed in the substance use disorder treatment program established under division (B) of this section, before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the department shall conduct and prepare an evaluation of the prisoner, the prisoner's participation in the program, and the prisoner's needs regarding substance use disorder treatment upon release. Before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the parole board or the court acting pursuant to an agreement under section 2967.29 of the Revised Code shall consider the evaluation, in addition to all other information and materials considered, as follows: 86700  
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(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the prisoner under that section. 86713  
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(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section. 86718  
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(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application. 86724  
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(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state. 86731  
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(2) Each community treatment provider that applies under division (E)(1) of this section to participate in the program shall be certified by the department of mental health and addiction services under section 5119.36 of the Revised Code to provide substance use disorder treatment, but shall not be required to be certified by the department of mental health and addiction services to provide halfway house or residential treatment. 86740  
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(F) The department of rehabilitation and correction shall adopt rules for the operation of the substance use disorder treatment program it establishes under division (B) of this section and shall operate the program in accordance with this section and those rules. The rules shall establish, at a minimum, all of the following: 86748  
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(1) Criteria that establish which qualified prisoners are eligible for the program; 86754  
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(2) Criteria that must be satisfied to transfer a qualified prisoner to a residence pursuant to division (C)(3) of this section; 86756  
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(3) Criteria for the removal of a prisoner from the program pursuant to division (C)(2) of this section; 86759  
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(4) Criteria for determining when an offender has successfully completed the program for purposes of division (D)(2) of this section; 86761  
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(5) Criteria for community treatment providers to provide assessment and treatment, including minimum standards for treatment. 86764  
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**Sec. 5120.037.** (A) Not later than June 30, 2016, the department of rehabilitation and correction shall study the feasibility of converting an existing state correctional facility, another existing facility controlled by the department, an existing facility owned by the state or a political subdivision of the state, or an existing facility owned by a private entity into a substance abuse recovery prison. The purpose of the prison would be to help reduce relapses and recidivism while preparing offenders confined in the prison for reentry into the community. In conducting the study, the department shall do all of the following: 86767  
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(1) Explore all alternatives for providing substance abuse recovery for offenders confined in the prison; 86778  
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(2) Consider drug treatment and rehabilitation services to be provided in the prison to help to prepare offenders confined in the prison for reentry into the community; 86780  
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(3) Consider the categories of offenders that should be confined in the prison, including whether the department should be limited to placing an offender sentenced to or serving a prison 86783  
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term in the prison only if the department knows or has reason to believe that drug usage by the offender was a factor leading to the offense for which the offender was sentenced to the prison term.

(B) Upon completion of the study specified in division (A) of this section, the department shall submit copies of the study to the president and minority leader of the senate, the speaker and minority leader of the house of representatives, and the governor.

**Sec. 5120.112.** (A) The division of parole and community services shall accept applications for state financial assistance for the renovation, maintenance, and operation of proposed and approved community-based correctional facilities and programs and district community-based correctional facilities and programs that are filed in accordance with section 2301.56 of the Revised Code. The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded 86818  
to a qualified applicant under this section shall be determined by 86819  
the division of parole and community services in accordance with 86820  
this division. In determining the amount of state financial 86821  
assistance to be awarded to a qualified applicant under this 86822  
section, the division shall not calculate the cost of an offender 86823  
incarcerated in a community-based correctional facility and 86824  
program or district community-based correctional facility program 86825  
to be greater than the average yearly cost of incarceration per 86826  
inmate in all state correctional institutions, as defined in 86827  
section 2967.01 of the Revised Code, as determined by the 86828  
department of rehabilitation and correction. 86829

The times and manner of distribution of state financial 86830  
assistance to be awarded to a qualified applicant under this 86831  
section shall be determined by the division of parole and 86832  
community services. 86833

(C) Upon approval of a proposal for a community-based 86834  
correctional facility and program or a district community-based 86835  
correctional facility and program by the division of parole and 86836  
community services, the facility governing board, upon the advice 86837  
of the judicial advisory board, shall enter into an award 86838  
agreement with the department of rehabilitation and correction 86839  
that outlines terms and conditions of the agreement on an annual 86840  
basis. In the award agreement, the facility governing board shall 86841  
identify a fiscal agent responsible for the deposit of funds and 86842  
compliance with sections 2301.55 and 2301.56 of the Revised Code. 86843

(D) No state financial assistance shall be distributed to a 86844  
qualified applicant until an agreement concerning the assistance 86845  
has been entered into by the director of rehabilitation and 86846  
correction and the deputy director of the division of parole and 86847  
community services on the part of the state, and by the 86848  
chairperson of the facility governing board of the community-based 86849

correctional facility and program or district community-based 86850  
correctional facility and program to receive the financial 86851  
assistance, whichever is applicable. The agreement shall be 86852  
effective for a period of one year from the date of the agreement 86853  
and shall specify all terms and conditions that are applicable to 86854  
the awarding of the assistance, including, but not limited to: 86855

(1) The total amount of assistance to be awarded for each 86856  
community-based correctional facility and program or district 86857  
community-based correctional facility and program, and the times 86858  
and manner of the payment of the assistance; 86859

(2) How persons who will staff and operate the facility and 86860  
program are to be utilized during the period for which the 86861  
assistance is to be granted, including descriptions of their 86862  
positions and duties, and their salaries and fringe benefits; 86863

(3) A statement that none of the persons who will staff and 86864  
operate the facility and program, including those who are 86865  
receiving some or all of their salaries out of funds received by 86866  
the facility and program as state financial assistance, are 86867  
employees or are to be considered as being employees of the 86868  
department of rehabilitation and correction, and a statement that 86869  
the employees who will staff and operate that facility and program 86870  
are employees of the facility and program; 86871

(4) A list of the type of expenses, other than salaries of 86872  
persons who will staff and operate the facility and program, for 86873  
which the state financial assistance can be used, and a 86874  
requirement that purchases made with funds received as state 86875  
financial assistance follow established fiscal guidelines as 86876  
determined by the division of parole and community services and 86877  
any applicable sections of the Revised Code, including, but not 86878  
limited to, sections 125.01 to 125.11 and Chapter 153. of the 86879  
Revised Code; 86880

(5) The accounting procedures that are to be used by the facility and program in relation to the state financial assistance; 86881  
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(6) A requirement that the facility and program file reports, during the period that it receives state financial assistance, with the division of parole and community services, which reports shall be statistical in nature and shall contain that information required under a research design agreed upon by all parties to the agreement, for purposes of evaluating the facility and program; 86884  
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(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application; 86890  
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(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state. 86894  
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(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services. 86896  
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(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section. 86901  
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(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs. 86904  
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**Sec. 5120.135.** (A) As used in this section, "laboratory services" includes the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the 86908  
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procurement, storage, and distribution of laboratory supplies; and 86911  
the performance of phlebotomy services. 86912

(B) The department of rehabilitation and correction may 86913  
provide laboratory services to the departments of mental health 86914  
and addiction services, developmental disabilities, youth 86915  
services, and rehabilitation and correction. The department of 86916  
rehabilitation and correction may also provide laboratory services 86917  
to other state, county, or municipal agencies and to private 86918  
persons that request laboratory services if the department of 86919  
rehabilitation and correction determines that the provision of 86920  
laboratory services is in the public interest and considers it 86921  
advisable to provide such services. The department of 86922  
rehabilitation and correction may also provide laboratory services 86923  
to agencies operated by the United States government and to public 86924  
and private entities funded in whole or in part by the state if 86925  
the director of rehabilitation and correction designates them as 86926  
eligible to receive such services. 86927

The department of rehabilitation and correction shall provide 86928  
laboratory services from a laboratory that complies with the 86929  
standards for certification set by the United States department of 86930  
health and human services under the "Clinical Laboratory 86931  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 86932  
In addition, the laboratory shall maintain accreditation or 86933  
certification with an appropriate accrediting or certifying 86934  
organization as considered necessary by the recipients of its 86935  
laboratory services and as authorized by the director of 86936  
rehabilitation and correction. 86937

~~(C) The cost of administering this section shall be 86938  
determined by the department of rehabilitation and correction and 86939  
shall be paid by entities that receive laboratory services to the 86940  
department for deposit in the state treasury to the credit of the 86941  
laboratory services fund, which is hereby created. The fund shall 86942~~

~~be used to pay the costs the department incurs in administering  
this section.~~ 86943  
86944

~~(D) Whenever a state agency fails to make a payment for  
laboratory services provided to it by the department of  
rehabilitation and correction under this section within thirty one  
days after the date the payment was due, the office of budget and  
management may transfer moneys from that state agency to the  
department of rehabilitation and correction for deposit to the  
credit of the laboratory services fund. The amount transferred  
shall not exceed the amount of the overdue payments. Prior to  
making a transfer under this division, the office shall apply any  
credits the state agency has accumulated in payment for laboratory  
services provided under this section.~~ 86945  
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**Sec. 5120.28.** (A) The department of rehabilitation and 86956  
correction, ~~subject to the approval of the office of budget and~~ 86957  
~~management,~~ shall fix the prices at which all labor and services 86958  
performed, all agricultural products produced, and all articles 86959  
manufactured in correctional and penal institutions shall be 86960  
furnished to the state, the political subdivisions of the state, 86961  
and the public institutions of the state and the political 86962  
subdivisions, and to private persons. The prices shall be uniform 86963  
to all and not higher than the usual market price for like labor, 86964  
products, services, and articles. 86965

(B) Any money received by the department of rehabilitation 86966  
and correction for labor and services performed shall be deposited 86967  
into the institutional services fund created pursuant to division 86968  
(A) of section 5120.29 of the Revised Code and shall be used and 86969  
accounted for as provided in that section and division (B) of 86970  
section 5145.03 of the Revised Code. 86971

(C) Any money received by the department of rehabilitation 86972  
and correction for articles manufactured and agricultural products 86973



produced in penal and correctional institutions shall be deposited 86974  
into the Ohio penal industries manufacturing fund created pursuant 86975  
to division (B) of section 5120.29 of the Revised Code and shall 86976  
be used and accounted for as provided in that section and division 86977  
(B) of section 5145.03 of the Revised Code. 86978

**Sec. 5120.38.** Subject to the rules of the department of 86979  
rehabilitation and correction, each institution under the 86980  
department's jurisdiction other than an institution operated 86981  
pursuant to a contract entered into under section 9.06 of the 86982  
Revised Code shall be under the control of a managing officer 86983  
known as a warden or other appropriate title. The managing officer 86984  
shall be appointed by the director of ~~the department of~~ 86985  
rehabilitation and correction and shall be in the unclassified 86986  
service and serve at the pleasure of the director. Appointment to 86987  
the position of managing officer shall be made from persons who 86988  
have criminal justice experience. 86989

A person who is appointed to the position of managing officer 86990  
from a permanent, classified position in the classified service 86991  
within the department shall retain the right to resume the 86992  
position and status that the person held in the classified service 86993  
immediately prior to the person's appointment to the position in 86994  
the unclassified service, regardless of the number of positions 86995  
the person held in the unclassified service. ~~Upon being relieved~~ 86996  
~~of the person's duties as managing officer, the person shall be~~ 86997  
~~reinstated to the~~ An employee's right to resume a position in the 86998  
classified service ~~that the person held immediately prior~~ may be 86999  
exercised only when an appointing authority demotes the employee 87000  
to a pay range lower than the employee's current pay range or 87001  
revokes the employee's appointment to the position of managing 87002  
~~officer or to another position that~~ in the unclassified service. 87003  
An employee who holds a position in the classified service and who 87004  
is appointed to a position in the unclassified service on or after 87005

January 1, 2016, shall have the right to resume a position in the 87006  
classified service under this section only within five years after 87007  
the effective date of the employee's appointment in the 87008  
unclassified service. An employee forfeits the right to resume a 87009  
position in the classified service if the employee is removed from 87010  
a position in the unclassified service due to incompetence, 87011  
inefficiency, dishonesty, drunkenness, immoral conduct, 87012  
insubordination, discourteous treatment of the public, neglect of 87013  
duty, a violation of this chapter or the rules of the department 87014  
or the director, with approval of the state department of 87015  
administrative services, certifies as being any other failure of 87016  
good behavior, any other acts of misfeasance, malfeasance, or 87017  
nonfeasance in office, or conviction of or plea of guilty to a 87018  
felony. An employee also forfeits the right to resume the prior 87019  
position in the classified service upon transfer to a different 87020  
agency. Reinstatement to a position in the classified service 87021  
shall be to a position substantially equal to that prior the 87022  
position in the classified service that the person previously 87023  
held, as certified by the director of rehabilitation and 87024  
correction and approved by the director of administrative 87025  
services. If the position the person previously held in the 87026  
classified service has been placed in the unclassified service or 87027  
is otherwise unavailable, the person shall be appointed to a 87028  
position in the classified service within the department that the 87029  
director of administrative services certifies is comparable in 87030  
compensation to the position the person previously held in the 87031  
classified service. Service as a managing officer in a position in 87032  
the unclassified service shall be counted as service in the 87033  
position in the classified service held by the person immediately 87034  
preceding the person's appointment as managing officer to the 87035  
position in the unclassified service. A When a person who is 87036  
reinstated to a position in the classified service, as provided in 87037  
this section, shall be the person is entitled to all rights and 87038

~~emoluments~~ benefits and any status accruing to the position in the 87039  
classified service during the time of the person's service ~~as~~ 87040  
~~managing officer~~ in the position in the unclassified service. 87041

The managing officer, under the director of rehabilitation 87042  
and correction, shall have entire executive charge of the 87043  
institution for which the managing officer is appointed. Subject 87044  
to civil service rules and regulations, the managing officer shall 87045  
appoint the necessary employees and the managing officer or the 87046  
director may remove such employees for cause. ~~A report of all~~ 87047  
~~appointments, resignations, and discharges shall be filed with the~~ 87048  
~~director at the close of each month.~~ 87049

**Sec. 5120.381.** Subject to the rules of the department of 87050  
rehabilitation and correction, the director of rehabilitation and 87051  
correction may appoint a deputy warden for each institution under 87052  
the jurisdiction of the department. A deputy warden shall be in 87053  
the unclassified service and serve at the pleasure of the director 87054  
of rehabilitation and correction. The director of rehabilitation 87055  
and correction shall make an appointment to the position of deputy 87056  
warden from persons having criminal justice experience. A person 87057  
who is appointed to a position as deputy warden from a permanent, 87058  
classified position in the classified service within the 87059  
department shall retain the right to resume the position and 87060  
status that the person held in the classified service immediately 87061  
prior to the person's appointment to the position in the 87062  
unclassified service, regardless of the number of positions the 87063  
person held in the unclassified service. ~~If the person is relieved~~ 87064  
~~of the person's duties as deputy warden, the director shall~~ 87065  
~~reinstate the person to the~~ An employee's right to resume a 87066  
position in the classified service ~~that the person held~~ 87067  
~~immediately prior to the appointment as deputy warden or to~~ 87068  
~~another position that is certified by~~ may be exercised only when 87069  
an appointing authority demotes the employee to a pay range lower 87070

than the employee's current pay range or revokes the employee's 87071  
appointment to the unclassified service. An employee who holds a 87072  
position in the classified service and who is appointed to a 87073  
position in the unclassified service on or after January 1, 2016, 87074  
shall have the right to resume a position in the classified 87075  
service under this section only within five years after the 87076  
effective date of the employee's appointment in the unclassified 87077  
service. An employee forfeits the right to resume a position in 87078  
the classified service when the employee is removed from the 87079  
position in the unclassified service due to incompetence, 87080  
inefficiency, dishonesty, drunkenness, immoral conduct, 87081  
insubordination, discourteous treatment of the public, neglect of 87082  
duty, a violation of this chapter or the rules of the department 87083  
or the director, with approval of the department of administrative 87084  
services, as being any other failure of good behavior, any other 87085  
acts of misfeasance, malfeasance, or nonfeasance in office, or 87086  
conviction of or plea of guilty to a felony. An employee also 87087  
forfeits the right to resume the prior position in the classified 87088  
service upon transfer to a different agency. Reinstatement to a 87089  
position in the classified service shall be to a position 87090  
substantially equal to that prior the position in the classified 87091  
service that the person previously held, as certified by the 87092  
director of rehabilitation and correction and approved by the 87093  
director of administrative services. If the position the person 87094  
previously held in the classified service has been placed in the 87095  
unclassified service or is otherwise unavailable, the person shall 87096  
be appointed to a position in the classified service within the 87097  
department that the director of administrative services certifies 87098  
is comparable in compensation to the position the person 87099  
previously held in the classified service. Service as deputy 87100  
warden in the position in the unclassified service shall be 87101  
counted as service in the position in the classified service that 87102  
the person held immediately preceding the person's appointment as 87103

~~deputy warden to the position in the unclassified service. A~~ 87104  
~~When~~ 87105  
a person who is reinstated to a position in the classified service 87106  
as provided in this section, the person is entitled to all rights 87107  
and ~~emoluments~~ benefits and any status accruing to the position 87108  
during the time of the person's service ~~as deputy warden in the~~ 87109  
unclassified service.

**Sec. 5120.382.** Except as otherwise provided in this chapter 87110  
for appointments by division chiefs and managing officers, the 87111  
director of rehabilitation and correction shall appoint employees 87112  
who are necessary for the efficient conduct of the department of 87113  
rehabilitation and correction and prescribe their titles and 87114  
duties. A person who is appointed to an unclassified position from 87115  
a permanent, classified position in the classified service within 87116  
the department shall ~~serve at the pleasure of the director and~~ 87117  
retain the right to resume the position and status that the person 87118  
held in the classified service immediately prior to the person's 87119  
appointment to the position in the unclassified service, 87120  
regardless of the number of positions the person held in the 87121  
unclassified service. ~~If the person is relieved of the person's~~ 87122  
~~duties for the unclassified position, the director shall reinstate~~ 87123  
~~the person to the~~ An employee's right to resume a position in the 87124  
classified service ~~that the person held immediately prior to the~~ 87125  
~~appointment or to another position that is certified by~~ may be 87126  
exercised only when an appointing authority demotes the employee 87127  
to a pay range lower than the employee's current pay range or 87128  
revokes the employee's appointment to the unclassified service. An 87129  
employee who holds a position in the classified service and who is 87130  
appointed to a position in the unclassified service on or after 87131  
January 1, 2016, shall have the right to resume a position in the 87132  
classified service under this section only within five years after 87133  
the effective date of the person's appointment in the unclassified 87134  
service. An employee forfeits the right to resume a position in 87135

the classified service when the employee is removed from the 87136  
position in the unclassified service due to incompetence, 87137  
inefficiency, dishonesty, drunkenness, immoral conduct, 87138  
insubordination, discourteous treatment of the public, neglect of 87139  
duty, a violation of this chapter or the rules of the department 87140  
or the director, with approval of the department of administrative 87141  
services, as being any other failure of good behavior, any other 87142  
acts of misfeasance, malfeasance, or nonfeasance in office, or 87143  
conviction of or plea of guilty to a felony. An employee also 87144  
forfeits the right to resume the prior position in the classified 87145  
service upon transfer to a different agency. Reinstatement to a 87146  
position in the classified service shall be to a position 87147  
substantially equal to that prior classified the position in the 87148  
classified service that the person previously held, as certified 87149  
by the director of rehabilitation and correction and approved by 87150  
the director of administrative services. If the position the 87151  
person previously held in the classified service has been placed 87152  
in the unclassified service or is otherwise unavailable, the 87153  
person shall be appointed to a position in the classified service 87154  
within the department that the director of administrative services 87155  
certifies is comparable in compensation to the position the person 87156  
previously held in the classified service. Service in the position 87157  
in the unclassified service pursuant to the appointment shall be 87158  
counted as service in the position in the classified service that 87159  
the person held immediately preceding the person's appointment to 87160  
the position in the unclassified service. A When a person who is 87161  
reinstated to a position in the classified service as provided in 87162  
this section, the person is entitled to all rights and emoluments 87163  
benefits and any status accruing to the position in the classified 87164  
service during the time of the person's service in the position in 87165  
the unclassified service. 87166

**Sec. 5122.31.** (A) All certificates, applications, records, 87167

and reports made for the purpose of this chapter and sections 87168  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 87169  
Code, other than court journal entries or court docket entries, 87170  
and directly or indirectly identifying a patient or former patient 87171  
or person whose hospitalization or commitment has been sought 87172  
under this chapter, shall be kept confidential and shall not be 87173  
disclosed by any person except: 87174

(1) If the person identified, or the person's legal guardian, 87175  
if any, or if the person is a minor, the person's parent or legal 87176  
guardian, consents, and if the disclosure is in the best interests 87177  
of the person, as may be determined by the court for judicial 87178  
records and by the chief clinical officer for medical records; 87179

(2) When disclosure is provided for in this chapter or 87180  
Chapters 340. or 5119. of the Revised Code or in accordance with 87181  
other provisions of state or federal law authorizing such 87182  
disclosure; 87183

(3) That hospitals, boards of alcohol, drug addiction, and 87184  
mental health services, and community mental health services 87185  
providers may release necessary medical information to insurers 87186  
and other third-party payers, including government entities 87187  
responsible for processing and authorizing payment, to obtain 87188  
payment for goods and services furnished to the patient; 87189

(4) Pursuant to a court order signed by a judge; 87190

(5) That a patient shall be granted access to the patient's 87191  
own psychiatric and medical records, unless access specifically is 87192  
restricted in a patient's treatment plan for clear treatment 87193  
reasons; 87194

(6) That hospitals and other institutions and facilities 87195  
within the department of mental health and addiction services may 87196  
exchange psychiatric records and other pertinent information with 87197

other hospitals, institutions, and facilities of the department, 87198  
and with community mental health services providers and boards of 87199  
alcohol, drug addiction, and mental health services with which the 87200  
department has a current agreement for patient care or services. 87201  
Records and information that may be released pursuant to this 87202  
division shall be limited to medication history, physical health 87203  
status and history, financial status, summary of course of 87204  
treatment in the hospital, summary of treatment needs, and a 87205  
discharge summary, if any. 87206

(7) That hospitals within the department and other 87207  
institutions and facilities within the department may exchange 87208  
psychiatric records and other pertinent information with payers 87209  
and other providers of treatment and health services if the 87210  
purpose of the exchange is to facilitate continuity of care for a 87211  
patient or for the emergency treatment of an individual; 87212

(8) That a patient's family member who is involved in the 87213  
provision, planning, and monitoring of services to the patient may 87214  
receive medication information, a summary of the patient's 87215  
diagnosis and prognosis, and a list of the services and personnel 87216  
available to assist the patient and the patient's family, if the 87217  
patient's treating physician determines that the disclosure would 87218  
be in the best interests of the patient. No such disclosure shall 87219  
be made unless the patient is notified first and receives the 87220  
information and does not object to the disclosure. 87221

(9) That community mental health services providers may 87222  
exchange psychiatric records and certain other information with 87223  
the board of alcohol, drug addiction, and mental health services 87224  
and other services providers in order to provide services to a 87225  
person involuntarily committed to a board. Release of records 87226  
under this division shall be limited to medication history, 87227  
physical health status and history, financial status, summary of 87228  
course of treatment, summary of treatment needs, and discharge 87229



summary, if any. 87230

(10) That information may be disclosed to the executor or the 87231  
administrator of an estate of a deceased patient when the 87232  
information is necessary to administer the estate; 87233

(11) That records in the possession of the Ohio historical 87234  
society may be released to the closest living relative of a 87235  
deceased patient upon request of that relative; 87236

(12) That records pertaining to the patient's diagnosis, 87237  
course of treatment, treatment needs, and prognosis shall be 87238  
disclosed and released to the appropriate prosecuting attorney if 87239  
the patient was committed pursuant to section 2945.38, 2945.39, 87240  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 87241  
attorney designated by the board for proceedings pursuant to 87242  
involuntary commitment under this chapter. 87243

(13) That the department of mental health and addiction 87244  
services may exchange psychiatric hospitalization records, other 87245  
mental health treatment records, and other pertinent information 87246  
with the department of rehabilitation and correction and with the 87247  
department of youth services to ensure continuity of care for 87248  
inmates or offenders who are receiving mental health services in 87249  
an institution of the department of rehabilitation and correction 87250  
or the department of youth services and may exchange psychiatric 87251  
hospitalization records, other mental health treatment records, 87252  
and other pertinent information with boards of alcohol, drug 87253  
addiction, and mental health services and community mental health 87254  
services providers to ensure continuity of care for inmates or 87255  
offenders who are receiving mental health services in an 87256  
institution and are scheduled for release within six months. The 87257  
department shall not disclose those records unless the inmate or 87258  
offender is notified, receives the information, and does not 87259  
object to the disclosure. The release of records under this 87260  
division is limited to records regarding an inmate's or offender's 87261

medication history, physical health status and history, summary of 87262  
course of treatment, summary of treatment needs, and a discharge 87263  
summary, if any; 87264

(14) That records and reports relating to a person who has 87265  
been deceased for fifty years or more are no longer considered 87266  
confidential. 87267

(B) Before records are disclosed pursuant to divisions 87268  
(A)(3), (6), and (9) of this section, the custodian of the records 87269  
shall attempt to obtain the patient's consent for the disclosure. 87270  
No person shall reveal the contents of a medical record of a 87271  
patient except as authorized by law. 87272

(C) The managing officer of a hospital who releases necessary 87273  
medical information under division (A)(3) of this section to allow 87274  
an insurance carrier or other third party payor to comply with 87275  
section 5121.43 of the Revised Code shall neither be subject to 87276  
criminal nor civil liability. 87277

**Sec. 5122.36.** If the legal residence of a person suffering 87278  
from mental illness is in another county of the state, the 87279  
necessary expense of the person's return is a proper charge 87280  
against the county of legal residence. If an adjudication and 87281  
order of hospitalization by the probate court of the county of 87282  
temporary residence are required, the regular probate court fees 87283  
and expenses incident to the order of hospitalization under this 87284  
chapter and any other expense incurred on the person's behalf 87285  
shall be charged to and paid by the county of the person's legal 87286  
residence upon the approval and certification of the probate judge 87287  
of ~~that~~ the county of the person's legal residence. The ordering 87288  
court shall send to the probate court of the person's county of 87289  
legal residence a certified ~~transcript of all proceedings had in~~ 87290  
copy of the commitment order from the ordering court. The 87291  
receiving court shall enter and record the ~~transcript~~ commitment 87292

order. The certified ~~transcript~~ commitment order is prima facie 87293  
evidence of the residence of the person. When the residence of the 87294  
person cannot be established as represented by the ordering court, 87295  
the matter of residence shall be referred to the department of 87296  
mental health and addiction services for investigation and 87297  
determination. 87298

**Sec. 5123.032.** (A) As used in this section, ~~"developmental:~~ 87299

(1) "Closed" or "closure" means a situation in which either 87300  
of the following occurs: 87301

(a) A developmental center ceases operations; 87302

(b) Control of a developmental center is transferred from the 87303  
department of developmental disabilities to another entity that is 87304  
not a government entity. 87305

(2) "Developmental center" means any institution or facility 87306  
of the department of developmental disabilities that, on or after 87307  
January 30, 2004, is named, designated, or referred to as a 87308  
developmental center. 87309

(B) Notwithstanding any other provision of law, any closure 87310  
of a developmental center shall be subject to, and in accordance 87311  
with, this section. 87312

(C) ~~Notwithstanding any other provision of law, at least ten 87313  
days prior to making any official, public announcement that the 87314  
governor intends to close one or more developmental centers, the 87315  
governor shall notify the general assembly in writing that the 87316  
governor intends to close one or more developmental centers. The 87317  
governor shall notify the general assembly in writing of the prior 87318  
announcement and that the governor intends to close the center 87319  
identified in the prior announcement, and the notification to the 87320  
general assembly shall constitute, for purposes of this section, 87321  
the governor's official, public announcement that the governor 87322~~

~~intends to close that center.~~ 87323

~~The notice required by this division shall identify by name 87324  
each developmental center that the governor intends to close or, 87325  
if the governor has not determined any specific developmental 87326  
center to close, shall state the governor's general intent to 87327  
close one or more developmental centers. When the governor 87328  
notifies the general assembly as required by this division, the 87329  
legislative service commission promptly shall conduct an 87330  
independent study of the developmental centers of the department 87331  
of developmental disabilities and of the department's operation of 87332  
the centers, and the study shall address relevant criteria and 87333  
factors, including, but not limited to, all of the following If 87334  
the governor determines that one or more developmental centers 87335  
should be closed, all of the following apply: 87336~~

~~(1) For each developmental center, the governor shall notify 87337  
the general assembly and the department of developmental 87338  
disabilities of that determination and the rationale for it. If 87339  
the rationale is expenditure reductions or budget cuts, the notice 87340  
shall specify the anticipated savings to be obtained through the 87341  
closure. 87342~~

~~(2) Not later than seven days after the governor provides 87343  
notice under this section, the officials who are to appoint 87344  
members of the commission under division (D) of this section, 87345  
shall appoint the members. As soon as possible after the 87346  
appointments, the commission shall meet and commence 87347  
deliberations. Not later than ninety days after the governor 87348  
provides the notice, the commission shall provide to the general 87349  
assembly, the governor, and the department a report of its 87350  
recommendation concerning the developmental center. The commission 87351  
may recommend closure for expenditure reductions or budget cuts 87352  
only if the anticipated savings to be obtained by the closure are 87353  
approximately the same as the anticipated savings specified in the 87354~~

governor's notice. If the governor gave notice of the proposed 87355  
closure of more than one developmental center, the report shall 87356  
list them in order of the commission's preference for closure. 87357

(3) On receipt of a report that recommends closure of a 87358  
developmental center, the governor may close the developmental 87359  
center. Except as otherwise provided in this division, the 87360  
governor shall not close a developmental center that is not listed 87361  
in the commission's recommendation, and shall not close multiple 87362  
developmental centers in any order other than the order of the 87363  
commission's preference as specified in the recommendation. If the 87364  
governor determines that it is not feasible to implement the 87365  
recommendation because there has been a significant change in 87366  
circumstances, the governor may call for a new commission 87367  
regarding the developmental center. The new commission shall be 87368  
created and function in accordance with this section. 87369

(D) Each developmental center closure commission shall 87370  
consist of thirteen members. Three members shall be members of the 87371  
house of representatives, two of whom are members of the majority 87372  
political party in the house of representatives appointed by the 87373  
speaker of the house of representatives and one of whom is a 87374  
member of the minority political party in the house of 87375  
representatives appointed by the minority leader of the house of 87376  
representatives. Three members shall be members of the senate, two 87377  
of whom are members of the majority political party in the senate 87378  
appointed by the president of the senate and one of whom is a 87379  
member of the minority political party in the senate appointed by 87380  
the minority leader of the senate. One member shall be the 87381  
director of budget and management. One member shall be the 87382  
director of developmental disabilities. Four members shall be 87383  
persons with experience in the work of the department of 87384  
developmental disabilities. One of these members must be a family 87385  
member of a person living in the developmental center, and because 87386

of that familial connection, shall be deemed to have met the 87387  
experience requirement. Of these four members one shall be 87388  
appointed by the speaker of the house of representatives, one by 87389  
the minority leader of the house of representatives, one by the 87390  
president of the senate, and one by the minority leader of the 87391  
senate. One member shall be a representative of the employees' 87392  
association representing the largest number of employees of the 87393  
department, as certified by the director of developmental 87394  
disabilities, with that member being appointed by the president of 87395  
the association. At the commission's first meeting, the members 87396  
shall organize and appoint a chairperson and vice-chairperson. The 87397  
members shall serve without compensation. 87398

(E) In making its determination of whether a developmental 87399  
center should close, the commission shall consider the following 87400  
factors and any other factors it considers appropriate: 87401

~~(1) The manner in which the closure of developmental centers~~ 87402  
~~in general would affect the safety, health, well-being, and~~ 87403  
~~lifestyle of the centers' residents and their family members and~~ 87404  
~~would affect public safety and, if the governor's notice~~ 87405  
~~identifies by name one or more developmental centers that the~~ 87406  
~~governor intends to close, the manner in which the closure of each~~ 87407  
~~center so identified would affect the safety, health, well-being,~~ 87408  
~~and lifestyle of the center's residents and their family members~~ 87409  
~~and would affect public safety Whether there is a need to reduce~~ 87410  
~~the number of developmental centers;~~ 87411

(2) The availability of alternate facilities; 87412

(3) The cost effectiveness of the ~~facilities identified for~~ 87413  
~~closure~~ developmental center; 87414

(4) ~~A comparison of the cost of residing at a facility~~ 87415  
~~identified for closure and the cost of new living arrangements~~ The 87416  
opportunities for, and barriers to, transitioning staff of the 87417

<u>center to other appropriate employment;</u>	87418
(5) The geographic factors associated with each <del>facility</del> <u>the</u>	87419
<u>center</u> and its proximity to other similar facilities;	87420
(6) <del>The impact of collective bargaining on facility</del>	87421
<del>operations;</del>	87422
<del>(7)</del> The utilization and maximization of resources;	87423
<del>(8)</del> (7) Continuity of the staff and ability to serve the	87424
<del>facility</del> <u>center's</u> population;	87425
<del>(9)</del> (8) Continuing costs following closure of <del>a facility</del> <u>the</u>	87426
<u>center</u> ;	87427
<del>(10)</del> (9) The impact of the closure on the local economy;	87428
<del>(11)</del> (10) Alternatives and opportunities for consolidation	87429
with other <u>centers or</u> facilities;	87430
<del>(12)</del> How the closing of a facility identified for closure	87431
<del>relates to the department's plans for the future of developmental</del>	87432
<del>centers in this state;</del>	87433
<del>(13)</del> The effect of the closure of developmental centers in	87434
<del>general upon the state's fiscal resources and fiscal status and,</del>	87435
<del>if the governor's notice identifies by name one or more</del>	87436
<del>developmental centers that the governor intends to close, the</del>	87437
<del>effect of the closure of each center so identified upon the</del>	87438
<del>state's fiscal resources and fiscal status.</del>	87439
<del>(D)</del> The legislative service commission shall complete the	87440
<del>study required by division (C) of this section, and prepare a</del>	87441
<del>report that contains its findings, not later than sixty days after</del>	87442
<del>the governor makes the official, public announcement that the</del>	87443
<del>governor intends to close one or more developmental centers as</del>	87444
<del>described in division (C) of this section. The commission shall</del>	87445
<del>provide a copy of the report to each member of the general</del>	87446
<del>assembly who requests a copy of the report <u>and for collaboration</u></del>	87447

with other state agencies and political subdivisions. 87448

(F) The commission shall meet as often as necessary to make 87449  
its determination and may take testimony and consider all relevant 87450  
information. 87451

On providing its report, the commission shall cease to exist, 87452  
provided that another commission shall be created if the governor 87453  
calls for a new commission pursuant to division (D) of this 87454  
section or the governor provides another notice of closure under 87455  
division (C)(1) of this section. 87456

**Sec. 5123.033.** The program fee fund is hereby created in the 87457  
state treasury. All fees collected pursuant to sections 5123.161, 87458  
5123.164, and 5123.19 of the Revised Code shall be credited to the 87459  
fund. Money credited to the fund shall be used solely for the 87460  
department of developmental disabilities' duties under sections 87461  
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 87462  
and to provide continuing education and professional training to 87463  
providers of services to individuals with mental retardation or a 87464  
developmental disability. If the money credited to the fund is 87465  
inadequate to pay all of the department's costs in performing 87466  
those duties and providing the continuing education and 87467  
professional training, the department may use other available 87468  
funds appropriated to the department to pay the remaining costs of 87469  
performing those duties and providing the continuing education and 87470  
professional training. 87471

**Sec. 5123.08.** An appointing officer may appoint a person who 87472  
holds a certified position in the classified service within the 87473  
department of developmental disabilities to a position in the 87474  
unclassified service within the department. A person appointed 87475  
pursuant to this section to a position in the unclassified service 87476  
shall retain the right to resume the position and status held by 87477



the person in the classified service immediately prior to the 87478  
person's appointment to the position in the unclassified service, 87479  
regardless of the number of positions the person held in the 87480  
unclassified service. An employee's right to resume a position in 87481  
the classified service may only be exercised when an appointing 87482  
authority demotes the employee to a pay range lower than the 87483  
employee's current pay range or revokes the employee's appointment 87484  
to the unclassified service. An employee who holds a position in 87485  
the classified service and who is appointed to a position in the 87486  
unclassified service on or after January 1, 2016, shall have the 87487  
right to resume a position in the classified service under this 87488  
section only within five years after the effective date of the 87489  
employee's appointment in the unclassified service. An employee 87490  
forfeits the right to resume a position in the classified service 87491  
when the employee is removed from the position in the unclassified 87492  
service due to incompetence, inefficiency, dishonesty, 87493  
drunkenness, immoral conduct, insubordination, discourteous 87494  
treatment of the public, neglect of duty, violation of this 87495  
chapter or Chapter 124. of the Revised Code, the rules of the 87496  
director of developmental disabilities or the director of 87497  
administrative services, any other failure of good behavior, any 87498  
other acts of misfeasance, malfeasance, or nonfeasance in office, 87499  
or conviction of a felony. An employee also forfeits the right to 87500  
resume a position in the classified service upon transfer to a 87501  
different agency. 87502

Reinstatement to a position in the classified service shall 87503  
be to a position substantially equal to that position in the 87504  
classified service held previously, as certified by the director 87505  
of administrative services. If the position the person previously 87506  
held in the classified service has been placed in the unclassified 87507  
service or is otherwise unavailable, the person shall be appointed 87508  
to a position in the classified service within the department that 87509  
the director of administrative services certifies is comparable in 87510

compensation to the position the person previously held in the 87511  
classified service. Service in the position in the unclassified 87512  
service shall be counted as service in the position in the 87513  
classified service held by the person immediately prior to the 87514  
person's appointment to the position in the unclassified service. 87515  
When a person is reinstated to a position in the classified 87516  
service as provided in this section, the person is entitled to all 87517  
rights, status, and benefits accruing to the position in the 87518  
classified service during the time of the person's service in the 87519  
position in the unclassified service. 87520

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1610~~ 87521  
5123.1611 of the Revised Code: 87522

(1) "Applicant" means any of the following: 87523

(a) The chief executive officer of a business that applies 87524  
under section 5123.161 of the Revised Code for a certificate to 87525  
provide supported living; 87526

(b) The chief executive officer of a business that seeks 87527  
renewal of the business's supported living certificate under 87528  
section 5123.164 of the Revised Code; 87529

(c) An individual who applies under section 5123.161 of the 87530  
Revised Code for a certificate to provide supported living as an 87531  
independent provider; 87532

(d) An independent provider who seeks renewal of the 87533  
independent provider's supported living certificate under section 87534  
5123.164 of the Revised Code. 87535

(2) "Business" means an association, corporation, nonprofit 87536  
organization, partnership, trust, or other group of persons. 87537  
"Business" does not mean an independent provider. 87538

(3) "Criminal records check" has the same meaning as in 87539  
section 109.572 of the Revised Code. 87540

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living.

(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living.

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

(8) "Related party" means any of the following:

(a) In the case of a provider who is an individual, any of the following:

(i) The spouse of the provider;

(ii) A parent or stepparent of the provider or provider's spouse;

(iii) A child of the provider or provider's spouse;

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;

(v) A grandparent of the provider or provider's spouse;

(vi) A grandchild of the provider or provider's spouse.

(b) In the case of a provider that is a person other than an individual, any of the following:

(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations

(including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider; 87570  
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(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer; 87576  
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(iii) A member of the provider's board of directors or trustees; 87579  
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(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest; 87581  
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(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section; 87584  
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(vi) A person over which the provider has control of the day-to-day operation; 87588  
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(vii) A corporation that has a subsidiary relationship with the provider. 87590  
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(c) In the case of a provider that is a government entity, any of the following: 87592  
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(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement; 87594  
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(ii) An officer of the provider; 87600

(iii) A member of the provider's governing board; 87601

(iv) A person or government entity over which the provider 87602  
has control of the day-to-day operation. 87603

(B) No person or government entity may provide supported 87604  
living without a valid supported living certificate issued by the 87605  
director of developmental disabilities. 87606

(C) A county board of developmental disabilities may provide 87607  
supported living only to the extent permitted by rules adopted 87608  
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 87609

**Sec. 5123.161.** A person or government entity that seeks to 87610  
provide supported living shall apply to the director of 87611  
developmental disabilities for a supported living certificate. 87612

Except as provided in sections 5123.166 and 5123.169 of the 87613  
Revised Code, the director shall issue to the person or government 87614  
entity a supported living certificate if the person or government 87615  
entity follows the application process established in rules 87616  
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 87617  
meets the applicable certification standards established in those 87618  
rules, and pays the certification fee established in those rules. 87619

**Sec. 5123.162.** (A) The director of developmental disabilities 87620  
may conduct surveys of persons and government entities that seek a 87621  
supported living certificate to determine whether the persons and 87622  
government entities meet the certification standards. The director 87623  
may also conduct surveys of providers to determine whether the 87624  
providers continue to meet the certification standards. The 87625  
director may assign to a county board of developmental 87626  
disabilities the responsibility to conduct either type of survey. 87627  
Each survey shall be conducted in accordance with rules adopted 87628  
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 87629

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(B) Following each survey of a provider, the director shall  
issue a report listing the date of the survey, any citations  
issued as a result of the survey, and the statutes or rules that  
purportedly have been violated and are the bases of the citations.  
The director shall also do both of the following:

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(1) Specify a date by which the provider may appeal any of  
the citations;

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(2) When appropriate, specify a timetable within which the  
provider must submit a plan of correction describing how the  
problems specified in the citations will be corrected and the date  
by which the provider anticipates the problems will be corrected.

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(C) If the director initiates a proceeding to revoke a  
provider's certification, the director shall include the report  
required by division (B) of this section with the notice of the  
proposed revocation the director sends to the provider. In this  
circumstance, the provider may not submit a plan of correction.

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(D) After a plan of correction is submitted, the director  
shall approve or disapprove the plan. If the plan of correction is  
approved, a copy of the approved plan shall be provided, not later  
than five business days after it is approved, to any person or  
government entity that requests it and made available on the  
internet web site maintained by the department of developmental  
disabilities. If the plan of correction is not approved and the  
director initiates a proceeding to revoke the provider's  
certification, a copy of the survey report shall be provided to  
any person or government entity that requests it and shall be made  
available on the internet web site maintained by the department.

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(E) In addition to survey reports described in this section,  
all other records associated with surveys conducted under this  
section are public records for the purpose of section 149.43 of

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the Revised Code and shall be made available on the request of any person or government entity.

**Sec. 5123.163.** A supported living certificate is valid for a period of time established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the following occur before the end of that period of time:

(A) The director of developmental disabilities issues an order requiring that action be taken against the certificate holder under section 5123.166 of the Revised Code.

(B) The director issues an order terminating the certificate under section 5123.168 of the Revised Code.

(C) The certificate holder voluntarily surrenders the certificate to the director.

**Sec. 5123.164.** Except as provided in sections 5123.166 and 5123.169 of the Revised Code, the director of developmental disabilities shall renew a supported living certificate if the certificate holder follows the renewal process established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, continues to meet the applicable certification standards established in those rules, and pays the renewal fee established in those rules.

**Sec. 5123.166.** (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, the director of developmental disabilities may issue an adjudication order requiring that one of the following actions be taken against a person or government entity seeking or holding a supported living certificate:

(1) Refusal to issue or renew a supported living certificate;

(2) Revocation of a supported living certificate;	87690
(3) Suspension of a supported living certificate holder's authority to do either or both of the following:	87691 87692
(a) Continue to provide supported living to one or more individuals from one or more counties who receive supported living from the certificate holder at the time the director takes the action;	87693 87694 87695 87696
(b) Begin to provide supported living to one or more individuals from one or more counties who do not receive supported living from the certificate holder at the time the director takes the action.	87697 87698 87699 87700
(B) The following constitute good cause for taking action under division (A) of this section against a person or government entity seeking or holding a supported living certificate:	87701 87702 87703
(1) The person or government entity's failure to meet or continue to meet the applicable certification standards established in rules adopted under section <del>5123.1610</del> <u>5123.1611</u> of the Revised Code;	87704 87705 87706 87707
(2) The person or government entity violates section 5123.165 of the Revised Code;	87708 87709
(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code;	87710 87711
(4) Misfeasance;	87712
(5) Malfeasance;	87713
(6) Nonfeasance;	87714
(7) Confirmed abuse or neglect;	87715
(8) Financial irresponsibility;	87716
(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported	87717 87718



living from the person or government entity. 87719

(C) Except as provided in division (D) of this section, the 87720  
director shall issue an adjudication order under division (A) of 87721  
this section in accordance with Chapter 119. of the Revised Code. 87722

(D)(1) The director may issue an order requiring that action 87723  
specified in division (A)(3) of this section be taken before a 87724  
provider is provided notice and an opportunity for a hearing if 87725  
all of the following are the case: 87726

(a) The director determines such action is warranted by the 87727  
provider's failure to continue to meet the applicable 87728  
certification standards; 87729

(b) The director determines that the failure either 87730  
represents a pattern of serious noncompliance or creates a 87731  
substantial risk to the health or safety of an individual who 87732  
receives or would receive supported living from the provider; 87733

(c) If the order will suspend the provider's authority to 87734  
continue to provide supported living to an individual who receives 87735  
supported living from the provider at the time the director issues 87736  
the order, both of the following are the case: 87737

(i) The director makes the individual, or the individual's 87738  
guardian, aware of the director's determination under division 87739  
(D)(1)(b) of this section and the individual or guardian does not 87740  
select another provider. 87741

(ii) A county board of developmental disabilities has filed a 87742  
complaint with a probate court under section 5126.33 of the 87743  
Revised Code that includes facts describing the nature of abuse or 87744  
neglect that the individual has suffered due to the provider's 87745  
actions that are the basis for the director making the 87746  
determination under division (D)(1)(b) of this section and the 87747  
probate court does not issue an order authorizing the county board 87748  
to arrange services for the individual pursuant to an 87749

individualized service plan developed for the individual under 87750  
section 5126.31 of the Revised Code. 87751

(2) If the director issues an order under division (D)(1) of 87752  
this section, sections 119.091 to 119.13 of the Revised Code and 87753  
all of the following apply: 87754

(a) The director shall send the provider notice of the order 87755  
by registered mail, return receipt requested, not later than 87756  
twenty-four hours after issuing the order and shall include in the 87757  
notice the reasons for the order, the citation to the law or rule 87758  
directly involved, and a statement that the provider will be 87759  
afforded a hearing if the provider requests it within ten days of 87760  
the time of receiving the notice. 87761

(b) If the provider requests a hearing within the required 87762  
time and the provider has provided the director the provider's 87763  
current address, the director shall immediately set, and notify 87764  
the provider of, the date, time, and place for the hearing. 87765

(c) The date of the hearing shall be not later than thirty 87766  
days after the director receives the provider's timely request for 87767  
the hearing. 87768

(d) The hearing shall be conducted in accordance with section 87769  
119.09 of the Revised Code, except for all of the following: 87770

(i) The hearing shall continue uninterrupted until its close, 87771  
except for weekends, legal holidays, and other interruptions the 87772  
provider and director agree to. 87773

(ii) If the director appoints a referee or examiner to 87774  
conduct the hearing, the referee or examiner, not later than ten 87775  
days after the date the referee or examiner receives a transcript 87776  
of the testimony and evidence presented at the hearing or, if the 87777  
referee or examiner does not receive the transcript or no such 87778  
transcript is made, the date that the referee or examiner closes 87779  
the record of the hearing, shall submit to the director a written 87780

report setting forth the referee or examiner's findings of fact 87781  
and conclusions of law and a recommendation of the action the 87782  
director should take. 87783

(iii) The provider may, not later than five days after the 87784  
date the director, in accordance with section 119.09 of the 87785  
Revised Code, sends the provider or the provider's attorney or 87786  
other representative of record a copy of the referee or examiner's 87787  
report and recommendation, file with the director written 87788  
objections to the report and recommendation. 87789

(iv) The director shall approve, modify, or disapprove the 87790  
referee or examiner's report and recommendation not earlier than 87791  
six days, and not later than fifteen days, after the date the 87792  
director, in accordance with section 119.09 of the Revised Code, 87793  
sends a copy of the report and recommendation to the provider or 87794  
the provider's attorney or other representative of record. 87795

(3) The director may lift an order issued under division 87796  
(D)(1) of this section even though a hearing regarding the order 87797  
is occurring or pending if the director determines that the 87798  
provider has taken action eliminating the good cause for issuing 87799  
the order. The hearing shall proceed unless the provider withdraws 87800  
the request for the hearing in a written letter to the director. 87801

(4) The director shall lift an order issued under division 87802  
(D)(1) of this section if both of the following are the case: 87803

(a) The provider provides the director a plan of compliance 87804  
the director determines is acceptable. 87805

(b) The director determines that the provider has implemented 87806  
the plan of compliance correctly. 87807

**Sec. 5123.167.** If the director of developmental disabilities 87808  
issues an adjudication order under section 5123.166 of the Revised 87809  
Code refusing to issue a supported living certificate to a person 87810

or government entity ~~or, refusing~~ to renew a person or government 87811  
entity's supported living certificate, or revoking the person or 87812  
government entity's supported living certificate, neither the 87813  
person or government entity nor a related party of the person or 87814  
government entity may apply for another supported living 87815  
certificate earlier than the date that is ~~one year~~ five years 87816  
after the date the order is issued. If a person or government 87817  
entity's authority to provide medicaid-funded supported living is 87818  
revoked or renewal of the authority is refused pursuant to section 87819  
5123.1610 of the Revised Code, neither the person or government 87820  
entity nor a related party of the person or government entity may 87821  
apply for authority to provide medicaid-funded supported living 87822  
again earlier than the date this is five years after the date the 87823  
authority is revoked or expired. 87824

~~If the director issues an adjudication order under that~~ 87825  
~~section revoking a person or government entity's supported living~~ 87826  
~~certificate, neither the person or government entity nor a related~~ 87827  
~~party of the person or government entity may apply for another~~ 87828  
~~supported living certificate earlier than the date that is five~~ 87829  
~~years after the date the order is issued.~~ 87830

**Sec. 5123.169.** (A) The director of developmental disabilities 87831  
shall not issue a supported living certificate to an applicant or 87832  
renew an applicant's supported living certificate if either of the 87833  
following applies: 87834

(1) The applicant fails to comply with division (C)(2) of 87835  
this section; 87836

(2) Except as provided in rules adopted under section 87837  
~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by 87838  
a criminal records check required by this section to have been 87839  
convicted of, pleaded guilty to, or been found eligible for 87840  
intervention in lieu of conviction for a disqualifying offense. 87841

(B) Before issuing a supported living certificate to an 87842  
applicant or renewing an applicant's supported living certificate, 87843  
the director shall require the applicant to submit a statement 87844  
with the applicant's signature attesting that the applicant has 87845  
not been convicted of, pleaded guilty to, or been found eligible 87846  
for intervention in lieu of conviction for a disqualifying 87847  
offense. The director also shall require the applicant to sign an 87848  
agreement under which the applicant agrees to notify the director 87849  
within fourteen calendar days if, while holding a supported living 87850  
certificate, the applicant is formally charged with, is convicted 87851  
of, pleads guilty to, or is found eligible for intervention in 87852  
lieu of conviction for a disqualifying offense. The agreement 87853  
shall provide that the applicant's failure to provide the 87854  
notification may result in action being taken by the director 87855  
against the applicant under section 5123.166 of the Revised Code. 87856

(C)(1) As a condition of receiving a supported living 87857  
certificate or having a supported living certificate renewed, an 87858  
applicant shall request the superintendent of the bureau of 87859  
criminal identification and investigation to conduct a criminal 87860  
records check of the applicant. If an applicant does not present 87861  
proof to the director that the applicant has been a resident of 87862  
this state for the five-year period immediately prior to the date 87863  
that the applicant applies for issuance or renewal of the 87864  
supported living certificate, the director shall require the 87865  
applicant to request that the superintendent obtain information 87866  
from the federal bureau of investigation as a part of the criminal 87867  
records check. If the applicant presents proof to the director 87868  
that the applicant has been a resident of this state for that 87869  
five-year period, the director may require the applicant to 87870  
request that the superintendent include information from the 87871  
federal bureau of investigation in the criminal records check. For 87872  
purposes of this division, an applicant may provide proof of 87873  
residency in this state by presenting, with a notarized statement 87874

asserting that the applicant has been a resident of this state for 87875  
that five-year period, a valid driver's license, notification of 87876  
registration as an elector, a copy of an officially filed federal 87877  
or state tax form identifying the applicant's permanent residence, 87878  
or any other document the director considers acceptable. 87879

(2) Each applicant shall do all of the following: 87880

(a) Obtain a copy of the form prescribed pursuant to division 87881  
(C)(1) of section 109.572 of the Revised Code and a standard 87882  
impression sheet prescribed pursuant to division (C)(2) of section 87883  
109.572 of the Revised Code; 87884

(b) Complete the form and provide the applicant's fingerprint 87885  
impressions on the standard impression sheet; 87886

(c) Forward the completed form and standard impression sheet 87887  
to the superintendent at the time the criminal records check is 87888  
requested; 87889

(d) Instruct the superintendent to submit the completed 87890  
report of the criminal records check directly to the director; 87891

(e) Pay to the bureau of criminal identification and 87892  
investigation the fee prescribed pursuant to division (C)(3) of 87893  
section 109.572 of the Revised Code for each criminal records 87894  
check of the applicant requested and conducted pursuant to this 87895  
section. 87896

(D) The director may request any other state or federal 87897  
agency to supply the director with a written report regarding the 87898  
criminal record of an applicant. The director may consider the 87899  
reports when determining whether to issue a supported living 87900  
certificate to the applicant or to renew an applicant's supported 87901  
living certificate. 87902

(E) An applicant who seeks to be an independent provider or 87903  
is an independent provider seeking renewal of the applicant's 87904

supported living certificate shall obtain the applicant's driving 87905  
record from the bureau of motor vehicles and provide a copy of the 87906  
record to the director if the supported living that the applicant 87907  
will provide involves transporting individuals with mental 87908  
retardation or developmental disabilities. The director may 87909  
consider the applicant's driving record when determining whether 87910  
to issue the applicant a supported living certificate or to renew 87911  
the applicant's supported living certificate. 87912

(F)(1) A report obtained pursuant to this section is not a 87913  
public record for purposes of section 149.43 of the Revised Code 87914  
and shall not be made available to any person, other than the 87915  
following: 87916

(a) The applicant who is the subject of the report or the 87917  
applicant's representative; 87918

(b) The director or the director's representative; 87919

(c) Any court, hearing officer, or other necessary individual 87920  
involved in a case dealing with any of the following: 87921

(i) The denial of a supported living certificate or refusal 87922  
to renew a supported living certificate; 87923

(ii) The denial, suspension, or revocation of a certificate 87924  
under section 5123.45 of the Revised Code; 87925

(iii) A civil or criminal action regarding the medicaid 87926  
program. 87927

(2) An applicant for whom the director has obtained reports 87928  
under this section may submit a written request to the director to 87929  
have copies of the reports sent to any person or state or local 87930  
government entity. The applicant shall specify in the request the 87931  
person or entities to which the copies are to be sent. On 87932  
receiving the request, the director shall send copies of the 87933  
reports to the persons or entities specified. 87934

(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.

(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.

Sec. 5123.1610. (A) Both of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, terminates or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program:

(1) In the case of a terminated provider agreement, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement is terminated.

(2) In the case of a provider agreement that expires because the department of medicaid refuses to revalidate it, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement expires, unless the expiration date of the provider agreement is the same as the expiration date of the supported living certificate, in which case the director of developmental disabilities shall refuse to renew the person or government entity's authority to provide medicaid-funded supported living under the certificate.

(B) The director of developmental disabilities is not required to issue an adjudication order in accordance with Chapter 119. of the Revised Code to do either of the following pursuant to this section:



<u>(1) Revoke a person or government entity's authority to provide medicaid-funded supported living;</u>	87966
	87967
<u>(2) Refuse to renew a person or government entity's authority to provide medicaid-funded supported living.</u>	87968
	87969
<u>(C) This section does not affect a person or government entity's authority to provide nonmedicaid-funded supported living under a supported living certificate.</u>	87970
	87971
	87972
<b>Sec. <del>5123.1610</del> 5123.1611.</b> The director of developmental disabilities shall adopt rules under Chapter 119. of the Revised Code establishing all of the following:	87973
	87974
	87975
(A) The extent to which a county board of developmental disabilities may provide supported living;	87976
	87977
(B) The application process for obtaining a supported living certificate under section 5123.161 of the Revised Code;	87978
	87979
(C) The certification standards a person or government entity must meet to obtain a supported living certificate to provide supported living;	87980
	87981
	87982
(D) The certification fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	87983
	87984
	87985
(E) The period of time a supported living certificate is valid;	87986
	87987
(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code;	87988
	87989
(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	87990
	87991
	87992
(H) Procedures for conducting surveys under section 5123.162 of the Revised Code;	87993
	87994

(I) Procedures for determining whether there is good cause to 87995  
take action under section 5123.166 of the Revised Code against a 87996  
person or government entity seeking or holding a supported living 87997  
certificate; 87998

(J) Circumstances under which the director may issue a 87999  
supported living certificate to an applicant or renew an 88000  
applicant's supported living certificate if the applicant is found 88001  
by a criminal records check required by section 5123.169 of the 88002  
Revised Code to have been convicted of, pleaded guilty to, or been 88003  
found eligible for intervention in lieu of conviction for a 88004  
disqualifying offense but meets standards in regard to 88005  
rehabilitation set by the director. 88006

**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20 of 88007  
the Revised Code: 88008

(1) "Independent living arrangement" means an arrangement in 88009  
which a mentally retarded or developmentally disabled person 88010  
resides in an individualized setting chosen by the person or the 88011  
person's guardian, which is not dedicated principally to the 88012  
provision of residential services for mentally retarded or 88013  
developmentally disabled persons, and for which no financial 88014  
support is received for rendering such service from any 88015  
governmental agency by a provider of residential services. 88016

(2) "Licensee" means the person or government agency that has 88017  
applied for a license to operate a residential facility and to 88018  
which the license was issued under this section. 88019

(3) "Political subdivision" means a municipal corporation, 88020  
county, or township. 88021

(4) "Related party" has the same meaning as in section 88022  
5123.16 of the Revised Code except that "provider" as used in the 88023  
definition of "related party" means a person or government entity 88024

that held or applied for a license to operate a residential 88025  
facility, rather than a person or government entity certified to 88026  
provide supported living. 88027

(5)(a) Except as provided in division (A)(5)(b) of this 88028  
section, "residential facility" means a home or facility, 88029  
including an ICF/IID, in which an individual with mental 88030  
retardation or a developmental disability resides. 88031

(b) "Residential facility" does not mean any of the 88032  
following: 88033

(i) The home of a relative or legal guardian in which an 88034  
individual with mental retardation or a developmental disability 88035  
resides; 88036

(ii) A respite care home certified under section 5126.05 of 88037  
the Revised Code; 88038

(iii) A county home or district home operated pursuant to 88039  
Chapter 5155. of the Revised Code; 88040

(iv) A dwelling in which the only residents with mental 88041  
retardation or developmental disabilities are in independent 88042  
living arrangements or are being provided supported living. 88043

(B) Every person or government agency desiring to operate a 88044  
residential facility shall apply for licensure of the facility to 88045  
the director of developmental disabilities unless the residential 88046  
facility is subject to section 3721.02, 5103.03, 5119.33, or 88047  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 88048  
Code. 88049

(C) Subject to section 5123.196 of the Revised Code, the 88050  
director of developmental disabilities shall license the operation 88051  
of residential facilities. An initial license shall be issued for 88052  
a period that does not exceed one year, unless the director denies 88053  
the license under division (D) of this section. A license shall be 88054

renewed for a period that does not exceed three years, unless the 88055  
director refuses to renew the license under division (D) of this 88056  
section. The director, when issuing or renewing a license, shall 88057  
specify the period for which the license is being issued or 88058  
renewed. A license remains valid for the length of the licensing 88059  
period specified by the director, unless the license is 88060  
terminated, revoked, or voluntarily surrendered. 88061

(D) If it is determined that an applicant or licensee is not 88062  
in compliance with a provision of this chapter that applies to 88063  
residential facilities or the rules adopted under such a 88064  
provision, the director may deny issuance of a license, refuse to 88065  
renew a license, terminate a license, revoke a license, issue an 88066  
order for the suspension of admissions to a facility, issue an 88067  
order for the placement of a monitor at a facility, issue an order 88068  
for the immediate removal of residents, or take any other action 88069  
the director considers necessary consistent with the director's 88070  
authority under this chapter regarding residential facilities. In 88071  
the director's selection and administration of the sanction to be 88072  
imposed, all of the following apply: 88073

(1) The director may deny, refuse to renew, or revoke a 88074  
license, if the director determines that the applicant or licensee 88075  
has demonstrated a pattern of serious noncompliance or that a 88076  
violation creates a substantial risk to the health and safety of 88077  
residents of a residential facility. 88078

(2) The director may terminate a license if more than twelve 88079  
consecutive months have elapsed since the residential facility was 88080  
last occupied by a resident or a notice required by division 88081  
~~(K)~~(J) of this section is not given. 88082

(3) The director may issue an order for the suspension of 88083  
admissions to a facility for any violation that may result in 88084  
sanctions under division (D)(1) of this section and for any other 88085  
violation specified in rules adopted under division ~~(H)~~(G)(2) of 88086

this section. If the suspension of admissions is imposed for a 88087  
violation that may result in sanctions under division (D)(1) of 88088  
this section, the director may impose the suspension before 88089  
providing an opportunity for an adjudication under Chapter 119. of 88090  
the Revised Code. The director shall lift an order for the 88091  
suspension of admissions when the director determines that the 88092  
violation that formed the basis for the order has been corrected. 88093

(4) The director may order the placement of a monitor at a 88094  
residential facility for any violation specified in rules adopted 88095  
under division ~~(H)~~(G)(2) of this section. The director shall lift 88096  
the order when the director determines that the violation that 88097  
formed the basis for the order has been corrected. 88098

~~(5) If the director determines that two or more residential 88099  
facilities owned or operated by the same person or government 88100  
entity are not being operated in compliance with a provision of 88101  
this chapter that applies to residential facilities or the rules 88102  
adopted under such a provision, and the director's findings are 88103  
based on the same or a substantially similar action, practice, 88104  
circumstance, or incident that creates a substantial risk to the 88105  
health and safety of the residents, the director shall conduct a 88106  
survey as soon as practicable at each residential facility owned 88107  
or operated by that person or government entity. The director may 88108  
take any action authorized by this section with respect to any 88109  
facility found to be operating in violation of a provision of this 88110  
chapter that applies to residential facilities or the rules 88111  
adopted under such a provision. 88112~~

~~(6) When the director initiates license revocation 88113  
proceedings, no opportunity for submitting a plan of correction 88114  
shall be given. The director shall notify the licensee by letter 88115  
of the initiation of the proceedings. The letter shall list the 88116  
deficiencies of the residential facility and inform the licensee 88117  
that no plan of correction will be accepted. The director shall 88118~~

also send a copy of the letter to the county board of 88119  
developmental disabilities. The Except in the case of a licensee 88120  
that is an ICF/IID, the county board shall send a copy of the 88121  
letter to each of the following: 88122

(a) Each resident who receives services from the licensee; 88123

(b) The guardian of each resident who receives services from 88124  
the licensee if the resident has a guardian; 88125

(c) The parent or guardian of each resident who receives 88126  
services from the licensee if the resident is a minor. 88127

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance 88128  
with Chapter 119. of the Revised Code, the director may order the 88129  
immediate removal of residents from a residential facility 88130  
whenever conditions at the facility present an immediate danger of 88131  
physical or psychological harm to the residents. 88132

~~(8)~~(7) In determining whether a residential facility is being 88133  
operated in compliance with a provision of this chapter that 88134  
applies to residential facilities or the rules adopted under such 88135  
a provision, or whether conditions at a residential facility 88136  
present an immediate danger of physical or psychological harm to 88137  
the residents, the director may rely on information obtained by a 88138  
county board of developmental disabilities or other governmental 88139  
agencies. 88140

~~(9)~~(8) In proceedings initiated to deny, refuse to renew, or 88141  
revoke licenses, the director may deny, refuse to renew, or revoke 88142  
a license regardless of whether some or all of the deficiencies 88143  
that prompted the proceedings have been corrected at the time of 88144  
the hearing. 88145

(E) ~~The director shall establish a program under which public~~ 88146  
~~notification may be made when the director has initiated license~~ 88147  
~~revocation proceedings or has issued an order for the suspension~~ 88148  
~~of admissions, placement of a monitor, or removal of residents.~~ 88149

~~The director shall adopt rules in accordance with Chapter 119. of 88150  
the Revised Code to implement this division. The rules shall 88151  
establish the procedures by which the public notification will be 88152  
made and specify the circumstances for which the notification must 88153  
be made. The rules shall require that public notification be made 88154  
if the director has taken action against the facility in the 88155  
eighteen-month period immediately preceding the director's latest 88156  
action against the facility and the latest action is being taken 88157  
for the same or a substantially similar violation of a provision 88158  
of this chapter that applies to residential facilities or the 88159  
rules adopted under such a provision. The rules shall specify a 88160  
method for removing or amending the public notification if the 88161  
director's action is found to have been unjustified or the 88162  
violation at the residential facility has been corrected. 88163~~

~~(F)(1) Except as provided in division (F)(E)(2) of this 88164  
section, appeals from proceedings initiated to impose a sanction 88165  
under division (D) of this section shall be conducted in 88166  
accordance with Chapter 119. of the Revised Code. 88167~~

~~(2) Appeals from proceedings initiated to order the 88168  
suspension of admissions to a facility shall be conducted in 88169  
accordance with Chapter 119. of the Revised Code, unless the order 88170  
was issued before providing an opportunity for an adjudication, in 88171  
which case all of the following apply: 88172~~

~~(a) The licensee may request a hearing not later than ten 88173  
days after receiving the notice specified in section 119.07 of the 88174  
Revised Code. 88175~~

~~(b) If a timely request for a hearing that includes the 88176  
licensee's current address is made, the hearing shall commence not 88177  
later than thirty days after the department receives the request. 88178~~

~~(c) After commencing, the hearing shall continue 88179  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 88180~~

unless other interruptions are agreed to by the licensee and the 88181  
director. 88182

(d) If the hearing is conducted by a hearing examiner, the 88183  
hearing examiner shall file a report and recommendations not later 88184  
than ten days after the last of the following: 88185

(i) The close of the hearing; 88186

(ii) If a transcript of the proceedings is ordered, the 88187  
hearing examiner receives the transcript; 88188

(iii) If post-hearing briefs are timely filed, the hearing 88189  
examiner receives the briefs. 88190

(e) A copy of the written report and recommendation of the 88191  
hearing examiner shall be sent, by certified mail, to the licensee 88192  
and the licensee's attorney, if applicable, not later than five 88193  
days after the report is filed. 88194

(f) Not later than five days after the hearing examiner files 88195  
the report and recommendations, the licensee may file objections 88196  
to the report and recommendations. 88197

(g) Not later than fifteen days after the hearing examiner 88198  
files the report and recommendations, the director shall issue an 88199  
order approving, modifying, or disapproving the report and 88200  
recommendations. 88201

(h) Notwithstanding the pendency of the hearing, the director 88202  
shall lift the order for the suspension of admissions when the 88203  
director determines that the violation that formed the basis for 88204  
the order has been corrected. 88205

~~(G)~~(F) Neither a person or government agency whose 88206  
application for a license to operate a residential facility is 88207  
denied nor a related party of the person or government agency may 88208  
apply for a license to operate a residential facility before the 88209  
date that is ~~one year~~ five years after the date of the denial. 88210



Neither a licensee whose residential facility license is revoked 88211  
nor a related party of the licensee may apply for a residential 88212  
facility license before the date that is five years after the date 88213  
of the revocation. 88214

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 88215  
the director shall adopt and may amend and rescind rules for 88216  
licensing and regulating the operation of residential facilities. 88217  
The rules for residential facilities that are ICFs/IID may differ 88218  
from those for other residential facilities. The rules shall 88219  
establish and specify the following: 88220

(1) Procedures and criteria for issuing and renewing 88221  
licenses, including procedures and criteria for determining the 88222  
length of the licensing period that the director must specify for 88223  
each license when it is issued or renewed; 88224

(2) Procedures and criteria for denying, refusing to renew, 88225  
terminating, and revoking licenses and for ordering the suspension 88226  
of admissions to a facility, placement of a monitor at a facility, 88227  
and the immediate removal of residents from a facility; 88228

(3) Fees for issuing and renewing licenses, which shall be 88229  
deposited into the program fee fund created under section 5123.033 88230  
of the Revised Code; 88231

(4) Procedures for surveying residential facilities; 88232

~~(5) Requirements for the training of residential facility 88233  
personnel;~~ 88234

~~(6) Classifications for the various types of residential 88235  
facilities;~~ 88236

~~(7) Certification procedures for licensees and management 88237  
contractors that the director determines are necessary to ensure 88238  
that they have the skills and qualifications to properly operate 88239  
or manage residential facilities;~~ 88240

<del>(8)</del> (6) The maximum number of persons who may be served in a particular type of residential facility;	88241 88242
<del>(9)</del> (7) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	88243 88244
<del>(10)</del> (8) Other standards for the operation of residential facilities and the services provided at residential facilities;	88245 88246
<del>(11)</del> (9) Procedures for waiving any provision of any rule adopted under this section.	88247 88248
<del>(I)</del> (H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities <u>or the department of health</u> the responsibility to conduct any survey or inspection under this section.	88249 88250 88251 88252 88253 88254 88255 88256 88257 88258 88259
(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey.	88260 88261 88262 88263 88264 88265 88266 88267
(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the	88268 88269 88270 88271

citations. The director shall also do both of the following: 88272

(a) Specify a date by which the licensee may appeal any of 88273  
the citations; 88274

(b) When appropriate, specify a timetable within which the 88275  
licensee must submit a plan of correction describing how the 88276  
problems specified in the citations will be corrected and, the 88277  
date by which the licensee anticipates the problems will be 88278  
corrected. 88279

(4) If the director initiates a proceeding to revoke a 88280  
license, the director shall include the report required by 88281  
division ~~(I)~~(H)(3) of this section with the notice of the proposed 88282  
revocation the director sends to the licensee. In this 88283  
circumstance, the licensee may not submit a plan of correction. 88284

(5) After a plan of correction is submitted, the director 88285  
shall approve or disapprove the plan. If the plan of correction is 88286  
approved, a copy of the approved plan shall be provided, not later 88287  
than five business days after it is approved, to any person or 88288  
government entity who requests it and made available on the 88289  
internet web site maintained by the department of developmental 88290  
disabilities. If the plan of correction is not approved and the 88291  
director initiates a proceeding to revoke the license, a copy of 88292  
the survey report shall be provided to any person or government 88293  
entity that requests it and shall be made available on the 88294  
internet web site maintained by the department. 88295

(6) The director shall initiate disciplinary action against 88296  
any department employee who notifies or causes the notification to 88297  
any unauthorized person of an unannounced survey of a residential 88298  
facility by an authorized representative of the department. 88299

~~(J)~~(I) In addition to any other information which may be 88300  
required of applicants for a license pursuant to this section, the 88301  
director shall require each applicant to provide a copy of an 88302

approved plan for a proposed residential facility pursuant to 88303  
section 5123.042 of the Revised Code. This division does not apply 88304  
to renewal of a license or to an applicant for an initial or 88305  
modified license who meets the requirements of section 5123.197 of 88306  
the Revised Code. 88307

~~(K)~~(J)(1) A licensee shall notify the owner of the building 88308  
in which the licensee's residential facility is located of any 88309  
significant change in the identity of the licensee or management 88310  
contractor before the effective date of the change if the licensee 88311  
is not the owner of the building. 88312

(2) Pursuant to rules, which shall be adopted in accordance 88313  
with Chapter 119. of the Revised Code, the director may require 88314  
notification to the department of any significant change in the 88315  
ownership of a residential facility or in the identity of the 88316  
licensee or management contractor. If the director determines that 88317  
a significant change of ownership is proposed, the director shall 88318  
consider the proposed change to be an application for development 88319  
by a new operator pursuant to section 5123.042 of the Revised Code 88320  
and shall advise the applicant within sixty days of the 88321  
notification that the current license shall continue in effect or 88322  
a new license will be required pursuant to this section. If the 88323  
director requires a new license, the director shall permit the 88324  
facility to continue to operate under the current license until 88325  
the new license is issued, unless the current license is revoked, 88326  
refused to be renewed, or terminated in accordance with Chapter 88327  
119. of the Revised Code. 88328

(3) A licensee shall transfer to the new licensee or 88329  
management contractor all records related to the residents of the 88330  
facility following any significant change in the identity of the 88331  
licensee or management contractor. 88332

~~(L)~~(K) A county board of developmental disabilities and any 88333  
interested person may file complaints alleging violations of 88334

statute or department rule relating to residential facilities with 88335  
the department. All complaints shall ~~be in writing and shall~~ state 88336  
the facts constituting the basis of the allegation. The department 88337  
shall not reveal the source of any complaint unless the 88338  
complainant agrees in writing to waive the right to 88339  
confidentiality or until so ordered by a court of competent 88340  
jurisdiction. 88341

The department shall adopt rules in accordance with Chapter 88342  
119. of the Revised Code establishing procedures for the receipt, 88343  
referral, investigation, and disposition of complaints filed with 88344  
the department under this division. 88345

~~(M) The department shall establish procedures for the 88346  
notification of interested parties of the transfer or interim care 88347  
of residents from residential facilities that are closing or are 88348  
losing their license. 88349~~

~~(N)~~(L) Before issuing a license under this section to a 88350  
residential facility that will accommodate at any time more than 88351  
one mentally retarded or developmentally disabled individual, the 88352  
director shall, by first class mail, notify the following: 88353

(1) If the facility will be located in a municipal 88354  
corporation, the clerk of the legislative authority of the 88355  
municipal corporation; 88356

(2) If the facility will be located in unincorporated 88357  
territory, the clerk of the appropriate board of county 88358  
commissioners and the fiscal officer of the appropriate board of 88359  
township trustees. 88360

The director shall not issue the license for ten days after 88361  
mailing the notice, excluding Saturdays, Sundays, and legal 88362  
holidays, in order to give the notified local officials time in 88363  
which to comment on the proposed issuance. 88364

Any legislative authority of a municipal corporation, board 88365

of county commissioners, or board of township trustees that 88366  
receives notice under this division of the proposed issuance of a 88367  
license for a residential facility may comment on it in writing to 88368  
the director within ten days after the director mailed the notice, 88369  
excluding Saturdays, Sundays, and legal holidays. If the director 88370  
receives written comments from any notified officials within the 88371  
specified time, the director shall make written findings 88372  
concerning the comments and the director's decision on the 88373  
issuance of the license. If the director does not receive written 88374  
comments from any notified local officials within the specified 88375  
time, the director shall continue the process for issuance of the 88376  
license. 88377

~~(O)~~(M) Any person may operate a licensed residential facility 88378  
that provides room and board, personal care, habilitation 88379  
services, and supervision in a family setting for at least six but 88380  
not more than eight persons with mental retardation or a 88381  
developmental disability as a permitted use in any residential 88382  
district or zone, including any single-family residential district 88383  
or zone, of any political subdivision. These residential 88384  
facilities may be required to comply with area, height, yard, and 88385  
architectural compatibility requirements that are uniformly 88386  
imposed upon all single-family residences within the district or 88387  
zone. 88388

~~(P)~~(N) Any person may operate a licensed residential facility 88389  
that provides room and board, personal care, habilitation 88390  
services, and supervision in a family setting for at least nine 88391  
but not more than sixteen persons with mental retardation or a 88392  
developmental disability as a permitted use in any multiple-family 88393  
residential district or zone of any political subdivision, except 88394  
that a political subdivision that has enacted a zoning ordinance 88395  
or resolution establishing planned unit development districts may 88396  
exclude these residential facilities from those districts, and a 88397

political subdivision that has enacted a zoning ordinance or 88398  
resolution may regulate these residential facilities in 88399  
multiple-family residential districts or zones as a conditionally 88400  
permitted use or special exception, in either case, under 88401  
reasonable and specific standards and conditions set out in the 88402  
zoning ordinance or resolution to: 88403

(1) Require the architectural design and site layout of the 88404  
residential facility and the location, nature, and height of any 88405  
walls, screens, and fences to be compatible with adjoining land 88406  
uses and the residential character of the neighborhood; 88407

(2) Require compliance with yard, parking, and sign 88408  
regulation; 88409

(3) Limit excessive concentration of these residential 88410  
facilities. 88411

~~(Q)~~(O) This section does not prohibit a political subdivision 88412  
from applying to residential facilities nondiscriminatory 88413  
regulations requiring compliance with health, fire, and safety 88414  
regulations and building standards and regulations. 88415

~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are 88416  
not applicable to municipal corporations that had in effect on 88417  
June 15, 1977, an ordinance specifically permitting in residential 88418  
zones licensed residential facilities by means of permitted uses, 88419  
conditional uses, or special exception, so long as such ordinance 88420  
remains in effect without any substantive modification. 88421

~~(S)~~(O)(1) The director may issue an interim license to 88422  
operate a residential facility to an applicant for a license under 88423  
this section if either of the following is the case: 88424

(a) The director determines that an emergency exists 88425  
requiring immediate placement of persons in a residential 88426  
facility, that insufficient licensed beds are available, and that 88427  
the residential facility is likely to receive a permanent license 88428

under this section within thirty days after issuance of the 88429  
interim license. 88430

(b) The director determines that the issuance of an interim 88431  
license is necessary to meet a temporary need for a residential 88432  
facility. 88433

(2) To be eligible to receive an interim license, an 88434  
applicant must meet the same criteria that must be met to receive 88435  
a permanent license under this section, except for any differing 88436  
procedures and time frames that may apply to issuance of a 88437  
permanent license. 88438

(3) An interim license shall be valid for thirty days and may 88439  
be renewed by the director for a period not to exceed one hundred 88440  
~~fifty~~ eighty days. 88441

(4) The director shall adopt rules in accordance with Chapter 88442  
119. of the Revised Code as the director considers necessary to 88443  
administer the issuance of interim licenses. 88444

~~(T)~~(R) Notwithstanding rules adopted pursuant to this section 88445  
establishing the maximum number of persons who may be served in a 88446  
particular type of residential facility, a residential facility 88447  
shall be permitted to serve the same number of persons being 88448  
served by the facility on the effective date of the rules or the 88449  
number of persons for which the facility is authorized pursuant to 88450  
a current application for a certificate of need with a letter of 88451  
support from the department of developmental disabilities and 88452  
which is in the review process prior to April 4, 1986. 88453

This division does not preclude the department from 88454  
suspending new admissions to a residential facility pursuant to a 88455  
written order issued under section 5124.70 of the Revised Code. 88456

~~(U)~~(S) The director may enter at any time, for purposes of 88457  
investigation, any home, facility, or other structure that has 88458  
been reported to the director or that the director has reasonable 88459



cause to believe is being operated as a residential facility 88460  
without a license issued under this section. 88461

The director may petition the court of common pleas of the 88462  
county in which an unlicensed residential facility is located for 88463  
an order enjoining the person or governmental agency operating the 88464  
facility from continuing to operate without a license. The court 88465  
may grant the injunction on a showing that the person or 88466  
governmental agency named in the petition is operating a 88467  
residential facility without a license. The court may grant the 88468  
injunction, regardless of whether the residential facility meets 88469  
the requirements for receiving a license under this section. 88470

**Sec. 5123.196.** (A) Except as provided in division (E) of this 88471  
section, the director of developmental disabilities shall not 88472  
issue a license under section 5123.19 of the Revised Code on or 88473  
after July 1, 2003, if issuance will result in there being more 88474  
beds in all residential facilities licensed under that section 88475  
than is permitted under division (B) of this section. 88476

(B) The maximum number of beds for the purpose of division 88477  
(A) of this section shall not exceed ten thousand eight hundred 88478  
thirty-eight minus, except as provided in division (C) of this 88479  
section, both of the following: 88480

(1) The number of such beds that cease to be residential 88481  
facility beds on or after July 1, 2003, because a residential 88482  
facility license is revoked, terminated, or not renewed for any 88483  
reason or is surrendered in accordance with section 5123.19 of the 88484  
Revised Code; 88485

(2) The number of such beds for which a licensee voluntarily 88486  
converts to use for supported living on or after July 1, 2003. 88487

(C) The director is not required to reduce the maximum number 88488  
of beds pursuant to division (B) of this section by a bed that 88489

ceases to be a residential facility bed if the director determines 88490  
that the bed is needed to provide services to an individual with 88491  
mental retardation or a developmental disability who resided in 88492  
the residential facility in which the bed was located. 88493

(D) The director shall maintain an up-to-date written record 88494  
of the maximum number of residential facility beds provided for by 88495  
division (B) of this section. 88496

(E) The director may issue an interim license under division 88497  
~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant 88498  
to rules adopted under division ~~(H)~~~~(11)~~(G)(9) of that section, a 88499  
waiver allowing a residential facility to admit more residents 88500  
than the facility is licensed to admit regardless of whether the 88501  
interim license or waiver will result in there being more beds in 88502  
all residential facilities licensed under that section than is 88503  
permitted under division (B) of this section. 88504

**Sec. 5123.198.** (A) As used in this section, "date of the 88505  
commitment" means the date that an individual specified in 88506  
division (B) of this section begins to reside in a state-operated 88507  
ICF/IID after being committed to the ICF/IID pursuant to sections 88508  
5123.71 to 5123.76 of the Revised Code. 88509

(B) Except as provided in division (C) of this section, 88510  
whenever a resident of a residential facility is committed to a 88511  
state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 88512  
the Revised Code, the department of developmental disabilities, 88513  
pursuant to an adjudication order issued in accordance with 88514  
Chapter 119. of the Revised Code, shall reduce by one the number 88515  
of residents for which the residential facility in which the 88516  
resident resided is licensed. 88517

(C) The department shall not reduce under division (B) of 88518  
this section the number of residents for which a residential 88519  
facility is licensed if any of the following are the case: 88520

(1) The resident of the residential facility who is committed to a state-operated ICF/IID resided in the residential facility because of the closure, on or after June 26, 2003, of another state-operated ICF/IID;

(2) The residential facility admits within ninety days of the date of the commitment an individual who resides on the date of the commitment in a state-operated ICF/IID or another residential facility;

(3) The department fails to do either of the following within ninety days of the date of the commitment:

(a) Identify an individual to whom all of the following applies:

(i) Resides on the date of the commitment in a state-operated ICF/IID or another residential facility;

(ii) Has indicated to the department an interest in relocating to the residential facility or has a parent or guardian who has indicated to the department an interest for the individual to relocate to the residential facility;

(iii) The department determines the individual has needs that the residential facility can meet.

(b) Provide the residential facility with information about the individual identified under division (C)(2)(a) of this section that the residential facility needs in order to determine whether the facility can meet the individual's needs.

(4) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and except as provided in division (D) of this section, the residential facility does all of the following not later than ninety days after the date of the commitment:

(a) Evaluates the information provided by the department;	88551
(b) Assesses the identified individual's needs;	88552
(c) Determines that the residential facility cannot meet the identified individual's needs.	88553 88554
(5) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and the residential facility determines that the residential facility can meet the identified individual's needs, the individual, or a parent or guardian of the individual, refuses placement in the residential facility.	88555 88556 88557 88558 88559 88560
(D) The department may reduce under division (B) of this section the number of residents for which a residential facility is licensed even though the residential facility completes the actions specified in division (C)(4) of this section not later than ninety days after the date of the commitment if all of the following are the case:	88561 88562 88563 88564 88565 88566
(1) The department disagrees with the residential facility's determination that the residential facility cannot meet the identified individual's needs.	88567 88568 88569
(2) The department issues a written decision pursuant to the uniform procedures for admissions, transfers, and discharges established by rules adopted under division <del>(H)(9)</del> (G)(7) of section 5123.19 of the Revised Code that the residential facility should admit the identified individual.	88570 88571 88572 88573 88574
(3) After the department issues the written decision specified in division (D)(2) of this section, the residential facility refuses to admit the identified individual.	88575 88576 88577
(E) A residential facility that admits, refuses to admit, transfers, or discharges a resident under this section shall comply with the uniform procedures for admissions, transfers, and	88578 88579 88580

discharges established by rules adopted under division 88581  
(H)(9)(G)(7) of section 5123.19 of the Revised Code. 88582

Sec. 5123.376. (A) As used in this section: 88583

(1) "Medicaid-certified capacity" has the same meaning as in 88584  
section 5124.01 of the Revised Code. 88585

(2) "Residential facility" has the same meaning as in section 88586  
5123.19 of the Revised Code. 88587

(B)(1) The director of developmental disabilities may change 88588  
the terms of an agreement entered into with a county board of 88589  
developmental disabilities or private, nonprofit agency pursuant 88590  
to section 5123.36 of the Revised Code or other statutory 88591  
authority in effect before July 1, 1980, regarding the 88592  
construction, acquisition, or renovation of a residential facility 88593  
if all of the following apply: 88594

(a) The agreement was entered into during the period 88595  
beginning January 1, 1975, and ending December 31, 1984. 88596

(b) The agreement requires the county board or private, 88597  
nonprofit agency to use the residential facility as a residential 88598  
facility for at least forty years. 88599

(c) The residential facility is an ICF/IID and, before the 88600  
conversion specified in division (B)(1)(d) of this section, the 88601  
ICF/IID had a medicaid-certified capacity of at least sixteen. 88602

(d) The residential facility's operator converted at least 88603  
fifty per cent of its medicaid-certified beds from providing 88604  
ICF/IID services to providing home and community-based services in 88605  
accordance with section 5124.60 or 5124.61 of the Revised Code. 88606

(e) The county board or private, nonprofit agency applies to 88607  
the director for the change in the agreement's terms. 88608

(2) The terms of an agreement that may be changed pursuant to 88609

division (B)(1) of this section include terms regarding the length of time the residential facility must be used as a residential facility. 88610  
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(C) The director may authorize a county board or nonprofit, private agency not to repay the amount of an outstanding balance otherwise owed pursuant to an agreement entered into pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a residential facility if all of the following apply: 88613  
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(1) The agreement was entered into during the period beginning January 1, 1975, and ending December 31, 1984. 88620  
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(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 88622  
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(3) Before the conversion specified in division (C)(4) of this section, the residential facility was an ICF/IID with a medicaid-certified capacity of at least sixteen. 88625  
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(4) The residential facility's operator converted all of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 88628  
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(5) The county board or private, nonprofit agency applies to the director for forgiveness of the outstanding balance. 88632  
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**Sec. 5123.621.** It is the intent of the general assembly that all individuals being served on the effective date of this section through the array of adult day services that exists on that date, including services delivered in a sheltered workshop, be fully informed of any new home and community-based services and their option to receive those services. It is also the intent of the 88634  
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general assembly that those individuals be permitted to continue 88640  
receiving services in a variety of settings as long as those 88641  
settings offer opportunities for community integration as 88642  
described in their individual service plans. 88643

**Sec. 5123.86.** (A) Except as provided in divisions (C), (D), 88644  
and (E), ~~and (F)~~ of this section, the chief medical officer shall 88645  
provide all information, including expected physical and medical 88646  
consequences, necessary to enable any resident of an institution 88647  
for the mentally retarded to give a fully informed, intelligent, 88648  
and knowing consent if any of the following procedures are 88649  
proposed: 88650

(1) Surgery; 88651

(2) ~~Convulsive therapy;~~ 88652

~~(3) Major aversive interventions;~~ 88653

~~(4) Sterilization;~~ 88654

~~(5)(3) Experimental procedures;~~ 88655

~~(6) Any unusual or hazardous treatment procedures.~~ 88656

(B) No resident shall be subjected to ~~any of the procedures~~ 88657  
~~listed in division (A)(4), (5), or (6) of this section~~ 88658  
sterilization without the resident's informed consent. 88659

(C) If a resident is physically or mentally unable to receive 88660  
the information required for surgery or an experimental procedure 88661  
under division (A)~~(1)~~ of this section, or has been adjudicated 88662  
incompetent, the information may be provided to the resident's 88663  
natural or court-appointed guardian, including an agency providing 88664  
guardianship services under contract with the department of 88665  
developmental disabilities under sections 5123.55 to 5123.59 of 88666  
the Revised Code, ~~who~~. The guardian may give the informed, 88667  
intelligent, and knowing written consent for surgery or the 88668

~~experimental procedure. Consent for surgery shall not be provided 88669  
by a guardian who is an officer or employee of the department of 88670  
mental health and addiction services or the department of 88671  
developmental disabilities. 88672~~

If a resident is physically or mentally unable to receive the 88673  
information required for surgery or an experimental procedure 88674  
under division (A)~~(1)~~ of this section and has no guardian, then 88675  
the information, the recommendation of the chief medical officer, 88676  
and the concurring judgment of a licensed physician who is not a 88677  
full-time employee of the state may be provided to the court in 88678  
the county in which the institution is located, ~~which.~~ The court 88679  
may approve the surgery or experimental procedure. Before 88680  
approving the surgery or experimental procedure, the court shall 88681  
notify the Ohio protection and advocacy system created by section 88682  
5123.60 of the Revised Code, and shall notify the resident of the 88683  
resident's rights to consult with counsel, to have counsel 88684  
appointed by the court if the resident is indigent, and to contest 88685  
the recommendation of the chief medical officer. 88686

(D) If, in the judgment of two licensed physicians, delay in 88687  
obtaining consent for surgery would create a grave danger to the 88688  
health of a resident, emergency surgery may be performed without 88689  
the consent of the resident if the necessary information is 88690  
provided to the resident's guardian, including an agency providing 88691  
guardianship services under contract with the department of 88692  
developmental disabilities under sections 5123.55 to 5123.59 of 88693  
the Revised Code, or to the resident's spouse or next of kin to 88694  
enable that person or agency to give an informed, intelligent, and 88695  
knowing written consent. 88696

If the guardian, spouse, or next of kin cannot be contacted 88697  
through exercise of reasonable diligence, or if the guardian, 88698  
spouse, or next of kin is contacted, but refuses to consent, then 88699  
the emergency surgery may be performed upon the written 88700



authorization of the chief medical officer and after court 88701  
approval has been obtained. However, if delay in obtaining court 88702  
approval would create a grave danger to the life of the resident, 88703  
the chief medical officer may authorize surgery, in writing, 88704  
without court approval. If the surgery is authorized without court 88705  
approval, the chief medical officer who made the authorization and 88706  
the physician who performed the surgery shall each execute an 88707  
affidavit describing the circumstances constituting the emergency 88708  
and warranting the surgery and the circumstances warranting their 88709  
not obtaining prior court approval. The affidavit shall be filed 88710  
with the court with which the request for prior approval would 88711  
have been filed within five court days after the surgery, and a 88712  
copy of the affidavit shall be placed in the resident's file and 88713  
shall be given to the guardian, spouse, or next of kin of the 88714  
resident, to the hospital at which the surgery was performed, and 88715  
to the Ohio protection and advocacy system created by section 88716  
5123.60 of the Revised Code. 88717

~~(E)(1) If it is the judgment of two licensed physicians, as 88718  
described in division (E)(2) of this section, that a medical 88719  
emergency exists and delay in obtaining convulsive therapy creates 88720  
a grave danger to the life of a resident who is both mentally 88721  
retarded and mentally ill, convulsive therapy may be administered 88722  
without the consent of the resident if the resident is physically 88723  
or mentally unable to receive the information required for 88724  
convulsive therapy and if the necessary information is provided to 88725  
the resident's natural or court appointed guardian, including an 88726  
agency providing guardianship services under contract with the 88727  
department of developmental disabilities under sections 5123.55 to 88728  
5123.59 of the Revised Code, or to the resident's spouse or next 88729  
of kin to enable that person or agency to give an informed, 88730  
intelligent, and knowing written consent. If neither the 88731  
resident's guardian, spouse, nor next of kin can be contacted 88732  
through exercise of reasonable diligence, or if the guardian, 88733~~

~~spouse, or next of kin is contacted, but refuses to consent, then 88734  
convulsive therapy may be performed upon the written authorization 88735  
of the chief medical officer and after court approval has been 88736  
obtained. 88737~~

~~(2) The two licensed physicians referred to in division 88738  
(E)(1) of this section shall not be associated with each other in 88739  
the practice of medicine or surgery by means of a partnership or 88740  
corporate arrangement, other business arrangement, or employment. 88741  
At least one of the physicians shall be a psychiatrist as defined 88742  
in division (E) of section 5122.01 of the Revised Code. 88743~~

~~(F) Major aversive interventions shall not be used unless a 88744  
resident continues to engage in behavior destructive to self or 88745  
others after other forms of therapy have been attempted. Major 88746  
aversive interventions shall not be applied to a voluntary 88747  
resident without the informed, intelligent, and knowing written 88748  
consent of the resident or the resident's guardian, including an 88749  
agency providing guardianship services under contract with the 88750  
department of developmental disabilities under sections 5123.55 to 88751  
5123.59 of the Revised Code. 88752~~

~~(G)(1) This chapter does not authorize any form of compulsory 88753  
medical or psychiatric treatment of any resident who is being 88754  
treated by spiritual means through prayer alone in accordance with 88755  
a recognized religious method of healing. 88756~~

~~(2) For purposes of this section, "convulsive therapy" does 88757  
not include defibrillation. 88758~~

**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group 1 88759  
or peer group 2 that becomes a downsized ICF/IID or partially 88760  
converted ICF/IID on or after July 1, 2013, or becomes a new 88761  
ICF/IID on or after that date, may file with the department of 88762  
developmental disabilities a cost report covering the period 88763  
specified in division (B) of this section if the following applies 88764

to the ICF/IID: 88765

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or partially converted ICF/IID: 88766  
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(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID; 88770  
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(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID. 88774  
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(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID: 88777  
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88779

(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID; 88780  
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(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID. 88783  
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(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows: 88786  
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(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 88788  
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(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID. 88790  
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(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or 88792  
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partially converted ICF/IID.	88794
(2) In the case of a new ICF/IID:	88795
(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.	88796 88797
(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.	88798 88799
(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply:	88800 88801 88802
(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers;	88803 88804 88805 88806
(2) The cost report is incomplete or inadequate.	88807
(D) If the department accepts a cost report filed under division (A) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows:	88808 88809 88810 88811 88812 88813 88814
(1) The period begins on the following:	88815
(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:	88816 88817
(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month;	88818 88819 88820
(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (D)(1)(a)(i) of this section does	88821 88822 88823

not apply. 88824

(b) In the case of a new ICF/IID, the day that the ICF/IID's 88825  
provider agreement takes effect. 88826

(2) The period ends on the last day of the fiscal year that 88827  
immediately precedes the fiscal year for which the ICF/IID begins 88828  
to be paid a rate determined using a cost report that division (E) 88829  
of this section requires be filed in accordance with division (A) 88830  
of section 5124.10 of the Revised Code. 88831

(E)(1) If the department accepts a cost report filed under 88832  
division (A) of this section for an ICF/IID that becomes a 88833  
downsized ICF/IID or partially converted ICF/IID on or before the 88834  
first day of October of a calendar year, or for a new ICF/IID that 88835  
has a provider agreement that takes effect on or before that date, 88836  
the provider also shall file a cost report for the ICF/IID in 88837  
accordance with division (A) of section 5124.10 of the Revised 88838  
Code for the portion of that calendar year that the ICF/IID 88839  
operated as a downsized ICF/IID or partially converted ICF/IID or, 88840  
in the case of a new ICF/IID, for the portion that the provider 88841  
agreement was in effect. 88842

(2) If the department accepts a cost report filed under 88843  
division (A) of this section for an ICF/IID that becomes a 88844  
downsized ICF/IID or partially converted ICF/IID after the first 88845  
day of October of a calendar year, or for a new ICF/IID that has a 88846  
provider agreement that takes effect ~~on or~~ after that date, the 88847  
provider is not required to file a cost report for that calendar 88848  
year in accordance with division (A) of section 5124.10 of the 88849  
Revised Code. The provider shall file a cost report for the 88850  
ICF/IID in accordance with division (A) of section 5124.10 of the 88851  
Revised Code for the immediately following calendar year. 88852

(F) If the department accepts a cost report filed under 88853  
division (A) of this section, the following modifications shall be 88854

made for the purpose of determining the medicaid payment rate for ICF/IID services the ICF/IID provides during the period specified in division (D) of this section: 88855  
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(1) In place of the annual average case mix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.19 of the Revised Code, the ICF/IID's case mix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs. 88858  
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(2) If the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID: 88867  
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(a) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.17 of the Revised Code. 88869  
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(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code. 88872  
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(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2. 88876  
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**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the 88881  
88882  
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88884

department of developmental disabilities shall pay to an ICF/IID 88885  
provider for ICF/IID services the provider's ICF/IID provides 88886  
during a fiscal year shall equal the sum of all of the following: 88887

(1) The per medicaid day payment rate for capital costs 88888  
determined for the ICF/IID under section 5124.17 of the Revised 88889  
Code; 88890

(2) The per medicaid day payment rate for direct care costs 88891  
determined for the ICF/IID under section 5124.19 of the Revised 88892  
Code; 88893

(3) The per medicaid day payment rate for indirect care costs 88894  
determined for the ICF/IID under section 5124.21 of the Revised 88895  
Code; 88896

(4) The per medicaid day payment rate for other protected 88897  
costs determined for the ICF/IID under section 5124.23 of the 88898  
Revised Code. 88899

(B) The total per medicaid day payment rate for an ICF/IID in 88900  
peer group 3 shall not exceed the average total per medicaid day 88901  
payment rate in effect on July 1, 2013, for developmental centers. 88902

(C) The department shall adjust the total rate otherwise 88903  
determined under division (A) of this section as directed by the 88904  
general assembly through the enactment of law governing medicaid 88905  
payments to ICF/IID providers. 88906

(D) In addition to paying an ICF/IID provider the total rate 88907  
determined for the provider's ICF/IID under divisions (A), (B), 88908  
and (C) of this section for a fiscal year, the department, in 88909  
accordance with section 5124.25 of the Revised Code, may pay the 88910  
provider a rate add-on for pediatric ventilator-dependent outlier 88911  
ICF/IID services if the rate add-on is to be paid under that 88912  
section and the department approves the provider's application for 88913  
the rate add-on. The rate add-on is not to be part of the 88914

ICF/IID's total rate. 88915

Sec. 5124.155. The total per medicaid day payment rate for 88916  
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 88917  
recipient who is admitted as a resident to the ICF/IID on or after 88918  
July 1, 2015, and is placed in the chronic behaviors and typical 88919  
adaptive needs classification or the typical adaptive needs and 88920  
non-significant behaviors classification established for the 88921  
grouper methodology prescribed in rules authorized by section 88922  
5124.192 of the Revised Code shall be the lesser of the following: 88923

(A) The rate determined for the ICF/IID under section 5124.15 88924  
of the Revised Code; 88925

(B) The following rate: 88926

(1) \$206.90 for ICF/IID services the ICF/IID provides to a 88927  
medicaid recipient in the chronic behaviors and typical adaptive 88928  
needs classification; 88929

(2) \$174.88 for ICF/IID services the ICF/IID provides to a 88930  
medicaid recipient in the typical adaptive needs and 88931  
non-significant behaviors classification. 88932

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 88933  
provider for the day a medicaid recipient is discharged from the 88934  
ICF/IID, unless the recipient is discharged from the ICF/IID 88935  
because all of the beds in the ICF/IID are converted from 88936  
providing ICF/IID services to providing home and community-based 88937  
services pursuant to section 5124.60 or 5124.61 of the Revised 88938  
Code. 88939

Sec. 5124.60. (A) For the purpose of increasing the number of 88940  
slots available for home and community-based services, the 88941  
operator of an ICF/IID may convert some or all of the beds in the 88942  
ICF/IID from providing ICF/IID services to providing home and 88943



community-based services if all of the following requirements are met: 88944  
88945

(1) The operator provides the directors of health and developmental disabilities at least ninety days' notice of the operator's intent to make the conversion. 88946  
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(2) The operator complies with the requirements of sections 5124.50 to 5124.53 of the Revised Code regarding a voluntary termination if those requirements are applicable. 88949  
88950  
88951

(3) If the operator intends to convert all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to cease providing ICF/IID services and inform each resident that the resident may do either of the following: 88952  
88953  
88954  
88955

(a) Continue to receive ICF/IID services by transferring to another ICF/IID that is willing and able to accept the resident if the resident continues to qualify for ICF/IID services; 88956  
88957  
88958

(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident. 88959  
88960  
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88963

(4) If the operator intends to convert some but not all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to convert some of its beds from providing ICF/IID services to providing home and community-based services and inform each resident that the resident may do either of the following: 88964  
88965  
88966  
88967  
88968  
88969

(a) Continue to receive ICF/IID services from any ICF/IID that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/IID services; 88970  
88971  
88972

(b) Begin to receive home and community-based services 88973

instead of ICF/IID services from any provider of home and 88974  
community-based services that is willing and able to provide the 88975  
services to the resident if the resident is eligible for the 88976  
services and a slot for the services is available to the resident. 88977

(5) The operator meets the requirements for providing home 88978  
and community-based services, including the following: 88979

(a) Such requirements applicable to a residential facility if 88980  
the operator maintains the facility's license as a residential 88981  
facility; 88982

(b) Such requirements applicable to a facility that is not 88983  
licensed as a residential facility if the operator surrenders the 88984  
facility's license as a residential facility under section 5123.19 88985  
of the Revised Code. 88986

(6) The director of developmental disabilities approves the 88987  
conversion. 88988

(B) A decision by the director of developmental disabilities 88989  
to approve or refuse to approve a proposed conversion of beds is 88990  
final. In making a decision, the director shall consider all of 88991  
the following: 88992

(1) The fiscal impact on the ICF/IID if some but not all of 88993  
the beds are converted; 88994

(2) The fiscal impact on the medicaid program; 88995

(3) The availability of home and community-based services. 88996

(C) The notice provided to the directors under division 88997  
(A)(1) of this section shall specify whether some or all of the 88998  
ICF/IID's beds are to be converted. If some but not all of the 88999  
beds are to be converted, the notice shall specify how many of the 89000  
ICF/IID's beds are to be converted and how many of the beds are to 89001  
continue to provide ICF/IID services. The notice to the director 89002  
of developmental disabilities shall specify whether the operator 89003

wishes to surrender the ICF/IID's license as a residential facility under section 5123.19 of the Revised Code. 89004  
89005

(D)(1) If the director of developmental disabilities approves a conversion under division (B) of this section, the director of health shall do the following: 89006  
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89008

(a) Terminate the ICF/IID's medicaid certification if the notice specifies that all of the ICF/IID's beds are to be converted; 89009  
89010  
89011

(b) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 89012  
89013  
89014

(2) The director of health shall notify the medicaid director of the termination or reduction. On receipt of the notice, the medicaid director shall do the following: 89015  
89016  
89017

(a) Terminate the operator's medicaid provider agreement that authorizes the operator to provide ICF/IID services at the ICF/IID if the ICF/IID's certification was terminated; 89018  
89019  
89020

(b) Amend the operator's medicaid provider agreement to reflect the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's medicaid-certified capacity is reduced. 89021  
89022  
89023

~~(3) In the case of action taken under division (D)(2)(a) of this section, the operator~~ The medicaid director is not entitled to notice or a hearing under required to conduct an adjudication in accordance with Chapter 119. of the Revised Code before the medicaid director terminates the medicaid provider agreement when taking action under division (D)(2) of this section. 89024  
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**Sec. 5124.61.** (A) For the purpose of increasing the number of slots available for home and community-based services, a person who acquires, through a request for proposals issued by the director of developmental disabilities, an ICF/IID for which a 89030  
89031  
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residential facility license was previously surrendered or revoked 89034  
may convert some or all of the ICF/IID's beds from providing 89035  
ICF/IID services to providing home and community-based services if 89036  
all of the following requirements are met: 89037

(1) The person provides the directors of health and 89038  
developmental disabilities and medicaid director at least ninety 89039  
days' notice of the person's intent to make the conversion. 89040

(2) The person complies with the requirements of sections 89041  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 89042  
termination if those requirements are applicable. 89043

(3) If the person intends to convert all of the ICF/IID's 89044  
beds, the person notifies each of the ICF/IID's residents that the 89045  
ICF/IID is to cease providing ICF/IID services and informs each 89046  
resident that the resident may do either of the following: 89047

(a) Continue to receive ICF/IID services by transferring to 89048  
another ICF/IID willing and able to accept the resident if the 89049  
resident continues to qualify for ICF/IID services; 89050

(b) Begin to receive home and community-based services 89051  
instead of ICF/IID services from any provider of home and 89052  
community-based services that is willing and able to provide the 89053  
services to the resident if the resident is eligible for the 89054  
services and a slot for the services is available to the resident. 89055

(4) If the person intends to convert some but not all of the 89056  
ICF/IID's beds, the person notifies each of the ICF/IID's 89057  
residents that the ICF/IID is to convert some of its beds from 89058  
providing ICF/IID services to providing home and community-based 89059  
services and inform each resident that the resident may do either 89060  
of the following: 89061

(a) Continue to receive ICF/IID services from any that is 89062  
willing and able to provide the services to the resident if the 89063

resident continues to qualify for ICF/IID services; 89064

(b) Begin to receive home and community-based services 89065  
instead of ICF/IID services from any provider of home and 89066  
community-based services that is willing and able to provide the 89067  
services to the resident if the resident is eligible for the 89068  
services and a slot for the services is available to the resident. 89069

(5) The person meets the requirements for providing home and 89070  
community-based services at a residential facility. 89071

(B) The notice provided to the directors under division 89072  
(A)(1) of this section shall specify whether some or all of the 89073  
ICF/IID's beds are to be converted. If some but not all of the 89074  
beds are to be converted, the notice shall specify how many of the 89075  
ICF/IID's beds are to be converted and how many of the beds are to 89076  
continue to provide ICF/IID services. 89077

(C) On receipt of a notice under division (A)(1) of this 89078  
section, the director of health shall do the following: 89079

(1) Terminate the ICF/IID's medicaid certification if the 89080  
notice specifies that all of the facility's beds are to be 89081  
converted; 89082

(2) Reduce the ICF/IID's medicaid-certified capacity by the 89083  
number of beds being converted if the notice specifies that some 89084  
but not all of the beds are to be converted. 89085

(D) The director of health shall notify the medicaid director 89086  
of the termination or reduction under division (C) of this 89087  
section. On receipt of the director of health's notice, the 89088  
medicaid director shall do the following: 89089

(1) Terminate the person's medicaid provider agreement that 89090  
authorizes the person to provide ICF/IID services at the ICF/IID 89091  
if the ICF/IID's medicaid certification was terminated; 89092

(2) Amend the person's medicaid provider agreement to reflect 89093

the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's medicaid-certified capacity is reduced. 89094  
89095

~~The person medicaid director is not entitled required to notice or a hearing under conduct an adjudication in accordance with Chapter 119. of the Revised Code before the medicaid director terminates or amends the medicaid provider agreement when taking action under division (D)(1) or (2) of this section.~~ 89096  
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**Sec. 5124.67.** (A)(1) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018, the following statewide reductions in ICF/IID beds: 89101  
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89103

(a) At least five hundred beds in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen or more beds; 89104  
89105

(b) At least five hundred beds in ICFs/IID with any number of beds that convert some or all of their beds from providing ICF/IID services to providing home and community-based services pursuant to section 5124.60 or 5124.61 of the Revised Code. 89106  
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(2) The department shall strive to achieve a reduction of at least one thousand two hundred ICF/IID beds through a combination of the methods specified in divisions (A)(1)(a) and (b) of this section. 89110  
89111  
89112  
89113

(3) The department shall strive to achieve the reductions specified in division (A)(1)(b) of this section in accordance with the following interim time frames: 89114  
89115  
89116

(a) At least two hundred twenty-five ICF/IID beds converted by June 30, 2016; 89117  
89118

(b) At least one hundred twenty-five additional ICF/IID beds converted by June 30, 2017, for a total of at least three hundred fifty beds converted by that date. 89119  
89120  
89121

(B) In its efforts to achieve the reductions under division (A) of this section, the department shall collaborate with the 89122  
89123

Ohio association of county boards serving people with 89124  
developmental disabilities, the Ohio provider resource 89125  
association, the Ohio centers for intellectual disabilities formed 89126  
by the Ohio health care association, and the values and faith 89127  
alliance. The collaboration efforts may include the following: 89128

(1) Identifying ICFs/IID that may reduce the number of their 89129  
beds to help achieve the reductions under division (A) of this 89130  
section; 89131

(2) Encouraging ICF/IID providers to reduce the number of 89132  
their ICFs/IID's beds; 89133

(3) ~~Establishing interim time frames for making progress in~~ 89134  
~~achieving the reductions;~~ 89135

~~(4)~~ Creating incentives for, and removing impediments to, the 89136  
reductions; 89137

~~(5)~~(4) In the case of ICF/IID beds that are converted to 89138  
providing home and community-based services, developing a 89139  
mechanism to compensate providers for beds that permanently cease 89140  
to provide ICF/IID services. 89141

(C) The department shall meet not less than twice each year 89142  
with the organizations specified in division (B) of this section 89143  
to do all of the following: 89144

(1) Review the progress being made in achieving the 89145  
reductions under division (A) of this section; 89146

(2) Prepare written reports on the progress; 89147

(3) Identify additional measures needed to achieve the 89148  
reductions. 89149

**Sec. 5124.68.** (A)(1) Except as provided in division (D) of 89150  
this section, an ICF/IID in peer group 1 shall not admit an 89151  
individual as a resident unless all of the following apply: 89152

(a) The provider of the ICF/IID provides written notice about the individual's potential admission, and all information about the individual in the provider's possession, to the county board of developmental disabilities serving the county in which the individual resides at the time the notice is provided. 89153  
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89155  
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(b) The county board has provided to the individual and department of developmental disabilities a copy of the findings the county board makes pursuant to division (B) of this section; 89158  
89159  
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(c) Not later than seven business days after the provider provides the county board the notice required by division (A)(1)(a) of this section, the department determines that the individual chooses to receive ICF/IID services from the ICF/IID after being fully informed of all available alternatives. 89161  
89162  
89163  
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(2) For the purpose of division (A)(1)(a) of this section, the provider of an ICF/IID in peer group 1 may provide a county board written notices about multiple individuals' potential admissions to the ICF/IID at the same time. 89166  
89167  
89168  
89169

(B) Not later than five business days after a county board receives notice from the provider of an ICF/IID in peer group 1 about an individual seeking admission to the ICF/IID, the county board shall do both of the following: 89170  
89171  
89172  
89173

(1) Using the information included in the notification and the additional information, if any, the department specifies pursuant to division (C) of this section, evaluate the individual and counsel the individual about both of the following: 89174  
89175  
89176  
89177

(a) The nature, extent, and timing of the services that the individual needs; 89178  
89179

(b) The least restrictive environment in which the individual could receive the needed services. 89180  
89181

(2) Using the form prescribed under division (C) of this 89182



section, make findings about the individual based on the 89183  
evaluation and counseling and provide a copy of the findings to 89184  
the individual and the department. 89185

(C) The department shall prescribe the form to be used for 89186  
the purpose of making findings pursuant to division (B)(2) of this 89187  
section. The department may specify additional information that a 89188  
county board is to use when evaluating and counseling individuals 89189  
under division (B)(1) of this section. 89190

(D) Division (A) of this section does not apply to an 89191  
individual seeking admission to an ICF/IID in peer group 1 if any 89192  
of the following is the case: 89193

(1) The individual is a medicaid recipient receiving ICF/IID 89194  
services on the date immediately preceding the date the individual 89195  
is admitted to the ICF/IID. 89196

(2) The individual is a medicaid recipient returning to the 89197  
ICF/IID following a temporary absence for which the ICF/IID is 89198  
paid to reserve a bed for the individual pursuant to section 89199  
5124.34 of the Revised Code or during which the individual 89200  
received rehabilitation services in another health care setting. 89201

(3) The requirements of divisions (A)(1)(a) and (b) of this 89202  
section are satisfied but the department fails to make the 89203  
determination required by division (A)(1)(c) of this section 89204  
before the deadline specified in that division. 89205

**Sec. 5124.69.** (A) The department of developmental 89206  
disabilities shall develop and make available to all ICFs/IID a 89207  
written pamphlet that describes all of the items and services 89208  
covered by medicaid as ICF/IID services and as home and 89209  
community-based services. The department shall develop the 89210  
pamphlet in consultation with persons and organizations interested 89211  
in matters pertaining to individuals eligible for ICF/IID services 89212

and home and community-based services. 89213

(B) Each ICF/IID provider shall provide the pamphlet to the residents of the ICF/IID who receive ICF/IID services, and the guardians of such residents, and shall discuss the items and services described in the pamphlet with those residents and their guardians, as follows: 89214  
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(1) At least annually; 89219

(2) Any time such a resident, or resident's guardian, requests to receive the pamphlet and to discuss the items and services described in the pamphlet; 89220  
89221  
89222

(3) Any time such a resident, or resident's guardian, expresses to the provider an interest in home and community-based services. 89223  
89224  
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(C) If a resident of an ICF/IID who receives ICF/IID services, or the resident's guardian, indicates to the ICF/IID provider an interest in enrolling the resident in a medicaid waiver component providing home and community-based services, the provider shall refer the resident or guardian to the county board of developmental disabilities serving the county in which the resident would reside while enrolled in a medicaid waiver component. 89226  
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(D) Not later than thirty days after a county board is contacted by an ICF/IID resident or resident's guardian who was referred to the county board pursuant to division (C) of this section, the county board, notwithstanding a waiting list for the component established pursuant to section 5126.042 of the Revised Code, shall enroll the resident in the component if all of the following apply: 89234  
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(1) The resident is eligible and chooses to enroll in the component. 89241  
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<u>(2) The component has an available slot.</u>	89243
<u>(3) The director of developmental disabilities determines</u>	89244
<u>that the department has the funds necessary to pay the nonfederal</u>	89245
<u>share of the medicaid expenditures for the home and</u>	89246
<u>community-based services provided to the resident under the</u>	89247
<u>component.</u>	89248
<u>Sec. 5124.70. (A) This section does not apply to either of</u>	89249
<u>the following:</u>	89250
<u>(1) An ICF/IID to which both of the following apply:</u>	89251
<u>(a) On or before January 1, 2015, the ICF/IID became a</u>	89252
<u>downsized ICF/IID or partially converted ICF/IID.</u>	89253
<u>(b) On January 1, 2015, the ICF/IID's medicaid-certified</u>	89254
<u>capacity was at least twenty per cent less than the greatest</u>	89255
<u>medicaid-certified capacity it had before it became a downsized</u>	89256
<u>ICF/IID or partially converted ICF/IID.</u>	89257
<u>(2) An ICF/IID's sleeping room in which more than two</u>	89258
<u>residents reside if both of the following apply:</u>	89259
<u>(a) All of the residents of the sleeping room are under</u>	89260
<u>twenty-one years of age.</u>	89261
<u>(b) The parents or guardians of all of the residents of the</u>	89262
<u>sleeping room consent to the residents residing in a sleeping room</u>	89263
<u>with more than two residents.</u>	89264
<u>(B) Except as provided in divisions (G) and (H) of this</u>	89265
<u>section, an ICF/IID provider shall not permit more than two</u>	89266
<u>residents to reside in the same sleeping room.</u>	89267
<u>(C)(1) If, on the effective date of this section, more than</u>	89268
<u>two residents of an ICF/IID reside in the same sleeping room, the</u>	89269
<u>ICF/IID provider shall submit to the department of developmental</u>	89270
<u>disabilities for its review a plan to come into compliance with</u>	89271

division (B) of this section. The provider shall submit the plan 89272  
not later than December 31, 2015. 89273

(2) The plan shall include all of the following: 89274

(a) The date by which not more than two residents will reside 89275  
in the same sleeping room, which shall be not later than June 30, 89276  
2025; 89277

(b) Detailed descriptions of the actions the ICF/IID provider 89278  
will take to come into compliance with division (B) of this 89279  
section, which shall include becoming either a downsized ICF/IID 89280  
or a partially converted ICF/IID; 89281

(c) The ICF/IID's projected medicaid-certified capacity for 89282  
each year covered by the plan, which must demonstrate that the 89283  
provider will make regular progress toward coming into compliance 89284  
with division (B) of this section; 89285

(d) A discharge planning process that includes providing 89286  
information to residents regarding home and community-based 89287  
services; 89288

(e) Additional interim steps the provider will take to 89289  
demonstrate that the provider is making regular progress toward 89290  
coming into compliance with division (B) of this section. 89291

(3) The plan shall not include the creation of a new ICF/IID 89292  
that has a medicaid-certified capacity that is greater than six 89293  
unless the department determines that a new ICF/IID would need a 89294  
larger medicaid-certified capacity to be financially viable. If 89295  
the department determines that a new ICF/IID would need a larger 89296  
medicaid-certified capacity to be financially viable, the plan may 89297  
include the creation of a new ICF/IID that has a 89298  
medicaid-certified capacity that is greater than six but not 89299  
greater than eight. 89300

(D) The department shall review each plan submitted under 89301

division (C) of this section and decide whether to approve the 89302  
plan. In making this decision, the department shall consider both 89303  
of the following: 89304

(1) Whether the plan conforms to the requirements of division 89305  
(C) of this section; 89306

(2) The feasibility of completing the implementation as 89307  
described in the plan. 89308

(E) If the department approves an ICF/IID provider's plan 89309  
under division (D) of this section, the provider shall submit to 89310  
the department annual reports regarding the plan's implementation. 89311

(F) The department may issue a written order to an ICF/IID 89312  
provider that suspends new admissions to the ICF/IID if both of 89313  
the following apply: 89314

(1) The department has approved the provider's plan under 89315  
division (D) of this section. 89316

(2) The provider fails to do either of the following: 89317

(a) Submit to the department an annual report required by 89318  
division (E) of this section; 89319

(b) Meet, to the department's satisfaction, the projected 89320  
medicaid-certified capacity for the ICF/IID for a year as 89321  
specified in the plan and the failure is due to factors within the 89322  
provider's control. 89323

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 89324  
more than two residents to reside in the same sleeping room if 89325  
more than two residents resided in the same sleeping room on the 89326  
effective date of this section. 89327

(2) On and after January 1, 2016, an ICF/IID provider may 89328  
permit more than two residents to reside in the same sleeping room 89329  
only if all of the following apply: 89330

(a) More than two residents resided in the same sleeping room 89331

on the effective date of this section. 89332

(b) The provider has submitted a plan in accordance with division (C) of this section. 89333  
89334

(c) Either of the following applies: 89335

(i) The department has approved and the provider complies with the plan. 89336  
89337

(ii) The department has not decided whether to approve the plan. 89338  
89339

(H) The department shall waive application of division (B) of this section for an ICF/IID's sleeping room in which more than two residents reside on June 30, 2025, if both of the following apply: 89340  
89341  
89342

(1) The same residents have continuously resided in the sleeping room since the effective date of this section; 89343  
89344

(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room. 89345  
89346  
89347

**Sec. 5126.042.** (A) As used in this section, "emergency status" means a status that an individual with mental retardation or developmental disabilities has when the individual is at risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency status" may include a status resulting from one or more of the following situations: 89348  
89349  
89350  
89351  
89352  
89353

(1) Loss of present residence for any reason, including legal action; 89354  
89355

(2) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual; 89356  
89357  
89358  
89359

(3) Abuse, neglect, or exploitation of the individual; 89360

(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;

(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.

(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law.

(C) If a county board<sup>r</sup> determines that available resources are insufficient to meet the needs of all individuals who request home and community-based services, it shall establish a waiting list for the services. An individual's date of placement on the waiting list shall be the date a request is made to the board for the individual to receive the home and community-based services. The board shall provide for an individual who has an emergency status to receive priority status on the waiting list. The board shall also provide for an individual to whom any of the following apply to receive priority status on the waiting list in accordance with rules adopted under division (E) of this section:

(1) The individual is receiving supported living, family support services, or adult services for which no federal financial participation is received under the medicaid program;

(2) The individual's primary caregiver is at least sixty years of age;

(3) The individual has intensive needs as determined in

accordance with rules adopted under division (E) of this section; 89392

(4) The individual resides in an ICF/IID, as defined in 89393  
section 5124.01 of the Revised Code; 89394

(5) The individual resides in a nursing facility, as defined 89395  
in section 5165.01 of the Revised Code. 89396

(D) If two or more individuals on a waiting list established 89397  
under division (C) of this section ~~for home and community-based 89398~~  
~~services~~ have priority for the services pursuant to that division 89399  
~~(C)(1), (2), or (3) of this section~~, a county board shall use 89400  
criteria specified in rules adopted under division (E) of this 89401  
section in determining the order in which the individuals with 89402  
priority will be offered the services. An individual who has 89403  
priority for home and community-based services because the 89404  
individual has an emergency status has priority for the services 89405  
over all other individuals on the waiting list who do not have 89406  
emergency status. 89407

(E) The department of developmental disabilities shall adopt 89408  
rules in accordance with Chapter 119. of the Revised Code 89409  
governing waiting lists established under division (C) of this 89410  
section. The rules shall include procedures to be followed to 89411  
ensure that the due process rights of individuals placed on 89412  
waiting lists are not violated. As part of the rules adopted under 89413  
this division, the department shall adopt rules establishing 89414  
criteria a county board shall use under division (D) of this 89415  
section in determining the order in which individuals with 89416  
priority for home and community-based services pursuant to 89417  
division ~~(C)(1), (2), or (3)~~ of this section will be offered the 89418  
services. 89419

(F) The following shall take precedence over the applicable 89420  
provisions of this section: 89421

(1) Medicaid rules and regulations; 89422



(2) Any specific requirements that may be contained within a  
medicaid state plan amendment or waiver program that a county  
board has authority to administer or with respect to which it has  
authority to provide services, programs, or supports.

**Sec. 5126.0510.** (A) Except as otherwise provided in an  
agreement entered into under section 5123.048 of the Revised Code  
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this  
section, a county board of developmental disabilities shall pay  
the nonfederal share of medicaid expenditures for the following  
home and community-based services provided to an individual with  
mental retardation or other developmental disability who the  
county board determines under section 5126.041 of the Revised Code  
is eligible for county board services:

(1) Home and community-based services provided by the county  
board to such an individual;

(2) Home and community-based services provided by a provider  
other than the county board to such an individual who is enrolled  
as of June 30, 2007, in the medicaid waiver component under which  
the services are provided;

(3) Home and community-based services provided by a provider  
other than the county board to such an individual who, pursuant to  
a request the county board makes, enrolls in the medicaid waiver  
component under which the services are provided after June 30,  
2007;

(4) Home and community-based services provided by a provider  
other than the county board to such an individual for whom there  
is in effect an agreement entered into under division ~~(E)~~(F) of  
this section between the county board and director of  
developmental disabilities.

(B) In the case of medicaid expenditures for home and

community-based services for which division (A)(2) of this section 89453  
requires a county board to pay the nonfederal share, the following 89454  
shall apply to such services provided during fiscal year 2008 89455  
under the individual options medicaid waiver component: 89456

(1) The county board shall pay no less than the total amount 89457  
the county board paid as the nonfederal share for home and 89458  
community-based services provided in fiscal year 2007 under the 89459  
individual options medicaid waiver component; 89460

(2) The county board shall pay no more than the sum of the 89461  
following: 89462

(a) The total amount the county board paid as the nonfederal 89463  
share for home and community-based services provided in fiscal 89464  
year 2007 under the individual options medicaid waiver component; 89465

(b) An amount equal to one per cent of the total amount the 89466  
department of developmental disabilities and county board paid as 89467  
the nonfederal share for home and community-based services 89468  
provided in fiscal year 2007 under the individual options medicaid 89469  
waiver component to individuals the county board determined under 89470  
section 5126.041 of the Revised Code are eligible for county board 89471  
services. 89472

(C) A county board is not required to pay the nonfederal 89473  
share of home and community-based services provided after June 30, 89474  
2008, that the county board is otherwise required by division 89475  
(A)(2) of this section to pay if the department of developmental 89476  
disabilities fails to comply with division (A) of section 89477  
5123.0416 of the Revised Code. 89478

(D) A county board is not required to pay the nonfederal 89479  
share of home and community-based services that the county board 89480  
is otherwise required by division (A)(3) of this section to pay if 89481  
both of the following apply: 89482

(1) The services are provided to an individual who enrolls in 89483

the medicaid waiver component under which the services are 89484  
provided as the result of an order issued following a ~~state~~ 89485  
~~hearing, administrative~~ an appeal, made under section 5160.31 of 89486  
the Revised Code or an appeal of the order to a court of common 89487  
pleas ~~made under section 5101.35 of the Revised Code;~~ 89488

(2) There are more individuals who are eligible for services 89489  
from the county board enrolled in home and community-based 89490  
services than is required by section 5126.0512 of the Revised 89491  
Code. 89492

(E) A county board is not required to pay the nonfederal 89493  
share of home and community-based services that the county board 89494  
is otherwise required by division (A) of this section to pay if 89495  
the services are provided to an individual who enrolls, pursuant 89496  
to division (D) of section 5124.69 of the Revised Code, in the 89497  
medicaid waiver component under which the services are provided. 89498

(F) A county board may enter into an agreement with the 89499  
director of developmental disabilities under which the county 89500  
board agrees to pay the nonfederal share of medicaid expenditures 89501  
for one or more home and community-based services that the county 89502  
board is not otherwise required by division (A)(1), (2), or (3) of 89503  
this section to pay and that are provided to an individual the 89504  
county board determines under section 5126.041 of the Revised Code 89505  
is eligible for county board services. The agreement shall specify 89506  
which home and community-based services the agreement covers. The 89507  
county board shall pay the nonfederal share of medicaid 89508  
expenditures for the home and community-based services that the 89509  
agreement covers as long as the agreement is in effect. 89510

**Sec. 5126.15.** (A) A county board of developmental 89511  
disabilities shall provide service and support administration to 89512  
each individual three years of age or older who is eligible for 89513  
service and support administration if the individual requests, or 89514

a person on the individual's behalf requests, service and support 89515  
administration. A board shall provide service and support 89516  
administration to each individual receiving home and 89517  
community-based services. A board may provide, in accordance with 89518  
the service coordination requirements of 34 C.F.R. 303.23, service 89519  
and support administration to an individual under three years of 89520  
age eligible for early intervention services under 34 C.F.R. part 89521  
303. A board may provide service and support administration to an 89522  
individual who is not eligible for other services of the board. 89523  
Service and support administration shall be provided in accordance 89524  
with rules adopted under section 5126.08 of the Revised Code. 89525

A board may provide service and support administration by 89526  
directly employing service and support administrators or by 89527  
contracting with entities for the performance of service and 89528  
support administration. Individuals employed or under contract as 89529  
service and support administrators shall not be in the same 89530  
collective bargaining unit as employees who perform duties that 89531  
are not administrative. 89532

~~Individuals employed by a board as service~~ A service and 89533  
~~support administrators~~ administrator shall ~~not be assigned~~ 89534  
~~responsibilities for implementing other services for individuals~~ 89535  
~~and perform only the duties specified in division (B) of this~~ 89536  
~~section. While employed by or under contract with a board, a~~ 89537  
~~service and support administrator~~ shall ~~not~~ neither be employed by 89538  
or serve in a decision-making or policy-making capacity for any 89539  
other entity that provides programs or services to individuals 89540  
with mental retardation or developmental disabilities nor provide 89541  
programs or services to individuals with mental retardation or 89542  
developmental disabilities through self-employment. An individual 89543  
~~employed as a conditional status service and support administrator~~ 89544  
~~shall perform the duties of service and support administration~~ 89545  
~~only under the supervision of a management employee who is a~~ 89546

~~service and support administration supervisor.~~ 89547

(B) ~~The individuals employed by or under contract with a~~ 89548  
~~board to provide service and support administration~~ A service and 89549  
support administrator shall do all of the following: 89550

(1) Establish an individual's eligibility for the services of 89551  
the county board of developmental disabilities; 89552

(2) Assess individual needs for services; 89553

(3) Develop individual service plans with the active 89554  
participation of the individual to be served, other persons 89555  
selected by the individual, and, when applicable, the provider 89556  
selected by the individual, and recommend the plans for approval 89557  
by the department of developmental disabilities when services 89558  
included in the plans are funded through medicaid; 89559

(4) Establish budgets for services based on the individual's 89560  
assessed needs and preferred ways of meeting those needs; 89561

(5) Assist individuals in making selections from among the 89562  
providers they have chosen; 89563

(6) Ensure that services are effectively coordinated and 89564  
provided by appropriate providers; 89565

(7) Establish and implement an ongoing system of monitoring 89566  
the implementation of individual service plans to achieve 89567  
consistent implementation and the desired outcomes for the 89568  
individual; 89569

(8) Perform quality assurance reviews as a distinct function 89570  
of service and support administration; 89571

(9) Incorporate the results of quality assurance reviews and 89572  
identified trends and patterns of unusual incidents and major 89573  
unusual incidents into amendments of an individual's service plan 89574  
for the purpose of improving and enhancing the quality and 89575  
appropriateness of services rendered to the individual. 89576

**Sec. 5126.201.** ~~(A)~~ A person may be employed by or under 89577  
contract with a county board of developmental disabilities as a 89578  
conditional status service and support administrator only if 89579  
either of the following is true: 89580

~~(A)(1)~~ The person has at least an appropriate associate 89581  
degree; 89582

~~(B)(2)~~ The person meets both of the following requirements: 89583

~~(1)(a)~~ The person was employed by the county board and 89584  
performed service and support administration duties on June 30, 89585  
2005; 89586

~~(2)(b)~~ The person holds a high school diploma or a general 89587  
educational development certificate of high school equivalence. 89588

(B) A conditional status service and support administrator 89589  
shall perform the duties of service and support administration, as 89590  
specified in division (B) of section 5126.15 of the Revised Code, 89591  
only under the supervision of a management employee who is a 89592  
service and support administration supervisor. 89593

**Sec. 5139.02.** (A)(1) As used in this section, "managing 89594  
officer" means a deputy director, an assistant deputy director, a 89595  
superintendent, a regional administrator, a deputy superintendent, 89596  
or the superintendent of schools of the department of youth 89597  
services, a member of the release authority, the chief of staff to 89598  
the release authority, and the victims administrator of the office 89599  
of victim services. 89600

(2) Each division established by the director of youth 89601  
services shall consist of managing officers and other employees, 89602  
including those employed in institutions and regions as necessary 89603  
to perform the functions assigned to them. The director or 89604  
appropriate deputy director or managing officer of the department 89605  
shall supervise the work of each division and determine general 89606

policies governing the exercise of powers vested in the department 89607  
and assigned to each division. The appropriate managing officer or 89608  
deputy director is responsible to the director for the 89609  
organization, direction, and supervision of the work of the 89610  
division or unit and for the exercise of the powers and the 89611  
performance of the duties of the department assigned to it and, 89612  
with the director's approval, may establish bureaus or other 89613  
administrative units within the department. 89614

(B) The director shall appoint all managing officers, who 89615  
shall be in the unclassified civil service. The director may 89616  
appoint a person who holds a certified position in the classified 89617  
service within the department to a position as a managing officer 89618  
within the department. A person appointed pursuant to this 89619  
division to a position as a managing officer shall retain the 89620  
right to resume the position and status held by the person in the 89621  
classified service immediately prior to the person's appointment 89622  
as managing officer, regardless of the number of positions the 89623  
person held in the unclassified service. A managing officer's 89624  
right to resume a position in the classified service may only be 89625  
exercised when the director demotes the managing officer to a pay 89626  
range lower than the managing officer's current pay range or 89627  
revokes the managing officer's appointment to the position of 89628  
managing officer. A person who holds a position in the classified 89629  
service and who is appointed to the position of managing officer 89630  
on or after January 1, 2016, shall have the right to resume a 89631  
position in the classified service under this division only within 89632  
five years after the effective date of the person's appointment as 89633  
managing officer. A managing officer forfeits the right to resume 89634  
a position in the classified service when the managing officer is 89635  
removed from the position of managing officer due to incompetence, 89636  
inefficiency, dishonesty, drunkenness, immoral conduct, 89637  
insubordination, discourteous treatment of the public, neglect of 89638  
duty, violation of this chapter or Chapter 124. of the Revised 89639

Code, the rules of the director of youth services or the director 89640  
of administrative services, any other failure of good behavior, 89641  
any other acts of misfeasance, malfeasance, or nonfeasance in 89642  
office, or conviction of a felony. A managing officer also 89643  
forfeits the right to resume a position in the classified service 89644  
upon transfer to a different agency. 89645

Reinstatement to a position in the classified service shall 89646  
be to the position held in the classified service immediately 89647  
prior to appointment as managing officer, or to another position 89648  
certified by the director of administrative services as being 89649  
substantially equal to that position. If the position the person 89650  
previously held in the classified service immediately prior to 89651  
appointment as a managing officer has been placed in the 89652  
unclassified service or is otherwise unavailable, the person shall 89653  
be appointed to a position in the classified service within the 89654  
department that the director of administrative services certifies 89655  
is comparable in compensation to the position the person 89656  
previously held in the classified service. Service as a managing 89657  
officer shall be counted as service in the position in the 89658  
classified service held by the person immediately prior to the 89659  
person's appointment as a managing officer. If a person is 89660  
reinstated to a position in the classified service under this 89661  
division, the person shall be returned to the pay range and step 89662  
to which the person had been assigned at the time of the 89663  
appointment as managing officer. Longevity, where applicable, 89664  
shall be calculated pursuant to the provisions of section 124.181 89665  
of the Revised Code. 89666

(C) Each person appointed as a managing officer shall have 89667  
received special training and shall have experience in the type of 89668  
work that the person's division is required to perform. Each 89669  
managing officer, under the supervision of the director, has 89670  
entire charge of the division, institution, unit, or region for 89671



which the managing officer is appointed and, with the director's 89672  
approval, shall appoint necessary employees and may remove them 89673  
for cause. 89674

(D) The director may designate one or more deputy directors 89675  
to sign any personnel actions on the director's behalf. The 89676  
director shall make a designation in a writing signed by the 89677  
director, and the designation shall remain in effect until the 89678  
director revokes or supersedes it with a new designation. 89679

**Sec. 5139.03.** (A) The department of youth services shall 89680  
control and manage all state institutions or facilities 89681  
established or created for the training or rehabilitation of 89682  
delinquent children committed to the department, except where the 89683  
control and management of an institution or facility is vested by 89684  
law in another agency. The department shall employ, in addition to 89685  
other personnel authorized under Chapter 5139. of the Revised 89686  
Code, sufficient personnel to maintain food service and buildings 89687  
and grounds operations. 89688

(B) The department of youth services shall, insofar as 89689  
practicable, purchase foods and other commodities incident to food 89690  
service operations from the department of mental health and 89691  
addiction services. The department of youth services may enter 89692  
into agreements with the department of mental health and addiction 89693  
services providing for assistance and consultation in the 89694  
construction of, or major modifications to, capital facilities of 89695  
the department of youth services. 89696

(C) The directors of mental health and addiction services and 89697  
of youth services shall enter into written agreements to implement 89698  
this section. Such directors may, from time to time, amend any 89699  
agreements entered into under this section for the purposes of 89700  
making more efficient use of personnel, taking advantage of 89701  
economies in quantity purchasing, or for any other purpose which 89702

is mutually advantageous to both the department of youth services 89703  
and the department of mental health and addiction services. 89704

~~The department of youth services may transfer any of its 89705  
excess or surplus supplies to a community corrections facility. 89706  
These supplies shall remain the property of the department for a 89707  
period of five years from the date of the transfer. After the 89708  
five year period, the supplies shall become the property of the 89709  
facility. 89710~~

**Sec. 5139.50.** (A) The release authority of the department of 89711  
youth services is hereby created as a bureau in the department. 89712  
The release authority shall consist of a minimum of three, but not 89713  
more than five, members who are appointed by the director of youth 89714  
services and who have the qualifications specified in division (B) 89715  
of this section. The members of the release authority shall devote 89716  
their full time to the duties of the release authority and shall 89717  
neither seek nor hold other public office. The members shall be in 89718  
the unclassified civil service. 89719

(B) A person appointed as a member of the release authority 89720  
shall have a bachelor's degree from an accredited college or 89721  
university or equivalent relevant experience and shall have the 89722  
skills, training, or experience necessary to analyze issues of 89723  
law, administration, and public policy. The membership of the 89724  
release authority shall represent, insofar as practicable, the 89725  
diversity found in the children in the legal custody of the 89726  
department of youth services. 89727

In appointing the ~~five~~ members, the director shall ensure 89728  
that the appointments include all of the following: 89729

(1) At least ~~four members~~ one member who ~~have~~ has five or 89730  
more years of experience in criminal justice, juvenile justice, or 89731  
an equivalent relevant profession; 89732

(2) At least one member who has experience in victim services 89733  
or advocacy or who has been a victim of a crime or is a family 89734  
member of a victim; 89735

(3) At least one member who has experience in direct care 89736  
services to delinquent children. 89737

~~(C) The initial appointments of members of the release 89738  
authority shall be for a term of six years for the chairperson and 89739  
one member, a term of four years for two members, and a term of 89740  
two years for one member. Thereafter, members shall be appointed 89741  
for six year terms until the effective date of this amendment, 89742  
after which members Members shall be appointed for four-year 89743  
terms. At the conclusion of a term, a member shall hold office 89744  
until the appointment and qualification of the member's successor. 89745  
The director shall fill a vacancy occurring before the expiration 89746  
of a term for the remainder of that term and, if a member is on 89747  
extended leave or disability status for more than thirty work 89748  
days, may appoint an interim member to fulfill the duties of that 89749  
member. A member may be reappointed. A member may be removed for 89750  
good cause by the director. 89751~~

(D) The director of youth services shall designate as 89752  
chairperson of the release authority one of the members who has 89753  
experience in criminal justice, juvenile justice, or an equivalent 89754  
relevant profession. The chairperson shall be a managing officer 89755  
of the department, shall supervise the members of the board and 89756  
the other staff in the bureau, and shall perform all duties and 89757  
functions necessary to ensure that the release authority 89758  
discharges its responsibilities. The chairperson shall serve as 89759  
the official spokesperson for the release authority. 89760

(E) The release authority shall do all of the following: 89761

(1) Serve as the final and sole authority for making 89762  
decisions, in the interests of public safety and the children 89763

involved, regarding the release and discharge of all children 89764  
committed to the legal custody of the department of youth 89765  
services, except children placed by a juvenile court on judicial 89766  
release to court supervision or on judicial release to department 89767  
of youth services supervision, children who have not completed a 89768  
prescribed minimum period of time or prescribed period of time in 89769  
a secure facility, or children who are required to remain in a 89770  
secure facility until they attain twenty-one years of age; 89771

(2) Establish written policies and procedures for conducting 89772  
reviews of the status for all youth in the custody of the 89773  
department, setting or modifying dates of release and discharge, 89774  
specifying the duration, terms, and conditions of release to be 89775  
carried out in supervised release subject to the addition of 89776  
additional consistent terms and conditions by a court in 89777  
accordance with section 5139.51 of the Revised Code, and giving a 89778  
child notice of all reviews; 89779

(3) Maintain records of its official actions, decisions, 89780  
orders, and hearing summaries and make the records accessible in 89781  
accordance with division (D) of section 5139.05 of the Revised 89782  
Code; 89783

(4) Cooperate with public and private agencies, communities, 89784  
private groups, and individuals for the development and 89785  
improvement of its services; 89786

(5) Collect, develop, and maintain statistical information 89787  
regarding its services and decisions; 89788

(6) Submit to the director an annual report that includes a 89789  
description of the operations of the release authority, an 89790  
evaluation of its effectiveness, recommendations for statutory, 89791  
budgetary, or other changes necessary to improve its 89792  
effectiveness, and any other information required by the director. 89793

(F) The release authority may do any of the following: 89794

(1) Conduct inquiries, investigations, and reviews and hold 89795  
hearings and other proceedings necessary to properly discharge its 89796  
responsibilities; 89797

(2) Issue subpoenas, enforceable in a court of law, to compel 89798  
a person to appear, give testimony, or produce documentary 89799  
information or other tangible items relating to a matter under 89800  
inquiry, investigation, review, or hearing; 89801

(3) Administer oaths and receive testimony of persons under 89802  
oath; 89803

(4) Request assistance, services, and information from a 89804  
public agency to enable the authority to discharge its 89805  
responsibilities and receive the assistance, services, and 89806  
information from the public agency in a reasonable period of time; 89807

(5) Request from a public agency or any other entity that 89808  
provides or has provided services to a child committed to the 89809  
department's legal custody information to enable the release 89810  
authority to properly discharge its responsibilities with respect 89811  
to that child and receive the information from the public agency 89812  
or other entity in a reasonable period of time. 89813

(G) The release authority may delegate responsibilities to 89814  
hearing officers or other designated staff under the release 89815  
authority's auspices. However, the release authority shall not 89816  
delegate its authority to make final decisions regarding policy or 89817  
the release of a child. 89818

The release authority shall adopt a written policy and 89819  
procedures governing appeals of its release and discharge 89820  
decisions. 89821

(H) The legal staff of the department of youth services shall 89822  
provide assistance to the release authority in the formulation of 89823  
policy and in its handling of individual cases. 89824

**Sec. 5147.07.** No articles or supplies manufactured under 89825  
~~sections 5147.01~~ this section or sections 5147.12 to 5147.26 89826  
5147.22 of the Revised Code by the labor of convicts of state 89827  
correctional institutions shall be purchased from any other source 89828  
for the state or its institutions unless the department of 89829  
administrative services, in consultation with the department of 89830  
rehabilitation and correction ~~first certifies, on requisition~~ 89831  
~~made,~~ determines that the articles or supplies cannot be furnished 89832  
and issues a waiver under section 125.035 of the Revised Code. 89833

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment 89834  
in a medical assistance program gives an automatic right of 89835  
recovery to the department of medicaid and a county department of 89836  
job and family services against the liability of a third party for 89837  
the cost of medical assistance paid on behalf of the recipient. 89838  
When an action or claim is brought against a third party by a 89839  
medical assistance recipient, any payment, settlement or 89840  
compromise of the action or claim, or any court award or judgment, 89841  
is subject to the recovery right of the department of medicaid or 89842  
county department. Except in the case of a medical assistance 89843  
recipient who receives medical assistance through a medicaid 89844  
managed care organization, the department's or county department's 89845  
claim shall not exceed the amount of medical assistance paid by 89846  
the department or county department on behalf of the recipient. A 89847  
payment, settlement, compromise, judgment, or award that excludes 89848  
the cost of medical assistance paid for by the department or 89849  
county department shall not preclude a department from enforcing 89850  
its rights under this section. 89851

(B) In the case of a medical assistance recipient who 89852  
receives medical assistance through a medicaid managed care 89853  
organization, the amount of the department's or county 89854  
department's claim shall be the amount the medicaid managed care 89855

organization pays for medical assistance rendered to the 89856  
recipient, even if that amount is more than the amount the 89857  
department or county department pays to the medicaid managed care 89858  
organization for the recipient's medical assistance. 89859

(C) A medical assistance recipient, and the recipient's 89860  
attorney, if any, shall cooperate with the departments. In 89861  
furtherance of this requirement, the medical assistance recipient, 89862  
or the recipient's attorney, if any, shall, not later than thirty 89863  
days after initiating informal recovery activity or filing a legal 89864  
recovery action against a third party, provide written notice of 89865  
the activity or action to the department of medicaid or county 89866  
department if it has paid for medical assistance under a medical 89867  
assistance program. 89868

(D) The written notice that must be given under division (C) 89869  
of this section shall disclose the identity and address of any 89870  
third party against whom the medical assistance recipient has or 89871  
may have a right of recovery. 89872

(E) No settlement, compromise, judgment, or award or any 89873  
recovery in any action or claim by a medical assistance recipient 89874  
where the department or county department has a right of recovery 89875  
shall be made final without first giving the department or county 89876  
department written notice as described in division (C) of this 89877  
section and a reasonable opportunity to perfect its rights of 89878  
recovery. If the department or county department is not given the 89879  
appropriate written notice, the medical assistance recipient and, 89880  
if there is one, the recipient's attorney, are liable to reimburse 89881  
the department or county department for the recovery received to 89882  
the extent of medical assistance payments made by the department 89883  
or county department. 89884

(F) The department or county department shall be permitted to 89885  
enforce its recovery rights against the third party even though it 89886  
accepted prior payments in discharge of its rights under this 89887

section if, at the time the department or county department 89888  
received such payments, it was not aware that additional medical 89889  
expenses had been incurred but had not yet been paid by the 89890  
department or county department. The third party becomes liable to 89891  
the department or county department as soon as the third party is 89892  
notified in writing of the valid claims for recovery under this 89893  
section. 89894

(G)(1) Subject to division (G)(2) of this section, the right 89895  
of recovery of the department or county department does not apply 89896  
to that portion of any judgment, award, settlement, or compromise 89897  
of a claim, to the extent of attorneys' fees, costs, or other 89898  
expenses incurred by a medical assistance recipient in securing 89899  
the judgment, award, settlement, or compromise, or to the extent 89900  
of medical, surgical, and hospital expenses paid by such recipient 89901  
from the recipient's own resources. 89902

(2) Reasonable attorneys' fees, not to exceed one-third of 89903  
the total judgment, award, settlement, or compromise, plus costs 89904  
and other expenses incurred by the medical assistance recipient in 89905  
securing the judgment, award, settlement, or compromise, shall 89906  
first be deducted from the total judgment, award, settlement, or 89907  
compromise. After fees, costs, and other expenses are deducted 89908  
from the total judgment, award, settlement, or compromise, there 89909  
shall be a rebuttable presumption that the department of medicaid 89910  
or county department shall receive no less than one-half of the 89911  
remaining amount, or the actual amount of medical assistance paid, 89912  
whichever is less. A party may rebut the presumption in accordance 89913  
with division (L)(1) or (2) of this section, as applicable. 89914

(H) A right of recovery created by this section may be 89915  
enforced separately or jointly by the department of medicaid or 89916  
county department. To enforce its recovery rights, the department 89917  
or county department may do any of the following: 89918

(1) Intervene or join in any action or proceeding brought by 89919



the medical assistance recipient or on the recipient's behalf 89920  
against any third party who may be liable for the cost of medical 89921  
assistance paid; 89922

(2) Institute and pursue legal proceedings against any third 89923  
party who may be liable for the cost of medical assistance paid; 89924

(3) Initiate legal proceedings in conjunction with any 89925  
injured, diseased, or disabled medical assistance recipient or the 89926  
recipient's attorney or representative. 89927

(I) A medical assistance recipient shall not assess attorney 89928  
fees, costs, or other expenses against the department of medicaid 89929  
or a county department when the department or county department 89930  
enforces its right of recovery created by this section. 89931

(J) The right of recovery given to the department under this 89932  
section includes payments made by a third party under contract 89933  
with a person having a duty to support. 89934

(K) The department of medicaid may assign to a medical 89935  
assistance provider the right of recovery given to the department 89936  
under this section with respect to any claim for which the 89937  
department has notified the provider that the department intends 89938  
to recoup the department's prior payment for the claim. 89939

(L)(1) Prior to any payment to the department or a county 89940  
department pursuant to the department's or county department's 89941  
right of recovery under this section, a party that desires to 89942  
rebut the presumption in division (G) of this section shall submit 89943  
to the department or county department a request for a hearing in 89944  
accordance with the procedure the department establishes in rules 89945  
required by division (O) of this section. The amount sought by the 89946  
department or county department shall be held in escrow or in an 89947  
interest on lawyers' trust account until the hearing examiner 89948  
renders a decision or the case is otherwise concluded. A party 89949  
successfully rebuts the presumption by a showing of clear and 89950

convincing evidence that a different allocation is warranted. 89951

(2) A medical assistance recipient who has repaid money, on 89952  
or after September 29, 2007, to the department or a county 89953  
department pursuant to the department's or county department's 89954  
right of recovery under this section, section 5160.38 of the 89955  
Revised Code, or former section 5101.58 or 5101.59 of the Revised 89956  
Code may request a hearing to rebut the presumption in division 89957  
(G) of this section. The request shall be made in accordance with 89958  
the procedure the department establishes for this purpose in rules 89959  
required by division (O) of this section. It must be made not 89960  
later than one hundred eighty days after the effective date of 89961  
this amendment or ninety days after the payment is made, whichever 89962  
is later. A party successfully rebuts the presumption by a showing 89963  
of clear and convincing evidence that a different allocation is 89964  
warranted. 89965

(3) With respect to a hearing requested under division (L)(1) 89966  
or (2) of this section, all of the following are the case: 89967

(a) The hearing examiner may consider, but is not bound by 89968  
the allocation of, medical expenses specified in a settlement 89969  
agreement between the medical assistance recipient and the 89970  
relevant third party; 89971

(b) The department or county department may raise affirmative 89972  
defenses during the hearing, including the existence of a prior 89973  
settlement with the medical assistance recipient, the doctrine of 89974  
accord and satisfaction, or the common law principle of res 89975  
judicata; 89976

(c) If the parties agree, live testimony shall not be 89977  
presented at the hearing; 89978

(d) The hearing may be governed by rules adopted under 89979  
section 5160.02 of the Revised Code. If such rules are adopted, 89980  
Chapter 119. of the Revised Code applies to the hearing only to 89981

the extent specified in those rules; 89982

(e) The hearing examiner's decision is binding on the 89983  
department or county department and the medical assistance 89984  
recipient unless the decision is reversed or modified on appeal to 89985  
the medicaid director as described in division (M) of this 89986  
section. 89987

(M)(1) A medical assistance recipient who disagrees with a 89988  
hearing examiner's decision under division (L) of this section may 89989  
file an administrative appeal with the medicaid director in 89990  
accordance with the procedure the department establishes for this 89991  
purpose in rules required by division (O) of this section. A 89992  
hearing is not required during the administrative appeal, but the 89993  
director or the director's designee shall review the hearing 89994  
examiner's decision and any prior relevant administrative action. 89995  
After the review, the director or the director's designee shall 89996  
affirm, modify, remand, or reverse the hearing decision. A 89997  
decision made under this division is final and binding on the 89998  
department or county department and the medical assistance 89999  
recipient unless it is reversed or modified on appeal to a court 90000  
of common pleas as described in division (N) of this section. 90001

(2) An administrative appeal may be governed by rules adopted 90002  
under section 5160.02 of the Revised Code. If such rules are 90003  
adopted, Chapter 119. of the Revised Code applies to an 90004  
administrative appeal only to the extent specified in those rules. 90005

(N) A party to an administrative appeal described in division 90006  
(M) of this section may file an appeal with a court of common 90007  
pleas in accordance with section 119.12 of the Revised Code. 90008

(O) The medicaid director shall adopt rules under section 90009  
5160.02 of the Revised Code as necessary to implement this 90010  
section, including rules establishing procedures a party may use 90011  
to request a hearing under division (L)(1) or (2) of this section 90012

or an administrative appeal under division (M)(1) of this section. 90013  
The rules shall be adopted in accordance with Chapter 119. of the 90014  
Revised Code. 90015

(P) Divisions (L) to (N) of this section are remedial in 90016  
nature and shall be liberally construed by the courts of this 90017  
state in accordance with section 1.11 of the Revised Code. Those 90018  
divisions specify the sole remedy available to a party who claims 90019  
the department or a county department has received or is to 90020  
receive more money than entitled to receive under this section, 90021  
section 5160.38 of the Revised Code, or former section 5101.58 or 90022  
5101.59 of the Revised Code. 90023

**Sec. 5160.401.** (A) A payment made by a third party under 90024  
division (A)(4) of section 5160.40 of the Revised Code on a claim 90025  
for payment of a medical item or service provided to a medical 90026  
assistance recipient is final on the date that is two years after 90027  
the payment was made to the department of medicaid or the 90028  
applicable medicaid managed care organization. After a claim is 90029  
final, the claim is subject to adjustment only if an action for 90030  
recovery of an overpayment was commenced under division (B) of 90031  
this section before the date the claim became final and the 90032  
recovery is agreed to by the department or medicaid managed care 90033  
organization under division (C) of this section. 90034

(B) If a third party determines that it overpaid a claim for 90035  
payment, the third party may seek to recover all or part of the 90036  
overpayment by filing a notice of its intent to seek recovery with 90037  
the department or medicaid managed care organization, as 90038  
applicable. The notice of recovery must be filed in writing before 90039  
the date the payment is final. The notice must specify all of the 90040  
following: 90041

(1) The full name of the medical assistance recipient who 90042  
received the medical item or service that is the subject of the 90043

<u>claim;</u>	90044
<u>(2) The date or dates on which the medical item or service was provided;</u>	90045 90046
<u>(3) The amount allegedly overpaid and the amount the third party seeks to recover;</u>	90047 90048
<u>(4) The claim number and any other number the department or medicaid managed care organization has assigned to the claim;</u>	90049 90050
<u>(5) The third party's rationale for seeking recovery;</u>	90051
<u>(6) The date the third party made the payment and the method of payment used;</u>	90052 90053
<u>(7) If payment was made by check, the check number;</u>	90054
<u>(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.</u>	90055 90056 90057 90058 90059
<u>(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.</u>	90060 90061 90062 90063 90064 90065 90066 90067
<b>Sec. 5162.01.</b> (A) As used in the Revised Code:	90068
(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal	90069 90070 90071 90072

medicaid waiver granted by the United States secretary of health 90073  
and human services. 90074

(2) "Medicare" and "medicare program" mean the federal health 90075  
insurance program established by Title XVIII of the "Social 90076  
Security Act," 42 U.S.C. 1395 et seq. 90077

(B) As used in this chapter: 90078

(1) "Dual eligible individual" has the same meaning as in 90079  
section 5160.01 of the Revised Code. 90080

(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 90081

(3) "Federal financial participation" has the same meaning as 90082  
in section 5160.01 of the Revised Code. 90083

(4) "Federal poverty line" means the official poverty line 90084  
defined by the United States office of management and budget based 90085  
on the most recent data available from the United States bureau of 90086  
the census and revised by the United States secretary of health 90087  
and human services pursuant to the "Omnibus Budget Reconciliation 90088  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 90089

(5) "Healthy start component" means the component of the 90090  
medicaid program that covers pregnant women and children and is 90091  
identified in rules adopted under section 5162.02 of the Revised 90092  
Code as the healthy start component. 90093

(6) "Home and community-based services" means services 90094  
provided under a home and community-based services medicaid waiver 90095  
component. 90096

(7) "Home and community-based services medicaid waiver 90097  
component" has the same meaning as in section 5166.01 of the 90098  
Revised Code. 90099

(8) "ICF/IID" has the same meaning as in section 5124.01 of 90100  
the Revised Code. 90101

(9) "Medicaid managed care organization" has the same meaning 90102

as in section 5167.01 of the Revised Code. 90103

(10) "Medicaid provider" has the same meaning as in section 90104  
5164.01 of the Revised Code. 90105

(11) "Medicaid services" has the same meaning as in section 90106  
5164.01 of the Revised Code. 90107

(12) "Medicaid waiver component" has the same meaning as in 90108  
section 5166.01 of the Revised Code; 90109

(13) "Nursing facility" and "nursing facility services" have 90110  
the same meanings as in section 5165.01 of the Revised Code. 90111

~~(13)~~(14) "Political subdivision" means a municipal 90112  
corporation, township, county, school district, or other body 90113  
corporate and politic responsible for governmental activities only 90114  
in a geographical area smaller than that of the state. 90115

~~(14)~~(15) "Prescribed drug" has the same meaning as in section 90116  
5164.01 of the Revised Code. 90117

~~(15)~~(16) "Provider agreement" has the same meaning as in 90118  
section 5164.01 of the Revised Code. 90119

~~(16)~~(17) "Qualified medicaid school provider" means the board 90120  
of education of a city, local, or exempted village school 90121  
district, the governing authority of a community school 90122  
established under Chapter 3314. of the Revised Code, the state 90123  
school for the deaf, and the state school for the blind to which 90124  
both of the following apply: 90125

(a) It holds a valid provider agreement. 90126

(b) It meets all other conditions for participation in the 90127  
medicaid school component of the medicaid program established in 90128  
rules authorized by section 5162.364 of the Revised Code. 90129

~~(17)~~(18) "State agency" means every organized body, office, 90130  
or agency, other than the department of medicaid, established by 90131  
the laws of the state for the exercise of any function of state 90132

government. 90133

~~(18)~~(19) "Vendor offset" means a reduction of a medicaid 90134  
payment to a medicaid provider to correct a previous, incorrect 90135  
medicaid payment to that provider. 90136

**Sec. 5162.11.** (A) The department of medicaid shall enter into 90137  
an agreement with the department of administrative services for 90138  
the department of administrative services to contract through 90139  
competitive selection pursuant to section 125.07 of the Revised 90140  
Code with a vendor to perform an assessment of the data collection 90141  
and data warehouse functions of the medicaid data warehouse 90142  
system, including the ability to link the data sets of all 90143  
agencies serving medicaid recipients. 90144

The assessment of the data system shall include functions 90145  
related to fraud and abuse detection, program management and 90146  
budgeting, and performance measurement capabilities of all 90147  
agencies serving medicaid recipients, including the departments of 90148  
aging, health, job and family services, medicaid, mental health 90149  
and addiction services, and developmental disabilities. 90150

A qualified vendor with whom the department of administrative 90151  
services contracts to assess the data system shall also assist the 90152  
medicaid agencies in the definition of the requirements for an 90153  
enhanced data system or a new data system and assist the 90154  
department of administrative services in the preparation of a 90155  
request for proposals to enhance or develop a data system. 90156

(B) Based on the assessment performed pursuant to division 90157  
(A) of this section, the department of administrative services 90158  
shall seek a qualified vendor through competitive selection 90159  
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 90160  
develop or enhance a data collection and data warehouse system for 90161  
the department of medicaid and all agencies serving medicaid 90162  
recipients. 90163



The department of medicaid shall seek enhanced federal financial participation for ninety per cent of the funds required to establish or enhance the data system. The department of administrative services shall not award a contract for establishing or enhancing the data system until the department of medicaid receives approval from the United States secretary of health and human services for the ninety per cent federal financial participation.

**Sec. 5162.12.** (A) The medicaid director ~~may~~ shall enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data made by persons who intend to use the items prepared pursuant to the requests for commercial or academic purposes.

(B) At a minimum, a contract entered into under this section shall do both of the following:

(1) Authorize the contracting person to engage in the activities described in division (A) of this section for compensation, which must be stated as a percentage of the fees paid by persons who are provided the items;

(2) ~~Specify the schedule of fees~~ Require the contracting person ~~is~~ to charge for ~~the items~~ an item prepared pursuant to a request a fee in an amount equal to one hundred two per cent of the cost the department of medicaid incurs in making the data used to prepare the item available to the contracting person.

(C) Except as required by federal or state law and subject to division (E) of this section, both of the following conditions apply with respect to a request for data described in division (A) of this section:

(1) The request shall be made through a person who has entered into a contract with the medicaid director under this section. 90195  
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(2) An item prepared pursuant to the request may be provided to the department of medicaid and is confidential and not subject to disclosure under section 149.43 or 1347.08 of the Revised Code. 90198  
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90200

(D) The medicaid director shall use fees the director receives pursuant to a contract entered into under this section to pay obligations specified in contracts entered under this section. Any money remaining after the obligations are paid shall be deposited in the health care services administration fund created under section 5162.54 of the Revised Code. 90201  
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(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data that are for any of the following purposes: 90207  
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90209  
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(1) Treatment of medicaid recipients; 90212

(2) Payment of medicaid claims; 90213

(3) Establishment or management of medicaid third party liability pursuant to sections 5160.35 to 5160.43 of the Revised Code; 90214  
90215  
90216

(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program; 90217  
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90219

(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code. 90220  
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90223

**Sec. 5162.13. (A)** On or before the first day of January of 90224

each year, the department of medicaid shall complete a report on 90225  
the effectiveness of the medicaid program in meeting the health 90226  
care needs of low-income pregnant women, infants, and children. 90227  
The report shall include all of the following: ~~the~~ 90228

(1) The estimated number of pregnant women, infants, and 90229  
children eligible for the program; ~~the~~ 90230

(2) The actual number of eligible persons enrolled in the 90231  
program; ~~the~~ 90232

(3) The actual number of enrolled pregnant women categorized 90233  
by estimated gestational age at time of enrollment; 90234

(4) The number of prenatal, postpartum, and child health 90235  
visits; ~~a~~ 90236

(5) The rates at which enrolled pregnant women receive 90237  
addiction or mental health services, progesterone therapy, and any 90238  
other service specified by the department; 90239

(6) A report on birth outcomes, including a comparison of 90240  
low-birthweight births and infant mortality rates of medicaid 90241  
recipients with the general female child-bearing and infant 90242  
population in this state; ~~and a~~ 90243

(7) A comparison of the prenatal, delivery, and child health 90244  
costs of the program with such costs of similar programs in other 90245  
states, where available. 90246

(B) The department shall submit the report to the general 90247  
assembly in accordance with section 101.68 of the Revised Code and 90248  
to the joint medicaid oversight committee. The department also 90249  
shall make the report available to the public. 90250

**Sec. 5162.36.** ~~(A)~~ ~~(B)~~ The medicaid director shall create, in 90251  
accordance with sections 5162.36 to ~~5162.364~~ 5162.365 of the 90252  
Revised Code, the medicaid school component of the medicaid 90253  
program. 90254

**Sec. 5162.361.** A qualified medicaid school provider 90255  
participating in the medicaid school component of the medicaid 90256  
program may submit a claim to the department of medicaid for 90257  
federal financial participation for providing, in schools, 90258  
services covered by the medicaid school component to medicaid 90259  
recipients who are eligible for the services. No qualified 90260  
medicaid school provider may submit such a claim before the 90261  
provider incurs the cost of providing the service. 90262

The claim shall include certification of the qualified 90263  
medicaid school provider's expenditures for the service. The 90264  
certification shall show that the money the qualified medicaid 90265  
school provider used for the expenditures was nonfederal money the 90266  
provider may legally use for providing the service and that the 90267  
amount of the expenditures was sufficient to pay the full cost of 90268  
the service. 90269

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 90270  
5162.365 of the Revised Code ~~and rules authorized by sections~~ 90271  
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 90272  
school provider is subject to all conditions of participation in 90273  
the medicaid program that generally apply to providers of goods 90274  
and services under the medicaid program, including conditions 90275  
regarding claims, audits, and recovery of overpayments. 90276

**Sec. 5162.363.** The department of medicaid shall enter into an 90277  
interagency agreement with the department of education under 90278  
section 5162.35 of the Revised Code that provides for the 90279  
department of education to administer the medicaid school 90280  
component of the medicaid program other than the aspects of the 90281  
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 90282  
Revised Code require the department of medicaid to administer. The 90283  
interagency agreement may include a provision that provides for 90284  
the department of education to pay to the department of medicaid 90285

the nonfederal share of a portion of the administrative expenses 90286  
the department of medicaid incurs in administering the aspects of 90287  
the component that the department of medicaid administers. 90288

To the extent authorized by rules authorized by section 90289  
5162.021 of the Revised Code, the department of education shall 90290  
~~establish, in adopt~~ rules ~~adopted under section 5162.02 of the~~ 90291  
~~Revised Code,~~ establishing a process by which qualified medicaid 90292  
school providers participating in the medicaid school component 90293  
pay to the department of education the nonfederal share of the 90294  
department's expenses incurred in administering the component. The 90295  
rules shall be adopted in accordance with Chapter 119. of the 90296  
Revised Code. 90297

Sec. 5162.365. (A) A qualified medicaid school provider is 90298  
solely responsible for timely repaying any overpayment that the 90299  
provider receives under the medicaid school component of the 90300  
medicaid program and that is discovered by a federal or state 90301  
audit. This is the case regardless of whether the audit's finding 90302  
identifies the provider, department of medicaid, or department of 90303  
education as being responsible for the overpayment. 90304

(B) The department of medicaid shall not do any of the 90305  
following regarding an overpayment for which a qualified medicaid 90306  
school provider is responsible for repaying: 90307

(1) Make a payment to the federal government to meet or delay 90308  
the provider's repayment obligation; 90309

(2) Assume the provider's repayment obligation; 90310

(3) Forgive the provider's repayment obligation. 90311

(C) Each qualified medicaid school provider shall indemnify 90312  
and hold harmless the department of medicaid for any cost or 90313  
penalty resulting from a federal or state audit finding that a 90314  
claim submitted by the provider under section 5162.361 of the 90315

Revised Code did not comply with a federal or state requirement applicable to the claim, including a requirement of a medicaid waiver component. 90316  
90317  
90318

**Sec. 5163.03.** (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups. 90319  
90320  
90321

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover. 90322  
90323  
90324

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 90325  
90326

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 90327  
90328

(2) ~~State statutes do not address whether~~ Except as provided in division (D)(1) of this section, the medicaid program ~~may cover~~ covers the optional eligibility group on the effective date of this amendment. 90329  
90330  
90331  
90332

(D) The medicaid program shall not cover any optional eligibility group ~~that state~~ to which either of the following applies: 90333  
90334  
90335

(1) State statutes expressly prohibit the medicaid program from covering the optional eligibility group. 90336  
90337

(2) State statutes do not address whether the medicaid program may cover the optional eligibility group. 90338  
90339

**Sec. 5163.04.** The income eligibility threshold for an optional eligibility group shall be the following: 90340  
90341

(A) The percentage of the federal poverty line specified in state statute for the group; 90342  
90343

(B) If the income eligibility threshold for the group is not specified in state statute, a percentage of the federal poverty line not exceeding the percentage of the federal poverty line that, on the effective date of this section, is the group's income eligibility threshold.

**Sec. 5163.06.** The medicaid program shall cover all of the following optional eligibility groups:

(A) The group consisting of children placed with adoptive parents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);

(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the sixty-day period beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social

Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 90374  
1396a(a)(10)(A)(ii)(XVIII); 90375

~~(G) The group consisting of nonpregnant individuals who may 90376  
receive family planning services and supplies and are specified in 90377  
the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 90378  
U.S.C. 1396a(a)(10)(A)(ii)(XXI). 90379~~

**Sec. 5163.21.** (A)(1) This section applies only to either of 90380  
the following: 90381

(a) Initial eligibility determinations for the medicaid 90382  
program; 90383

(b) An appeal from an initial eligibility determination 90384  
pursuant to section 5160.31 of the Revised Code. 90385

(2)(a) Except as provided in division (A)(2)(b) of this 90386  
section, this section shall not be used by a court to determine 90387  
the effect of a trust on an individual's initial eligibility for 90388  
the medicaid program. 90389

(b) The prohibition in division (A)(2)(a) of this section 90390  
does not apply to an appeal described in division (A)(1)(b) of 90391  
this section. 90392

(B) As used in this section: 90393

(1) "Trust" means any arrangement in which a grantor 90394  
transfers real or personal property to a trust with the intention 90395  
that it be held, managed, or administered by at least one trustee 90396  
for the benefit of the grantor or beneficiaries. "Trust" includes 90397  
any legal instrument or device similar to a trust. 90398

(2) "Legal instrument or device similar to a trust" includes, 90399  
but is not limited to, escrow accounts, investment accounts, 90400  
partnerships, contracts, and other similar arrangements that are 90401  
not called trusts under state law but are similar to a trust and 90402  
to which all of the following apply: 90403



(a) The property in the trust is held, managed, retained, or administered by a trustee.	90404 90405
(b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary.	90406 90407 90408
(c) The trustee holds identifiable property for the beneficiary.	90409 90410
(3) "Grantor" is a person who creates a trust, including all of the following:	90411 90412
(a) An individual;	90413
(b) An individual's spouse;	90414
(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;	90415 90416 90417
(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.	90418 90419 90420
(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.	90421 90422
(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.	90423 90424
(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.	90425 90426 90427
(7) "Applicant" is an individual who applies for medicaid or the individual's spouse.	90428 90429
(8) "Recipient" is an individual who receives medicaid or the individual's spouse.	90430 90431
(9) "Revocable trust" is a trust that can be revoked by the	90432

grantor or the beneficiary, including all of the following, even 90433  
if the terms of the trust state that it is irrevocable: 90434

(a) A trust that provides that the trust can be terminated 90435  
only by a court; 90436

(b) A trust that terminates on the happening of an event, but 90437  
only if the event occurs at the direction or control of the 90438  
grantor, beneficiary, or trustee. 90439

(10) "Irrevocable trust" is a trust that cannot be revoked by 90440  
the grantor or terminated by a court and that terminates only on 90441  
the occurrence of an event outside of the control or direction of 90442  
the beneficiary or grantor. 90443

(11) "Payment" is any disbursement from the principal or income 90444  
of the trust, including actual cash, noncash or property 90445  
disbursements, or the right to use and occupy real property. 90446

(12) "Payments to or for the benefit of the applicant or 90447  
recipient" is a payment to any person resulting in a direct or 90448  
indirect benefit to the applicant or recipient. 90449

(13) "Testamentary trust" is a trust that is established by a 90450  
will and does not take effect until after the death of the person 90451  
who created the trust. 90452

(14) "Home" means a home described in section 1613(a)(1) of 90453  
the "Social Security Act," 42 U.S.C. 1382b(a)(1). 90454

(C)(1) If an applicant or recipient is a beneficiary of a 90455  
trust, the applicant or recipient shall submit a complete copy of 90456  
the trust instrument to the county department of job and family 90457  
services and the department of medicaid. A copy shall be 90458  
considered complete if it contains all pages of the trust 90459  
instrument and all schedules, attachments, and accounting 90460  
statements referenced in or associated with the trust. The copy is 90461  
confidential and is not subject to disclosure under section 149.43 90462

of the Revised Code. 90463

(2) On receipt of a copy of a trust instrument or otherwise 90464  
determining that an applicant or recipient is a beneficiary of a 90465  
trust, the county department of job and family services shall 90466  
determine what type of trust it is and shall treat the trust in 90467  
accordance with the appropriate provisions of this section and 90468  
rules adopted under section 5163.02 of the Revised Code governing 90469  
trusts. The county department of job and family services may 90470  
determine that any of the following is the case regarding the 90471  
trust or portion of the trust: 90472

(a) It is a resource available to the applicant or recipient; 90473

(b) It contains income available to the applicant or 90474  
recipient; 90475

(c) Divisions (C)(2)(a) and (b) of this section are both 90476  
applicable; 90477

(d) Neither division (C)(2)(a) nor (b) of this section is 90478  
applicable. 90479

(3) Except as provided in division (F) of this section, a 90480  
trust or portion of a trust that is a resource available to the 90481  
applicant or recipient or contains income available to the 90482  
applicant or recipient shall be counted for purposes of 90483  
determining medicaid eligibility. 90484

(D)(1) A trust or legal instrument or device similar to a 90485  
trust shall be considered a medicaid qualifying trust if all of 90486  
the following apply: 90487

(a) The trust was established on or prior to August 10, 1993. 90488

(b) The trust was not established by a will. 90489

(c) The trust was established by an applicant or recipient. 90490

(d) The applicant or recipient is or may become the 90491  
beneficiary of all or part of the trust. 90492

(e) Payment from the trust is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the applicant or recipient.

(2) If a trust meets the requirement of division (D)(1) of this section, the amount of the trust that is considered by the county department of job and family services to be a resource available to the applicant or recipient shall be the maximum amount of payments permitted under the terms of the trust to be distributed to the applicant or recipient, assuming the full exercise of discretion by the trustee or trustees. The maximum amount shall include only amounts that are permitted to be distributed but are not distributed from either the income or principal of the trust.

(3) Amounts that are actually distributed from a medicaid qualifying trust to a beneficiary for any purpose shall be treated in accordance with rules adopted under section 5163.02 of the Revised Code governing income.

(4) Availability of a medicaid qualifying trust shall be considered without regard to any of the following:

(a) Whether or not the trust is irrevocable or was established for purposes other than to enable a grantor to qualify for medicaid;

(b) Whether or not the trustee actually exercises discretion.

(5) If any real or personal property is transferred to a medicaid qualifying trust that is not distributable to the applicant or recipient, the transfer shall be considered an improper disposition of assets and shall be subject to section 5163.30 of the Revised Code and rules to implement that section adopted under section 5163.02 of the Revised Code.

(6) The baseline date for the look-back period for disposition of assets involving a medicaid qualifying trust shall

be the date on which the applicant or recipient is both 90524  
institutionalized and first applies for medicaid. 90525

(E)(1) A trust or legal instrument or device similar to a 90526  
trust shall be considered a self-settled trust if all of the 90527  
following apply: 90528

(a) The trust was established on or after August 11, 1993. 90529

(b) The trust was not established by a will. 90530

(c) The trust was established by an applicant or recipient, 90531  
spouse of an applicant or recipient, or a person, including a 90532  
court or administrative body, with legal authority to act in place 90533  
of or on behalf of an applicant, recipient, or spouse, or acting 90534  
at the direction or on request of an applicant, recipient, or 90535  
spouse. 90536

~~(2) A trust that meets the requirements of division (E)(1) of~~ 90537  
~~this section and is~~ (a) Except as provided in division (E)(2)(b) 90538  
of this section, a revocable self-settled trust shall be treated 90539  
by the county department of job and family services as follows: 90540

~~(a)(i)~~ (i) The corpus of the trust shall be considered a resource 90541  
available to the applicant or recipient. 90542

~~(b)(ii)~~ (ii) Payments from the trust to or for the benefit of the 90543  
applicant or recipient shall be considered unearned income of the 90544  
applicant or recipient. 90545

~~(c)(iii)~~ (iii) Any other payments from the trust shall be 90546  
considered an improper disposition of assets and shall be subject 90547  
to section 5163.30 of the Revised Code and rules to implement that 90548  
section adopted under section 5163.02 of the Revised Code. 90549

(b) The home of an applicant or recipient held in a revocable 90550  
self-settled trust is not subject to division (E)(2)(a) of this 90551  
section, is not a resource available to the applicant or recipient 90552  
as described in division (C)(2)(a) of this section, and shall be 90553

excluded from the computation of spousal share determined pursuant 90554  
to section 1924(c) of the "Social Security Act," 42 U.S.C. 90555  
1396r-5(c). 90556

(c) A transfer of an applicant's or recipient's home from a 90557  
revocable self-settled trust to the applicant or recipient or that 90558  
individual's spouse shall not be considered an improper 90559  
disposition of assets or a disposal of assets for less than fair 90560  
market value for which a period of medicaid ineligibility may be 90561  
imposed under section 5163.30 of the Revised Code. 90562

~~(3) A trust that meets the requirements of division (E)(1) of~~ 90563  
~~this section and is an~~ An irrevocable self-settled trust shall be 90564  
treated by the county department of job and family services as 90565  
follows: 90566

(a) If there are any circumstances under which payment from 90567  
the trust could be made to or for the benefit of the applicant or 90568  
recipient, including a payment that can be made only in the 90569  
future, the portion from which payments could be made shall be 90570  
considered a resource available to the applicant or recipient. The 90571  
county department of job and family services shall not take into 90572  
account when payments can be made. 90573

(b) Any payment that is actually made to or for the benefit 90574  
of the applicant or recipient from either the corpus or income 90575  
shall be considered unearned income. 90576

(c) If a payment is made to someone other than to the 90577  
applicant or recipient and the payment is not for the benefit of 90578  
the applicant or recipient, the payment shall be considered an 90579  
improper disposition of assets and shall be subject to section 90580  
5163.30 of the Revised Code and rules to implement that section 90581  
adopted under section 5163.02 of the Revised Code. 90582

(d) The date of the disposition shall be the later of the 90583  
date of establishment of the trust or the date of the occurrence 90584

of the event. 90585

(e) When determining the value of the disposed asset under 90586  
this provision, the value of the trust shall be its value on the 90587  
date payment to the applicant or recipient was foreclosed. 90588

(f) Any income earned or other resources added subsequent to 90589  
the foreclosure date shall be added to the total value of the 90590  
trust. 90591

(g) Any payments to or for the benefit of the applicant or 90592  
recipient after the foreclosure date but prior to the application 90593  
date shall be subtracted from the total value. Any other payments 90594  
shall not be subtracted from the value. 90595

(h) Any addition of assets after the foreclosure date shall 90596  
be considered a separate disposition. 90597

(4) If a trust is funded with assets of another person or 90598  
persons in addition to assets of the applicant or recipient, the 90599  
applicable provisions of this section and rules adopted under 90600  
section 5163.02 of the Revised Code governing trusts shall apply 90601  
only to the portion of the trust attributable to the applicant or 90602  
recipient. 90603

(5) The availability of a self-settled trust shall be 90604  
considered without regard to any of the following: 90605

(a) The purpose for which the trust is established; 90606

(b) Whether the trustees have exercised or may exercise 90607  
discretion under the trust; 90608

(c) Any restrictions on when or whether distributions may be 90609  
made from the trust; 90610

(d) Any restrictions on the use of distributions from the 90611  
trust. 90612

(6) The baseline date for the look-back period for 90613  
dispositions of assets involving a self-settled trust shall be the 90614

date on which the applicant or recipient is both institutionalized 90615  
and first applies for medicaid. 90616

(F) The principal or income from any of the following shall 90617  
not be a resource available to the applicant or recipient: 90618

(1)(a) A special needs trust that meets all of the following 90619  
requirements: 90620

(i) The trust contains assets of an applicant or recipient 90621  
under sixty-five years of age and may contain the assets of other 90622  
individuals. 90623

(ii) The applicant or recipient is disabled as defined in 90624  
rules adopted under section 5163.02 of the Revised Code. 90625

(iii) The trust is established for the benefit of the 90626  
applicant or recipient by a parent, grandparent, legal guardian, 90627  
or a court. 90628

(iv) The trust requires that on the death of the applicant or 90629  
recipient the state will receive all amounts remaining in the 90630  
trust up to an amount equal to the total amount of medicaid 90631  
payments made on behalf of the applicant or recipient. 90632

(b) If a special needs trust meets the requirements of 90633  
division (F)(1)(a) of this section and has been established for a 90634  
disabled applicant or recipient under sixty-five years of age, the 90635  
exemption for the trust granted pursuant to division (F) of this 90636  
section shall continue after the disabled applicant or recipient 90637  
becomes sixty-five years of age if the applicant or recipient 90638  
continues to be disabled as defined in rules adopted under section 90639  
5163.02 of the Revised Code. Except for income earned by the 90640  
trust, the grantor shall not add to or otherwise augment the trust 90641  
after the applicant or recipient attains sixty-five years of age. 90642  
An addition or augmentation of the trust by the applicant or 90643  
recipient with the applicant's own assets after the applicant or 90644  
recipient attains sixty-five years of age shall be treated as an 90645



improper disposition of assets. 90646

(c) Cash distributions to the applicant or recipient shall be 90647  
counted as unearned income. All other distributions from the trust 90648  
shall be treated as provided in rules adopted under section 90649  
5163.02 of the Revised Code governing in-kind income. 90650

(d) Transfers of assets to a special needs trust shall not be 90651  
treated as an improper transfer of resources. An asset held prior 90652  
to the transfer to the trust shall be considered as a resource 90653  
available to the applicant or recipient, income available to the 90654  
applicant or recipient, or both a resource and income available to 90655  
the individual. 90656

(2)(a) A qualifying income trust that meets all of the 90657  
following requirements: 90658

(i) The trust is composed only of pension, social security, 90659  
and other income to the applicant or recipient, including 90660  
accumulated interest in the trust. 90661

(ii) The income is received by the individual and the right 90662  
to receive the income is not assigned or transferred to the trust. 90663

(iii) The trust requires that on the death of the applicant 90664  
or recipient the state will receive all amounts remaining in the 90665  
trust up to an amount equal to the total amount of medicaid 90666  
payments made on behalf of the applicant or recipient. 90667

(b) No resources shall be used to establish or augment the 90668  
trust. 90669

(c) If an applicant or recipient has irrevocably transferred 90670  
or assigned the applicant's or recipient's right to receive income 90671  
to the trust, the trust shall not be considered a qualifying 90672  
income trust by the county department of job and family services. 90673

(d) Income placed in a qualifying income trust shall not be 90674  
counted in determining an applicant's or recipient's eligibility 90675

for medicaid. The recipient of the funds may place any income 90676  
directly into a qualifying income trust without those funds 90677  
adversely affecting the applicant's or recipient's eligibility for 90678  
medicaid. Income generated by the trust that remains in the trust 90679  
shall not be considered as income to the applicant or recipient. 90680

(e) All income placed in a qualifying income trust shall be 90681  
combined with any income available to the individual that is not 90682  
placed in the trust to arrive at a base income figure to be used 90683  
for spend down calculations. 90684

(f) The base income figure shall be used for post-eligibility 90685  
deductions, including personal needs allowance, monthly income 90686  
allowance, family allowance, and medical expenses not subject to 90687  
third party payment. Any income remaining shall be used toward 90688  
payment of patient liability. Payments made from a qualifying 90689  
income trust shall not be combined with the base income figure for 90690  
post-eligibility calculations. 90691

(g) The base income figure shall be used when determining the 90692  
spend down budget for the applicant or recipient. Any income 90693  
remaining after allowable deductions are permitted as provided 90694  
under rules adopted under section 5163.02 of the Revised Code 90695  
shall be considered the applicant's or recipient's spend down 90696  
liability. 90697

(3)(a) A pooled trust that meets all of the following 90698  
requirements: 90699

(i) The trust contains the assets of the applicant or 90700  
recipient of any age who is disabled as defined in rules adopted 90701  
under section 5163.02 of the Revised Code. 90702

(ii) The trust is established and managed by a nonprofit 90703  
organization. 90704

(iii) A separate account is maintained for each beneficiary 90705  
of the trust but, for purposes of investment and management of 90706

funds, the trust pools the funds in these accounts. 90707

(iv) Accounts in the trust are established by the applicant 90708  
or recipient, the applicant's or recipient's parent, grandparent, 90709  
or legal guardian, or a court solely for the benefit of 90710  
individuals who are disabled. 90711

(v) The trust requires that, to the extent that any amounts 90712  
remaining in the beneficiary's account on the death of the 90713  
beneficiary are not retained by the trust, the trust pay to the 90714  
state the amounts remaining in the trust up to an amount equal to 90715  
the total amount of medicaid payments made on behalf of the 90716  
beneficiary. 90717

(b) Cash distributions to the applicant or recipient shall be 90718  
counted as unearned income. All other distributions from the trust 90719  
shall be treated as provided in rules adopted under section 90720  
5163.02 of the Revised Code governing in-kind income. 90721

(c) Transfers of assets to a pooled trust shall not be 90722  
treated as an improper disposition of assets. An asset held prior 90723  
to the transfer to the trust shall be considered as a resource 90724  
available to the applicant or recipient, income available to the 90725  
applicant or recipient, or both a resource and income available to 90726  
the applicant or recipient. 90727

(4) A supplemental services trust that meets the requirements 90728  
of section 5815.28 of the Revised Code and to which all of the 90729  
following apply: 90730

(a) A person may establish a supplemental services trust 90731  
pursuant to section 5815.28 of the Revised Code only for another 90732  
person who is eligible to receive services through one of the 90733  
following agencies: 90734

(i) The department of developmental disabilities; 90735

(ii) A county board of developmental disabilities; 90736

(iii) The department of mental health and addiction services; 90737

(iv) A board of alcohol, drug addiction, and mental health 90738  
services. 90739

(b) A county department of job and family services shall not 90740  
determine eligibility for another agency's program. An applicant 90741  
or recipient shall do one of the following: 90742

(i) Provide documentation from one of the agencies listed in 90743  
division (F)(4)(a) of this section that establishes that the 90744  
applicant or recipient was determined to be eligible for services 90745  
from the agency at the time of the creation of the trust; 90746

(ii) Provide an order from a court of competent jurisdiction 90747  
that states that the applicant or recipient was eligible for 90748  
services from one of the agencies listed in division (F)(4)(a) of 90749  
this section at the time of the creation of the trust. 90750

(c) At the time the trust is created, the trust principal 90751  
does not exceed the maximum amount permitted. The maximum amount 90752  
permitted in calendar year 2006 is two hundred twenty-two thousand 90753  
dollars. Each year thereafter, the maximum amount permitted is the 90754  
prior year's amount plus two thousand dollars. 90755

(d) A county department of job and family services shall 90756  
review the trust to determine whether it complies with the 90757  
provisions of section 5815.28 of the Revised Code. 90758

(e) Payments from supplemental services trusts shall be 90759  
exempt as long as the payments are for supplemental services as 90760  
defined in rules adopted under section 5163.02 of the Revised 90761  
Code. All supplemental services shall be purchased by the trustee 90762  
and shall not be purchased through direct cash payments to the 90763  
beneficiary. 90764

(f) If a trust is represented as a supplemental services 90765  
trust and a county department of job and family services 90766

determines that the trust does not meet the requirements provided 90767  
in division (F)(4) of this section and section 5815.28 of the 90768  
Revised Code, the county department of job and family services 90769  
shall not consider it an exempt trust. 90770

(G)(1) A trust or legal instrument or device similar to a 90771  
trust shall be considered a trust established by an individual for 90772  
the benefit of the applicant or recipient if all of the following 90773  
apply: 90774

(a) The trust is created by a person other than the applicant 90775  
or recipient. 90776

(b) The trust names the applicant or recipient as a 90777  
beneficiary. 90778

(c) The trust is funded with assets or property in which the 90779  
applicant or recipient has never held an ownership interest prior 90780  
to the establishment of the trust. 90781

(2) Any portion of a trust that meets the requirements of 90782  
division (G)(1) of this section shall be a resource available to 90783  
the applicant or recipient only if the trust permits the trustee 90784  
to expend principal, corpus, or assets of the trust for the 90785  
applicant's or recipient's medical care, care, comfort, 90786  
maintenance, health, welfare, general well being, or any 90787  
combination of these purposes. 90788

(3) A trust that meets the requirements of division (G)(1) of 90789  
this section shall be considered a resource available to the 90790  
applicant or recipient even if the trust contains any of the 90791  
following types of provisions: 90792

(a) A provision that prohibits the trustee from making 90793  
payments that would supplant or replace medicaid or other public 90794  
assistance; 90795

(b) A provision that prohibits the trustee from making 90796

payments that would impact or have an effect on the applicant's or 90797  
recipient's right, ability, or opportunity to receive medicaid or 90798  
other public assistance; 90799

(c) A provision that attempts to prevent the trust or its 90800  
corpus or principal from being a resource available to the 90801  
applicant or recipient. 90802

(4) A trust that meets the requirements of division (G)(1) of 90803  
this section shall not be counted as a resource available to the 90804  
applicant or recipient if at least one of the following 90805  
circumstances applies: 90806

(a) If a trust contains a clear statement requiring the 90807  
trustee to preserve a portion of the trust for another beneficiary 90808  
or remainderman, that portion of the trust shall not be counted as 90809  
a resource available to the applicant or recipient. Terms of a 90810  
trust that grant discretion to preserve a portion of the trust 90811  
shall not qualify as a clear statement requiring the trustee to 90812  
preserve a portion of the trust. 90813

(b) If a trust contains a clear statement requiring the 90814  
trustee to use a portion of the trust for a purpose other than 90815  
medical care, care, comfort, maintenance, welfare, or general well 90816  
being of the applicant or recipient, that portion of the trust 90817  
shall not be counted as a resource available to the applicant or 90818  
recipient. Terms of a trust that grant discretion to limit the use 90819  
of a portion of the trust shall not qualify as a clear statement 90820  
requiring the trustee to use a portion of the trust for a 90821  
particular purpose. 90822

(c) If a trust contains a clear statement limiting the 90823  
trustee to making fixed periodic payments, the trust shall not be 90824  
counted as a resource available to the applicant or recipient and 90825  
payments shall be treated in accordance with rules adopted under 90826  
section 5163.02 of the Revised Code governing income. Terms of a 90827

trust that grant discretion to limit payments shall not qualify as 90828  
a clear statement requiring the trustee to make fixed periodic 90829  
payments. 90830

(d) If a trust contains a clear statement that requires the 90831  
trustee to terminate the trust if it is counted as a resource 90832  
available to the applicant or recipient, the trust shall not be 90833  
counted as such. Terms of a trust that grant discretion to 90834  
terminate the trust do not qualify as a clear statement requiring 90835  
the trustee to terminate the trust. 90836

(e) If a person obtains a judgment from a court of competent 90837  
jurisdiction that expressly prevents the trustee from using part 90838  
or all of the trust for the medical care, care, comfort, 90839  
maintenance, welfare, or general well being of the applicant or 90840  
recipient, the trust or that portion of the trust subject to the 90841  
court order shall not be counted as a resource available to the 90842  
applicant or recipient. 90843

(f) If a trust is specifically exempt from being counted as a 90844  
resource available to the applicant or recipient by a provision of 90845  
the Revised Code, rules, or federal law, the trust shall not be 90846  
counted as such. 90847

(g) If an applicant or recipient presents a final judgment 90848  
from a court demonstrating that the applicant or recipient was 90849  
unsuccessful in a civil action against the trustee to compel 90850  
payments from the trust, the trust shall not be counted as a 90851  
resource available to the applicant or recipient. 90852

(h) If an applicant or recipient presents a final judgment 90853  
from a court demonstrating that in a civil action against the 90854  
trustee the applicant or recipient was only able to compel limited 90855  
or periodic payments, the trust shall not be counted as a resource 90856  
available to the applicant or recipient and payments shall be 90857  
treated in accordance with rules adopted under section 5163.02 of 90858

the Revised Code governing income. 90859

(i) If an applicant or recipient provides written 90860  
documentation showing that the cost of a civil action brought to 90861  
compel payments from the trust would be cost prohibitive, the 90862  
trust shall not be counted as a resource available to the 90863  
applicant or recipient. 90864

(5) Any actual payments to the applicant or recipient from a 90865  
trust that meet the requirements of division (G)(1) of this 90866  
section, including trusts that are not counted as a resource 90867  
available to the applicant or recipient, shall be treated as 90868  
provided in rules adopted under section 5163.02 of the Revised 90869  
Code governing income. Payments to any person other than the 90870  
applicant or recipient shall not be considered income to the 90871  
applicant or recipient. Payments from the trust to a person other 90872  
than the applicant or recipient shall not be considered an 90873  
improper disposition of assets. 90874

**Sec. 5163.30.** (A) As used in this section: 90875

(1) "Assets" include all of an individual's income and 90876  
resources and those of the individual's spouse, including any 90877  
income or resources the individual or spouse is entitled to but 90878  
does not receive because of action by any of the following: 90879

(a) The individual or spouse; 90880

(b) A person or government entity, including a court or 90881  
administrative agency, with legal authority to act in place of or 90882  
on behalf of the individual or spouse; 90883

(c) A person or government entity, including a court or 90884  
administrative agency, acting at the direction or on the request 90885  
of the individual or spouse. 90886

(2) "Home and community-based services" means home and 90887  
community-based services furnished under a medicaid waiver granted 90888



by the United States secretary of health and human services under 90889  
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 90890  
1396n(c) or (d). 90891

(3) "Institutionalized individual" means a resident of a 90892  
nursing facility, an inpatient in a medical institution for whom a 90893  
payment is made based on a level of care provided in a nursing 90894  
facility, or an individual described in the "Social Security Act," 90895  
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 90896

(4) "Look-back date" means the date that is a number of 90897  
months specified in rules adopted under section 5163.02 of the 90898  
Revised Code immediately before either of the following: 90899

(a) The date an individual becomes an institutionalized 90900  
individual if the individual is eligible for medicaid on that 90901  
date; 90902

(b) The date an individual applies for medicaid while an 90903  
institutionalized individual. 90904

(5) "Nursing facility equivalent services" means services 90905  
that are covered by the medicaid program, equivalent to nursing 90906  
facility services, provided by an institution that provides the 90907  
same level of care as a nursing facility, and provided to an 90908  
inpatient of the institution who is a medicaid recipient eligible 90909  
for medicaid-covered nursing facility equivalent services. 90910

(6) "Undue hardship" means being deprived of either of the 90911  
following: 90912

(a) Medical care such that an individual's health or life is 90913  
endangered; 90914

(b) Food, clothing, shelter, or other necessities of life. 90915

(B) Except as provided in division (C) of this section and 90916  
rules adopted under section 5163.02 of the Revised Code, an 90917  
institutionalized individual is ineligible for nursing facility 90918

services, nursing facility equivalent services, and home and 90919  
community-based services if the individual or individual's spouse 90920  
disposes of assets for less than fair market value on or after the 90921  
look-back date. The institutionalized individual's ineligibility 90922  
shall begin on a date determined in accordance with rules adopted 90923  
under section 5163.02 of the Revised Code and shall continue for a 90924  
number of months determined in accordance with such rules. 90925

(C)(1) An institutionalized individual may be granted a 90926  
waiver of all or a portion of the period of ineligibility to which 90927  
the individual would otherwise be subjected under division (B) of 90928  
this section if the ineligibility would cause an undue hardship 90929  
for the individual. ~~An~~ 90930

(2) An institutionalized individual shall be granted a waiver 90931  
of all or a portion of the period of ineligibility if the 90932  
administrator of the nursing facility in which the individual 90933  
resides has notified the individual of a proposed transfer or 90934  
discharge under section 3721.16 of the Revised Code due to failure 90935  
to pay for the care the nursing facility has provided to the 90936  
individual, the individual or the individual's sponsor requests a 90937  
hearing on the proposed transfer or discharge in accordance with 90938  
section 3721.161 of the Revised Code, and the transfer or 90939  
discharge is upheld by a final determination that is not subject 90940  
to further appeal. ~~Waivers~~ 90941

(3) An institutionalized individual may be granted a waiver 90942  
of all of the period of ineligibility if all of the assets that 90943  
were disposed of for less than fair market value are returned to 90944  
the individual or individual's spouse or if the individual or 90945  
individual's spouse receives cash or other personal or real 90946  
property that equals the difference between what the individual or 90947  
individual's spouse received for the assets and the fair market 90948  
value of the assets. Except as provided in division (C)(1) or (2) 90949  
of this section, no waiver of any part of the period of 90950

ineligibility shall be granted if the amount the individual or individual's spouse receives is less than the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets. 90951  
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(4) Waivers shall be granted in accordance with rules adopted under section 5163.02 of the Revised Code. 90955  
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(D) To secure compliance with this section, the medicaid director may require an individual, as a condition of initial or continued eligibility for medicaid, to provide documentation of the individual's assets up to five years before the date the individual becomes an institutionalized individual if the individual is eligible for medicaid on that date or the date the individual applies for medicaid while an institutionalized individual. Documentation may include tax returns, records from financial institutions, and real property records. 90957  
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**Sec. 5163.33.** (A) In determining the amount of income that a medicaid recipient must apply monthly toward payment of the cost of care in a nursing facility or ICF/IID, a county department of job and family services shall deduct from the recipient's monthly income a monthly personal needs allowance in accordance with the "Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 90966  
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(B) In the case of a resident of a nursing facility, the monthly personal needs allowance shall be ~~as follows:~~ 90972  
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~~(1) Prior to January 1, 2014, not less than forty dollars for an individual resident and not less than eighty dollars for a married couple if both spouses are residents of a nursing facility and their incomes are considered available to each other in determining eligibility;~~ 90974  
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~~(2) For calendar year 2014, not less than forty five dollars for an individual resident and not less than ninety dollars for a~~ 90979  
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~~married couple if both spouses are residents of a nursing facility~~ 90981  
~~and their incomes are considered available to each other in~~ 90982  
~~determining eligibility;~~ 90983

~~(3) For calendar year 2015 and each calendar year thereafter,~~ 90984  
not less than fifty dollars for an individual resident and not 90985  
less than one hundred dollars for a married couple if both spouses 90986  
are residents of a nursing facility and their incomes are 90987  
considered available to each other in determining eligibility. 90988

(C) In the case of a resident of an ICF/IID, the monthly 90989  
personal needs allowance shall be as follows: 90990

(1) Prior to January 1, 2016, forty dollars unless the 90991  
resident has earned income, in which case the monthly personal 90992  
needs allowance shall be determined by the department of medicaid, 90993  
or the department's designee, but shall not exceed one hundred 90994  
five dollars; 90995

(2) For calendar year 2016 and each calendar year thereafter, 90996  
not less than fifty dollars for an individual resident and not 90997  
less than one hundred dollars for a married couple if both spouses 90998  
are residents of an ICF/IID and their incomes are considered 90999  
available to each other in determining eligibility. 91000

**Sec. 5164.01.** As used in this chapter: 91001

(A) "Adjudication" has the same meaning as in section 119.01 91002  
of the Revised Code. 91003

(B) "Early and periodic screening, diagnostic, and treatment 91004  
services" has the same meaning as in the "Social Security Act," 91005  
section 1905(r), 42 U.S.C. 1396d(r). 91006

~~(B)~~(C) "Federal financial participation" has the same meaning 91007  
as in section 5160.01 of the Revised Code. 91008

~~(C)~~(D) "Healthcheck" means the component of the medicaid 91009  
program that provides early and periodic screening, diagnostic, 91010

and treatment services.	91011
<del>(D)</del> (E) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	91012 91013 91014
<del>(E)</del> (F) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	91015 91016
<del>(F)</del> (G) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.	91017 91018
<del>(G)</del> (H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	91019 91020
<del>(H)</del> (I) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.	91021 91022 91023
<del>(I)</del> (J) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.	91024 91025 91026 91027
<del>(J)</del> (K) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	91028 91029
<del>(K)</del> (L) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both.	91030 91031 91032 91033 91034 91035
<del>(L)</del> (M) "Medicaid services" means either or both of the following:	91036 91037
(1) Mandatory services;	91038
(2) Optional services that the medicaid program covers.	91039

~~(M)~~ (N) "Nursing facility" has the same meaning as in section 91040  
5165.01 of the Revised Code. 91041

~~(N)~~ (O) "Optional services" means the health care services and 91042  
items that may be covered by the medicaid state plan or a federal 91043  
medicaid waiver and for which the medicaid program receives 91044  
federal financial participation. 91045

~~(O)~~ (P) "Prescribed drug" has the same meaning as in 42 C.F.R. 91046  
440.120. 91047

~~(P)~~ (Q) "Provider agreement" means an agreement to which all 91048  
of the following apply: 91049

(1) It is between a medicaid provider and the department of 91050  
medicaid; 91051

(2) It provides for the medicaid provider to provide medicaid 91052  
services to medicaid recipients; 91053

(3) It complies with 42 C.F.R. 431.107(b). 91054

~~(Q)~~ (R) "Terminal distributor of dangerous drugs" has the same 91055  
meaning as in section 4729.01 of the Revised Code. 91056

**Sec. 5164.38.** (A) As used in this section: 91057

(1) ~~"Adjudication" has the same meaning as in division (D) of~~ 91058  
~~section 119.01 of the Revised Code.~~ 91059

~~(2)~~ "Party" has the same meaning as in division (G) of 91060  
section 119.01 of the Revised Code. 91061

~~(3)~~ (2) "Revalidate" means to approve a medicaid provider's 91062  
continued enrollment as a medicaid provider in accordance with the 91063  
revalidation process established in rules authorized by section 91064  
5164.32 of the Revised Code. 91065

(B) This section does not apply to either of the following: 91066

(1) Any action taken or decision made by the department of 91067

medicaid with respect to entering into or refusing to enter into a 91068  
contract with a managed care organization pursuant to section 91069  
5167.10 of the Revised Code; 91070

(2) Any action taken by the department under division (D)(2) 91071  
of section 5124.60, division (D)(1) or (2) of section 5124.61, or 91072  
sections 5165.60 to 5165.89 of the Revised Code. 91073

(C) Except as provided in division (E) of this section and 91074  
section 5164.58 of the Revised Code, the department shall do any 91075  
of the following by issuing an order pursuant to an adjudication 91076  
conducted in accordance with Chapter 119. of the Revised Code: 91077

(1) Refuse to enter into a provider agreement with a medicaid 91078  
provider; 91079

(2) Refuse to revalidate a medicaid provider's provider 91080  
agreement; 91081

(3) Suspend or terminate a medicaid provider's provider 91082  
agreement; 91083

(4) Take any action based upon a final fiscal audit of a 91084  
medicaid provider. 91085

(D) Any party who is adversely affected by the issuance of an 91086  
adjudication order under division (C) of this section may appeal 91087  
to the court of common pleas of Franklin county in accordance with 91088  
section 119.12 of the Revised Code. 91089

(E) The department is not required to comply with division 91090  
(C)(1), (2), or (3) of this section whenever any of the following 91091  
occur: 91092

(1) The terms of a provider agreement require the medicaid 91093  
provider to hold a license, permit, or certificate or maintain a 91094  
certification issued by an official, board, commission, 91095  
department, division, bureau, or other agency of state or federal 91096  
government other than the department of medicaid, and the license, 91097

permit, certificate, or certification has been denied, revoked, 91098  
not renewed, suspended, or otherwise limited. 91099

(2) The terms of a provider agreement require the medicaid 91100  
provider to hold a license, permit, or certificate or maintain 91101  
certification issued by an official, board, commission, 91102  
department, division, bureau, or other agency of state or federal 91103  
government other than the department of medicaid, and the provider 91104  
has not obtained the license, permit, certificate, or 91105  
certification. 91106

(3) The medicaid provider's application for a provider 91107  
agreement is denied, or the provider's provider agreement is 91108  
terminated or not revalidated, because of or pursuant to any of 91109  
the following: 91110

(a) The termination, refusal to renew, or denial of a 91111  
license, permit, certificate, or certification by an official, 91112  
board, commission, department, division, bureau, or other agency 91113  
of this state other than the department of medicaid, 91114  
notwithstanding the fact that the provider may hold a license, 91115  
permit, certificate, or certification from an official, board, 91116  
commission, department, division, bureau, or other agency of 91117  
another state; 91118

(b) Division (D) or (E) of section 5164.35 of the Revised 91119  
Code; 91120

(c) The provider's termination, suspension, or exclusion from 91121  
the medicare program or from another state's medicaid program and, 91122  
in either case, the termination, suspension, or exclusion is 91123  
binding on the provider's participation in the medicaid program in 91124  
this state; 91125

(d) The provider's pleading guilty to or being convicted of a 91126  
criminal activity materially related to either the medicare or 91127  
medicaid program; 91128



(e) The provider or its owner, officer, authorized agent, 91129  
associate, manager, or employee having been convicted of one of 91130  
the offenses that caused the provider's provider agreement to be 91131  
suspended pursuant to section 5164.36 of the Revised Code; 91132

(f) The provider's failure to provide the department the 91133  
national provider identifier assigned the provider by the national 91134  
provider system pursuant to 45 C.F.R. 162.408. 91135

(4) The medicaid provider's application for a provider 91136  
agreement is denied, or the provider's provider agreement is 91137  
terminated or suspended, as a result of action by the United 91138  
States department of health and human services and that action is 91139  
binding on the provider's medicaid participation. 91140

(5) Pursuant to either section 5164.36 or 5164.37 of the 91141  
Revised Code, the medicaid provider's provider agreement is 91142  
suspended and payments to the provider are suspended pending 91143  
indictment of the provider. 91144

(6) The medicaid provider's application for a provider 91145  
agreement is denied because the provider's application was not 91146  
complete; 91147

(7) The medicaid provider's provider agreement is converted 91148  
under section 5164.32 of the Revised Code from a provider 91149  
agreement that is not time-limited to a provider agreement that is 91150  
time-limited. 91151

(8) Unless the medicaid provider is a nursing facility or 91152  
ICF/IID, the provider's provider agreement is not revalidated 91153  
pursuant to division (B)(1) of section 5164.32 of the Revised 91154  
Code. 91155

(9) The medicaid provider's provider agreement is suspended, 91156  
terminated, or not revalidated because of either of the following: 91157

(a) Any reason authorized or required by one or more of the 91158

following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 91159  
455.450; 91160

(b) The provider has not billed or otherwise submitted a 91161  
medicaid claim for two years or longer. 91162

(F) In the case of a medicaid provider described in division 91163  
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 91164  
take its action by sending a notice explaining the action to the 91165  
provider. The notice shall be sent to the medicaid provider's 91166  
address on record with the department. The notice may be sent by 91167  
regular mail. 91168

(G) The department may withhold payments for medicaid 91169  
services rendered by a medicaid provider during the pendency of 91170  
proceedings initiated under division (C)(1), (2), or (3) of this 91171  
section. If the proceedings are initiated under division (C)(4) of 91172  
this section, the department may withhold payments only to the 91173  
extent that they equal amounts determined in a final fiscal audit 91174  
as being due the state. This division does not apply if the 91175  
department fails to comply with section 119.07 of the Revised 91176  
Code, requests a continuance of the hearing, or does not issue a 91177  
decision within thirty days after the hearing is completed. This 91178  
division does not apply to nursing facilities and ICFs/IID. 91179

**Sec. 5164.57.** (A) ~~As used in this section, "adjudication" has 91180  
the same meaning as in section 119.01 of the Revised Code. 91181~~

~~(B)~~(1) Except as provided in division ~~(B)~~(A)(2) of this 91182  
section, the department of medicaid may recover a medicaid payment 91183  
or portion of a payment made to a medicaid provider to which the 91184  
provider is not entitled if the department notifies the provider 91185  
of the overpayment during the five-year period immediately 91186  
following the end of the state fiscal year in which the 91187  
overpayment was made. 91188

(2) In the case of a hospital medicaid provider, if the department determines as a result of a medicare or medicaid cost report settlement that the provider received an amount under the medicaid program to which the provider is not entitled, the department may recover the overpayment if the department notifies the provider of the overpayment during the later of the following:

(a) The five-year period immediately following the end of the state fiscal year in which the overpayment was made;

(b) The one-year period immediately following the date the department receives from the United States centers for medicare and medicaid services a completed, audited, medicare cost report for the provider that applies to the state fiscal year in which the overpayment was made.

~~(C)~~(B) Among the overpayments that may be recovered under this section are the following:

(1) Payment for a medicaid service, or a day of service, not rendered;

(2) Payment for a day of service at a full per diem rate that should have been paid at a percentage of the full per diem rate;

(3) Payment for a medicaid service, or day of service, that was paid by, or partially paid by, a third party, as defined in section 5160.35 of the Revised Code, and the third party's payment or partial payment was not offset against the amount paid by the medicaid program to reduce or eliminate the amount that was paid by the medicaid program;

(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider.

~~(D)~~(C) The department may recover an overpayment under this section prior to or after any of the following:

(1) Adjudication of a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;

(2) Adjudication of a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes;

(3) Expiration of the time to issue a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;

(4) Expiration of the time to issue a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5164.38 of the Revised Code;

(b) Issuing a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

~~(F)~~(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

Sec. 5164.78. The medicaid payment rate for medical transportation services shall include a component that pays for providers' fuel costs. The department of medicaid shall revise the

rate for the fuel component each month. The rate for the fuel 91249  
component for a month shall be at least five per cent higher than 91250  
the national average for fuel prices for the immediately preceding 91251  
month as reported by the United States energy information 91252  
administration. 91253

Sec. 5164.912. A medical transportation provider may submit a 91254  
claim to the medicaid program for a medical transportation service 91255  
provided to an ICDS participant without the medicare program first 91256  
denying the claim if the medicaid program is responsible for 91257  
paying the claim instead of the medicare program. 91258

Sec. 5165.15. (A) Except as otherwise provided by sections 91259  
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 91260  
per medicaid day payment rate that the department of medicaid 91261  
shall pay a nursing facility provider for nursing facility 91262  
services the provider's nursing facility provides during a fiscal 91263  
year shall equal be determined as follows: 91264

(A) Determine the sum of all of the following: 91265

(1) The per medicaid day payment rate for ancillary and 91266  
support costs determined for the nursing facility under section 91267  
5165.16 of the Revised Code; 91268

(2) The per medicaid day payment rate for capital costs 91269  
determined for the nursing facility under section 5165.17 of the 91270  
Revised Code; 91271

(3) The per medicaid day payment rate for direct care costs 91272  
determined for the nursing facility under section 5165.19 of the 91273  
Revised Code; 91274

(4) The per medicaid day payment rate for tax costs 91275  
determined for the nursing facility under section 5165.21 of the 91276  
Revised Code; 91277

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 91278  
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~~(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code~~ Sixteen dollars and forty-four cents. 91281  
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~~(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate~~ 91284  
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From the sum determined under division (A) of this section, 91291  
subtract one dollar and seventy-nine cents. 91292

(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 91293  
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**Sec. 5165.151.** (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 91297  
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 91303  
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(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division 91306  
91307

(D) of section 5165.17 of the Revised Code; 91308

(3) The initial rate for direct care costs shall be the 91309  
product of the cost per case-mix unit determined under division 91310  
(D) of section 5165.19 of the Revised Code for the new nursing 91311  
facility's peer group and the new nursing facility's case-mix 91312  
score determined under division (B) of this section. 91313

(4) The initial rate for tax costs shall be the median rate 91314  
for tax costs for the new nursing facility's peer group in which 91315  
the nursing facility is placed under division (C) of section 91316  
5165.16 of the Revised Code. 91317

(5) The quality ~~incentive~~ payment shall be the mean quality 91318  
payment ~~made to~~ rate determined for nursing facilities under 91319  
section 5165.25 of the Revised Code. 91320

(6) Fourteen dollars and sixty-five cents shall be added to 91321  
the sum of the rates and payment specified in divisions (A)(1) to 91322  
(5) of this section. 91323

(B) For the purpose of division (A)(3) of this section, a new 91324  
nursing facility's case-mix score shall be the following: 91325

(1) Unless the new nursing facility replaces an existing 91326  
nursing facility that participated in the medicaid program 91327  
immediately before the new nursing facility begins participating 91328  
in the medicaid program, the median annual average case-mix score 91329  
for the new nursing facility's peer group; 91330

(2) If the nursing facility replaces an existing nursing 91331  
facility that participated in the medicaid program immediately 91332  
before the new nursing facility begins participating in the 91333  
medicaid program, the semiannual case-mix score most recently 91334  
determined under section 5165.192 of the Revised Code for the 91335  
replaced nursing facility as adjusted, if necessary, to reflect 91336  
any difference in the number of beds in the replaced and new 91337  
nursing facilities. 91338

(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter.

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

**Sec. 5165.152.** The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~one~~ the following:

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;



(B) Ninety-one dollars and seventy cents per medicaid day if 91370  
division (A) of this section does not apply to the nursing 91371  
facility. 91372

**Sec. 5165.157.** (A) The medicaid director ~~may~~ shall establish 91373  
an alternative purchasing model for nursing facility services 91374  
provided by designated discrete units of nursing facilities to 91375  
medicaid recipients with specialized health care needs. ~~If the~~ 91376  
~~alternative purchasing model is established, the~~ The director 91377  
shall do all of the following with regard to the model: 91378

(1) Establish criteria that a discrete unit of a nursing 91379  
facility must meet to be designated as a unit that, under the 91380  
alternative purchasing model, may admit and provide nursing 91381  
facility services to medicaid recipients with specialized health 91382  
care needs; 91383

(2) Specify the health care conditions that medicaid 91384  
recipients must have to have specialized health care needs, which 91385  
may include dependency on a ventilator, severe traumatic brain 91386  
injury, the need to be admitted to a long-term acute care hospital 91387  
or rehabilitation hospital if not for nursing facility services, 91388  
and other serious health care conditions; 91389

(3) For each fiscal year, set the total per medicaid day 91390  
payment rate for nursing facility services provided under the 91391  
alternative purchasing model at either of the following: 91392

(a) Sixty per cent of the statewide average of the total per 91393  
medicaid day payment rate for long-term acute care hospital 91394  
services as of the first day of the fiscal year; 91395

(b) Another amount determined in accordance with an 91396  
alternative methodology that includes improved health outcomes as 91397  
a factor in determining the payment rate; 91398

(4) Require, to the extent the director considers necessary, 91399

a medicaid recipient to obtain prior authorization for admission 91400  
to a long-term acute care hospital or rehabilitation hospital as a 91401  
condition of medicaid payment for long-term acute care hospital or 91402  
rehabilitation hospital services. 91403

(B) The criteria established under division (A)(1) of this 91404  
section shall provide for a discrete unit of a nursing facility to 91405  
be excluded from the alternative purchasing model if the unit is 91406  
paid for nursing facility services in accordance with section 91407  
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 91408  
may require the provider of a nursing facility that has a discrete 91409  
unit designated for participation in the alternative purchasing 91410  
model to report health outcome measurement data to the department 91411  
of medicaid. 91412

(C) A discrete unit of a nursing facility that provides 91413  
nursing facility services to medicaid recipients with specialized 91414  
health care needs under the alternative purchasing model shall be 91415  
paid for those services in accordance with division (A)(3) of this 91416  
section instead of the total per medicaid day payment rate 91417  
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 91418  
of the Revised Code. 91419

**Sec. 5165.16.** (A) As used in this section: 91420

(1) "Applicable calendar year" means the following: 91421

(a) For the purpose of the department of medicaid's initial 91422  
determination under division (D) of this section of each peer 91423  
group's rate for ancillary and support costs, calendar year 2003; 91424

(b) For the purpose of the department's rebasings, the 91425  
calendar year the department selects. 91426

(2) "Rebasing" means a redetermination under division (D) of 91427  
this section of each peer group's rate for ancillary and support 91428  
costs using information from cost reports for an applicable 91429

calendar year that is later than the applicable calendar year used 91430  
for the previous determination of such rates. 91431

(B) The department of medicaid shall determine each nursing 91432  
facility's per medicaid day payment rate for ancillary and support 91433  
costs. A nursing facility's rate shall be the rate determined 91434  
under division (D) of this section for the nursing facility's peer 91435  
group. However, for the period beginning October 1, 2013, and 91436  
ending on the first day of the first rebasing, the rate for a 91437  
nursing facility located in Mahoning or Stark county shall be the 91438  
rate determined for the following: 91439

(1) If the nursing facility has fewer than one hundred beds, 91440  
the nursing facilities in peer group three; 91441

(2) If the nursing facility has one hundred or more beds, the 91442  
nursing facilities in peer group four. 91443

(C) For the purpose of determining nursing facilities' rates 91444  
for ancillary and support costs, the department shall establish 91445  
six peer groups. 91446

(1) Until the first rebasing occurs, the peer groups shall be 91447  
composed as follows: 91448

(a) Each nursing facility located in any of the following 91449  
counties shall be placed in peer group one or two: Brown, Butler, 91450  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 91451  
located in any of those counties that has fewer than one hundred 91452  
beds shall be placed in peer group one. Each nursing facility 91453  
located in any of those counties that has one hundred or more beds 91454  
shall be placed in peer group two. 91455

(b) Each nursing facility located in any of the following 91456  
counties shall be placed in peer group three or four: Ashtabula, 91457  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 91458  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 91459  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 91460

Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit,  
Union, and Wood. Each nursing facility located in any of those  
counties that has fewer than one hundred beds shall be placed in  
peer group three. Each nursing facility located in any of those  
counties that has one hundred or more beds shall be placed in peer  
group four.

(c) Each nursing facility located in any of the following  
counties shall be placed in peer group five or six: Adams, Allen,  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana,  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin,  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson,  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe,  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland,  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton,  
Washington, Wayne, Williams, and Wyandot. Each nursing facility  
located in any of those counties that has fewer than one hundred  
beds shall be placed in peer group five. Each nursing facility  
located in any of those counties that has one hundred or more beds  
shall be placed in peer group six.

(2) Beginning with the first rebasing, the peer groups shall  
be composed as they are under division (C)(1) of this section  
except as follows:

(a) Each nursing facility that has fewer than one hundred  
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull  
county shall be placed in peer group three rather than peer group  
five.

(b) Each nursing facility that has one hundred or more beds  
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county  
shall be placed in peer group four rather than peer group six.

(D)(1) The department shall determine the rate for ancillary  
and support costs for each peer group established under division

(C) of this section. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:

(a) Subject to division (D)(2) of this section, determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent;

(b) Subject to division (D)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics,

as that index existed on July 1, 2005; 91524

(ii) Effective with the first rebasing and except as provided 91525  
in division (D)(1)(c)(iii) of this section, the consumer price 91526  
index for all items for all urban consumers for the midwest 91527  
region, published by the United States bureau of labor statistics; 91528

(iii) If the United States bureau of labor statistics ceases 91529  
to publish the index specified in division (D)(1)(c)(ii) of this 91530  
section, the index the bureau subsequently publishes that covers 91531  
urban consumers' prices for items for the region that includes 91532  
this state. 91533

(d) Until the first rebasing occurs, increase the amount 91534  
calculated under division (D)(1)(c) of this section by five and 91535  
eight hundredths per cent. 91536

(2) For the purpose of determining a nursing facility's 91537  
occupancy rate under division (D)(1)(a) of this section, the 91538  
department shall include any beds that the nursing facility 91539  
removes from its medicaid-certified capacity unless the nursing 91540  
facility also removes the beds from its licensed bed capacity. 91541

(3) In making the identification under division (D)(1)(b) of 91542  
this section, the department shall exclude both of the following: 91543

(a) Nursing facilities that participated in the medicaid 91544  
program under the same provider for less than twelve months in the 91545  
applicable calendar year; 91546

(b) Nursing facilities whose ancillary and support costs are 91547  
more than one standard deviation from the mean desk-reviewed, 91548  
actual, allowable, per diem ancillary and support cost for all 91549  
nursing facilities in the nursing facility's peer group for the 91550  
applicable calendar year. 91551

(4) The department shall not redetermine a peer group's rate 91552  
for ancillary and support costs under this division based on 91553

additional information that it receives after the rate is 91554  
determined. The department shall redetermine a peer group's rate 91555  
for ancillary and support costs only if the department made an 91556  
error in determining the rate based on information available to 91557  
the department at the time of the original determination. 91558

**Sec. 5165.17.** (A) As used in this section: 91559

(1) "Applicable calendar year" means the following: 91560

(a) For the purpose of the department of medicaid's initial 91561  
determination under division (D) of this section of each peer 91562  
group's rate for capital costs, calendar year 2003; 91563

(b) For the purpose of the department's rebasings, the 91564  
calendar year the department selects. 91565

(2) "Rebasing" means a redetermination under division (D) of 91566  
this section of each peer group's rate for capital costs using 91567  
information from cost reports for an applicable calendar year that 91568  
is later than the applicable calendar year used for the previous 91569  
determination of such rates. 91570

(B) The department of medicaid shall determine each nursing 91571  
facility's per medicaid day payment rate for capital costs. A 91572  
nursing facility's rate shall be the rate determined under 91573  
division (D) of this section. However, for the period beginning 91574  
October 1, 2013, and ending on the first day of the first 91575  
rebasings, the rate for a nursing facility located in Mahoning or 91576  
Stark county shall be the rate determined for the following: 91577

(1) If the nursing facility has fewer than one hundred beds, 91578  
the nursing facilities in peer group three; 91579

(2) If the nursing facility has one hundred or more beds, the 91580  
nursing facilities in peer group four. 91581

(C) For the purpose of determining nursing facilities' rates 91582  
for capital costs, the department shall establish six peer groups. 91583

(1) Until the first rebasing occurs, the peer groups shall be 91584  
composed as follows: 91585

(a) Each nursing facility located in any of the following 91586  
counties shall be placed in peer group one or two: Brown, Butler, 91587  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 91588  
located in any of those counties that has fewer than one hundred 91589  
beds shall be placed in peer group one. Each nursing facility 91590  
located in any of those counties that has one hundred or more beds 91591  
shall be placed in peer group two. 91592

(b) Each nursing facility located in any of the following 91593  
counties shall be placed in peer group three or four: Ashtabula, 91594  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 91595  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 91596  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 91597  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 91598  
Union, and Wood. Each nursing facility located in any of those 91599  
counties that has fewer than one hundred beds shall be placed in 91600  
peer group three. Each nursing facility located in any of those 91601  
counties that has one hundred or more beds shall be placed in peer 91602  
group four. 91603

(c) Each nursing facility located in any of the following 91604  
counties shall be placed in peer group five or six: Adams, Allen, 91605  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91606  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91607  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91608  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 91609  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91610  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 91611  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 91612  
located in any of those counties that has fewer than one hundred 91613  
beds shall be placed in peer group five. Each nursing facility 91614  
located in any of those counties that has one hundred or more beds 91615



shall be placed in peer group six. 91616

(2) Beginning with the first rebasing, the peer groups shall 91617  
be composed as they are under division (C)(1) of this section 91618  
except as follows: 91619

(a) Each nursing facility that has fewer than one hundred 91620  
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull 91621  
county shall be placed in peer group three rather than peer group 91622  
five. 91623

(b) Each nursing facility that has one hundred or more beds 91624  
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county 91625  
shall be placed in peer group four rather than peer group six. 91626

(D)(1) The department shall determine the rate for capital 91627  
costs for each peer group established under division (C) of this 91628  
section. The department is not required to conduct a rebasing more 91629  
than once every ten years. Except as necessary to implement the 91630  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 91631  
303, both of the 129th general assembly, the rate for capital 91632  
costs determined under this division for a peer group shall be 91633  
used for subsequent years until the department conducts a 91634  
rebasing. To determine a peer group's rate for capital costs, the 91635  
department shall do both of the following: 91636

(a) Determine the rate for capital costs for the nursing 91637  
facility in the peer group that is at the twenty-fifth percentile 91638  
of the rate for capital costs for the applicable calendar year; 91639

(b) Until the first rebasing occurs, increase the amount 91640  
calculated under division (D)(1)(a) of this section by five and 91641  
eight hundredths per cent. 91642

(2) To identify the nursing facility in a peer group that is 91643  
at the twenty-fifth percentile of the rate for capital costs for 91644  
the applicable calendar year, the department shall do both of the 91645  
following: 91646

(a) Subject to division (D)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's occupancy rate under division (D)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.

(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

(E) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the

guidelines of the American hospital association, or over a 91678  
different period approved by the department. Any rules authorized 91679  
by this division that specify useful lives of buildings, 91680  
components, or equipment apply only to assets acquired on or after 91681  
July 1, 1993. Depreciation for costs paid or reimbursed by any 91682  
government agency shall not be included in capital costs unless 91683  
that part of the payment under this chapter is used to reimburse 91684  
the government agency. 91685

(F) The capital cost basis of nursing facility assets shall 91686  
be determined in the following manner: 91687

(1) Except as provided in division (F)(3) of this section, 91688  
for purposes of calculating the rates to be paid for facilities 91689  
with dates of licensure on or before June 30, 1993, the capital 91690  
cost basis of each asset shall be equal to the desk-reviewed, 91691  
actual, allowable, capital cost basis that is listed on the 91692  
facility's cost report for the calendar year preceding the fiscal 91693  
year during which the rate will be paid. 91694

(2) For facilities with dates of licensure after June 30, 91695  
1993, the capital cost basis shall be determined in accordance 91696  
with the principles of the medicare program, except as otherwise 91697  
provided in this chapter. 91698

(3) Except as provided in division (F)(4) of this section, if 91699  
a provider transfers an interest in a facility to another provider 91700  
after June 30, 1993, there shall be no increase in the capital 91701  
cost basis of the asset if the providers are related parties or 91702  
the provider to which the interest is transferred authorizes the 91703  
provider that transferred the interest to continue to operate the 91704  
facility under a lease, management agreement, or other 91705  
arrangement. If the previous sentence does not prohibit the 91706  
adjustment of the capital cost basis under this division, the 91707  
basis of the asset shall be adjusted by one-half of the change in 91708  
the consumer price index for all items for all urban consumers, as 91709

published by the United States bureau of labor statistics, during 91710  
the time that the transferor held the asset. 91711

(4) If a provider transfers an interest in a facility to 91712  
another provider who is a related party, the capital cost basis of 91713  
the asset shall be adjusted as specified in division (F)(3) of 91714  
this section if all of the following conditions are met: 91715

(a) The related party is a relative of owner; 91716

(b) Except as provided in division (F)(4)(c)(ii) of this 91717  
section, the provider making the transfer retains no ownership 91718  
interest in the facility; 91719

(c) The department determines that the transfer is an arm's 91720  
length transaction pursuant to rules adopted under section 5165.02 91721  
of the Revised Code. The rules shall provide that a transfer is an 91722  
arm's length transaction if all of the following apply: 91723

(i) Once the transfer goes into effect, the provider that 91724  
made the transfer has no direct or indirect interest in the 91725  
provider that acquires the facility or the facility itself, 91726  
including interest as an owner, officer, director, employee, 91727  
independent contractor, or consultant, but excluding interest as a 91728  
creditor. 91729

(ii) The provider that made the transfer does not reacquire 91730  
an interest in the facility except through the exercise of a 91731  
creditor's rights in the event of a default. If the provider 91732  
reacquires an interest in the facility in this manner, the 91733  
department shall treat the facility as if the transfer never 91734  
occurred when the department calculates its reimbursement rates 91735  
for capital costs. 91736

(iii) The transfer satisfies any other criteria specified in 91737  
the rules. 91738

(d) Except in the case of hardship caused by a catastrophic 91739

event, as determined by the department, or in the case of a 91740  
provider making the transfer who is at least sixty-five years of 91741  
age, not less than twenty years have elapsed since, for the same 91742  
facility, the capital cost basis was adjusted most recently under 91743  
division (F)(4) of this section or actual, allowable capital costs 91744  
was determined most recently under division (G)(9) of this 91745  
section. 91746

(G) As used in this division: 91747

"Imputed interest" means the lesser of the prime rate plus 91748  
two per cent or ten per cent. 91749

"Lease expense" means lease payments in the case of an 91750  
operating lease and depreciation expense and interest expense in 91751  
the case of a capital lease. 91752

"New lease" means a lease, to a different lessee, of a 91753  
nursing facility that previously was operated under a lease. 91754

(1) Subject to division (B) of this section, for a lease of a 91755  
facility that was effective on May 27, 1992, the entire lease 91756  
expense is an actual, allowable capital cost during the term of 91757  
the existing lease. The entire lease expense also is an actual, 91758  
allowable capital cost if a lease in existence on May 27, 1992, is 91759  
renewed under either of the following circumstances: 91760

(a) The renewal is pursuant to a renewal option that was in 91761  
existence on May 27, 1992; 91762

(b) The renewal is for the same lease payment amount and 91763  
between the same parties as the lease in existence on May 27, 91764  
1992. 91765

(2) Subject to division (B) of this section, for a lease of a 91766  
facility that was in existence but not operated under a lease on 91767  
May 27, 1992, actual, allowable capital costs shall include the 91768  
lesser of the annual lease expense or the annual depreciation 91769

expense and imputed interest expense that would be calculated at 91770  
the inception of the lease using the lessor's entire historical 91771  
capital asset cost basis, adjusted by one-half of the change in 91772  
the consumer price index for all items for all urban consumers, as 91773  
published by the United States bureau of labor statistics, during 91774  
the time the lessor held each asset until the beginning of the 91775  
lease. 91776

(3) Subject to division (B) of this section, for a lease of a 91777  
facility with a date of licensure on or after May 27, 1992, that 91778  
is initially operated under a lease, actual, allowable capital 91779  
costs shall include the annual lease expense if there was a 91780  
substantial commitment of money for construction of the facility 91781  
after December 22, 1992, and before July 1, 1993. If there was not 91782  
a substantial commitment of money after December 22, 1992, and 91783  
before July 1, 1993, actual, allowable capital costs shall include 91784  
the lesser of the annual lease expense or the sum of the 91785  
following: 91786

(a) The annual depreciation expense that would be calculated 91787  
at the inception of the lease using the lessor's entire historical 91788  
capital asset cost basis; 91789

(b) The greater of the lessor's actual annual amortization of 91790  
financing costs and interest expense at the inception of the lease 91791  
or the imputed interest expense calculated at the inception of the 91792  
lease using seventy per cent of the lessor's historical capital 91793  
asset cost basis. 91794

(4) Subject to division (B) of this section, for a lease of a 91795  
facility with a date of licensure on or after May 27, 1992, that 91796  
was not initially operated under a lease and has been in existence 91797  
for ten years, actual, allowable capital costs shall include the 91798  
lesser of the annual lease expense or the annual depreciation 91799  
expense and imputed interest expense that would be calculated at 91800  
the inception of the lease using the entire historical capital 91801

asset cost basis of one-half of the change in the consumer price 91802  
index for all items for all urban consumers, as published by the 91803  
United States bureau of labor statistics, during the time the 91804  
lessor held each asset until the beginning of the lease. 91805

(5) Subject to division (B) of this section, for a new lease 91806  
of a facility that was operated under a lease on May 27, 1992, 91807  
actual, allowable capital costs shall include the lesser of the 91808  
annual new lease expense or the annual old lease payment. If the 91809  
old lease was in effect for ten years or longer, the old lease 91810  
payment from the beginning of the old lease shall be adjusted by 91811  
one-half of the change in the consumer price index for all items 91812  
for all urban consumers, as published by the United States bureau 91813  
of labor statistics, from the beginning of the old lease to the 91814  
beginning of the new lease. 91815

(6) Subject to division (B) of this section, for a new lease 91816  
of a facility that was not in existence or that was in existence 91817  
but not operated under a lease on May 27, 1992, actual, allowable 91818  
capital costs shall include the lesser of annual new lease expense 91819  
or the annual amount calculated for the old lease under division 91820  
(G)(2), (3), (4), or (6) of this section, as applicable. If the 91821  
old lease was in effect for ten years or longer, the lessor's 91822  
historical capital asset cost basis shall be, for purposes of 91823  
calculating the annual amount under division (G)(2), (3), (4), or 91824  
(6) of this section, adjusted by one-half of the change in the 91825  
consumer price index for all items for all urban consumers, as 91826  
published by the United States bureau of labor statistics, from 91827  
the beginning of the old lease to the beginning of the new lease. 91828

In the case of a lease under division (G)(3) of this section 91829  
of a facility for which a substantial commitment of money was made 91830  
after December 22, 1992, and before July 1, 1993, the old lease 91831  
payment shall be adjusted for the purpose of determining the 91832  
annual amount. 91833

(7) For any revision of a lease described in division (G)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable capital costs attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (G)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party or previously operated the facility, the related party's or previous operator's actual, allowable capital costs shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (G)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (G)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department determines that the lease is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (G)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.



(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable capital costs were determined most recently under division (G)(9) of this section.

(10) This division does not apply to leases of specific items of equipment.

**Sec. 5165.19.** (A) As used in this section:

(1) "Applicable calendar year" means the following:

(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003;

(b) For the purpose of the department's rebasings, the calendar year the department selects.

(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's cost per case-mix unit using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such costs.

(B) Semiannually, the department of medicaid shall determine

each nursing facility's per medicaid day payment rate for direct 91895  
care costs by multiplying the facility's semiannual case-mix score 91896  
determined under section 5165.192 of the Revised Code by the cost 91897  
per case-mix unit determined under division (D) of this section 91898  
for the facility's peer group. However, for the period beginning 91899  
October 1, 2013, and ending on the first day of the first 91900  
rebasings, the rate for a nursing facility located in Mahoning or 91901  
Stark county shall be determined semiannually by multiplying the 91902  
facility's semiannual case-mix score determined under section 91903  
5165.192 of the Revised Code by the cost per case-mix unit 91904  
determined under division (D) of this section for the nursing 91905  
facilities in peer group two. 91906

(C) For the purpose of determining nursing facilities' rates 91907  
for direct care costs, the department shall establish three peer 91908  
groups. 91909

(1) Until the first rebasing occurs, the peer groups shall be 91910  
composed as follows: 91911

(a) Each nursing facility located in any of the following 91912  
counties shall be placed in peer group one: Brown, Butler, 91913  
Clermont, Clinton, Hamilton, and Warren. 91914

(b) Each nursing facility located in any of the following 91915  
counties shall be placed in peer group two: Ashtabula, Champaign, 91916  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 91917  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 91918  
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 91919  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 91920  
and Wood. 91921

(c) Each nursing facility located in any of the following 91922  
counties shall be placed in peer group three: Adams, Allen, 91923  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91924  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91925

Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91926  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 91927  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91928  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 91929  
Washington, Wayne, Williams, and Wyandot. 91930

(2) Beginning with the first rebasing, the peer groups shall 91931  
be composed as they are under division (C)(1) of this section 91932  
except that each nursing facility located in Allen, Mahoning or, 91933  
Stark, or Trumbull county shall be placed in peer group two rather 91934  
than peer group three. 91935

(D)(1) The department shall determine a cost per case-mix 91936  
unit for each peer group established under division (C) of this 91937  
section. The department is not required to conduct a rebasing more 91938  
than once every ten years. Except as necessary to implement the 91939  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 91940  
303, both of the 129th general assembly, and H.B. 59 of the 130th 91941  
general assembly, the cost per case-mix unit determined under this 91942  
division for a peer group shall be used for subsequent years until 91943  
the department conducts a rebasing. To determine a peer group's 91944  
cost per case-mix unit, the department shall do all of the 91945  
following: 91946

(a) Determine the cost per case-mix unit for each nursing 91947  
facility in the peer group for the applicable calendar year by 91948  
dividing each facility's desk-reviewed, actual, allowable, per 91949  
diem direct care costs for the applicable calendar year by the 91950  
facility's annual average case-mix score determined under section 91951  
5165.192 of the Revised Code for the applicable calendar year; 91952

(b) Subject to division (D)(2) of this section, identify 91953  
which nursing facility in the peer group is at the twenty-fifth 91954  
percentile of the cost per case-mix units determined under 91955  
division (D)(1)(a) of this section; 91956

- (c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section; 91957  
91958  
91959  
91960
- (d) Using the index specified in division (D)(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (D)(1)(c) of this section; 91961  
91962  
91963  
91964  
91965  
91966
- (e) Add the following to the amount calculated under division (D)(1)(d) of this section: 91967  
91968
- (i) Until the earlier of January 1, 2014, or when the first rebasing occurs, one dollar and eighty-eight cents; 91969  
91970
- (ii) Unless the first rebasing occurs before January 1, 2014, beginning January 1, 2014, and until the first rebasing occurs, eighty-six cents. 91971  
91972  
91973
- (f) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(e) of this section by five and eight hundredths per cent. 91974  
91975  
91976
- (2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following: 91977  
91978
- (a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 91979  
91980  
91981
- (b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 91982  
91983  
91984  
91985
- (3) The following index shall be used for the purpose of the 91986

calculation made under division (D)(1)(d) of this section:	91987
(a) Until the first rebasing occurs, the employment cost index for total compensation, health services component, published by the United States bureau of labor statistics, as the index existed on July 1, 2005;	91988 91989 91990 91991
(b) Effective with the first rebasing and except as provided in division (D)(3)(c) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;	91992 91993 91994 91995 91996
(c) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(3)(b) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.	91997 91998 91999 92000
(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.	92001 92002 92003 92004 92005 92006 92007 92008
<b>Sec. 5165.192.</b> (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:	92009 92010 92011 92012
(a) Every quarter, determine the following two case-mix scores for each nursing facility:	92013 92014
(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low resource utilization	92015 92016

resident; 92017

(ii) A quarterly case-mix score that includes each resident 92018  
regardless of payment source. 92019

(b) Every six months, determine a semiannual average case-mix 92020  
score for each nursing facility by using the quarterly case-mix 92021  
scores determined for the nursing facility pursuant to division 92022  
(A)(1)(a)(i) of this section; 92023

(c) After the end of each calendar year, determine an annual 92024  
average case-mix score for each nursing facility by using the 92025  
quarterly case-mix scores determined for the nursing facility 92026  
pursuant to division (A)(1)(a)(ii) of this section. 92027

(2) When determining case-mix scores under division (A)(1) of 92028  
this section, the department shall use all of the following: 92029

(a) Data from a resident assessment instrument specified in 92030  
rules authorized by section 5165.191 of the Revised Code; 92031

(b) Except as provided in rules authorized by this section, 92032  
the case-mix values established by the United States department of 92033  
health and human services; 92034

(c) Except as modified in rules authorized by this section, 92035  
the grouper methodology ~~used on June 30, 1999, designated~~ by the 92036  
United States department of health and human services ~~for~~ 92037  
~~prospective payment of skilled nursing facilities under the~~ 92038  
~~medicare program as the resource utilization group (RUG)-IV, 48~~ 92039  
~~group model.~~ 92040

(B)(1) Subject to division (B)(2) of this section, the 92041  
department, for one or more months of a calendar quarter, may 92042  
assign to a nursing facility a case-mix score that is five per 92043  
cent less than the nursing facility's case-mix score for the 92044  
immediately preceding calendar quarter if any of the following 92045  
apply: 92046

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B)(1), 92078  
(2), or (3) of this section only in accordance with rules 92079  
authorized by this section. The department shall not take an 92080  
action that affects rates for prior payment periods except in 92081  
accordance with sections 5165.41 and 5165.42 of the Revised Code. 92082

(C) The medicaid director shall adopt rules under section 92083  
5165.02 of the Revised Code as necessary to implement this 92084  
section. 92085

(1) The rules shall do all of the following: 92086

(a) Specify the process for determining the semiannual and 92087  
annual average case-mix scores for nursing facilities; 92088

(b) Adjust the case-mix values specified in division 92089  
(A)(2)(b) of this section to reflect changes in relative wage 92090  
differentials that are specific to this state; 92091

(c) Express all of those case-mix values in numeric terms 92092  
that are different from the terms specified by the United States 92093  
department of health and human services but that do not alter the 92094  
relationship of the case-mix values to one another; 92095

(d) Modify the grouper methodology specified in division 92096  
(A)(2)(c) of this section as follows: 92097

(i) Establish a different hierarchy for assigning residents 92098  
to case-mix categories under the methodology; 92099

(ii) Prohibit the use of the index maximizer element of the 92100  
methodology; 92101

(iii) Incorporate changes to the methodology the United 92102  
States department of health and human services makes after June 92103  
30, 1999; 92104

(iv) Make other changes the department determines are 92105  
necessary. 92106

(e) Establish procedures under which resident assessment data 92107



shall be reviewed for accuracy and providers shall be notified of 92108  
any data that requires correction; 92109

(f) Establish procedures for providers to correct resident 92110  
assessment data and specify a reasonable period of time by which 92111  
providers shall submit the corrections. The procedures may limit 92112  
the content of corrections in the manner required by regulations 92113  
adopted by the United States department of health and human 92114  
services under Title XVIII and Title XIX. 92115

(g) Specify when and how the department will assign case-mix 92116  
scores or costs per case-mix unit to a nursing facility under 92117  
division (B) of this section if information necessary to calculate 92118  
the nursing facility's case-mix score is not provided or corrected 92119  
in accordance with the procedures established by the rules. 92120

(2) Notwithstanding any other provision of this chapter, the 92121  
rules may provide for the exclusion of case-mix scores assigned to 92122  
a nursing facility under division (B) of this section from the 92123  
determination of the nursing facility's semiannual or annual 92124  
average case-mix score and the cost per case-mix unit for the 92125  
nursing facility's peer group. 92126

**Sec. 5165.23.** (A) Each fiscal year, the department of 92127  
medicaid shall determine the critical access incentive payment for 92128  
each nursing facility that qualifies as a critical access nursing 92129  
facility. To qualify as a critical access nursing facility for a 92130  
fiscal year, a nursing facility must meet all of the following 92131  
requirements: 92132

(1) The nursing facility must be located in an area that, on 92133  
December 31, 2011, was designated an empowerment zone under the 92134  
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 92135

(2) The nursing facility must have an occupancy rate of at 92136  
least eighty-five per cent as of the last day of the calendar year 92137

immediately preceding the fiscal year. 92138

(3) The nursing facility must have a medicaid utilization 92139  
rate of at least sixty-five per cent as of the last day of the 92140  
calendar year immediately preceding the fiscal year. 92141

~~(4) The nursing facility must have been awarded at least five 92142  
points for meeting accountability measures under section 5165.25 92143  
of the Revised Code for the fiscal year and at least one of the 92144  
five points must have been awarded for meeting the accountability 92145  
measures identified in divisions (C)(9), (10), (11), (12), and 92146  
(14) of section 5165.25 of the Revised Code. 92147~~

(B) A critical access nursing facility's critical access 92148  
incentive payment for a fiscal year shall equal five per cent of 92149  
the portion of the nursing facility's total per medicaid day 92150  
payment rate for the fiscal year that is the sum of the rates ~~and~~ 92151  
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 92152  
5165.15 of the Revised Code. 92153

**Sec. 5165.25.** (A) As used in this section: 92154

(1) "Long-stay resident" means an individual who has resided 92155  
in a nursing facility for at least one hundred one days. 92156

(2) "Measurement period" means the following: 92157

(a) For fiscal year 2017, the period beginning July 1, 2015, 92158  
and ending December 31, 2015; 92159

(b) For each subsequent fiscal year, the calendar year 92160  
immediately preceding the fiscal year. 92161

(3) "Nurse aide" has the same meaning as in section 3721.21 92162  
of the Revised Code. 92163

(4) "Short-stay resident" means a nursing facility resident 92164  
who is not a long-stay resident. 92165

(B)(1) Using all of the funds made available for a fiscal 92166

year by the rate reductions under division (B) of section 5165.15 92167  
of the Revised Code, the department of medicaid shall determine a 92168  
per medicaid day quality payment rate to be paid for that fiscal 92169  
year to each nursing facility that meets at least one of the 92170  
quality indicators specified in division (B)(2) of this section 92171  
for the measurement period. The largest quality payment rate for a 92172  
fiscal year shall be paid to nursing facilities that meet all of 92173  
the quality indicators for the measurement period. 92174

(2) The following are the quality indicators to be used for 92175  
the purpose of division (B)(1) of this section: 92176

(a) Not more than the target percentage of the nursing 92177  
facility's short-stay residents had new or worsened pressure 92178  
ulcers and not more than the target percentage of long-stay 92179  
residents at high risk for pressure ulcers had pressure ulcers. 92180

(b) Not more than the target percentage of the nursing 92181  
facility's short-stay residents newly received an antipsychotic 92182  
medication and not more than the target percentage of the nursing 92183  
facility's long-stay residents received an antipsychotic 92184  
medication. 92185

(c) The number of the nursing facility's residents who had 92186  
avoidable inpatient hospital admissions did not exceed the target 92187  
rate. 92188

(d) The nursing facility's employee retention rate is at 92189  
least the target rate. 92190

(e) The nursing facility utilized the nursing home version of 92191  
the preferences for everyday living inventory for all of its 92192  
residents. 92193

(3) The department shall specify the target percentage for 92194  
the purpose of divisions (B)(2)(a) and (b) of this section. The 92195  
amount specified for division (B)(2)(a) of this section may differ 92196  
from the amount specified for division (B)(2)(b) of this section 92197

and the amount specified for short-stay residents may differ from 92198  
the amount specified for long-stay residents. The department also 92199  
shall specify the target rate for the purpose of division 92200  
(B)(2)(c) of this section and the target rate for the purpose of 92201  
division (B)(2)(d) of this section. 92202

(C) If a nursing facility undergoes a change of operator 92203  
during a fiscal year, the per medicaid day quality payment rate to 92204  
be paid to the entering operator for nursing facility services 92205  
that the nursing facility provides during the period beginning on 92206  
the effective date of the change of operator and ending on the 92207  
last day of the fiscal year shall be the same amount as the per 92208  
medicaid day quality payment rate that was in effect on the day 92209  
immediately preceding the effective date of the change of operator 92210  
and paid to the nursing facility's exiting operator. For the 92211  
immediately following fiscal year, the per medicaid day quality 92212  
payment rate shall be the following: 92213

(1) If the effective date of the change of operator is on or 92214  
before the first day of October of the calendar year immediately 92215  
preceding the fiscal year, the amount determined for the nursing 92216  
facility in accordance with division (B) of this section for the 92217  
fiscal year; 92218

(2) If the effective date of the change of operator is after 92219  
the first day of October of the calendar year immediately 92220  
preceding the fiscal year, the mean per medicaid day quality 92221  
payment rate for all nursing facilities for the fiscal year. 92222

**Sec. 5166.01.** As used in this chapter: 92223

"209(b) option" means the option described in section 1902(f) 92224  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 92225  
medicaid program's eligibility requirements for aged, blind, and 92226  
disabled individuals are more restrictive than the eligibility 92227  
requirements for the supplemental security income program. 92228

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" means the system established under section 5167.03 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital

services, nursing facility services, or ICF/IID services if not 92259  
for a home and community-based services medicaid waiver component. 92260

"Medicaid buy-in for workers with disabilities program" has 92261  
the same meaning as in section 5163.01 of the Revised Code. 92262

"Medicaid services" has the same meaning as in section 92263  
5164.01 of the Revised Code. 92264

"Medicaid waiver component" means a component of the medicaid 92265  
program authorized by a waiver granted by the United States 92266  
department of health and human services under the "Social Security 92267  
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 92268  
waiver component" does not include a care management system 92269  
established under section 5167.03 of the Revised Code. 92270

"Nursing facility" and "nursing facility services" have the 92271  
same meanings as in section 5165.01 of the Revised Code. 92272

"Ohio home care waiver program" means the home and 92273  
community-based services medicaid waiver component that is known 92274  
as Ohio home care and was created pursuant to section 5166.11 of 92275  
the Revised Code. 92276

"Ohio transitions II aging carve-out program" means the home 92277  
and community-based services medicaid waiver component that is 92278  
known as Ohio transitions II aging carve-out and was created 92279  
pursuant to section 5166.11 of the Revised Code. 92280

"Provider agreement" has the same meaning as in section 92281  
5164.01 of the Revised Code. 92282

"Residential treatment facility" means a residential facility 92283  
licensed by the department of mental health and addiction services 92284  
under section 5119.34 of the Revised Code, or an institution 92285  
certified by the department of job and family services under 92286  
section 5103.03 of the Revised Code, that serves children and 92287  
either has more than sixteen beds or is part of a campus of 92288

multiple facilities or institutions that, combined, have a total 92289  
of more than sixteen beds. 92290

"Skilled nursing facility" has the same meaning as in section 92291  
5165.01 of the Revised Code. 92292

"Unified long-term services and support medicaid waiver 92293  
component" means the medicaid waiver component authorized by 92294  
section 5166.14 of the Revised Code. 92295

**Sec. 5166.16.** (A) As used in this section and section 92296  
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 92297  
component" means all of the following: 92298

(1) The medicaid-funded component of the PASSPORT program, 92299  
unless it is terminated pursuant to division (C) of section 173.52 92300  
of the Revised Code; 92301

(2) The choices program, unless it is terminated pursuant to 92302  
division (B) of section 173.53 of the Revised Code; 92303

(3) The medicaid-funded component of the assisted living 92304  
program, unless it is terminated pursuant to division (C) of 92305  
section 173.54 of the Revised Code; 92306

(4) The Ohio home care waiver program, unless it is 92307  
terminated pursuant to section 5166.12 of the Revised Code; 92308

(5) The Ohio transitions II aging carve-out program, unless 92309  
it is terminated pursuant to section 5166.13 of the Revised Code. 92310

(B) The medicaid director may create a home and 92311  
community-based services medicaid waiver component as part of the 92312  
integrated care delivery system. If the ICDS medicaid waiver 92313  
component is created, both of the following apply: 92314

(1) The department of medicaid shall administer it; 92315

(2) When it begins to accept enrollments, no ICDS participant 92316  
who is eligible for the ICDS medicaid waiver component shall be 92317

enrolled in an ODA or MCD medicaid waiver component regardless of 92318  
whether the participant prefers to remain or be enrolled in an ODA 92319  
or MCD medicaid waiver component. 92320

(C) A dual eligible individual who is eligible for an ODA or 92321  
MCD medicaid waiver component may enroll in the component before 92322  
the individual becomes an ICDS participant. The dual eligible 92323  
individual shall disenroll from the ODA or MCD medicaid waiver 92324  
component and enroll in the ICDS medicaid waiver component once 92325  
the individual becomes an ICDS participant and it is possible to 92326  
enroll the individual in the ICDS medicaid waiver component. The 92327  
disenrollment from the ODA or MCD medicaid waiver component and 92328  
enrollment into the ICDS medicaid waiver component shall occur 92329  
regardless of whether the individual prefers to remain enrolled in 92330  
the ODA or MCD medicaid waiver component. 92331

(D) An ICDS participant's disenrollment from an ODA or MCD 92332  
medicaid waiver component and enrollment in the ICDS medicaid 92333  
waiver component resulting from division (B)(2) or (C) of this 92334  
section shall be accomplished without a disruption in the 92335  
participant's services under the components. 92336

Sec. 5166.161. The department of medicaid shall ensure that 92337  
each ICDS participant who is a survivor of the Holocaust that 92338  
occurred in Europe during World War II receives, while enrolled in 92339  
the ICDS medicaid waiver component, home and community-based 92340  
services of the type and in at least the amount, duration, and 92341  
scope that the participant is assessed to need and would have 92342  
received if the participant were enrolled in an ODA or MCD 92343  
medicaid waiver component. 92344

Sec. 5166.24. A medicaid waiver component that the department 92345  
of developmental disabilities administers under section 5166.21 of 92346  
the Revised Code shall continue to cover adult day services 92347



provided by sheltered workshops if the component covers those 92348  
services on the effective date of this section. 92349

A sheltered workshop with a provider agreement to provide 92350  
adult day services available under a medicaid waiver component 92351  
administered by the department of developmental disabilities shall 92352  
not decrease the number of medicaid recipients it is willing and 92353  
able to serve. 92354

**Sec. 5166.32.** If the department of medicaid terminates the 92355  
209(b) option, the department shall establish a medicaid waiver 92356  
component under which an individual who has cystic fibrosis and is 92357  
enrolled in the program for medically handicapped children 92358  
administered by the department of health under section 3701.023 of 92359  
the Revised Code or the program the department of health 92360  
administers pursuant to division (G) of that section may qualify 92361  
for medicaid under the same type of spenddown process that is part 92362  
of the 209(b) option. 92363

**Sec. 5166.33.** The department of medicaid shall establish a 92364  
medicaid waiver component under which medicaid recipients who are 92365  
married to each other retain eligibility for medicaid despite one 92366  
of the recipients having earnings from employment that causes the 92367  
recipients to have countable family income exceeding the income 92368  
eligibility threshold for the eligibility group, or groups, under 92369  
which the recipients qualify for medicaid if both of the following 92370  
apply: 92371

(A) One of the recipients would qualify to participate in the 92372  
medicaid buy-in for workers with disabilities program if not for a 92373  
disability that, according to a physician's written evaluation, is 92374  
too severe for the recipient to have earnings from employment or 92375  
be an employed individual with a medically improved disability; 92376

(B) The other recipient's earnings from employment do not 92377

cause the recipients to have countable family income, determined 92378  
in the same manner as income is determined for the medicaid buy-in 92379  
for workers with disabilities program under section 5163.093 of 92380  
the Revised Code, exceeding two hundred fifty per cent of the 92381  
federal poverty line. 92382

Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of 92383  
the Revised Code: 92384

(1) "Adult" means an individual who is at least eighteen 92385  
years of age. 92386

(2) "Buckeye account" means a modified health savings account 92387  
established under section 5166.402 of the Revised Code. 92388

(3) "Contribution" means the amounts that an individual 92389  
contributes to the individual's buckeye account and are 92390  
contributed to the account on the individual's behalf under 92391  
divisions (C) and (D) of section 5166.402 of the Revised Code. 92392  
"Contribution" does not mean the portion of an individual's 92393  
buckeye account that consists of medicaid funds deposited under 92394  
division (B) of section 5166.402 of the Revised Code or section 92395  
5166.404 of the Revised Code. 92396

(4) "Core portion" means the portion of a healthy Ohio 92397  
program participant's buckeye account that consists of the 92398  
following: 92399

(a) The amount of contributions to the account; 92400

(b) The amounts awarded to the account under divisions (C) 92401  
and (D) of section 5166.404 of the Revised Code. 92402

(5) "Eligible employer-sponsored health plan" has the same 92403  
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 92404  
1986," 26 U.S.C. 5000A(f)(2). 92405

(6) "Healthy Ohio program" means the medicaid waiver 92406  
component established under sections 5166.40 to 5166.409 of the 92407

Revised Code under which medicaid recipients specified in division 92408  
(B) of this section enroll in comprehensive health plans and 92409  
contribute to buckeye accounts. 92410

(7) "Healthy Ohio program debit swipe card" means a debit 92411  
swipe card issued by a managed care organization to a healthy Ohio 92412  
program participant under section 5166.403 of the Revised Code. 92413

(8) "Not-for-profit organization" means an organization that 92414  
is exempt from federal income taxation under section 501(a) and 92415  
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 92416  
and (c)(3). 92417

(9) "Ward of the state" means both of the following: an 92418  
individual who is a ward, as defined in section 2111.01 of the 92419  
Revised Code. 92420

(10) "Workforce development activity" and "workforce 92421  
development agency" have the same meanings as in section 6301.01 92422  
of the Revised Code. 92423

(B) The medicaid director shall establish a medicaid waiver 92424  
component to be known as the healthy Ohio program. Each adult 92425  
medicaid recipient, other than a ward of the state, determined to 92426  
be eligible for medicaid on the basis of either of the following 92427  
shall participate in the healthy Ohio program: 92428

(1) On the basis of being included in the category identified 92429  
by the department of medicaid as covered families and children; 92430

(2) On the basis of being included in the eligibility group 92431  
described in section 1902(a)(10)(A)(i)(VIII) of the "Social 92432  
Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 92433

(C) Except as provided in section 5166.406 of the Revised 92434  
Code, a healthy Ohio program participant shall not receive 92435  
medicaid services under the fee-for-service component of medicaid 92436  
or participate in the care management system. 92437

Sec. 5166.401. A healthy Ohio program participant shall 92438  
enroll in a comprehensive health plan offered by a managed care 92439  
organization under contract with the department of medicaid. All 92440  
of the following apply to the health plan: 92441

(A) It shall cover physician, hospital inpatient, hospital 92442  
outpatient, pregnancy-related, mental health, pharmaceutical, 92443  
laboratory, and other health care services the medicaid director 92444  
determines necessary. 92445

(B) It shall not begin to pay for any services it covers 92446  
until the amount of the noncore portion of the participant's 92447  
buckeye account is zero. 92448

(C) It shall require copayments for services covered by the 92449  
health plan, except that a participant's copayments shall be 92450  
waived whenever the amount of the core portion of the 92451  
participant's buckeye account is zero. 92452

(D) It shall have the following payout limits: 92453

(1) Three hundred thousand dollars per year; 92454

(2) One million dollars for a participant's lifetime. 92455

Sec. 5166.402. (A)(1) A buckeye account shall be established 92456  
for each healthy Ohio program participant. Subject to division 92457  
(A)(2) of this section, a participant's buckeye account shall 92458  
consist of both of the following: 92459

(a) The medicaid funds deposited into the account under 92460  
division (B) of this section and division (A) of section 5166.404 92461  
of the Revised Code; 92462

(b) Contributions made by the participant and on the 92463  
participant's behalf under divisions (C) and (D) of this section. 92464

(2) A buckeye account shall not have more than ten thousand 92465  
dollars in it at one time. 92466

(B) Subject to division (A)(2) of this section, one thousand dollars of medicaid funds shall be deposited each year into the buckeye account of a healthy Ohio program participant. Except in the case of a participant who is not required to make contributions to the participant's buckeye account, the initial deposit of medicaid funds into a participant's buckeye account shall not occur until the initial contribution to the participant's account is made under division (C) or (D) of this section.

(C)(1) Subject to divisions (A)(2), (D), and (F) of this section, a healthy Ohio program participant shall contribute each year to the participant's buckeye account the lesser of the following:

(a) Two per cent of the participant's annual countable family income;

(b) Ninety-nine dollars.

(2) A participant's contributions to the participant's buckeye account may be made in monthly installments. A monthly installment payment shall be considered an initial contribution.

(D)(1) Subject to division (D)(2) of this section, the following may make contributions to a healthy Ohio program participant's buckeye account on the participant's behalf:

(a) The participant's employer, but only up to fifty per cent of the contributions the participant is required to make;

(b) A not-for-profit organization, but only up to seventy-five per cent of the contributions the participant is required to make;

(c) The managed care organization that offers the health plan in which the participant enrolls under the healthy Ohio program, but both of the following apply to such contributions:

(i) They shall be used only to pay the costs for the participant to participate in a health-related incentive available under the health plan, such as completion of a risk assessment or participation in a smoking cessation program. 92497  
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(ii) They cannot reduce the amount the participant is required to contribute. 92501  
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(2) Contributions made on a participant's behalf under divisions (D)(1)(a) and (b) of this section shall be coordinated in a manner so that the participant makes at least twenty-five per cent of the contributions the participant is required to make. 92503  
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(E) Except in the case of a healthy Ohio program participant who is not required to make contributions to the participant's buckeye account, a participant shall not begin to receive benefits under the healthy Ohio program until the initial contribution to the participant's buckeye account is made under division (C) or (D) of this section. 92507  
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(F)(1) The following portion of the amount that remains in a healthy Ohio program participant's buckeye account at the end of a year shall carry forward in the account for the next year: 92513  
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(a) If the participant satisfies requirements regarding preventative health services established in rules authorized by section 5166.409 of the Revised Code, the entire amount; 92516  
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(b) If division (F)(1)(a) of this section does not apply, the amount representing the contributions to the account. 92519  
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(2) The amount of contributions that must be made to a participant's buckeye account for a year shall be reduced by the amount that is carried forward under division (F)(1) of this section. If the amount carried forward is at least the amount of contributions that division (C) of this section requires for that year, no contributions are required to be made for the participant that year. 92521  
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<u>(G) A buckeye account shall be used only for the following:</u>	92528
<u>(1) To pay for the expenses for which a healthy Ohio program debit swipe card may be used as specified in division (A) of section 5166.403 of the Revised Code;</u>	92529 92530 92531
<u>(2) Other purposes authorized by rules adopted under section 5166.409 of the Revised Code.</u>	92532 92533
<u>(H) The department of medicaid shall provide for a healthy Ohio program participant to receive monthly statements showing the current amount in the participant's buckeye account and the previous month's expenditures from the account. The statement shall specify how much of the amount in the participant's buckeye account is the core portion and how much is the noncore portion. The department may arrange for the statements to be provided in an electronic format.</u>	92534 92535 92536 92537 92538 92539 92540 92541
<u>Sec. 5166.403. (A) A managed care organization that offers the health plan in which a healthy Ohio program participant enrolls shall issue a debit swipe card to be used to pay only for the following:</u>	92542 92543 92544 92545
<u>(1) Until the amount of the noncore portion of the participant's buckeye account is zero, the costs of health care services that are covered by the health plan and provided to the participant by a provider participating in the health plan;</u>	92546 92547 92548 92549
<u>(2) The participant's copayments under division (C) of section 5166.401 of the Revised Code;</u>	92550 92551
<u>(3) Subject to rules authorized by section 5166.409 of the Revised Code, the costs of health care services that are medically necessary for the participant but not covered by the health plan.</u>	92552 92553 92554
<u>(B)(1) A healthy Ohio program participant's debit swipe card shall be credited with one point for each of the following:</u>	92555 92556
<u>(a) Each dollar of medicaid funds deposited into the</u>	92557

<u>participant's buckeye account under division (B) of section</u>	92558
<u>5166.402 of the Revised Code;</u>	92559
<u>(b) Each dollar contributed to the participant's buckeye</u>	92560
<u>account under divisions (C) and (D) of section 5166.402 of the</u>	92561
<u>Revised Code;</u>	92562
<u>(c) Each point awarded to the participant under section</u>	92563
<u>5166.404 of the Revised Code.</u>	92564
<u>(2) Each time a healthy Ohio program participant uses the</u>	92565
<u>participant's debit swipe card, the amount for which the card is</u>	92566
<u>used shall be deducted from the number of points on the card as</u>	92567
<u>follows:</u>	92568
<u>(a) If the card is used for the purpose specified in division</u>	92569
<u>(A)(1) of this section, the deduction shall come from the points</u>	92570
<u>representing the noncore portion of the participant's buckeye</u>	92571
<u>account.</u>	92572
<u>(b) If the card is used for the purpose specified in division</u>	92573
<u>(A)(2) or (3) of this section, the deduction shall come from the</u>	92574
<u>points representing the core portion of the participant's buckeye</u>	92575
<u>account.</u>	92576
<u>(C) A healthy Ohio program participant's debit swipe card</u>	92577
<u>shall do all of the following:</u>	92578
<u>(1) Verify the participant's eligibility for the healthy Ohio</u>	92579
<u>program;</u>	92580
<u>(2) Determine whether the service the participant seeks is</u>	92581
<u>covered under the health plan;</u>	92582
<u>(3) Determine whether the provider from which the participant</u>	92583
<u>seeks the service is a participating provider under the health</u>	92584
<u>plan;</u>	92585
<u>(4) Be linked to the participant's buckeye account in a</u>	92586
<u>manner that enables the participant to know at the point of</u>	92587



service what will be deducted from the noncore portion and core 92588  
portion of the participant's buckeye account for the service and 92589  
how much will remain in each portion of the account after the 92590  
deduction. 92591

**Sec. 5166.404.** (A) The medicaid director shall establish a 92592  
system under which points are awarded in accordance with this 92593  
section to healthy Ohio program debit swipe cards. One dollar of 92594  
medicaid funds shall be deposited into a healthy Ohio program 92595  
participant's buckeye account for each point awarded to the 92596  
participant under this section. 92597

(B) The director shall provide a one-time award of twenty 92598  
points to a healthy Ohio program participant who provides for the 92599  
participant's contributions under division (C) of section 5166.402 92600  
of the Revised Code to be made by electronic funds transfers from 92601  
the participant's checking or savings account. Twenty points shall 92602  
be deducted from the participant's card if the participant 92603  
terminates the electronic funds transfers. 92604

(C) The director may award up to two hundred points annually 92605  
to a healthy Ohio program participant who achieves health care 92606  
goals. The points shall be awarded in accordance with the rules 92607  
authorized by section 5166.409 of the Revised Code. A participant 92608  
shall not be awarded more than two hundred points per year under 92609  
this division regardless of the number of health care goals the 92610  
participant achieves that year. 92611

(D) Up to one hundred points may be awarded annually to a 92612  
healthy Ohio program participant by one or more primary care 92613  
physicians who verify that the participant has satisfied health 92614  
care benchmarks set by the physicians. A participant shall not be 92615  
awarded more than one hundred points per year under this division 92616  
regardless of how many primary care physicians award points to the 92617  
participant that year and the number of points the primary care 92618

physicians award the participant that year. 92619

Sec. 5166.405. (A) A healthy Ohio program participant's 92620  
participation in the program shall cease if any of the following 92621  
applies: 92622

(1) Unless the participant is pregnant, a monthly installment 92623  
payment to the participant's buckeye account is sixty days late. 92624

(2) The participant fails to submit documentation needed for 92625  
a redetermination of the participant's eligibility for medicaid 92626  
before the sixty-first day after the documentation is requested. 92627

(3) The participant becomes eligible for medicaid on a basis 92628  
other than being included in the category identified by the 92629  
department of medicaid as covered families and children or being 92630  
included in the eligibility group described in section 92631  
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 92632  
1396a(a)(10)(A)(i)(VIII). 92633

(4) The participant becomes a ward of the state. 92634

(5) The participant ceases to be eligible for medicaid. 92635

(6) The participant exhausts the annual or lifetime payout 92636  
limit specified in division (D) of section 5166.401 of the Revised 92637  
Code. 92638

(7) The participant requests that the participant's 92639  
participation be terminated. 92640

(B) A healthy Ohio program participant who ceases to 92641  
participate in the program under division (A)(1) or (2) of this 92642  
section may not resume participation until the former participant 92643  
pays the full amount of the monthly installment payment or submits 92644  
the documentation needed for the former participant's medicaid 92645  
eligibility redetermination. The former participant shall not be 92646  
transferred to the fee-for-service component of medicaid or the 92647  
care management system as a result of ceasing to participate in 92648

the healthy Ohio program under division (A)(1) or (2) of this 92649  
section. 92650

(C) Except as provided in section 5166.407 of the Revised 92651  
Code, a healthy Ohio program participant who ceases to participate 92652  
in the program shall be provided the contributions that are in the 92653  
participant's buckeye account at the time the participant ceases 92654  
participation. 92655

Sec. 5166.406. If a healthy Ohio program participant exhausts 92656  
the annual or lifetime payout limits specified in division (D) of 92657  
section 5166.401 of the Revised Code, the participant shall be 92658  
transferred to the fee-for-service component of medicaid or the 92659  
care management system. A participant who exhausts the annual 92660  
payout limit for a year shall resume participation in the healthy 92661  
Ohio program at the beginning of the immediately following year if 92662  
division (B) of section 5166.40 of the Revised Code continues to 92663  
apply to the participant. 92664

Sec. 5166.407. (A) If a healthy Ohio program participant 92665  
ceases to qualify for medicaid due to increased family countable 92666  
income and purchases a health insurance policy or obtains health 92667  
care coverage under an eligible employer-sponsored health plan, 92668  
the amount remaining in the former participant's buckeye account 92669  
shall be transferred to an account to be known as a bridge 92670  
account. The amount so transferred may be used only to pay for the 92671  
following: 92672

(1) If the former participant has purchased a health 92673  
insurance policy, the former participant's costs in purchasing the 92674  
policy and paying for the former participant's out-of-pocket 92675  
expenses under the policy for health care services and 92676  
prescription drugs covered by the policy; 92677

(2) If the former participant has obtained health care 92678

coverage under an eligible employer-sponsored health plan, the 92679  
former participant's out-of-pocket expenses under the plan for 92680  
health care services and prescription drugs covered by the plan. 92681

(B) Only the amount remaining in a former healthy Ohio 92682  
program participant's buckeye account at the time the former 92683  
participant ceased to participate in the healthy Ohio program 92684  
shall be deposited into the bridge account. The bridge account 92685  
shall be closed once the amount transferred to it under division 92686  
(A) of this section is exhausted. 92687

(C) The medicaid director shall notify a former healthy Ohio 92688  
program participant when a bridge account is established for the 92689  
former participant under this section. 92690

**Sec. 5166.408.** Each county department of job and family 92691  
services shall offer to refer to a workforce development agency 92692  
each healthy Ohio program participant who resides in the county 92693  
served by the county department and is either unemployed or 92694  
employed for less than an average of twenty hours per week. The 92695  
referral shall include information about the workforce development 92696  
activities available from the workforce development agency. A 92697  
participant may refuse to accept the referral and to participate 92698  
in the workforce development activities without any affect on the 92699  
participant's eligibility for, or participation in, the healthy 92700  
Ohio program. 92701

**Sec. 5166.409.** The medicaid director shall adopt rules under 92702  
section 5166.02 of the Revised Code to do all of the following: 92703

(A) For the purpose of division (F)(1)(a) of section 5166.402 92704  
of the Revised Code, establish requirements regarding preventative 92705  
health services for healthy Ohio program participants. The 92706  
requirements may differ for participants of different ages and 92707  
genders. 92708

(B) For the purpose of division (G)(2) of section 5166.402 of the Revised Code, authorize additional uses of a buckeye account and establish the means for using the account for those purposes. 92709  
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(C) For the purpose of division (A)(3) of section 5166.403 of the Revised Code, establish requirements for the use of a healthy Ohio program debit swipe card to pay for the costs of medically necessary health care services not covered by the health plan in which a healthy Ohio program participant enrolls. 92712  
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(D) For the purpose of division (C) of section 5166.404 of the Revised Code, establish a system under which the director may award points to healthy Ohio program participants who achieve health care goals. The rules shall specify the goals that qualify for points and the number of points each goal is worth. The number of points may vary for different goals. 92717  
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(E) For the purpose of section 5166.407 of the Revised Code, establish procedures and requirements for the transfer of the amounts remaining in former healthy Ohio program participants' buckeye accounts to bridge accounts. 92723  
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**Sec. 5167.03.** ~~(A)~~ As part of the medicaid program, the department of medicaid shall establish a care management system. The 92727  
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~~(B)~~ The department shall implement the ~~care management~~ system in some or all counties ~~and.~~ 92730  
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The department shall designate the medicaid recipients who are required or permitted to participate in the system. Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code. Except as provided in section 5166.406 of the Revised Code, no medicaid recipient participating in the healthy Ohio program established 92732  
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~~under section 5166.40 of the Revised Code shall participate in the care management system. In the department's implementation of the system and designation of participants, all of the following apply:~~

~~(1) In the case of individuals who receive medicaid on the basis of being included in the category identified by the department as covered families and children, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for participation, except for individuals included in one or more of the medicaid recipient groups specified in 42 C.F.R. 438.50(d). The department shall ensure that all participants are enrolled in medicaid managed care organizations that are health insuring corporations.~~

~~(2) In the case of individuals who receive medicaid on the basis of being aged, blind, or disabled, the department shall implement the care management system in all counties. Except as provided in division (C) of this section, all individuals included in the category shall be designated for participation. The department shall ensure that all participants are enrolled in medicaid managed care organizations that are health insuring corporations.~~

~~(3) Alcohol, drug addiction, and mental health services covered by medicaid shall not be included in any component of the care management system when the nonfederal share of the cost of those services is provided by a board of alcohol, drug addiction, and mental health services or a state agency other than the department of medicaid, but the recipients of those services may otherwise be designated for participation in the system.~~

~~(C)(1) In designating participants who receive medicaid on the basis of being aged, blind, or disabled, the department shall not include any of the following, except as provided under~~

<del>division (C)(2) of this section:</del>	92771
<del>(a) Individuals who are under twenty one years of age:</del>	92772
<del>(b) Individuals who are institutionalized:</del>	92773
<del>(c) Individuals who become eligible for medicaid by spending down their income or resources to a level that meets the medicaid program's financial eligibility requirements:</del>	92774 92775 92776
<del>(d) Dual eligible individuals:</del>	92777
<del>(e) Individuals to the extent that they are receiving medicaid services through a medicaid waiver component.</del>	92778 92779
<del>(2) The department may designate any of the following individuals who receive medicaid on the basis of being aged, blind, or disabled as individuals who are permitted or required to participate in the care management system:</del>	92780 92781 92782 92783
<del>(a) Individuals who are under twenty one years of age:</del>	92784
<del>(b) Individuals who reside in a nursing facility:</del>	92785
<del>(c) Individuals who, as an alternative to receiving nursing facility services, are participating in a home and community based services medicaid waiver component:</del>	92786 92787 92788
<del>(d) Dual eligible individuals.</del>	92789
<del>(D) Subject to division (B) of this section, the</del>	92790
<del>The department may do both of the following under the care management system:</del>	92791 92792
<del>(1) <u>Require</u> <u>require</u> or permit participants in the system to obtain health care services from providers designated by the department:</del>	92793 92794 92795
<del>(2) <u>Require</u>. The department may <u>require</u> or permit participants in the system to obtain health care services through medicaid managed care organizations.</del>	92796 92797 92798

Sec. 5167.04. (A) Subject to division (B) of this section, 92799  
the department of medicaid shall include alcohol, drug addiction, 92800  
and mental health services covered by medicaid in the care 92801  
management system established under section 5167.03 of the Revised 92802  
Code. 92803

(B) All of the following apply to the manner in which 92804  
division (A) of this section is implemented: 92805

(1) The department shall begin to include the services in the 92806  
system not later than January 1, 2018. 92807

(2) Before January 1, 2018, any proposal by the department to 92808  
include all or part of the services in all or part of the system 92809  
is subject to review by the joint medicaid oversight committee 92810  
under division (B) of section 103.42 of the Revised Code. The 92811  
department may implement the proposal only if the committee 92812  
approves the proposal. 92813

(3) On and after January 1, 2018, any proposal by the 92814  
department to include all or part of the services in all or part 92815  
of the system is subject to monitoring by the committee under 92816  
division (A) or (C) of section 103.42 of the Revised Code, but 92817  
approval by the committee is no longer required before the 92818  
proposal may be implemented. 92819

Sec. 5167.15. (A) As used in this section: 92820

(1) "Certified community health worker" has the same meaning 92821  
as in section 4723.01 of the Revised Code. 92822

(2) "Community health worker services" means the services 92823  
described in section 4723.81 of the Revised Code. 92824

(3) "Qualified community hub" means a community-based agency 92825  
that meets both of the following criteria: 92826

(a) Uses the pathways community HUB model developed by the 92827



community health access project in this state for the purposes of 92828  
coordinating two or more care coordination agencies and ensuring 92829  
that the agencies use pathways to connect at-risk individuals to 92830  
physical health, behavioral health, social, and employment 92831  
services; 92832

(b) Demonstrates to the medicaid director that it fully or 92833  
substantially complies with the pathways community HUB 92834  
certification standards developed by the rockville institute by 92835  
submitting to the director a copy of a document from that 92836  
institute stating that the community hub satisfies the standards 92837  
or has shown substantial progress toward satisfying the standards. 92838

(B)(1) Subject to divisions (B)(3) and (C) of this section, a 92839  
medicaid managed care organization shall provide to a medicaid 92840  
recipient who meets the criteria in division (B)(2) of this 92841  
section, or arrange for such recipient to receive, both of the 92842  
following types of services provided by a certified community 92843  
health worker: 92844

(a) Community health worker services; 92845

(b) Other services that are not community health worker 92846  
services but are performed for the purpose of ensuring that the 92847  
medicaid recipient is linked to employment services, housing, 92848  
educational services, social services, or medically necessary 92849  
physical and behavioral health services. 92850

(2) A medicaid recipient qualifies to receive the services 92851  
specified in division (B)(1) of this section if the medicaid 92852  
recipient is pregnant or capable of becoming pregnant, resides in 92853  
a community specified in rules adopted under section 3701.142 of 92854  
the Revised Code, has been recommended to receive the services by 92855  
a physician or another licensed health professional specified in 92856  
rules adopted under that section, and is enrolled in the medicaid 92857  
managed care organization providing or arranging for the services. 92858

(3) The services described in division (B)(1) of this section must promote and facilitate healthy behaviors specified in rules adopted under section 3701.142 of the Revised Code across the following life course stages: preconception, prenatal, postpartum, and interconception. 92859  
92860  
92861  
92862  
92863

(C) A medicaid recipient who is to receive the services described in division (B)(1) of this section and who resides in a region served by a qualified community hub shall receive the services only from that community hub. 92864  
92865  
92866  
92867

**Sec. 5167.16.** (A) As used in this section: 92868

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code. 92869  
92870  
92871

(2) "Targeted case management" has the same meaning as in 42 C.F.R. 440.169(b). 92872  
92873

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services: 92874  
92875  
92876  
92877

(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted care management benefit; 92878  
92879  
92880

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit. 92881  
92882  
92883  
92884

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the 92885  
92886  
92887  
92888

services, and is either pregnant or the birth mother of an infant 92889  
or toddler under three years of age. 92890

(D) If requested by a medicaid recipient eligible for the 92891  
cognitive behavioral therapy covered under division (B)(2) of this 92892  
section, the therapy shall be provided in the recipient's home. 92893  
The medicaid managed care organization shall inform the medicaid 92894  
recipient of the right to make the request and how to make it. 92895

Sec. 5167.17. When contracting under section 5167.10 of the 92896  
Revised Code with a managed care organization that is a health 92897  
insuring corporation, the department of medicaid shall require the 92898  
health insuring corporation to provide enhanced care management 92899  
services for pregnant women and women capable of becoming pregnant 92900  
in the communities specified in rules adopted under section 92901  
3701.142 of the Revised Code. The contract shall specify that the 92902  
services are to be provided in a manner intended to decrease the 92903  
incidence of prematurity, low birth weight, and infant mortality, 92904  
as well as improve the overall health status of women capable of 92905  
becoming pregnant for the purpose of ensuring optimal future birth 92906  
outcomes. 92907

Sec. 5167.32. Not later than July 1, 2016, the department of 92908  
medicaid shall implement strategies to improve the integrity of 92909  
the care management system, including strategies to do both of the 92910  
following: 92911

(A) Increase the department's oversight of medicaid managed 92912  
care organizations; 92913

(B) Provide incentives for identifying fraud, waste, and 92914  
abuse in the care management system. 92915

Sec. 5167.33. (A) Not later than July 1, 2018, each medicaid 92916  
managed care organization shall implement strategies that base 92917

payments to providers on the value received from the providers' services, including their success in reducing waste in the provision of the services. Not later than July 1, 2020, each medicaid managed care organization shall ensure that at least fifty per cent of the aggregate net payments it makes to providers are based on the value received from the providers' services.

The department of medicaid may measure a medicaid managed care organization's compliance with this section based on the actions of the organization, the providers in the organization's provider panel, the organization's subcontractors, or any combination of the organization, providers, and subcontractors.

(B) The medicaid director shall adopt rules under section 5167.02 of the Revised Code as necessary to implement this section, including rules that specify how all of the following are to be determined:

(1) The value received from a provider's services;

(2) A provider's success in reducing waste in the provision of services;

(3) The percentage of a medicaid managed care organization's aggregate net payments to providers that are based on the value received from the providers' services.

**Sec. 5168.01.** As used in sections 5168.01 to 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII

of the "Social Security Act," 42 U.S.C. 1395 et seq. 92947

(C) "Disproportionate share hospital" means a hospital that 92948  
meets the definition of a disproportionate share hospital in rules 92949  
adopted under section 5168.02 of the Revised Code. 92950

(D) "Federal poverty line" means the official poverty line 92951  
defined by the United States office of management and budget based 92952  
on the most recent data available from the United States bureau of 92953  
the census and revised by the United States secretary of health 92954  
and human services pursuant to the "Omnibus Budget Reconciliation 92955  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 92956

(E) "Governmental hospital" means a county hospital with more 92957  
than five hundred registered beds or a state-owned and -operated 92958  
hospital with more than five hundred registered beds. 92959

(F)(1) "Hospital" means a nonfederal hospital to which either 92960  
of the following applies: 92961

(a) The hospital is registered under section 3701.07 of the 92962  
Revised Code as a general medical and surgical hospital or a 92963  
pediatric general hospital, and provides inpatient hospital 92964  
services, as defined in 42 C.F.R. 440.10; 92965

(b) The hospital is recognized under the medicare program as 92966  
a cancer hospital and is exempt from the medicare prospective 92967  
payment system. 92968

(2) "Hospital" does not include a hospital operated by a 92969  
health insuring corporation that has been issued a certificate of 92970  
authority under section 1751.05 of the Revised Code or a hospital 92971  
that does not charge patients for services. 92972

(G) "Indigent care pool" means the sum of the following: 92973

(1) The total of assessments to be paid in a program year by 92974  
all hospitals under section 5168.06 of the Revised Code, less the 92975  
assessments deposited ~~into the legislative budget services fund~~ 92976

~~under section 5168.12 of the Revised Code and into the health care~~ 92977  
~~services administration fund created under section 5162.54 of the~~ 92978  
~~Revised Code;~~ 92979

(2) The total amount of intergovernmental transfers required 92980  
to be made in the same program year by governmental hospitals 92981  
under section 5168.07 of the Revised Code, less the amount of 92982  
transfers deposited ~~into the legislative budget services fund~~ 92983  
~~under section 5168.12 of the Revised Code and into the health care~~ 92984  
~~services administration fund created under section 5162.54 of the~~ 92985  
~~Revised Code;~~ 92986

(3) The total amount of federal matching funds that will be 92987  
made available in the same program year as a result of funds 92988  
distributed by the department of medicaid to hospitals under 92989  
section 5168.09 of the Revised Code. 92990

(H) "Intergovernmental transfer" means any transfer of money 92991  
by a governmental hospital under section 5168.07 of the Revised 92992  
Code. 92993

(I) "Medicaid services" has the same meaning as in section 92994  
5164.01 of the Revised Code. 92995

(J) "Program year" means a period beginning the first day of 92996  
October, or a later date designated in rules adopted under section 92997  
5168.02 of the Revised Code, and ending the thirtieth day of 92998  
September, or an earlier date designated in rules adopted under 92999  
that section. 93000

(K) "Registered beds" means the total number of hospital beds 93001  
registered with the department of health, as reported in the most 93002  
recent "directory of registered hospitals" published by the 93003  
department of health. 93004

(L) "Third-party payer" means any person or government entity 93005  
that may be liable by law or contract to make payment to or on 93006  
behalf of an individual for health care services. "Third-party 93007

payer" does not include a hospital. 93008

(M) "Total facility costs" means the total costs for all 93009  
services rendered to all patients, including the direct, indirect, 93010  
and overhead cost to the hospital of all services, supplies, 93011  
equipment, and capital related to the care of patients, regardless 93012  
of whether patients are enrolled in a health insuring corporation, 93013  
excluding costs associated with providing skilled nursing services 93014  
in distinct-part nursing facility units, as shown on the 93015  
hospital's cost report filed under section 5168.05 of the Revised 93016  
Code. Effective October 1, 1993, if rules adopted under section 93017  
5168.02 of the Revised Code so provide, "total facility costs" may 93018  
exclude costs associated with providing care to recipients of any 93019  
of the governmental programs listed in division (B) of that 93020  
section. 93021

(N) "Uncompensated care" means bad debt and charity care. 93022

**Sec. 5168.06.** (A) For the purpose of distributing funds to 93023  
hospitals under the medicaid program pursuant to sections 5168.01 93024  
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 93025  
~~legislative budget services fund under section 5168.12 of the~~ 93026  
~~Revised Code and~~ into the health care services administration fund 93027  
created under section 5162.54 of the Revised Code, there is hereby 93028  
imposed an assessment on all hospitals. Each hospital's assessment 93029  
shall be based on total facility costs. All hospitals shall be 93030  
assessed according to the rate or rates established each program 93031  
year in rules adopted under section 5168.02 of the Revised Code. 93032  
The department shall assess all hospitals uniformly and in a 93033  
manner consistent with federal statutes and regulations. During 93034  
any program year, the department shall not assess any hospital 93035  
more than two per cent of the hospital's total facility costs. 93036

The department shall establish an assessment rate or rates 93037  
each program year that will do both of the following: 93038

(1) Yield funds that, when combined with intergovernmental 93039  
transfers and federal matching funds, will produce a program of 93040  
sufficient size to pay a substantial portion of the indigent care 93041  
provided by hospitals; 93042

(2) Yield funds that, when combined with intergovernmental 93043  
transfers and federal matching funds, will produce amounts for 93044  
distribution to disproportionate share hospitals that do not 93045  
exceed, in the aggregate, the limits prescribed by the United 93046  
States health care financing administration under the "Social 93047  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 93048

(B)(1) Except as provided in division (B)(3) of this section, 93049  
each hospital shall pay its assessment in periodic installments in 93050  
accordance with a schedule established in rules adopted under 93051  
section 5168.02 of the Revised Code. 93052

(2) The installments shall be equal in amount, unless either 93053  
of the following applies: 93054

(a) The department makes adjustments during a program year 93055  
under division (D) of section 5168.08 of the Revised Code in the 93056  
total amount of hospitals' assessments; 93057

(b) The medicaid director determines that adjustments in the 93058  
amounts of installments are necessary for the administration of 93059  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 93060  
installments will not create cash flow difficulties for hospitals. 93061

(3) The director may adopt rules under section 5168.02 of the 93062  
Revised Code establishing alternate schedules for hospitals to pay 93063  
assessments under this section in order to reduce hospitals' cash 93064  
flow difficulties. 93065

**Sec. 5168.07.** (A) The department of medicaid may require 93066  
governmental hospitals to make intergovernmental transfers each 93067  
program year for the purpose of distributing funds to hospitals 93068



under the medicaid program pursuant to sections 5168.01 to 5168.14 93069  
of the Revised Code and depositing funds ~~into the legislative~~ 93070  
~~budget services fund under section 5168.12 of the Revised Code and~~ 93071  
into the health care services administration fund created under 93072  
section 5162.54 of the Revised Code. The department shall not 93073  
require transfers in an amount that, when combined with hospital 93074  
assessments paid under section 5168.06 of the Revised Code and 93075  
federal matching funds, produce amounts for distribution to 93076  
disproportionate share hospitals that, in the aggregate, exceed 93077  
limits prescribed by the United States health care financing 93078  
administration under the "Social Security Act," section 1923(f), 93079  
42 U.S.C. 1396r-4(f). 93080

(B) Before or during each program year, the department shall 93081  
notify each governmental hospital of the amount of the 93082  
intergovernmental transfer it is required to make during the 93083  
program year. Each governmental hospital shall make 93084  
intergovernmental transfers as required by the department under 93085  
this section in periodic installments, executed by electronic fund 93086  
transfer, in accordance with a schedule established in rules 93087  
adopted under section 5168.02 of the Revised Code. 93088

**Sec. 5168.10.** Except for moneys deposited into ~~the~~ 93089  
~~legislative budget services fund under section 5168.12 of the~~ 93090  
~~Revised Code and~~ the health care services administration fund 93091  
created under section 5162.54 of the Revised Code, the department 93092  
of medicaid shall not use money paid to the department under 93093  
sections 5168.06 and 5168.07 of the Revised Code or money that the 93094  
department pays to hospitals under section 5168.09 of the Revised 93095  
Code to replace any funds appropriated by the general assembly for 93096  
the medicaid program. 93097

**Sec. 5168.11.** (A) Except as provided in section ~~5168.12~~ 93098  
5162.54 of the Revised Code, all payments of assessments by 93099

hospitals under section 5168.06 of the Revised Code and all 93100  
intergovernmental transfers under section 5168.07 of the Revised 93101  
Code shall be deposited in the state treasury to the credit of the 93102  
hospital care assurance program fund, hereby created. All 93103  
investment earnings of the hospital care assurance program fund 93104  
shall be credited to the fund. The department of medicaid shall 93105  
maintain records that show the amount of money in the hospital 93106  
care assurance program fund at any time that has been paid by each 93107  
hospital and the amount of any investment earnings on that amount. 93108  
All moneys credited to the hospital care assurance program fund 93109  
shall be used solely to make payments to hospitals under division 93110  
(D) of this section and section 5168.09 of the Revised Code. 93111

(B) All federal matching funds received as a result of the 93112  
department distributing funds from the hospital care assurance 93113  
program fund to hospitals under section 5168.09 of the Revised 93114  
Code shall be credited to the health care - federal fund created 93115  
under section 5162.50 of the Revised Code. 93116

(C) All distributions of funds to hospitals under section 93117  
5168.09 of the Revised Code are conditional on: 93118

(1) Expiration of the time for appeals under section 5168.08 93119  
of the Revised Code without the filing of an appeal, or on court 93120  
determinations, in the event of appeals, that the hospital is 93121  
entitled to the funds; 93122

(2) The sum of the following being sufficient to distribute 93123  
the funds after the final determination of any appeals: 93124

(a) The available money in the hospital care assurance 93125  
program fund; 93126

(b) The available portion of the money in the health care - 93127  
federal fund that is credited to that fund pursuant to division 93128  
(B) of this section. 93129

(3) The hospital's compliance with section 5168.14 of the 93130

Revised Code. 93131

(D) If an audit conducted by the department of the amounts of 93132  
payments made and funds received by hospitals under sections 93133  
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 93134  
amounts that, due to errors by the department, a hospital should 93135  
not have been required to pay but did pay, should have been 93136  
required to pay but did not pay, should not have received but did 93137  
receive, or should have received but did not receive, the 93138  
department shall: 93139

(1) Make payments to any hospital that the audit reveals paid 93140  
amounts it should not have been required to pay or did not receive 93141  
amounts it should have received; 93142

(2) Take action to recover from a hospital any amounts that 93143  
the audit reveals it should have been required to pay but did not 93144  
pay or that it should not have received but did receive. 93145

Payments made under division (D)(1) of this section shall be 93146  
made from the hospital care assurance program fund. Amounts 93147  
recovered under division (D)(2) of this section shall be deposited 93148  
to the credit of that fund. Any hospital may appeal the amount the 93149  
hospital is to be paid under division (D)(1) or the amount that is 93150  
to be recovered from the hospital under division (D)(2) of this 93151  
section to the court of common pleas of Franklin county. 93152

~~Sec. 5168.23. Unless rules adopted under section 5168.26 of~~ 93153  
~~the Revised Code establish a different payment schedule, each~~ Each 93154  
hospital shall pay the amount it is assessed under section 5168.21 93155  
of the Revised Code in accordance with ~~the following~~ a payment 93156  
schedule. 93157

~~(A) Twenty eight per cent of a hospital's assessment is due~~ 93158  
~~on the last business day of October of each assessment program~~ 93159  
~~year.~~ 93160

~~(B) Thirty one per cent of a hospital's assessment is due on 93161  
the last business day of February of each assessment program year. 93162~~

~~(C) Forty one per cent of a hospital's assessment is due on 93163  
the last business day of May of each assessment program year the 93164  
department of medicaid shall establish for each assessment program 93165  
year. The department shall consult with the Ohio hospital 93166  
association before establishing the payment schedule for any 93167  
assessment program year. The department shall include the payment 93168  
schedule in each preliminary determination notice the department 93169  
mails to hospitals under division (A) of section 5168.22 of the 93170  
Revised Code. 93171~~

**Sec. 5168.26.** (A) The medicaid director shall adopt rules in 93172  
accordance with Chapter 119. of the Revised Code as necessary to 93173  
implement sections 5168.20 to 5168.28 of the Revised Code, 93174  
including rules that specify the percentage of hospitals' total 93175  
facility costs to be used in calculating hospitals' assessments 93176  
under section 5168.21 of the Revised Code. 93177

(B) The rules adopted under this section may do the 93178  
following: 93179

(1) Provide that a hospital's total facility costs for the 93180  
purpose of the assessment under section 5168.21 of the Revised 93181  
Code exclude any of the following: 93182

(a) A hospital's costs associated with providing care to 93183  
recipients of any of the following: 93184

(i) The medicaid program; 93185

(ii) The medicare program; 93186

(iii) The disability financial assistance program established 93187  
under Chapter 5115. of the Revised Code; 93188

(iv) The program for medically handicapped children 93189  
established under section 3701.023 of the Revised Code; 93190

(v) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.	93191 93192 93193
(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.	93194 93195 93196
(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals+	93197 93198 93199
<del>(3) To reduce hospitals' cash flow difficulties, establish a schedule for hospitals to pay their assessments that is different from the schedule established under section 5168.23 of the Revised Code.</del>	93200 93201 93202 93203
(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly.	93204 93205 93206 93207 93208 93209 93210
<b>Sec. 5168.40.</b> As used in sections 5168.40 to 5168.56 of the Revised Code:	93211 93212
(A) "Bed surrender" means the following:	93213
(1) In the case of a nursing home, the removal of a bed from a nursing home's licensed capacity in a manner that reduces the total licensed capacity of all nursing homes <u>and makes it impossible for the bed to ever be a part of any nursing home's licensed capacity;</u>	93214 93215 93216 93217 93218
(2) In the case of a hospital, the removal of a hospital bed from registration under section 3701.07 of the Revised Code as a	93219 93220

skilled nursing facility bed or long-term care bed in a manner 93221  
that reduces the total number of hospital beds registered under 93222  
that section as skilled nursing facility beds or long-term care 93223  
beds and makes it impossible for the bed to ever be registered as 93224  
a skilled nursing facility bed or long-term care bed. 93225

(B) "Change of operator" means an entering operator becoming 93226  
the operator of a nursing home or hospital in the place of the 93227  
exiting operator. 93228

(1) Actions that constitute a change of operator include the 93229  
following: 93230

(a) A change in an exiting operator's form of legal 93231  
organization, including the formation of a partnership or 93232  
corporation from a sole proprietorship; 93233

(b) A transfer of all the exiting operator's ownership 93234  
interest in the operation of the nursing home or hospital to the 93235  
entering operator, regardless of whether ownership of any or all 93236  
of the real property or personal property associated with the 93237  
nursing home or hospital is also transferred; 93238

(c) A lease of the nursing home or hospital to the entering 93239  
operator or the exiting operator's termination of the exiting 93240  
operator's lease; 93241

(d) If the exiting operator is a partnership, dissolution of 93242  
the partnership; 93243

(e) If the exiting operator is a partnership, a change in 93244  
composition of the partnership unless both of the following apply: 93245

(i) The change in composition does not cause the 93246  
partnership's dissolution under state law. 93247

(ii) The partners agree that the change in composition does 93248  
not constitute a change in operator. 93249

(f) If the operator is a corporation, dissolution of the 93250

corporation, a merger of the corporation into another corporation 93251  
that is the survivor of the merger, or a consolidation of one or 93252  
more other corporations to form a new corporation. 93253

(2) The following, alone, do not constitute a change of 93254  
operator: 93255

(a) A contract for an entity to manage a nursing home or 93256  
hospital as the operator's agent, subject to the operator's 93257  
approval of daily operating and management decisions; 93258

(b) A change of ownership, lease, or termination of a lease 93259  
of real property or personal property associated with a nursing 93260  
home or hospital if an entering operator does not become the 93261  
operator in place of an exiting operator; 93262

(c) If the operator is a corporation, a change of one or more 93263  
members of the corporation's governing body or transfer of 93264  
ownership of one or more shares of the corporation's stock, if the 93265  
same corporation continues to be the operator. 93266

(C) "Effective date of a change of operator" means the day an 93267  
entering operator becomes the operator of a nursing home or 93268  
hospital. 93269

(D) "Entering operator" means the person or government entity 93270  
that will become the operator of a nursing home or hospital on the 93271  
effective date of a change of operator. 93272

(E) "Exiting operator" means an operator that will cease to 93273  
be the operator of a nursing home or hospital on the effective 93274  
date of a change of operator. 93275

(F) "Franchise permit fee rate" means the rate determined in 93276  
accordance with section 5168.41 of the Revised Code. 93277

(G) "Hospital" has the same meaning as in section 3727.01 of 93278  
the Revised Code. 93279

(H) "Hospital long-term care unit" means any distinct part of 93280

a hospital in which any of the following beds are located:	93281
(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;	93282 93283 93284
(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.	93285 93286
(I) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:	93287 93288 93289 93290 93291 93292 93293
(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;	93294 93295
(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.	93296 93297
(J) "Medicaid days" and "nursing facility" have the same meanings as in section 5165.01 of the Revised Code.	93298 93299
(K)(1) "Nursing home" means all of the following:	93300
(a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home;	93301 93302 93303
(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;	93304 93305
(c) A nursing facility, other than a portion of a hospital certified as a nursing facility.	93306 93307
(2) "Nursing home" does not include either of the following:	93308
(a) A county home, county nursing home, or district home	93309



operated pursuant to Chapter 5155. of the Revised Code; 93310

(b) A nursing home maintained and operated by the department 93311  
of veterans services under section 5907.01 of the Revised Code. 93312

(L) "Operator" means the person or government entity 93313  
responsible for the daily operating and management decisions for a 93314  
nursing home or hospital. 93315

(M) "Title XIX" means Title XIX of the "Social Security Act," 93316  
42 U.S.C. 1396 et seq. 93317

(N) "Title XVIII" means Title XVIII of the "Social Security 93318  
Act," 42 U.S.C. 1395 et seq. 93319

**Sec. 5168.44.** If the United States secretary of health and 93320  
human services approves the waiver sought under section 5168.43 of 93321  
the Revised Code, the department of medicaid shall, for each 93322  
nursing home and hospital that qualifies for a reduction of its 93323  
franchise permit fee rate under the waiver, reduce the franchise 93324  
permit fee rate in accordance with the terms of the waiver. For 93325  
purposes of the first fiscal year during which the waiver takes 93326  
effect, the department shall determine the amount of the reduction 93327  
not later than the effective date of the waiver and shall mail to 93328  
each nursing home and hospital qualifying for the reduction notice 93329  
of the reduction not later than the last day of the first month of 93330  
the quarter that begins after the United States secretary approves 93331  
the waiver. For purposes of subsequent fiscal years, the 93332  
department shall make such determinations and ~~mail such notices~~ 93333  
notify the nursing homes and hospitals in accordance with section 93334  
5168.47 of the Revised Code. 93335

**Sec. 5168.45.** (A) If the United States secretary of health 93336  
and human services approves the waiver sought under section 93337  
5168.43 of the Revised Code, the department of medicaid may do 93338  
both of the following regarding the franchise permit fee assessed 93339

under section 5168.42 of the Revised Code: 93340

(1) Determine how much money the franchise permit fee would 93341  
have raised in a fiscal year if not for the waiver; 93342

(2) For each nursing home and hospital subject to the 93343  
franchise permit fee, other than a nursing home or hospital that 93344  
has its franchise permit fee rate reduced under section 5168.44 of 93345  
the Revised Code, uniformly increase the amount of the franchise 93346  
permit fee rate for a fiscal year to an amount that will have the 93347  
franchise permit fee raise an amount of money that does not exceed 93348  
the amount determined under division (A)(1) of this section for 93349  
that fiscal year. 93350

(B) If the department increases the franchise permit fee rate 93351  
in accordance with division (A) of this section for the first 93352  
fiscal year during which the waiver takes effect, the department 93353  
shall determine the amount of the increase not later than the 93354  
effective date of the waiver and shall mail to each nursing home 93355  
and hospital subject to the increase notice of the increase not 93356  
later than the last day of the first month of the quarter that 93357  
begins after the United States secretary approves the waiver. If 93358  
the department increases the franchise permit fee rate in 93359  
accordance with division (A) of this section for a subsequent 93360  
fiscal year, the department shall make such determinations and 93361  
~~mail such notices~~ notify the nursing homes and hospitals in 93362  
accordance with section 5168.47 of the Revised Code. 93363

**Sec. 5168.47.** (A) Not later than the fifteenth day of 93364  
September of each year, the department of medicaid shall determine 93365  
the annual franchise permit fee for each nursing home and hospital 93366  
in accordance with section 5168.42 of the Revised Code and any 93367  
adjustments made in accordance with sections 5168.44 and 5168.45 93368  
of the Revised Code. 93369

(B) Not later than the first day of October of each year, the department shall ~~mail to~~ notify, electronically or by United States postal service, each nursing home and hospital ~~notice~~ of the amount of the franchise permit fee that has been determined for the nursing home or hospital.

(C) Subject to section 5168.48 of the Revised Code, each nursing home and hospital shall pay its fee under section 5168.42 of the Revised Code, as adjusted in accordance with sections 5168.44 and 5168.45 of the Revised Code, to the department in four installment payments not later than forty-five days after the last day of each October, December, March, and June.

**Sec. 5168.48.** (A) Not later than the last day of February of each year, the department of medicaid shall redetermine each nursing home's and hospital's franchise permit fee if one or more bed surrenders occur during the period beginning on the first day of May of the preceding calendar year and ending on the first day of January of the calendar year in which the redetermination is made.

(B) In redetermining nursing homes' and hospitals' franchise permit fees under this section, the department shall do both of the following:

(1) Provide for the redetermination to be conducted in a manner consistent with the terms of the waiver sought under section 5168.43 of the Revised Code;

(2) Recalculate each nursing home's and hospital's franchise permit fee in accordance with division (A) or (B) of section 5168.42 of the Revised Code with the following changes:

(a) In the case of a nursing home or hospital for which one or more bed surrenders occurred during the period beginning on the first day of May of the preceding calendar year and ending on the

first day of January of the calendar year in which the 93400  
redetermination is made, the number of beds included in the 93401  
calculation for the purpose of division (A)(1) or (B)(1) of 93402  
section 5168.42 of the Revised Code shall exclude the beds for 93403  
which bed surrenders occurred during that period. 93404

(b) The number of days used in the calculation under division 93405  
(A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be 93406  
the number of days in the first half of the calendar year in which 93407  
the redetermination is made. 93408

(c) The franchise permit fee rate shall reflect adjustments 93409  
made under sections 5168.44 and 5168.45 of the Revised Code. 93410

(C) Not later than the first day of March of each year, the 93411  
department shall ~~mail to~~ notify, electronically or by United 93412  
States postal service, each nursing home and hospital ~~notice~~ of 93413  
the amount of its redetermined franchise permit fee. 93414

(D) Each nursing home and hospital shall pay its redetermined 93415  
fee to the department in two installment payments not later than 93416  
forty-five days after the last day of March and June of the 93417  
calendar year in which the redetermination is made. 93418

**Sec. 5168.49.** If a nursing home or hospital undergoes a 93419  
change of operator during a fiscal year, the responsibility for 93420  
paying the franchise permit fee that was determined for the 93421  
nursing home or hospital under section 5168.47 of the Revised 93422  
Code, or redetermined for the nursing home or hospital under 93423  
section 5168.48 of the Revised Code, for that fiscal year shall be 93424  
divided proportionally. The exiting operator shall be responsible 93425  
for paying the amount of the fee that is for the part of the 93426  
fiscal year that ends on the day before the effective date of the 93427  
change of operator. The entering operator shall be responsible for 93428  
paying the amount of the fee that is for the part of the fiscal 93429  
year that begins on the effective date of the change of operator. 93430

The department of medicaid is not required to ~~mail a notice to~~ 93431  
notify the entering operator regarding the amount of that fiscal 93432  
year's fee for which the entering operator is responsible. 93433

**Sec. 5168.53.** (A) A nursing home or hospital may appeal the 93434  
fee assessed under section 5168.42 of the Revised Code, as 93435  
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 93436  
redetermined under section 5168.48 of the Revised Code solely on 93437  
the grounds that the department of medicaid committed a material 93438  
error in determining or redetermining the amount of the fee. A 93439  
request for an appeal must be received by the department not later 93440  
than fifteen days after the date the department ~~mails~~ notifies the 93441  
~~notice~~ nursing home or hospital of the fee and must include 93442  
written materials setting forth the basis for the appeal. 93443

(B) If a nursing home or hospital submits a request for an 93444  
appeal within the time required under division (A) of this 93445  
section, the department shall hold a public hearing in Columbus 93446  
not later than thirty days after the date the department receives 93447  
the request for an appeal. The department shall, not later than 93448  
ten days before the date of the hearing, ~~mail a notice~~ notify, 93449  
electronically or by United States postal service, the nursing 93450  
home or hospital of the date, time, and place of the hearing ~~to~~ 93451  
~~the nursing home or hospital~~. The department may hear all the 93452  
requested appeals in one public hearing. 93453

(C) On the basis of the evidence presented at the hearing or 93454  
any other evidence submitted by the nursing home or hospital, the 93455  
department may adjust a fee. The department's decision is final. 93456

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the 93457  
Revised Code: 93458

(A) "Franchise permit fee rate" means the following: 93459

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and 93460  
~~twenty-four~~ seven cents; 93461

(2) For fiscal year ~~2015~~ 2017 and each fiscal year 93462  
thereafter, eighteen dollars and ~~seventeen~~ two cents. 93463

(B) "Indirect guarantee percentage" means the percentage 93464  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 93465  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 93466  
whether a class of providers is indirectly held harmless for any 93467  
portion of the costs of a broad-based health-care-related tax. If 93468  
the indirect guarantee percentage changes during a fiscal year, 93469  
the indirect guarantee percentage is the following: 93470

(1) For the part of the fiscal year before the change takes 93471  
effect, the percentage in effect before the change; 93472

(2) For the part of the fiscal year beginning with the date 93473  
the indirect guarantee percentage changes, the new percentage. 93474

(C) "ICF/IID" has the same meaning as in section 5124.01 of 93475  
the Revised Code. 93476

(D) "Medicaid-certified capacity" has the same meaning as in 93477  
section 5124.01 of the Revised Code. 93478

(E) "Provider agreement" has the same meaning as in section 93479  
5124.01 of the Revised Code. 93480

**Sec. 5168.63.** (A) Not later than the fifteenth day of August 93481  
of each year, the department of developmental disabilities shall 93482  
determine the annual franchise permit fee for each ICF/IID in 93483  
accordance with section 5168.61 of the Revised Code. 93484

(B) Not later than the first day of September of each year, 93485  
the department shall ~~mail to~~ notify, electronically or by United 93486  
States postal service, each ICF/IID ~~notice~~ of the amount of the 93487  
franchise permit fee the ICF/IID has been assessed under section 93488  
5168.61 of the Revised Code. 93489

(C) Subject to section 5168.64 of the Revised Code, each ICF/IID shall pay its fee under section 5168.61 of the Revised Code to the department in quarterly installment payments not later than forty-five days after the last day of each September, December, March, and June.

**Sec. 5168.64.** (A) If the operator of an ICF/IID converts, pursuant to section 5124.60 or 5124.61 of the Revised Code, all of the ICF/IID's beds to providing home and community-based services and the operator's provider agreement for the ICF/IID is terminated as a consequence, the department of developmental disabilities shall terminate the ICF/IID's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the conversion takes place.

(B)(1) If, during the period beginning on the first day of May of a calendar year and ending on the first day of January of the immediately following calendar year, the operator of an ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds to providing home and community-based services and the ICF/IID's medicaid-certified capacity is reduced as a consequence, the department ~~of developmental disabilities shall do the following:~~

~~(1) If the ICF/IID's medicaid certification is terminated because of the conversion, terminate the ICF/IID's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the department receives the notice of the conversion from the director of health;~~

~~(2) If the ICF/IID's medicaid-certified capacity is reduced because of the conversion, redetermine the ICF/IID's franchise permit fee in accordance with division (B) of this section for the second half of the fiscal year for which the fee is assessed.~~

~~(B)(1)~~ assessed. To redetermine ~~an~~ the ICF/IID's franchise

permit fee, the department shall multiply the franchise permit fee 93521  
rate by the product of the following: 93522

(a) The ICF/IID's medicaid-certified capacity as of the date 93523  
the conversion takes effect; 93524

(b) The number of days in the second half of the fiscal year 93525  
for which the redetermination is made. 93526

(2) The ICF/IID shall pay its franchise permit fee as 93527  
redetermined under division (B)(1) of this section in installment 93528  
payments not later than forty-five days after the last day of 93529  
March and June of the fiscal year for which the redetermination is 93530  
made. 93531

**Sec. 5168.67.** (A) An ICF/IID may appeal the franchise permit 93532  
fee imposed under section 5168.61 of the Revised Code solely on 93533  
the grounds that the department of developmental disabilities 93534  
committed a material error in determining the amount of the fee. A 93535  
request for an appeal must be received by the department not later 93536  
than fifteen days after the date the department ~~mail~~ notifies the 93537  
~~notice~~ ICF/IID of the fee and must include written materials 93538  
setting forth the basis for the appeal. 93539

(B) If an ICF/IID submits a request for an appeal within the 93540  
time required under division (A) of this section, the department 93541  
shall hold a public hearing in Columbus not later than thirty days 93542  
after the date the department receives the request for an appeal. 93543  
The department shall, not later than ten days before the date of 93544  
the hearing, ~~mail a notice~~ notify, electronically or by United 93545  
States postal service, the ICF/IID of the date, time, and place of 93546  
the hearing ~~to the ICF/IID~~. The department may hear all requested 93547  
appeals in one public hearing. 93548

(C) On the basis of the evidence presented at the hearing or 93549  
any other evidence submitted by the ICF/IID, the department may 93550



adjust a fee. The department's decision is final. 93551

**Sec. 5301.68.** An owner of land may grant a conservation 93552  
easement to the department of natural resources, a park district 93553  
created under Chapter 1545. of the Revised Code, a township park 93554  
district created under section 511.18 of the Revised Code, a 93555  
conservancy district created under Chapter 6101. of the Revised 93556  
Code, a soil and water conservation district created under Chapter 93557  
~~1515-~~ 940. of the Revised Code, a regional water and sewer 93558  
district created under Chapter 6119. of the Revised Code, a 93559  
county, a township, a municipal corporation, or a charitable 93560  
organization that is authorized to hold conservation easements by 93561  
division (B) of section 5301.69 of the Revised Code, in the form 93562  
of articles of dedication, easement, covenant, restriction, or 93563  
condition. An owner of land also may grant an agricultural 93564  
easement to the director of agriculture; to a municipal 93565  
corporation, county, township, or soil and water conservation 93566  
district; or to a charitable organization described in division 93567  
(B) of section 5301.69 of the Revised Code. An owner of land may 93568  
grant an agricultural easement only on land that is valued for 93569  
purposes of real property taxation at its current value for 93570  
agricultural use under section 5713.31 of the Revised Code or that 93571  
constitutes a homestead when the easement is granted. 93572

All conservation easements and agricultural easements shall 93573  
be executed and recorded in the same manner as other instruments 93574  
conveying interests in land. 93575

**Sec. 5301.69.** (A) The director of natural resources, the 93576  
board of park commissioners of a park district created under 93577  
Chapter 1545. of the Revised Code, the board of park commissioners 93578  
of a township park district created under section 511.18 of the 93579  
Revised Code, the board of directors of a conservancy district 93580  
created under Chapter 6101. of the Revised Code, the board of 93581

supervisors of a soil and water conservation district created 93582  
under Chapter ~~1515~~. 940. of the Revised Code, the board of 93583  
trustees of a regional water and sewer district created under 93584  
Chapter 6119. of the Revised Code, the board of county 93585  
commissioners of a county, the board of township trustees of a 93586  
township, or the legislative authority of a municipal corporation 93587  
may acquire conservation easements in the name of the state, the 93588  
district, or the county, township, or municipal corporation in the 93589  
same manner as other interests in land may be acquired under 93590  
section 307.02, 307.18, 505.10, 505.261, 511.23, 717.01, 940.06, 93591  
1501.01, ~~1515.08~~, 1545.11, 6101.15, or 6119.111 of the Revised 93592  
Code. Each officer, board, or authority acquiring a conservation 93593  
easement shall name an appropriate administrative officer, 93594  
department, or division to supervise and enforce the easement. 93595

(B) A charitable organization may acquire and hold 93596  
conservation easements if it is exempt from federal taxation under 93597  
subsection 501(a) and is described in subsection 501(c) of the 93598  
"Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as 93599  
amended, and organized for any of the following purposes: the 93600  
preservation of land areas for public outdoor recreation or 93601  
education, or scenic enjoyment; the preservation of historically 93602  
important land areas or structures; or the protection of natural 93603  
environmental systems. Such a charitable organization also may 93604  
acquire and hold agricultural easements subject to the limitation 93605  
that it may do so only on land that is valued for purposes of real 93606  
property taxation at its current value for agricultural use under 93607  
section 5713.31 of the Revised Code or that constitutes a 93608  
homestead when the easement is granted. 93609

**Sec. 5501.73.** (A) After selecting a solicited or unsolicited 93610  
proposal for a public-private initiative, the department of 93611  
transportation shall enter into a public-private agreement for a 93612  
transportation facility with the selected private entity or any 93613

configuration of private entities. An affected jurisdiction may be 93614  
a party to a public-private agreement entered into by the 93615  
department and a selected private entity or combination of private 93616  
entities. 93617

(B)(1) A public-private agreement under this section shall 93618  
provide for all of the following: 93619

~~(1)~~(a) Planning, acquisition, financing, development, design, 93620  
construction, reconstruction, replacement, improvement, 93621  
maintenance, management, repair, leasing, or operation of a 93622  
transportation facility; 93623

~~(2)~~(b) Term of the public-private agreement; 93624

~~(3)~~(c) Type of property interest, if any, the private entity 93625  
will have in the transportation facility; 93626

~~(4)~~(d) A specific plan to ensure proper maintenance of the 93627  
transportation facility throughout the term of the agreement and a 93628  
return of the facility to the department, if applicable, in good 93629  
condition and repair; 93630

~~(5)~~(e) Whether user fees, administrative fees, or other 93631  
charges will be collected for use of the transportation facility 93632  
in accordance with sections 5531.11 to 5531.18 of the Revised Code 93633  
and the basis by which such user fees, administrative fees, or 93634  
other charges shall be determined and modified; 93635

~~(6)~~(f) Compliance with applicable federal, state, and local 93636  
laws; 93637

~~(7)~~(g) Grounds for termination of the public-private 93638  
agreement by the department or operator; 93639

~~(8)~~(h) Disposition of the facility upon completion of the 93640  
agreement; 93641

~~(9)~~(i) Procedures for amendment of the agreement; 93642

~~(10) A (j) If the agreement contains a construction services component, a contract performance bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director of transportation, conditioned upon the private entity or contractor performing the construction services portion of the work in accordance with the agreed upon terms, within the time prescribed, and in conformance with any other such terms and conditions as are specified by the director;~~ 93643  
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~~(11) A (k) If the agreement contains a construction services component, a payment bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director, conditioned upon the payment for all labor, work performed, and materials furnished in connection with the agreement and any other such terms and conditions as are specified by the director construction services portion of the work.~~ 93651  
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(2) As used in divisions (B)(1)(j) and (k), "construction services" means design-build, construction, reconstruction, replacement, improvement, or repair services. 93659  
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(C) A public-private agreement under this section may provide for any of the following: 93662  
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(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility; 93664  
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(2) Inspection by the department of construction of or improvements to the transportation facility; 93667  
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(3) Maintenance by the operator of a policy of liability insurance or self-insurance; 93669  
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(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department; 93671  
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(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	93674 93675
(6) Financing obligations of the operator and the department;	93676
(7) Apportionment of expenses between the operator and the department;	93677 93678
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	93679 93680 93681
(9) Rights and remedies available in the event of default or delay;	93682 93683
(10) Terms and conditions of indemnification of the operator by the department;	93684 93685
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;	93686 93687 93688 93689
(12) Sale or lease to the operator of private property related to the transportation facility;	93690 93691
(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services.	93692 93693
(D)(1) The director of transportation may include in any public-private agreement under sections 5501.70 to 5501.83 of the Revised Code a provision authorizing a binding dispute resolution method for any controversy subsequently arising out of the contract. The binding dispute resolution method may proceed only upon agreement of all parties to the controversy. If all parties do not agree to proceed to a binding dispute resolution, a party having a claim against the department shall exhaust its administrative remedies specified in the public-private agreement prior to filing any action against the department in the court of	93694 93695 93696 93697 93698 93699 93700 93701 93702 93703

claims. 93704

No appeal from the determination of a technical expert lies 93705  
to any court, except that the court of common pleas of Franklin 93706  
County may issue an order vacating such a determination upon the 93707  
application of any party to the binding dispute resolution if any 93708  
of the following applies: 93709

(a) The determination was procured by corruption, fraud, or 93710  
undue means. 93711

(b) There was evidence of partiality or corruption on the 93712  
part of the technical expert. 93713

(c) The technical expert was guilty of misconduct in refusing 93714  
to postpone the hearing, upon sufficient cause shown, or in 93715  
refusing to hear evidence pertinent and material to the 93716  
controversy, or of any other misbehavior by which the rights of 93717  
any party have been prejudiced. 93718

(2) As used in this division, "binding dispute resolution" 93719  
means a binding determination after review by a technical expert 93720  
of all relevant items, which may include documents, and by 93721  
interviewing appropriate personnel and visiting the project site 93722  
involved in the controversy. "Binding dispute resolution" does not 93723  
involve representation by legal counsel or advocacy by any person 93724  
on behalf of any party to the controversy. 93725

(E) No public-private agreement entered into under this 93726  
section shall be construed to transfer to a private entity the 93727  
director's authority to appropriate property under Chapters 163., 93728  
5501., and 5519. of the Revised Code. 93729

(F) Money collected by the department pursuant to an 93730  
agreement entered into under this section shall be deposited into 93731  
the state treasury to the credit of the highway operating fund 93732  
unless the agreement is related to a toll project under sections 93733  
5531.11 to 5531.18 of the Revised Code, in which case the money 93734

shall be deposited as specified in the agreement. 93735

(G) Chapter 5525. of the Revised Code does not apply to 93736  
public-private agreements under sections 5501.70 to 5501.83 of the 93737  
Revised Code. 93738

Sec. 5502.132. There is hereby created in the state treasury 93739  
the Ohio investigative unit fund. The fund shall consist of any 93740  
nonfederal money received by the investigative unit of the 93741  
department of public safety that is not otherwise required to be 93742  
deposited into another fund under any provision of the Revised 93743  
Code. The director of public safety shall use the money in the 93744  
fund to pay the expenses of administering the law relative to the 93745  
powers and duties of the investigative unit. All investment 93746  
earnings shall be retained by the fund. 93747

**Sec. 5505.068.** (A) As used in this section and in section 93748  
5505.0610 of the Revised Code: 93749

(1) "Agent" means a dealer, as defined in section 1707.01 of 93750  
the Revised Code, who is licensed under sections 1707.01 to 93751  
1707.45 of the Revised Code or under comparable laws of another 93752  
state or of the United States. 93753

(2) "Minority business enterprise" has the same meaning as in 93754  
section 122.71 of the Revised Code. 93755

(3) "Ohio-qualified agent" means an agent designated as such 93756  
by the state highway patrol retirement board. 93757

(4) "Ohio-qualified investment manager" means an investment 93758  
manager designated as such by the state highway patrol retirement 93759  
board. 93760

(5) "Principal place of business" means an office in which 93761  
the agent regularly provides securities or investment advisory 93762  
services and solicits, meets with, or otherwise communicates with 93763

clients. 93764

(B) The state highway patrol retirement board shall, for the 93765  
purposes of this section, designate an agent as an Ohio-qualified 93766  
agent if the agent meets all of the following requirements: 93767

(1) The agent is subject to taxation under Chapter 5725., 93768  
5726., 5733., 5747., or 5751. of the Revised Code. 93769

(2) The agent is authorized to conduct business in this 93770  
state; 93771

(3) The agent maintains a principal place of business in this 93772  
state and employs at least five residents of this state. 93773

(C) The state highway patrol retirement board shall adopt and 93774  
implement a written policy to establish criteria and procedures 93775  
used to select agents to execute securities transactions on behalf 93776  
of the retirement system. The policy shall address each of the 93777  
following: 93778

(1) Commissions charged by the agent, both in the aggregate 93779  
and on a per share basis; 93780

(2) The execution speed and trade settlement capabilities of 93781  
the agent; 93782

(3) The responsiveness, reliability, and integrity of the 93783  
agent; 93784

(4) The nature and value of research provided by the agent; 93785

(5) Any special capabilities of the agent. 93786

(D)(1) The board shall, at least annually, establish a policy 93787  
with the goal to increase utilization by the board of 93788  
Ohio-qualified agents for the execution of domestic equity and 93789  
fixed income trades on behalf of the retirement system, when an 93790  
Ohio-qualified agent offers quality, services, and safety 93791  
comparable to other agents otherwise available to the board and 93792  
meets the criteria established under division (C) of this section. 93793



(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each agent designated as an Ohio-qualified agent under this section;~~

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~

~~(3) The amount of equity and fixed income trades that are executed by Ohio-qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(4) The compensation paid to Ohio-qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~

~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~

**Sec. 5505.0610.** (A) The state highway patrol retirement board shall, for the purposes of this section, designate an investment

manager as an Ohio-qualified investment manager if the investment 93824  
manager meets all of the following requirements: 93825

(1) The investment manager is subject to taxation under 93826  
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 93827

(2) The investment manager meets one of the following 93828  
requirements: 93829

(a) Has its corporate headquarters or principal place of 93830  
business in this state; 93831

(b) Employs at least five hundred individuals in this state; 93832

(c) Has a principal place of business in this state and 93833  
employs at least twenty residents of this state. 93834

(B)(1) The board shall, at least annually, establish a policy 93835  
with the goal to increase utilization by the board of 93836  
Ohio-qualified investment managers, when an Ohio-qualified 93837  
investment manager offers quality, services, and safety comparable 93838  
to other investment managers otherwise available to the board. The 93839  
policy shall also provide for the following: 93840

(a) A process whereby the board can develop a list of 93841  
Ohio-qualified investment managers and their investment products; 93842

(b) A process whereby the board can give public notice to 93843  
Ohio-qualified investment managers of the board's search for an 93844  
investment manager that includes the board's search criteria. 93845

(2) The board shall determine whether an investment manager 93846  
is an Ohio-qualified investment manager and whether the investment 93847  
manager offers quality, services, and safety comparable to other 93848  
investment managers otherwise available to the board. The board's 93849  
determination shall be final. 93850

~~(C) The board shall, at least annually, submit to the Ohio 93851  
retirement study council a report containing the following 93852~~

~~information;~~ 93853

~~(1) The name of each investment manager designated as an Ohio qualified investment manager under this section;~~ 93854  
93855

~~(2) The name of each investment manager with which the board contracts;~~ 93856  
93857

~~(3) The amount of assets managed by Ohio qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;~~ 93858  
93859  
93860  
93861

~~(4) The compensation paid to Ohio qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;~~ 93862  
93863  
93864

~~(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.~~ 93865  
93866

**Sec. 5505.22.** The right of any individual to a pension, or to the return of accumulated contributions, payable as provided under this chapter, and all moneys and investments of the state highway patrol retirement system and income from moneys or investments are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, and are exempt from any county, municipal, or other local tax, except income taxes imposed pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 5505.26, 5505.262, and 5505.263 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter. 93867  
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**Sec. 5505.261.** (A) As used in this section, "alternate" 93882

payee," "benefit," "lump sum payment," "participant," and "public 93883  
retirement program" have the same meanings as in section 3105.80 93884  
of the Revised Code. 93885

(B) On receipt of an order issued under section 3105.171 or 93886  
3105.65 of the Revised Code, the state highway patrol retirement 93887  
system shall determine whether the order meets the requirements of 93888  
sections 3105.80 to 3105.90 of the Revised Code. The system shall 93889  
retain in the participant's record an order the system determines 93890  
meets the requirements. Not later than sixty days after receipt, 93891  
the system shall return to the court that issued the order any 93892  
order the system determines does not meet the requirements. 93893

(C) The system shall comply with an order retained under 93894  
division (B) of this section at either of the following times as 93895  
appropriate: 93896

(1) If the participant has applied for or is receiving a 93897  
benefit or has applied for but not yet received a lump sum 93898  
payment, as soon as practicable; 93899

(2) If the participant has not applied for a benefit or lump 93900  
sum payment, on application by the participant for a benefit or 93901  
lump sum payment. 93902

(D) If the system transfers a participant's service credit or 93903  
contributions made by or on behalf of a participant to a public 93904  
retirement program that is not named in the order, the system 93905  
shall do both of the following: 93906

(1) Notify the court that issued the order by sending the 93907  
court a copy of the order and the name and address of the public 93908  
retirement program to which the transfer was made. 93909

(2) Send a copy of the order to the public retirement program 93910  
to which the transfer was made. 93911

(E) If it receives a participant's service credit or 93912

contributions and a copy of an order as provided in division (D) 93913  
of this section, the system shall administer the order as if it 93914  
were the public retirement program named in the order. 93915

(F) If a participant's benefit or lump sum payment is or will 93916  
be subject to more than one order described in section 3105.81 of 93917  
the Revised Code or to an order described in section 3105.81 of 93918  
the Revised Code and a withholding order under section 3111.23 or 93919  
3113.21 of the Revised Code, the system shall, after determining 93920  
that the amounts that are or will be withheld will cause the 93921  
benefit or lump sum payment to fall below the limits described in 93922  
section 3105.85 of the Revised Code, do all of the following: 93923

(1) Establish, in accordance with division (G) of this 93924  
section and subject to the limits described in section 3105.85 of 93925  
the Revised Code, the priority in which the orders are or will be 93926  
paid by the retirement system in accordance with division (G) of 93927  
this section; 93928

(2) Reduce the amount paid to an alternate payee based on the 93929  
priority established under division (F)(1) of this section; 93930

(3) Notify, by regular mail, a participant and alternate 93931  
payee of any action taken under this division. 93932

(G) A withholding or deduction notice issued under section 93933  
3111.23 or 3113.21 of the Revised Code or an order described in 93934  
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 93935  
other orders and shall be complied with in accordance with child 93936  
support enforcement laws. All other orders are entitled to 93937  
priority in order of earliest retention by the system. The system 93938  
is not to retain an order that provides for the division of 93939  
property unless the order is filed in a court with jurisdiction in 93940  
this state. 93941

(H) The system is not liable in civil damages for loss 93942  
resulting from any action or failure to act in compliance with 93943

this section. 93944

**Sec. 5513.01.** (A) The director of transportation shall make 93945  
all purchases of machinery, materials, supplies, or other articles 93946  
in the manner provided in this section. In all cases except those 93947  
in which the director provides written authorization for purchases 93948  
by district deputy directors of transportation, the director shall 93949  
make all such purchases at the central office of the department of 93950  
transportation in Columbus. Before making any purchase at that 93951  
office, the director, as provided in this section, shall give 93952  
notice to bidders of the director's intention to purchase. Where 93953  
the expenditure does not exceed the amount applicable to the 93954  
purchase of supplies specified in division ~~(B)~~(A) of section 93955  
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~  
~~of that section,~~ the director shall give such notice as the 93957  
director considers proper, or the director may make the purchase 93958  
without notice. Where the expenditure exceeds the amount 93959  
applicable to the purchase of supplies specified in division 93960  
~~(B)~~(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~  
~~to division (D) of that section,~~ the director shall give notice by 93962  
posting for not less than ten days a written, typed, or printed 93963  
invitation to bidders on a bulletin board. The director shall 93964  
locate the notice in a place in the offices assigned to the 93965  
department and open to the public during business hours. 93966

Producers or distributors of any product may notify the 93967  
director, in writing, of the class of articles for the furnishing 93968  
of which they desire to bid and their post-office addresses. In 93969  
that circumstance, the director shall mail copies of all 93970  
invitations to bidders relating to the purchase of such articles 93971  
to such persons by regular first class mail at least ten days 93972  
prior to the time fixed for taking bids. The director also may 93973  
mail copies of all invitations to bidders to news agencies or 93974  
other agencies or organizations distributing information of this 93975

character. Requests for invitations are not valid and do not 93976  
require action by the director unless renewed by the director, 93977  
either annually or after such shorter period as the director may 93978  
prescribe by a general rule. 93979

The director shall include in an invitation to bidders a 93980  
brief statement of the general character of the article that it is 93981  
intended to purchase, the approximate quantity desired, and a 93982  
statement of the time and place where bids will be received, and 93983  
may relate to and describe as many different articles as the 93984  
director thinks proper, it being the intent and purpose of this 93985  
section to authorize the inclusion in a single invitation of as 93986  
many different articles as the director desires to invite bids 93987  
upon at any given time. The director shall give invitations issued 93988  
during each calendar year consecutive numbers, and ensure that the 93989  
number assigned to each invitation appears on all copies thereof. 93990  
In all cases where notice is required by this section, the 93991  
director shall require sealed bids, on forms prescribed and 93992  
furnished by the director. The director shall not permit the 93993  
modification of bids after they have been opened. 93994

(B) The director may permit a state agency, the Ohio turnpike 93995  
and infrastructure commission, any political subdivision, and any 93996  
state university or college to participate in contracts into which 93997  
the director has entered for the purchase of machinery, materials, 93998  
supplies, or other articles. The turnpike and infrastructure 93999  
commission and any political subdivision or state university or 94000  
college desiring to participate in such purchase contracts shall 94001  
file with the director a certified copy of the bylaws or rules of 94002  
the turnpike and infrastructure commission or the ordinance or 94003  
resolution of the legislative authority, board of trustees, or 94004  
other governing board requesting authorization to participate in 94005  
such contracts and agreeing to be bound by such terms and 94006  
conditions as the director prescribes. Purchases made by a state 94007

agency, the turnpike and infrastructure commission, political subdivisions, or state universities or colleges under this division are exempt from any competitive bidding required by law for the purchase of machinery, materials, supplies, or other articles.

(C) As used in this section:

(1) "Political subdivision" means any county, township, municipal corporation, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, port authority, regional transit authority, regional airport authority, regional water and sewer district, county transit board, school district as defined in section 5513.04 of the Revised Code, regional planning commission formed under section 713.21 of the Revised Code, regional council of government formed under section 167.01 of the Revised Code, or other association of local governments established pursuant to an agreement under sections 307.14 to 307.19 of the Revised Code.

(2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(3) "Ohio turnpike and infrastructure commission" means the commission created by section 5537.02 of the Revised Code.

(4) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government, regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.



Sec. 5537.05. (A) The Ohio turnpike and infrastructure 94039  
commission may construct grade separations at intersections of any 94040  
turnpike project with public roads and railroads, and change and 94041  
adjust the lines and grades of those roads and railroads, and of 94042  
public utility facilities, which change and adjustment of lines 94043  
and grades of those roads shall be subject to the approval of the 94044  
governmental agency having jurisdiction over the road, so as to 94045  
accommodate them to the design of the grade separation. The cost 94046  
of the grade separation and any damage incurred in changing and 94047  
adjusting the lines and grades of roads, railroads, and public 94048  
utility facilities shall be ascertained and paid by the commission 94049  
as a part of the cost of the turnpike project or from revenues or 94050  
state taxes. 94051

(1) If the commission finds it necessary to change the 94052  
location of any portion of any public road, railroad, or public 94053  
utility facility, it shall cause the same to be reconstructed at 94054  
the location the governmental agency having jurisdiction over such 94055  
road, railroad, or public utility facility considers most 94056  
favorable. The construction shall be of substantially the same 94057  
type and in as good condition as the original road, railroad, or 94058  
public utility facility. The cost of the reconstruction, 94059  
relocation, or removal and any damage incurred in changing the 94060  
location shall be ascertained and paid by the commission as a part 94061  
of the cost of the turnpike project or from revenues or state 94062  
taxes. 94063

(2) The commission may petition the board of county 94064  
commissioners of the county in which is situated any public road 94065  
or part thereof affected by the location therein of any turnpike 94066  
project, for the vacation or relocation of the road or any part 94067  
thereof, in the same manner and with the same force and effect as 94068  
is given to the director of transportation pursuant to sections 94069  
5553.04 to 5553.11 of the Revised Code. 94070

(B) The commission and its authorized agents and employees, 94071  
after proper notice, may enter upon any lands, waters, and 94072  
premises in the state for the purpose of making surveys, 94073  
soundings, drillings, and examinations that are necessary or 94074  
proper for the purposes of this chapter, and the entry shall not 94075  
be deemed a trespass, nor shall an entry for those purposes be 94076  
deemed an entry under any appropriation proceedings which may then 94077  
be pending, provided that before entering upon the premises of any 94078  
railroad notice shall be given to the superintendent of the 94079  
railroad involved at least five days in advance of entry, and 94080  
provided that no survey, sounding, drilling, and examination shall 94081  
be made between the rails or so close to a railroad track as would 94082  
render the track unusable. The commission shall make reimbursement 94083  
for any actual damage resulting to such lands, waters, and 94084  
premises and to private property located in, on, along, over, or 94085  
under such lands, waters, and premises, as a result of such 94086  
activities. The state, subject to the approval of the governor, 94087  
hereby consents to the use of all lands owned by it, including 94088  
lands lying under water, that are necessary or proper for the 94089  
construction, maintenance, or operation of any turnpike project, 94090  
provided adequate consideration is provided for the use. 94091

(C) The commission may make reasonable provisions or rules 94092  
for the installation, construction, maintenance, repair, renewal, 94093  
relocation, and removal of public utility facilities in, on, 94094  
along, over, or under any turnpike project. Whenever the 94095  
commission determines that it is necessary that any public utility 94096  
facilities located in, on, along, over, or under any turnpike 94097  
project should be relocated in or removed from the turnpike 94098  
project, the public utility owning or operating the facilities 94099  
shall relocate or remove them in accordance with the order of the 94100  
commission. Except as otherwise provided in any license or other 94101  
agreement with the commission, the cost and expenses of such 94102  
relocation or removal, including the cost of installing the 94103

facilities in a new location, the cost of any lands, or any rights 94104  
or interests in lands, and any other rights, acquired to 94105  
accomplish the relocation or removal, shall be ascertained and 94106  
paid by the commission as part of the cost of the turnpike project 94107  
or from revenues of the Ohio turnpike system. In case of any such 94108  
relocation or removal of facilities, the public utility owning or 94109  
operating them and its successors or assigns may maintain and 94110  
operate the facilities, with the necessary appurtenances, in the 94111  
new location, for as long a period, and upon the same terms, as it 94112  
had the right to maintain and operate the facilities in their 94113  
former location. 94114

(D) The commission is subject to Chapters ~~1515-~~ 940., 6131., 94115  
6133., 6135., and 6137. of the Revised Code and shall pay any 94116  
assessments levied under those chapters for an improvement or 94117  
maintenance of an improvement on land under the control or 94118  
ownership of the commission. 94119

**Sec. 5575.01.** (A) In the maintenance and repair of roads, the 94120  
board of township trustees may proceed either by contract or force 94121  
account, but, unless the exemption specified in division (C) of 94122  
this section applies, if the board wishes to proceed by force 94123  
account, it first shall cause the county engineer to complete the 94124  
force account assessment form developed by the auditor of state 94125  
under section 117.16 of the Revised Code. Except as otherwise 94126  
provided in sections 505.08 and 505.101 of the Revised Code, when 94127  
the board proceeds by contract, the contract shall, if the amount 94128  
involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the 94129  
board to the lowest responsible bidder after advertisement for 94130  
bids once, not later than two weeks, prior to the date fixed for 94131  
the letting of the contract, in a newspaper of general circulation 94132  
within the township. If the amount involved is ~~forty-five~~ ninety 94133  
thousand dollars or less, a contract may be let without 94134  
competitive bidding, or the work may be done by force account. 94135

Such a contract shall be performed under the supervision of a 94136  
member of the board or the township road superintendent. 94137

(B) Before undertaking the construction or reconstruction of 94138  
a township road, the board shall cause to be made by the county 94139  
engineer an estimate of the cost of the work, which estimate shall 94140  
include labor, material, freight, fuel, hauling, use of machinery 94141  
and equipment, and all other items of cost. If the board finds it 94142  
in the best interest of the public, it may, in lieu of 94143  
constructing the road by contract, proceed to construct the road 94144  
by force account. Except as otherwise provided under sections 94145  
505.08 and 505.101 of the Revised Code, where the total estimated 94146  
cost of the work exceeds ~~fifteen~~ thirty thousand dollars per mile, 94147  
the board shall invite and receive competitive bids for furnishing 94148  
all the labor, materials, and equipment and doing the work, as 94149  
provided in section 5575.02 of the Revised Code, and shall 94150  
consider and reject them before ordering the work done by force 94151  
account. When such bids are received, considered, and rejected, 94152  
and the work is done by force account, the work shall be performed 94153  
in compliance with the plans and specifications upon which the 94154  
bids were based. 94155

(C) Force account assessment forms are not required under 94156  
division (A) of this section for road maintenance or repair 94157  
projects of less than ~~fifteen~~ forty-five thousand dollars, or 94158  
under division (B) of this section for road construction or 94159  
reconstruction projects of less than ~~five~~ fifteen thousand dollars 94160  
per mile. 94161

(D) All force account work under this section shall be done 94162  
under the direction of a member of the board or the township road 94163  
superintendent. 94164

**Sec. 5703.057.** (A) For the efficient administration of the 94165  
taxes and fees administered by the tax commissioner, the 94166

commissioner may require that any person filing a tax document 94167  
with the department of taxation provide identifying information, 94168  
which may include the person's social security number, federal 94169  
employer identification number, or other identification number 94170  
requested by the commissioner, subject to section 5703.361 of the 94171  
Revised Code. A person required by the commissioner to provide 94172  
identifying information who has experienced any change with 94173  
respect to that information shall notify the commissioner of the 94174  
change prior to, or upon, filing the next tax document requiring 94175  
such identifying information. 94176

(B) When transmitting or otherwise making use of a tax 94177  
document that contains a person's social security number, the 94178  
commissioner shall take all reasonable measures necessary to 94179  
ensure that the number is not capable of being viewed by the 94180  
general public, including, when necessary, masking the number so 94181  
that it is not readily discernible by the general public. 94182

(C)(1) If the commissioner makes a request for identifying 94183  
information and the commissioner does not receive valid 94184  
identifying information within thirty days of making the request, 94185  
the commissioner may impose a penalty upon the person to whom the 94186  
request was directed of up to one hundred dollars. If, after the 94187  
expiration of this thirty day period, the commissioner makes one 94188  
or more subsequent requests for identifying information and the 94189  
person to whom the subsequent request is directed fails to provide 94190  
valid identifying information within thirty days of the 94191  
commissioner's subsequent request, the commissioner may impose an 94192  
additional penalty of up to two hundred dollars for each 94193  
subsequent request not complied with in a timely fashion. 94194

(2) If a person required by the commissioner to provide 94195  
identifying information does not notify the commissioner of a 94196  
change with respect to that information as required under division 94197

(A) of this section within thirty days after filing the next tax document requiring such identifying information, the commissioner may impose a penalty of up to fifty dollars.

(3) The penalties provided for under divisions (C)(1) and (2) of this section may be billed and assessed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in division (D) of this section and any other penalties that may be imposed by the commissioner by law.

(D) Section 5703.26 of the Revised Code applies with respect to false or fraudulent identifying information provided by a person to the commissioner under this section.

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the

possession of the department to the extent that the access and 94229  
examination are necessary for purposes of the audit. Any 94230  
information acquired as the result of that access and examination 94231  
shall not be divulged for any purpose other than as required for 94232  
the audit or unless the officers and employees are required to 94233  
testify in a court or proceeding under compulsion of legal 94234  
process. Whoever violates this provision shall thereafter be 94235  
disqualified from acting as an officer or employee or in any other 94236  
capacity under appointment or employment of the auditor of state. 94237

(2) For purposes of an internal audit pursuant to section 94238  
126.45 of the Revised Code, the officers and employees of the 94239  
office of internal audit in the office of budget and management 94240  
charged with directing the internal audit shall have access to and 94241  
the right to examine any state tax returns and state tax return 94242  
information in the possession of the department to the extent that 94243  
the access and examination are necessary for purposes of the 94244  
internal audit. Any information acquired as the result of that 94245  
access and examination shall not be divulged for any purpose other 94246  
than as required for the internal audit or unless the officers and 94247  
employees are required to testify in a court or proceeding under 94248  
compulsion of legal process. Whoever violates this provision shall 94249  
thereafter be disqualified from acting as an officer or employee 94250  
or in any other capacity under appointment or employment of the 94251  
office of internal audit. 94252

(3) As provided by section 6103(d)(2) of the Internal Revenue 94253  
Code, any federal tax returns or federal tax information that the 94254  
department has acquired from the internal revenue service, through 94255  
federal and state statutory authority, may be disclosed to the 94256  
auditor of state or the office of internal audit solely for 94257  
purposes of an audit of the department. 94258

(4) For purposes of Chapter 3739. of the Revised Code, an 94259  
agent of the department of taxation may share information with the 94260

division of state fire marshal that the agent finds during the 94261  
course of an investigation. 94262

(C) Division (A) of this section does not prohibit any of the 94263  
following: 94264

(1) Divulging information contained in applications, 94265  
complaints, and related documents filed with the department under 94266  
section 5715.27 of the Revised Code or in applications filed with 94267  
the department under section 5715.39 of the Revised Code; 94268

(2) Providing information to the office of child support 94269  
within the department of job and family services pursuant to 94270  
section 3125.43 of the Revised Code; 94271

(3) Disclosing to the motor vehicle repair board any 94272  
information in the possession of the department that is necessary 94273  
for the board to verify the existence of an applicant's valid 94274  
vendor's license and current state tax identification number under 94275  
section 4775.07 of the Revised Code; 94276

(4) Providing information to the administrator of workers' 94277  
compensation pursuant to sections 4123.271 and 4123.591 of the 94278  
Revised Code; 94279

(5) Providing to the attorney general information the 94280  
department obtains under division (J) of section 1346.01 of the 94281  
Revised Code; 94282

(6) Permitting properly authorized officers, employees, or 94283  
agents of a municipal corporation from inspecting reports or 94284  
information pursuant to rules adopted under section 5745.16 of the 94285  
Revised Code; 94286

(7) Providing information regarding the name, account number, 94287  
or business address of a holder of a vendor's license issued 94288  
pursuant to section 5739.17 of the Revised Code, a holder of a 94289  
direct payment permit issued pursuant to section 5739.031 of the 94290



Revised Code, or a seller having a use tax account maintained 94291  
pursuant to section 5741.17 of the Revised Code, or information 94292  
regarding the active or inactive status of a vendor's license, 94293  
direct payment permit, or seller's use tax account; 94294

(8) Releasing invoices or invoice information furnished under 94295  
section 4301.433 of the Revised Code pursuant to that section; 94296

(9) Providing to a county auditor notices or documents 94297  
concerning or affecting the taxable value of property in the 94298  
county auditor's county. Unless authorized by law to disclose 94299  
documents so provided, the county auditor shall not disclose such 94300  
documents; 94301

(10) Providing to a county auditor sales or use tax return or 94302  
audit information under section 333.06 of the Revised Code; 94303

(11) Subject to section 4301.441 of the Revised Code, 94304  
disclosing to the appropriate state agency information in the 94305  
possession of the department of taxation that is necessary to 94306  
verify a permit holder's gallonage or noncompliance with taxes 94307  
levied under Chapter 4301. or 4305. of the Revised Code; 94308

(12) Disclosing to the department of natural resources 94309  
information in the possession of the department of taxation that 94310  
is necessary for the department of taxation to verify the 94311  
taxpayer's compliance with section 5749.02 of the Revised Code or 94312  
to allow the department of natural resources to enforce Chapter 94313  
1509. of the Revised Code; 94314

(13) Disclosing to the department of job and family services, 94315  
industrial commission, and bureau of workers' compensation 94316  
information in the possession of the department of taxation solely 94317  
for the purpose of identifying employers that misclassify 94318  
employees as independent contractors or that fail to properly 94319  
report and pay employer tax liabilities. The department of 94320  
taxation shall disclose only such information that is necessary to 94321

verify employer compliance with law administered by those agencies. 94322  
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(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto; 94324  
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(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code. 94329  
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(16) Disclosing to the development services agency information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the development services agency for the purpose of evaluating potential tax credits, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the development services agency shall disclose any information provided to the development services agency by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, grants, or loans. 94333  
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(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the development services agency and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of 94348  
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insurance shall disclose any information provided to the 94354  
department of insurance by the department of taxation under 94355  
division (C)(17) of this section. 94356

**Sec. 5703.36.** If any company, firm, corporation, person, 94357  
association, partnership, or public utility fails to make out and 94358  
deliver to the tax commissioner any statement required by law, or 94359  
to furnish the commissioner with any information requested, the 94360  
commissioner shall ~~inform himself~~ become informed as best ~~he~~ the 94361  
commissioner can on the matters necessary to be known in order to 94362  
discharge ~~his~~ the commissioner's duties, subject to section 94363  
5703.361 of the Revised Code. 94364

**Sec. 5703.361.** If the tax commissioner uses measures to 94365  
reduce fraud by requiring a person to verify information about the 94366  
person for the purpose of verifying the person's identity, the tax 94367  
commissioner may not require a person to verify any information 94368  
created or compiled more than five years preceding the current 94369  
calendar year. 94370

**Sec. 5703.85.** On or before September 1, 2015, and on or 94371  
before the first day of every third month thereafter, the tax 94372  
commissioner shall prepare a report that includes all of the 94373  
following information: 94374

(A) The number of inspections and investigations conducted 94375  
during the preceding four months in relation to the enforcement of 94376  
sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code; 94377

(B) The number of violations of sections 1333.11 to 1333.21 94378  
and Chapter 5743. of the Revised Code found during the preceding 94379  
four months, organized by the type of violation; 94380

(C) The number of prosecutions brought during the preceding 94381  
four months in relation to violations of sections 1333.11 to 94382

<u>1333.21 and Chapter 5743. of the Revised Code;</u>	94383
<u>(D) The number of agents designated for enforcement of</u>	94384
<u>sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code</u>	94385
<u>during the preceding four months.</u>	94386
<u>The commissioner shall submit the report to the chairperson</u>	94387
<u>of the standing committee of each house of the general assembly</u>	94388
<u>which normally considers tax legislation.</u>	94389
<b>Sec. 5705.19.</b> This section does not apply to school	94390
districts, county school financing districts, or lake facilities	94391
authorities.	94392
The taxing authority of any subdivision at any time and in	94393
any year, by vote of two-thirds of all the members of the taxing	94394
authority, may declare by resolution and certify the resolution to	94395
the board of elections not less than ninety days before the	94396
election upon which it will be voted that the amount of taxes that	94397
may be raised within the ten-mill limitation will be insufficient	94398
to provide for the necessary requirements of the subdivision and	94399
that it is necessary to levy a tax in excess of that limitation	94400
for any of the following purposes:	94401
(A) For current expenses of the subdivision, except that the	94402
total levy for current expenses of a detention facility district	94403
or district organized under section 2151.65 of the Revised Code	94404
shall not exceed two mills and that the total levy for current	94405
expenses of a combined district organized under sections 2151.65	94406
and 2152.41 of the Revised Code shall not exceed four mills;	94407
(B) For the payment of debt charges on certain described	94408
bonds, notes, or certificates of indebtedness of the subdivision	94409
issued subsequent to January 1, 1925;	94410
(C) For the debt charges on all bonds, notes, and	94411
certificates of indebtedness issued and authorized to be issued	94412

prior to January 1, 1925;	94413
(D) For a public library of, or supported by, the subdivision	94414
under whatever law organized or authorized to be supported;	94415
(E) For a municipal university, not to exceed two mills over	94416
the limitation of one mill prescribed in section 3349.13 of the	94417
Revised Code;	94418
(F) For the construction or acquisition of any specific	94419
permanent improvement or class of improvements that the taxing	94420
authority of the subdivision may include in a single bond issue;	94421
(G) For the general construction, reconstruction,	94422
resurfacing, and repair of streets, roads, and bridges in	94423
municipal corporations, counties, or townships;	94424
(H) For parks and recreational purposes;	94425
(I) For the purpose of providing and maintaining fire	94426
apparatus, appliances, buildings, or sites therefor, or sources of	94427
water supply and materials therefor, or the establishment and	94428
maintenance of lines of fire alarm telegraph, or the payment of	94429
firefighting companies or permanent, part-time, or volunteer	94430
firefighting, emergency medical service, administrative, or	94431
communications personnel to operate the same, including the	94432
payment of any employer contributions required for such personnel	94433
under section 145.48 or 742.34 of the Revised Code, or the	94434
purchase of ambulance equipment, or the provision of ambulance,	94435
paramedic, or other emergency medical services operated by a fire	94436
department or firefighting company;	94437
(J) For the purpose of providing and maintaining motor	94438
vehicles, communications, other equipment, buildings, and sites	94439
for such buildings used directly in the operation of a police	94440
department, or the payment of salaries of permanent or part-time	94441
police, communications, or administrative personnel to operate the	94442
same, including the payment of any employer contributions required	94443

for such personnel under section 145.48 or 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department; 94444  
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(K) For the maintenance and operation of a county home or detention facility; 94449  
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(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code; 94451  
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(M) For regional planning; 94455

(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections; 94456  
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(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods; 94461  
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(P) For maintaining and operating sewage disposal plants and facilities; 94464  
94465

(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code; 94466  
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(R) For the subdivision's share of the cost of acquiring or 94473

constructing any schools, forestry camps, detention facilities, or	94474
other facilities, or any combination thereof, under section	94475
2151.65 or 2152.41 of the Revised Code or both of those sections;	94476
(S) For the prevention, control, and abatement of air	94477
pollution;	94478
(T) For maintaining and operating cemeteries;	94479
(U) For providing ambulance service, emergency medical	94480
service, or both;	94481
(V) For providing for the collection and disposal of garbage	94482
or refuse, including yard waste;	94483
(W) For the payment of the police officer employers'	94484
contribution or the firefighter employers' contribution required	94485
under sections 742.33 and 742.34 of the Revised Code;	94486
(X) For the construction and maintenance of a drainage	94487
improvement pursuant to section 6131.52 of the Revised Code;	94488
(Y) For providing or maintaining senior citizens services or	94489
facilities as authorized by section 307.694, 307.85, 505.70, or	94490
505.706 or division (EE) of section 717.01 of the Revised Code;	94491
(Z) For the provision and maintenance of zoological park	94492
services and facilities as authorized under section 307.76 of the	94493
Revised Code;	94494
(AA) For the maintenance and operation of a free public	94495
museum of art, science, or history;	94496
(BB) For the establishment and operation of a 9-1-1 system,	94497
as defined in section 128.01 of the Revised Code;	94498
(CC) For the purpose of acquiring, rehabilitating, or	94499
developing rail property or rail service. As used in this	94500
division, "rail property" and "rail service" have the same	94501
meanings as in section 4981.01 of the Revised Code. This division	94502
applies only to a county, township, or municipal corporation.	94503

(DD) For the purpose of acquiring property for, constructing, 94504  
operating, and maintaining community centers as provided for in 94505  
section 755.16 of the Revised Code; 94506

(EE) For the creation and operation of an office or joint 94507  
office of economic development, for any economic development 94508  
purpose of the office, and to otherwise provide for the 94509  
establishment and operation of a program of economic development 94510  
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 94511  
the extent that the expenses of a county land reutilization 94512  
corporation organized under Chapter 1724. of the Revised Code are 94513  
found by the board of county commissioners to constitute the 94514  
promotion of economic development, for the payment of such 94515  
operations and expenses; 94516

(FF) For the purpose of acquiring, establishing, 94517  
constructing, improving, equipping, maintaining, or operating, or 94518  
any combination of the foregoing, a township airport, landing 94519  
field, or other air navigation facility pursuant to section 505.15 94520  
of the Revised Code; 94521

(GG) For the payment of costs incurred by a township as a 94522  
result of a contract made with a county pursuant to section 94523  
505.263 of the Revised Code in order to pay all or any part of the 94524  
cost of constructing, maintaining, repairing, or operating a water 94525  
supply improvement; 94526

(HH) For a board of township trustees to acquire, other than 94527  
by appropriation, an ownership interest in land, water, or 94528  
wetlands, or to restore or maintain land, water, or wetlands in 94529  
which the board has an ownership interest, not for purposes of 94530  
recreation, but for the purposes of protecting and preserving the 94531  
natural, scenic, open, or wooded condition of the land, water, or 94532  
wetlands against modification or encroachment resulting from 94533  
occupation, development, or other use, which may be styled as 94534  
protecting or preserving "greenspace" in the resolution, notice of 94535



election, or ballot form. Except as otherwise provided in this 94536  
division, land is not acquired for purposes of recreation, even if 94537  
the land is used for recreational purposes, so long as no 94538  
building, structure, or fixture used for recreational purposes is 94539  
permanently attached or affixed to the land. Except as otherwise 94540  
provided in this division, land that previously has been acquired 94541  
in a township for these greenspace purposes may subsequently be 94542  
used for recreational purposes if the board of township trustees 94543  
adopts a resolution approving that use and no building, structure, 94544  
or fixture used for recreational purposes is permanently attached 94545  
or affixed to the land. The authorization to use greenspace land 94546  
for recreational use does not apply to land located in a township 94547  
that had a population, at the time it passed its first greenspace 94548  
levy, of more than thirty-eight thousand within a county that had 94549  
a population, at that time, of at least eight hundred sixty 94550  
thousand. 94551

(II) For the support by a county of a crime victim assistance 94552  
program that is provided and maintained by a county agency or a 94553  
private, nonprofit corporation or association under section 307.62 94554  
of the Revised Code; 94555

(JJ) For any or all of the purposes set forth in divisions 94556  
(I) and (J) of this section. This division applies only to a 94557  
township. 94558

(KK) For a countywide public safety communications system 94559  
under section 307.63 of the Revised Code. This division applies 94560  
only to counties. 94561

(LL) For the support by a county of criminal justice services 94562  
under section 307.45 of the Revised Code; 94563

(MM) For the purpose of maintaining and operating a jail or 94564  
other detention facility as defined in section 2921.01 of the 94565  
Revised Code; 94566

(NN) For purchasing, maintaining, or improving, or any 94567  
combination of the foregoing, real estate on which to hold, and 94568  
the operating expenses of, agricultural fairs operated by a county 94569  
agricultural society or independent agricultural society under 94570  
Chapter 1711. of the Revised Code. This division applies only to a 94571  
county. 94572

(OO) For constructing, rehabilitating, repairing, or 94573  
maintaining sidewalks, walkways, trails, bicycle pathways, or 94574  
similar improvements, or acquiring ownership interests in land 94575  
necessary for the foregoing improvements; 94576

(PP) For both of the purposes set forth in divisions (G) and 94577  
(OO) of this section. 94578

(QQ) For both of the purposes set forth in divisions (H) and 94579  
(HH) of this section. This division applies only to a township. 94580

(RR) For the legislative authority of a municipal 94581  
corporation, board of county commissioners of a county, or board 94582  
of township trustees of a township to acquire agricultural 94583  
easements, as defined in section 5301.67 of the Revised Code, and 94584  
to supervise and enforce the easements. 94585

(SS) For both of the purposes set forth in divisions (BB) and 94586  
(KK) of this section. This division applies only to a county. 94587

(TT) For the maintenance and operation of a facility that is 94588  
organized in whole or in part to promote the sciences and natural 94589  
history under section 307.761 of the Revised Code. 94590

(UU) For the creation and operation of a county land 94591  
reutilization corporation and for any programs or activities of 94592  
the corporation found by the board of directors of the corporation 94593  
to be consistent with the purposes for which the corporation is 94594  
organized; 94595

(VV) For construction and maintenance of improvements and 94596

expenses of soil and water conservation district programs under 94597  
Chapter 1515. of the Revised Code; 94598

(WW) For the OSU extension fund created under section 3335.35 94599  
of the Revised Code for the purposes prescribed under section 94600  
3335.36 of the Revised Code for the benefit of the citizens of a 94601  
county. This division applies only to a county. 94602

(XX) For a municipal corporation that withdraws or proposes 94603  
by resolution to withdraw from a regional transit authority under 94604  
section 306.55 of the Revised Code to provide transportation 94605  
services for the movement of persons within, from, or to the 94606  
municipal corporation; 94607

(YY) For any combination of the purposes specified in 94608  
divisions (NN), (VV), and (WW) of this section. This division 94609  
applies only to a county. 94610

The resolution shall be confined to the purpose or purposes 94611  
described in one division of this section, to which the revenue 94612  
derived therefrom shall be applied. The existence in any other 94613  
division of this section of authority to levy a tax for any part 94614  
or all of the same purpose or purposes does not preclude the use 94615  
of such revenues for any part of the purpose or purposes of the 94616  
division under which the resolution is adopted. 94617

The resolution shall specify the amount of the increase in 94618  
rate that it is necessary to levy, the purpose of that increase in 94619  
rate, and the number of years during which the increase in rate 94620  
shall be in effect, which may or may not include a levy upon the 94621  
duplicate of the current year. The number of years may be any 94622  
number not exceeding five, except as follows: 94623

(1) When the additional rate is for the payment of debt 94624  
charges, the increased rate shall be for the life of the 94625  
indebtedness. 94626

(2) When the additional rate is for any of the following, the 94627

increased rate shall be for a continuing period of time: 94628

(a) For the current expenses for a detention facility 94629  
district, a district organized under section 2151.65 of the 94630  
Revised Code, or a combined district organized under sections 94631  
2151.65 and 2152.41 of the Revised Code; 94632

(b) For providing a county's share of the cost of maintaining 94633  
and operating schools, district detention facilities, forestry 94634  
camps, or other facilities, or any combination thereof, 94635  
established under section 2151.65 or 2152.41 of the Revised Code 94636  
or under both of those sections. 94637

(3) When the additional rate is for either of the following, 94638  
the increased rate may be for a continuing period of time: 94639

(a) For the purposes set forth in division (I), (J), (U), or 94640  
(KK) of this section; 94641

(b) For the maintenance and operation of a joint recreation 94642  
district. 94643

(4) When the increase is for the purpose or purposes set 94644  
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 94645  
section, the tax levy may be for any specified number of years or 94646  
for a continuing period of time, as set forth in the resolution. 94647

A levy for one of the purposes set forth in division (G), 94648  
(I), (J), or (U) of this section may be reduced pursuant to 94649  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 94650  
the purposes set forth in division (G), (I), (J), or (U) of this 94651  
section may also be terminated or permanently reduced by the 94652  
taxing authority if it adopts a resolution stating that the 94653  
continuance of the levy is unnecessary and the levy shall be 94654  
terminated or that the millage is excessive and the levy shall be 94655  
decreased by a designated amount. 94656

A resolution of a detention facility district, a district 94657

organized under section 2151.65 of the Revised Code, or a combined 94658  
district organized under both sections 2151.65 and 2152.41 of the 94659  
Revised Code may include both current expenses and other purposes, 94660  
provided that the resolution shall apportion the annual rate of 94661  
levy between the current expenses and the other purpose or 94662  
purposes. The apportionment need not be the same for each year of 94663  
the levy, but the respective portions of the rate actually levied 94664  
each year for the current expenses and the other purpose or 94665  
purposes shall be limited by the apportionment. 94666

Whenever a board of county commissioners, acting either as 94667  
the taxing authority of its county or as the taxing authority of a 94668  
sewer district or subdistrict created under Chapter 6117. of the 94669  
Revised Code, by resolution declares it necessary to levy a tax in 94670  
excess of the ten-mill limitation for the purpose of constructing, 94671  
improving, or extending sewage disposal plants or sewage systems, 94672  
the tax may be in effect for any number of years not exceeding 94673  
twenty, and the proceeds of the tax, notwithstanding the general 94674  
provisions of this section, may be used to pay debt charges on any 94675  
obligations issued and outstanding on behalf of the subdivision 94676  
for the purposes enumerated in this paragraph, provided that any 94677  
such obligations have been specifically described in the 94678  
resolution. 94679

A resolution adopted by the legislative authority of a 94680  
municipal corporation that is for the purpose in division (XX) of 94681  
this section may be combined with the purpose provided in section 94682  
306.55 of the Revised Code, by vote of two-thirds of all members 94683  
of the legislative authority. The legislative authority may 94684  
certify the resolution to the board of elections as a combined 94685  
question. The question appearing on the ballot shall be as 94686  
provided in section 5705.252 of the Revised Code. 94687

The resolution shall go into immediate effect upon its 94688  
passage, and no publication of the resolution is necessary other 94689

than that provided for in the notice of election 94690

When the electors of a subdivision or, in the case of a 94691  
qualifying library levy for the support of a library association 94692  
or private corporation, the electors of the association library 94693  
district, have approved a tax levy under this section, the taxing 94694  
authority of the subdivision may anticipate a fraction of the 94695  
proceeds of the levy and issue anticipation notes in accordance 94696  
with section 5705.191 or 5705.193 of the Revised Code. 94697

**Sec. 5705.194.** The board of education of any city, local, 94698  
exempted village, cooperative education, or joint vocational 94699  
school district at any time may declare by resolution that the 94700  
revenue that will be raised by all tax levies which the district 94701  
is authorized to impose, when combined with state and federal 94702  
revenues, will be insufficient to provide for the emergency 94703  
requirements of the school district or to avoid an operating 94704  
deficit, and that it is therefore necessary to levy an additional 94705  
tax in excess of the ten-mill limitation. The resolution shall be 94706  
confined to a single purpose and shall specify that purpose. If 94707  
the levy is proposed to renew all or a portion of the proceeds 94708  
derived from one or more existing levies imposed pursuant to this 94709  
section, it shall be called a renewal levy and shall be so 94710  
designated on the ballot. If two or more existing levies are to be 94711  
included in a single renewal levy but are not scheduled to expire 94712  
in the same year, the resolution shall specify that the existing 94713  
levies to be renewed shall not be levied after the year preceding 94714  
the year in which the renewal levy is first imposed. 94715  
Notwithstanding the original purpose of any one or more existing 94716  
levies that are to be in any single renewal levy, the purpose of 94717  
the renewal levy may be either to avoid an operating deficit or to 94718  
provide for the emergency requirements of the school district. The 94719  
resolution shall further specify the amount of money it is 94720  
necessary to raise for the specified purpose for each calendar 94721

year the millage is to be imposed; if a renewal levy, whether the 94722  
levy is to renew all, or a portion of, the proceeds derived from 94723  
one or more existing levies; and the number of years in which the 94724  
millage is to be in effect, which may include a levy upon the 94725  
current year's tax list. The number of years may be any number not 94726  
exceeding ten. 94727

The question shall be submitted at a special election on a 94728  
date specified in the resolution. The date shall not be earlier 94729  
than eighty days after the adoption and certification of the 94730  
resolution to the county auditor and shall be consistent with the 94731  
requirements of section 3501.01 of the Revised Code. A resolution 94732  
for a renewal levy shall not be placed on the ballot unless the 94733  
question is submitted on a date on which a special election may be 94734  
held under division (D) of section 3501.01 of the Revised Code, 94735  
except for the first Tuesday after the first Monday in ~~February~~ 94736  
~~and~~ August, during the last year the levy to be renewed may be 94737  
extended on the real and public utility property tax list and 94738  
duplicate, or at any election held in the ensuing year, except 94739  
that if the resolution proposes renewing two or more existing 94740  
levies, the question shall be submitted on the date of the general 94741  
or primary election held during the last year at least one of the 94742  
levies to be renewed may be extended on that list and duplicate, 94743  
or at any election held during the ensuing year. For purposes of 94744  
this section, a levy shall be considered to be an "existing levy" 94745  
through the year following the last year it can be placed on the 94746  
real and public utility property tax list and duplicate. 94747

The submission of questions to the electors under this 94748  
section is subject to the limitation on the number of election 94749  
dates established by section 5705.214 of the Revised Code. 94750

The resolution shall go into immediate effect upon its 94751  
passage, and no publication of the resolution shall be necessary 94752  
other than that provided for in the notice of election. A copy of 94753

the resolution shall immediately after its passing be certified to 94754  
the county auditor of the proper county. Section 5705.195 of the 94755  
Revised Code shall govern the arrangements for the submission of 94756  
questions to the electors under this section and other matters 94757  
concerning the election. Publication of notice of the election 94758  
shall be made in one newspaper of general circulation in the 94759  
county once a week for two consecutive weeks, or as provided in 94760  
section 7.16 of the Revised Code, prior to the election. If the 94761  
board of elections operates and maintains a web site, the board of 94762  
elections shall post notice of the election on its web site for 94763  
thirty days prior to the election. If a majority of the electors 94764  
voting on the question submitted in an election vote in favor of 94765  
the levy, the board of education of the school district may make 94766  
the additional levy necessary to raise the amount specified in the 94767  
resolution for the purpose stated in the resolution. The tax levy 94768  
shall be included in the next tax budget that is certified to the 94769  
county budget commission. 94770

After the approval of the levy and prior to the time when the 94771  
first tax collection from the levy can be made, the board of 94772  
education may anticipate a fraction of the proceeds of the levy 94773  
and issue anticipation notes in an amount not exceeding the total 94774  
estimated proceeds of the levy to be collected during the first 94775  
year of the levy. 94776

The notes shall be issued as provided in section 133.24 of 94777  
the Revised Code, shall have principal payments during each year 94778  
after the year of their issuance over a period not to exceed five 94779  
years, and may have principal payment in the year of their 94780  
issuance. 94781

**Sec. 5705.21.** (A) At any time, the board of education of any 94782  
city, local, exempted village, cooperative education, or joint 94783  
vocational school district, by a vote of two-thirds of all its 94784



members, may declare by resolution that the amount of taxes that 94785  
may be raised within the ten-mill limitation by levies on the 94786  
current tax duplicate will be insufficient to provide an adequate 94787  
amount for the necessary requirements of the school district, that 94788  
it is necessary to levy a tax in excess of such limitation for one 94789  
of the purposes specified in division (A), (D), (F), (H), or (DD) 94790  
of section 5705.19 of the Revised Code, for general permanent 94791  
improvements, for the purpose of operating a cultural center, for 94792  
the purpose of providing for school safety and security, or for 94793  
the purpose of providing education technology, and that the 94794  
question of such additional tax levy shall be submitted to the 94795  
electors of the school district at a special election on a day to 94796  
be specified in the resolution. In the case of a qualifying 94797  
library levy for the support of a library association or private 94798  
corporation, the question shall be submitted to the electors of 94799  
the association library district. If the resolution states that 94800  
the levy is for the purpose of operating a cultural center, the 94801  
ballot shall state that the levy is "for the purpose of operating 94802  
the ..... (name of cultural center)."

As used in this division, "cultural center" means a 94804  
freestanding building, separate from a public school building, 94805  
that is open to the public for educational, musical, artistic, and 94806  
cultural purposes; "education technology" means, but is not 94807  
limited to, computer hardware, equipment, materials, and 94808  
accessories, equipment used for two-way audio or video, and 94809  
software; and "general permanent improvements" means permanent 94810  
improvements without regard to the limitation of division (F) of 94811  
section 5705.19 of the Revised Code that the improvements be a 94812  
specific improvement or a class of improvements that may be 94813  
included in a single bond issue. 94814

A resolution adopted under this division shall be confined to 94815  
a single purpose and shall specify the amount of the increase in 94816

rate that it is necessary to levy, the purpose of the levy, and 94817  
the number of years during which the increase in rate shall be in 94818  
effect. The number of years may be any number not exceeding five 94819  
or, if the levy is for current expenses of the district or for 94820  
general permanent improvements, for a continuing period of time. 94821

(B)(1) The board of education of a qualifying school 94822  
district, by resolution, may declare that it is necessary to levy 94823  
a tax in excess of the ten-mill limitation for the purpose of 94824  
paying the current expenses of ~~the district and of~~ partnering 94825  
community schools and, if any of the levy proceeds are so 94826  
allocated, of the district. A qualifying school district that is 94827  
not a municipal school district may allocate all of the levy 94828  
proceeds to partnering community schools. A municipal school 94829  
district shall allocate a portion of the levy proceeds to the 94830  
current expenses of the district. The resolution shall declare 94831  
that the question of the additional tax levy shall be submitted to 94832  
the electors of the school district at a special election on a day 94833  
to be specified in the resolution. The resolution shall state the 94834  
purpose of the levy, the rate of the tax expressed in mills per 94835  
dollar of taxable value, the number of such mills to be levied for 94836  
the current expenses of the partnering community schools and the 94837  
number of such mills, if any, to be levied for the current 94838  
expenses of the school district, the number of years the tax will 94839  
be levied, and the first year the tax will be levied. The number 94840  
of years the tax may be levied may be any number not exceeding ten 94841  
years, or for a continuing period of time. 94842

The levy of a tax for the current expenses of a partnering 94843  
community school under this section and the distribution of 94844  
proceeds from the tax by a qualifying school district to 94845  
partnering community schools is hereby determined to be a proper 94846  
public purpose. 94847

(2) The (a) If any portion of the levy proceeds are to be 94848

allocated to the current expenses of the qualifying school 94849  
district, the form of the ballot at an election held pursuant to 94850  
division (B) of this section shall be as follows: 94851

"Shall a levy be imposed by the ..... (insert the name of 94852  
the qualifying school district) for the purpose of current 94853  
expenses of the school district and of partnering community 94854  
schools at a rate not exceeding ..... (insert the number of 94855  
mills) mills for each one dollar of valuation, ~~of~~ of which ..... 94856  
(insert the number of mills to be allocated to partnering 94857  
community schools) mills is to be allocated to partnering 94858  
community schools), which amounts to ..... (insert the rate 94859  
expressed in dollars and cents) for each one hundred dollars of 94860  
valuation, for ..... (insert the number of years the levy is to 94861  
be imposed, or that it will be levied for a continuing period of 94862  
time), beginning ..... (insert first year the tax is to be 94863  
levied), which will first be payable in calendar year ..... 94864  
(insert the first calendar year in which the tax would be 94865  
payable)? 94866

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

(b) If all of the levy proceeds are to be allocated to the 94869  
current expenses of partnering community schools, the form of the 94870  
ballot shall be as follows: 94871

"Shall a levy be imposed by the ..... (insert the name of 94872  
the qualifying school district) for the purpose of current 94873  
expenses of partnering community schools at a rate not exceeding 94874  
..... (insert the number of mills) mills for each one dollar of 94875  
valuation which amounts to ..... (insert the rate expressed in 94876  
dollars and cents) for each one hundred dollars of valuation, for 94877  
..... (insert the number of years the levy is to be imposed, or 94878  
that it will be levied for a continuing period of time), beginning 94879  
..... (insert first year the tax is to be levied), which will 94880

first be payable in calendar year . . . . . (insert the first 94881  
calendar year in which the tax would be payable)? 94882

	<u>FOR THE TAX LEVY</u>	
	<u>AGAINST THE TAX LEVY</u>	"

94883  
94884

(3) Upon each receipt of a tax distribution by the qualifying 94885  
school district, the board of education shall credit the portion 94886  
allocated to partnering community schools to the partnering 94887  
community schools fund. All income from the investment of money in 94888  
the partnering community schools fund shall be credited to that 94889  
fund. 94890

(a) If the qualifying school district is a municipal school 94891  
district, the board of education shall distribute the partnering 94892  
community schools amount among the then qualifying community 94893  
schools not more than forty-five days after the school district 94894  
receives and deposits each tax distribution. From each tax 94895  
distribution, each such partnering community school shall receive 94896  
a portion of the partnering community schools amount in the 94897  
proportion that the number of its resident students bears to the 94898  
aggregate number of resident students of all such partnering 94899  
community schools as of the date of receipt and deposit of the tax 94900  
distribution. 94901

(b) If the qualifying school district is not a municipal 94902  
school district, the board of education may distribute all or a 94903  
portion of the amount in the partnering community schools fund 94904  
during a fiscal year to partnering community schools ~~that were~~ 94905  
~~either sponsored by the district or entered into an agreement~~ 94906  
~~pursuant to division (B)(6)(b) of this section~~ on or before the 94907  
first day of June of the preceding fiscal year. Each such 94908  
partnering community school shall receive a portion of the amount 94909  
distributed by the board from the partnering community schools 94910  
fund during the fiscal year in the proportion that the number of 94911  
its resident students bears to the aggregate number of resident 94912

students of all such partnering community schools as of the date 94913  
the school district received and deposited the most recent tax 94914  
distribution. On or before the fifteenth day of June of each 94915  
fiscal year, the board of education shall announce an estimated 94916  
allocation to partnering community schools for the ensuing fiscal 94917  
year. The board is not required to allocate to partnering 94918  
community schools the entire partnering community schools amount 94919  
in the fiscal year in which a tax distribution is received and 94920  
deposited in the partnering community schools fund. The estimated 94921  
allocation shall be published on the web site of the school 94922  
district and expressed as a dollar amount per resident student. 94923  
The actual allocation to community schools in a fiscal year need 94924  
not conform to the estimate published by the school district so 94925  
long if the estimate was made in good faith. 94926

Distributions by a school district under division (B)(3)(b) 94927  
of this section shall be made in accordance with distribution 94928  
agreements entered into by the board of education and each 94929  
partnering community school eligible for distributions under this 94930  
division. The distribution agreements shall be certified to the 94931  
department of education each fiscal year before the thirtieth day 94932  
of July. Each agreement shall provide for at least three 94933  
distributions by the school district to the partnering community 94934  
school during the fiscal year and shall require the initial 94935  
distribution be made on or before the thirtieth day of July. 94936

(c) For the purposes of division (B) of this section, the 94937  
number of resident students shall be the number of such students 94938  
reported under section 3317.03 of the Revised Code and established 94939  
by the department of education as of the date of receipt and 94940  
deposit of the tax distribution. 94941

(4) To the extent an agreement whereby the qualifying school 94942  
district and a community school endorse each other's programs is 94943  
necessary for the community school to qualify as a partnering 94944

community school under division (B)(6)(b) of this section, the 94945  
board of education of the school district shall certify to the 94946  
department of education the agreement along with the determination 94947  
that such agreement satisfies the requirements of that division. 94948  
The board's determination is conclusive. 94949

(5) For the purposes of Chapter 3317. of the Revised Code or 94950  
other laws referring to the "taxes charged and payable" for a 94951  
school district, the taxes charged and payable for a qualifying 94952  
school district that levies a tax under division (B) of this 94953  
section includes only the taxes charged and payable under that 94954  
levy for the current expenses of the school district, and does not 94955  
include the taxes charged and payable for the current expenses of 94956  
partnering community schools. The taxes charged and payable for 94957  
the current expenses of partnering community schools shall not 94958  
affect the calculation of "state education aid" as defined in 94959  
section 5751.20 of the Revised Code. 94960

(6) As used in division (B) of this section: 94961

(a) "Qualifying school district" means a municipal school 94962  
district, as defined in section 3311.71 of the Revised Code or a 94963  
school district that ~~has an average daily membership, as reported~~ 94964  
~~under division (A) of section 3317.03 of the Revised Code, greater~~ 94965  
~~than sixty thousand and the majority of the territory of which~~ 94966  
~~district is located in a city with a population greater than seven~~ 94967  
~~hundred thousand according to the most recent federal decennial~~ 94968  
~~census~~ contains within its territory a partnering community 94969  
school. 94970

(b) "Partnering community school" means a community school 94971  
established under Chapter 3314. of the Revised Code that is 94972  
located within the territory of the qualifying school district and 94973  
~~that either~~ meets one of the following criteria: 94974

(i) If the qualifying school district is a municipal school 94975

district, the community school is sponsored by the district or is 94976  
a party to an agreement with the district whereby the district and 94977  
the community school endorse each other's programs; 94978

(ii) If the qualifying school district is not a municipal 94979  
school district, the community school is sponsored by a sponsor 94980  
that was rated as "exemplary" in the ratings most recently 94981  
published under section 3314.016 of the Revised Code before the 94982  
resolution proposing the levy is certified to the board of 94983  
elections. 94984

(c) "Partnering community schools amount" means the product 94985  
obtained, as of the receipt and deposit of the tax distribution, 94986  
by multiplying the amount of a tax distribution by a fraction, the 94987  
numerator of which is the number of mills per dollar of taxable 94988  
value of the property tax to be allocated to partnering community 94989  
schools, and the denominator of which is the total number of mills 94990  
per dollar of taxable value authorized by the electors in the 94991  
election held under division (B) of this section, each as set 94992  
forth in the resolution levying the tax. If the resolution 94993  
allocates all of the levy proceeds to partnering community 94994  
schools, the "partnering schools amount" equals the amount of the 94995  
tax distribution. 94996

(d) "Partnering community schools fund" means a separate fund 94997  
established by the board of education of a qualifying school 94998  
district for the deposit of partnering community school amounts 94999  
under this section. 95000

(e) "Resident student" means a student enrolled in a 95001  
partnering community school who is entitled to attend school in 95002  
the qualifying school district under section 3313.64 or 3313.65 of 95003  
the Revised Code. 95004

(f) "Tax distribution" means a distribution of proceeds of 95005  
the tax authorized by division (B) of this section under section 95006

321.24 of the Revised Code and distributions that are attributable 95007  
to that tax under sections 323.156 and 4503.068 of the Revised 95008  
Code or other applicable law. 95009

(C) A resolution adopted under this section shall specify the 95010  
date of holding the election, which shall not be earlier than 95011  
ninety days after the adoption and certification of the resolution 95012  
and which shall be consistent with the requirements of section 95013  
3501.01 of the Revised Code. 95014

A resolution adopted under this section may propose to renew 95015  
one or more existing levies imposed under division (A) or (B) of 95016  
this section or to increase or decrease a single levy imposed 95017  
under either such division. 95018

If the board of education imposes one or more existing levies 95019  
for the purpose specified in division (F) of section 5705.19 of 95020  
the Revised Code, the resolution may propose to renew one or more 95021  
of those existing levies, or to increase or decrease a single such 95022  
existing levy, for the purpose of general permanent improvements. 95023

If the resolution proposes to renew two or more existing 95024  
levies, the levies shall be levied for the same purpose. The 95025  
resolution shall identify those levies and the rates at which they 95026  
are levied. The resolution also shall specify that the existing 95027  
levies shall not be extended on the tax lists after the year 95028  
preceding the year in which the renewal levy is first imposed, 95029  
regardless of the years for which those levies originally were 95030  
authorized to be levied. 95031

If the resolution proposes to renew an existing levy imposed 95032  
under division (B) of this section, the rates allocated to the 95033  
qualifying school district and to partnering community schools 95034  
each may be increased or decreased or remain the same, and the 95035  
total rate may be increased, decreased, or remain the same. The 95036  
resolution and notice of election shall specify the number of the 95037



mills to be levied for the current expenses of the partnering 95038  
community schools and the number of the mills, if any, to be 95039  
levied for the current expenses of the qualifying school district. 95040

A resolution adopted under this section shall go into 95041  
immediate effect upon its passage, and no publication of the 95042  
resolution shall be necessary other than that provided for in the 95043  
notice of election. A copy of the resolution shall immediately 95044  
after its passing be certified to the board of elections of the 95045  
proper county in the manner provided by section 5705.25 of the 95046  
Revised Code. That section shall govern the arrangements for the 95047  
submission of such question and other matters concerning the 95048  
election to which that section refers, including publication of 95049  
notice of the election, except that the election shall be held on 95050  
the date specified in the resolution. In the case of a resolution 95051  
adopted under division (B) of this section, the publication of 95052  
notice of that election shall state the number of the mills, if 95053  
any, to be levied for the current expenses of partnering community 95054  
schools and the number of the mills to be levied for the current 95055  
expenses of the qualifying school district. If a majority of the 95056  
electors voting on the question so submitted in an election vote 95057  
in favor of the levy, the board of education may make the 95058  
necessary levy within the school district or, in the case of a 95059  
qualifying library levy for the support of a library association 95060  
or private corporation, within the association library district, 95061  
at the additional rate, or at any lesser rate in excess of the 95062  
ten-mill limitation on the tax list, for the purpose stated in the 95063  
resolution. A levy for a continuing period of time may be reduced 95064  
pursuant to section 5705.261 of the Revised Code. The tax levy 95065  
shall be included in the next tax budget that is certified to the 95066  
county budget commission. 95067

(D)(1) After the approval of a levy on the current tax list 95068  
and duplicate for current expenses, for recreational purposes, for 95069

community centers provided for in section 755.16 of the Revised Code, or for a public library of the district under division (A) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy.

(2) After the approval of a levy for general permanent improvements for a specified number of years or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten

years, and may have a principal payment in the year of their 95102  
issuance. 95103

(4) After the approval of a levy on the current tax list and 95104  
duplicate under division (B) of this section, and prior to the 95105  
time when the first tax collection from the levy can be made, the 95106  
board of education may anticipate a fraction of the proceeds of 95107  
the levy for the current expenses of the school district and issue 95108  
anticipation notes in a principal amount not exceeding fifty per 95109  
cent of the estimated proceeds of the levy to be collected during 95110  
the first year of the levy and allocated to the school district. 95111  
The portion of the levy proceeds to be allocated to partnering 95112  
community schools under that division shall not be included in the 95113  
estimated proceeds anticipated under this division and shall not 95114  
be used to pay debt charges on any anticipation notes. 95115

The notes shall be issued as provided in section 133.24 of 95116  
the Revised Code, shall have principal payments during each year 95117  
after the year of their issuance over a period not to exceed five 95118  
years, and may have a principal payment in the year of their 95119  
issuance. 95120

(E) The submission of questions to the electors under this 95121  
section is subject to the limitation on the number of election 95122  
dates established by section 5705.214 of the Revised Code. 95123

(F) The board of education of any school district that levies 95124  
a tax under this section for the purpose of providing for school 95125  
safety and security may report to the department of education how 95126  
the district is using revenue from that tax. 95127

**Sec. 5705.212.** (A)(1) The board of education of any school 95128  
district, at any time and by a vote of two-thirds of all of its 95129  
members, may declare by resolution that the amount of taxes that 95130  
may be raised within the ten-mill limitation will be insufficient 95131  
to provide an adequate amount for the present and future 95132

requirements of the school district, that it is necessary to levy 95133  
not more than five taxes in excess of that limitation for current 95134  
expenses, and that each of the proposed taxes first will be levied 95135  
in a different year, over a specified period of time. The board 95136  
shall identify the taxes proposed under this section as follows: 95137  
the first tax to be levied shall be called the "original tax." 95138  
Each tax subsequently levied shall be called an "incremental tax." 95139  
The rate of each incremental tax shall be identical, but the rates 95140  
of such incremental taxes need not be the same as the rate of the 95141  
original tax. The resolution also shall state that the question of 95142  
these additional taxes shall be submitted to the electors of the 95143  
school district at a special election. The resolution shall 95144  
specify separately for each tax proposed: the amount of the 95145  
increase in rate that it is necessary to levy, expressed 95146  
separately for the original tax and each incremental tax; that the 95147  
purpose of the levy is for current expenses; the number of years 95148  
during which the original tax shall be in effect; a specification 95149  
that the last year in which the original tax is in effect shall 95150  
also be the last year in which each incremental tax shall be in 95151  
effect; and the year in which each tax first is proposed to be 95152  
levied. The original tax may be levied for any number of years not 95153  
exceeding ten, or for a continuing period of time. The resolution 95154  
shall specify the date of holding the special election, which 95155  
shall not be earlier than ninety days after the adoption and 95156  
certification of the resolution and shall be consistent with the 95157  
requirements of section 3501.01 of the Revised Code. 95158

(2) The board of education, by a vote of two-thirds of all of 95159  
its members, may adopt a resolution proposing to renew taxes 95160  
levied other than for a continuing period of time under division 95161  
(A)(1) of this section. Such a resolution shall provide for 95162  
levying a tax and specify all of the following: 95163

(a) That the tax shall be called and designated on the ballot 95164

as a renewal levy; 95165

(b) The rate of the renewal tax, which shall be a single rate 95166  
that combines the rate of the original tax and each incremental 95167  
tax into a single rate. The rate of the renewal tax shall not 95168  
exceed the aggregate rate of the original and incremental taxes. 95169

(c) The number of years, not to exceed ten, that the renewal 95170  
tax will be levied, or that it will be levied for a continuing 95171  
period of time; 95172

(d) That the purpose of the renewal levy is for current 95173  
expenses; 95174

(e) Subject to the certification and notification 95175  
requirements of section 5705.251 of the Revised Code, that the 95176  
question of the renewal levy shall be submitted to the electors of 95177  
the school district at the general election held during the last 95178  
year the original tax may be extended on the real and public 95179  
utility property tax list and duplicate or at a special election 95180  
held during the ensuing year. 95181

(3) A resolution adopted under division (A)(1) or (2) of this 95182  
section shall go into immediate effect upon its adoption and no 95183  
publication of the resolution is necessary other than that 95184  
provided for in the notice of election. Immediately after its 95185  
adoption, a copy of the resolution shall be certified to the board 95186  
of elections of the proper county in the manner provided by 95187  
division (A) of section 5705.251 of the Revised Code, and that 95188  
division shall govern the arrangements for the submission of the 95189  
question and other matters concerning the election to which that 95190  
section refers. The election shall be held on the date specified 95191  
in the resolution. If a majority of the electors voting on the 95192  
question so submitted in an election vote in favor of the taxes or 95193  
a renewal tax, the board of education, if the original or a 95194  
renewal tax is authorized to be levied for the current year, 95195

immediately may make the necessary levy within the school district 95196  
at the authorized rate, or at any lesser rate in excess of the 95197  
ten-mill limitation, for the purpose stated in the resolution. No 95198  
tax shall be imposed prior to the year specified in the resolution 95199  
as the year in which it is first proposed to be levied. The rate 95200  
of the original tax and the rate of each incremental tax shall be 95201  
cumulative, so that the aggregate rate levied in any year is the 95202  
sum of the rates of both the original tax and all incremental 95203  
taxes levied in or prior to that year under the same proposal. A 95204  
tax levied for a continuing period of time under this section may 95205  
be reduced pursuant to section 5705.261 of the Revised Code. 95206

(B) Notwithstanding section 133.30 of the Revised Code, after 95207  
the approval of a tax to be levied in the current or the 95208  
succeeding year and prior to the time when the first tax 95209  
collection from that levy can be made, the board of education may 95210  
anticipate a fraction of the proceeds of the levy and issue 95211  
anticipation notes in an amount not to exceed fifty per cent of 95212  
the total estimated proceeds of the levy to be collected during 95213  
the first year of the levy. The notes shall be sold as provided in 95214  
Chapter 133. of the Revised Code. If anticipation notes are 95215  
issued, they shall mature serially and in substantially equal 95216  
amounts during each year over a period not to exceed five years; 95217  
and the amount necessary to pay the interest and principal as the 95218  
anticipation notes mature shall be deemed appropriated for those 95219  
purposes from the levy, and appropriations from the levy by the 95220  
board of education shall be limited each fiscal year to the 95221  
balance available in excess of that amount. 95222

If the auditor of state has certified a deficit pursuant to 95223  
section 3313.483 of the Revised Code, the notes authorized under 95224  
this section may be sold in accordance with Chapter 133. of the 95225  
Revised Code, except that the board may sell the notes after 95226  
providing a reasonable opportunity for competitive bidding. 95227

(C)(1) The board of education of a qualifying school 95228  
district, at any time and by a vote of two-thirds of all its 95229  
members, may declare by resolution that it is necessary to levy 95230  
not more than five taxes in excess of the ten-mill limitation for 95231  
the current expenses of ~~the school district and of~~ partnering 95232  
community schools and, if any of the levy proceeds are so 95233  
allocated, of the school district, and that each of the proposed 95234  
taxes first will be levied in a different year, over a specified 95235  
period of time. A qualifying school district that is not a 95236  
municipal school district may allocate all of the levy proceeds to 95237  
partnering community schools. A municipal school district shall 95238  
allocate a portion of the levy proceeds to the current expenses of 95239  
the district. The board shall identify the taxes proposed under 95240  
this division in the same manner as in division (A)(1) of this 95241  
section. The rate of each incremental tax shall be identical, but 95242  
the rates of such incremental taxes need not be the same as the 95243  
rate of the original tax. In addition to the specifications 95244  
required of the resolution in division (A) of this section, the 95245  
resolution shall state the number of the mills to be levied each 95246  
year for the current expenses of the partnering community schools 95247  
and the number of the mills, if any, to be levied each year for 95248  
the current expenses of the school district. The number of mills 95249  
for the current expenses of partnering community schools shall be 95250  
the same for each of the incremental taxes, and the number of 95251  
mills for the current expenses of the qualifying school district 95252  
shall be the same for each of the incremental taxes. 95253

The levy of taxes for the current expenses of a partnering 95254  
community school under division (C) of this section and the 95255  
distribution of proceeds from the tax by a qualifying school 95256  
district to partnering community schools is hereby determined to 95257  
be a proper public purpose. 95258

(2) The board of education, by a vote of two-thirds of all of 95259

its members, may adopt a resolution proposing to renew taxes 95260  
levied other than for a continuing period of time under division 95261  
(C)(1) of this section. In such a renewal levy, the rates 95262  
allocated to the qualifying school district and to partnering 95263  
community schools each may be increased or decreased or remain the 95264  
same, and the total rate may be increased, decreased, or remain 95265  
the same. In addition to the requirements of division (A)(2) of 95266  
this section, the resolution shall state the number of the mills 95267  
to be levied for the current expenses of the partnering community 95268  
schools and the number of the mills to be levied for the current 95269  
expenses of the school district. 95270

(3) A resolution adopted under division (C)(1) or (2) of this 95271  
section is subject to the rules and procedures prescribed by 95272  
division (A)(3) of this section. 95273

(4) The proceeds of each tax levied under division (C)(1) or 95274  
(2) of this section shall be credited and distributed in the 95275  
manner prescribed by division (B)(3) of section 5705.21 of the 95276  
Revised Code, and divisions (B)(4), (5), and (6) of that section 95277  
apply to taxes levied under division (C) of this section. 95278

(5) Notwithstanding section 133.30 of the Revised Code, after 95279  
the approval of a tax to be levied under division (C)(1) or (2) of 95280  
this section, in the current or succeeding year and prior to the 95281  
time when the first tax collection from that levy can be made, the 95282  
board of education may anticipate a fraction of the proceeds of 95283  
the levy for the current expenses of the qualifying school 95284  
district and issue anticipation notes in a principal amount not 95285  
exceeding fifty per cent of the estimated proceeds of the levy to 95286  
be collected during the first year of the levy and allocated to 95287  
the school district. The portion of levy proceeds to be allocated 95288  
to partnering community schools shall not be included in the 95289  
estimated proceeds anticipated under this division and shall not 95290  
be used to pay debt charges on any anticipation notes. 95291



The notes shall be sold as provided in Chapter 133. of the Revised Code. If anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years. The amount necessary to pay the interest and principal as the anticipation notes mature shall be deemed appropriated for those purposes from the levy, and appropriations from the levy by the board of education shall be limited each fiscal year to the balance available in excess of that amount.

If the auditor of state has certified a deficit pursuant to section 3313.483 of the Revised Code, the notes authorized under this section may be sold in accordance with Chapter 133. of the Revised Code, except that the board may sell the notes after providing a reasonable opportunity for competitive bidding.

As used in division (C) of this section, "qualifying school district" and "partnering community schools" have the same meanings as in section 5705.21 of the Revised Code.

(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

**Sec. 5705.214.** Not more than three elections during any calendar year shall include the questions by a school district of tax levies proposed under any one or any combination of the following sections: sections 5705.194, 5705.199, 5705.21, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2112, and 5748.09 of the Revised Code.

**Sec. 5705.2112.** (A) As used in this section:

(1) "Qualifying partnership" has the same meaning as in section 3318.71 of the Revised Code.

(2) "Fiscal board" means the board of education of the school

district that is selected as the fiscal agent of a qualifying partnership under division (D) of section 3318.71 of the Revised Code. 95322  
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(3) "Participating school district" means a city, local, exempted village, cooperative education, or joint vocational school district that is a party to the qualifying partnership agreement described in section 3318.71 of the Revised Code. 95325  
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(4) "Tax distribution" means a distribution of proceeds of the tax authorized by this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law. 95329  
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(5) "Acquisition of classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 95334  
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(B) The fiscal board of a qualifying partnership may levy a tax under this section in excess of the ten-mill limitation for the purpose of funding the acquisition of classroom facilities that benefit the qualifying partnership. The tax is subject to the approval of the electors of all participating school districts. Before proposing the tax to such electors, the fiscal board shall obtain identical resolutions adopted by two-thirds of the members of the board of education of each participating school district. The resolutions shall specify all of the following: 95336  
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(1) The rate of the levy; 95345

(2) The purpose of the levy, which shall be confined to the acquisition of classroom facilities; 95346  
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(3) The number of years during which the levy shall be in effect, which shall be for any number of years not exceeding ten; 95348  
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(4) That the question of the levy shall be submitted to the electors of each participating school district at a special 95350  
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election; 95352

(5) The date that such special election shall be held, which shall not be earlier than ninety days after the resolutions are certified to the board or boards of elections under division (C) of this section and which shall be consistent with the requirements of section 3501.01 of the Revised Code. 95353  
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(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Upon passing such a resolution, the board of education of a participating school district shall certify a copy of the resolution to the fiscal board of the qualifying partnership. Once the fiscal board receives an identical resolution from each participating school district, the fiscal board shall certify copies of such resolutions to the board of elections of the proper county or counties in the manner provided by section 5705.25 of the Revised Code. That section shall govern the arrangements for the submission of the levy to the electors of each participating school district and other matters concerning the election to which that section refers, including publication of notice of the election, except that the election shall be held on the date specified in the resolutions and the notice shall be published in newspapers of general circulation in all the participating school districts. 95358  
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The question of the levy shall be submitted as a single ballot issue to the electors of all the participating school districts. If a majority of all such electors voting on the question so submitted in the election vote in favor of the levy, the fiscal board may make the necessary levy within the territory of the participating school districts at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax 95377  
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list, for the purpose stated in the resolutions. 95384

The submission of questions to the electors under this 95385  
section is subject to the limitation on the number of election 95386  
dates established by section 5705.214 of the Revised Code. 95387

(D) Each tax distribution shall be deposited to a special 95388  
fund, established for the purposes described in the resolutions 95389  
proposing the tax levy, in the county treasury of the county in 95390  
which the fiscal board of the qualifying partnership is located. 95391  
The fiscal board shall be the custodian of the amounts deposited 95392  
to such fund and shall have the same rights and responsibilities 95393  
with respect to the fund as boards of education do with respect to 95394  
other levy revenues. 95395

(E) The levy of a tax under this section for the purpose of 95396  
funding the acquisition of classroom facilities benefiting a 95397  
qualifying partnership is hereby determined to be a proper public 95398  
purpose. For the purposes of Chapter 3317. of the Revised Code or 95399  
other laws referring to the "taxes charged and payable" for a 95400  
school district, the taxes charged and payable for a levy 95401  
authorized under this section are not included in the taxes 95402  
charged and payable for any participating school district. The 95403  
taxes charged and payable for a levy authorized under this section 95404  
shall not affect the calculation of "state education aid," as 95405  
defined in section 5751.20 of the Revised Code, for any 95406  
participating school district. 95407

(F)(1) After the approval of a levy under this section for a 95408  
specified number of years, the fiscal board of a qualifying 95409  
partnership may anticipate a fraction of the proceeds of the levy 95410  
and issue anticipation notes in a principal amount not exceeding 95411  
fifty per cent of the total estimated proceeds of the levy 95412  
remaining to be collected in each year over a period of five years 95413  
after the issuance of the notes. 95414

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. 95415  
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(2) The fiscal board of a qualifying partnership is a "taxing authority" for the purposes of Chapter 133. of the Revised Code with respect to the tax and securities authorized under this section, and the treasurer of the school district serving as the fiscal board is the fiscal officer for the purposes of that chapter. 95420  
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**Sec. 5705.34.** When the budget commission has completed its work with respect to a tax budget or other information required to be provided under section 5705.281 of the Revised Code, it shall certify its action to the taxing authority, together with an estimate by the county auditor of the rate of each tax necessary to be levied by the taxing authority within its subdivision, taxing unit, or, in the case of a qualifying library levy, within the library district or association library district, and what part thereof is in excess of, and what part within, the ten-mill tax limitation. The certification shall also indicate the date on which each tax levied by the taxing authority will expire. 95426  
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If a taxing authority levies a tax for a fixed sum of money or to pay debt charges for the tax year for which the tax budget is prepared, and a payment on account of that tax is payable to the taxing authority for the tax year under section ~~5727.85,~~ 5727.86, ~~5751.21,~~ ~~or 5751.22~~ 5709.92 or 5709.93, or for the preceding tax year under section 5709.94 of the Revised Code, the county auditor, when estimating the rate at which the tax shall be levied in the current year, shall estimate the rate necessary to raise the required sum less the estimated amount of any such 95437  
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payments made ~~for the tax year~~ to a taxing unit for fixed-sum 95446  
levies under those sections. If the tax commissioner certified a 95447  
net fixed-sum levy gain under division (G) of section 5709.94 of 95448  
the Revised Code for any taxing unit in the county, the county 95449  
auditor, when estimating the rates at which the taxing unit's 95450  
fixed-sum levies shall be levied in the current tax year, shall 95451  
estimate the rates necessary to raise the required sums plus the 95452  
amount of the net fixed-sum levy gain certified by the 95453  
commissioner, and shall apportion that additional sum among all 95454  
the fixed-sum levies in proportion to the sums to be raised by 95455  
each levy. The estimated rate shall be the rate of the levy that 95456  
the budget commission certifies with its action under this 95457  
section. 95458

Each taxing authority, by ordinance or resolution, shall 95459  
authorize the necessary tax levies and certify them to the county 95460  
auditor before the first day of October in each year, or at such 95461  
later date as is approved by the tax commissioner, except that the 95462  
certification by the legislative authority of the city of 95463  
Cincinnati or by a board of education shall be made by the first 95464  
day of April or at such later date as is approved by the 95465  
commissioner, and except that a township board of park 95466  
commissioners that is appointed by the board of township trustees 95467  
and oversees a township park district that contains only 95468  
unincorporated territory shall authorize only those taxes approved 95469  
by, and only at the rate approved by, the board of township 95470  
trustees as required by division (C) of section 511.27 of the 95471  
Revised Code. If the levying of a tax to be placed on the 95472  
duplicate of the current year is approved by electors under 95473  
sections 5705.01 to 5705.47 of the Revised Code; if the rate of a 95474  
school district tax is increased due to the repeal of a school 95475  
district income tax and property tax rate reduction at an election 95476  
held pursuant to section 5748.04 of the Revised Code; or if 95477  
refunding bonds to refund all or a part of the principal of bonds 95478

payable from a tax levy for the ensuing fiscal year are issued or 95479  
sold and in the process of delivery, the budget commission shall 95480  
reconsider and revise its action on the budget of the subdivision 95481  
or school library district for whose benefit the tax is to be 95482  
levied after the returns of such election are fully canvassed, or 95483  
after the issuance or sale of such refunding bonds is certified to 95484  
it. 95485

**Sec. 5709.17.** The following property shall be exempted from 95486  
taxation: 95487

(A) Real estate held or occupied by an association or 95488  
corporation, organized or incorporated under the laws of this 95489  
state relative to soldiers' memorial associations, monumental 95490  
building associations, or cemetery associations or corporations, 95491  
which in the opinion of the trustees, directors, or managers 95492  
thereof is necessary and proper to carry out the object intended 95493  
for such association or corporation; 95494

(B) Real estate and tangible personal property held or 95495  
occupied by a veterans' organization that qualifies for exemption 95496  
from taxation under section 501(c)(19) or 501(c)(23) of the 95497  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 95498  
amended, and is incorporated under the laws of this state or the 95499  
United States, except real estate held by such an organization for 95500  
the production of rental income in excess of thirty-six thousand 95501  
dollars in a tax year, before accounting for any cost or expense 95502  
incurred in the production of such income. For the purposes of 95503  
this division, rental income includes only income arising directly 95504  
from renting the real estate to others for consideration. 95505

(C) Tangible personal property held by a corporation 95506  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 95507  
section 501(c)(3) of the Internal Revenue Code, and exempt from 95508  
taxation under section 501(a) of the Internal Revenue Code shall 95509

be exempt from taxation if it is property obtained as described in 95510  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 95511

(D) Real estate held or occupied by a fraternal organization 95512  
and used primarily for meetings of and the administration of the 95513  
fraternal organization, ~~except~~ or for providing, on a 95514  
not-for-profit basis, educational or health services real estate 95515  
held by such an organization for the production of rental income 95516  
in excess of thirty-six thousand dollars in a tax year, before 95517  
accounting for any cost or expense incurred in the production of 95518  
such income. As used in this division, "rental income" has the 95519  
same meaning as in division (B) of this section, and "fraternal 95520  
organization" means a domestic fraternal society, order, or 95521  
association operating under the lodge, council, or grange system 95522  
that qualifies for exemption from taxation under section 95523  
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 95524  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 95525  
financial support for charitable purposes, as defined in division 95526  
(B)(12) of section 5739.02 of the Revised Code; and that has been 95527  
operating in this state with a state governing body for at least 95528  
eighty-five years. 95529

**Sec. 5709.62.** (A) In any municipal corporation that is 95530  
defined by the United States office of management and budget as a 95531  
principal city of a metropolitan statistical area, the legislative 95532  
authority of the municipal corporation may designate one or more 95533  
areas within its municipal corporation as proposed enterprise 95534  
zones. Upon designating an area, the legislative authority shall 95535  
petition the director of development services for certification of 95536  
the area as having the characteristics set forth in division 95537  
(A)(1) of section 5709.61 of the Revised Code as amended by 95538  
Substitute Senate Bill No. 19 of the 120th general assembly. 95539  
Except as otherwise provided in division (E) of this section, on 95540  
and after July 1, 1994, legislative authorities shall not enter 95541



into agreements under this section unless the legislative 95542  
authority has petitioned the director and the director has 95543  
certified the zone under this section as amended by that act; 95544  
however, all agreements entered into under this section as it 95545  
existed prior to July 1, 1994, and the incentives granted under 95546  
those agreements shall remain in effect for the period agreed to 95547  
under those agreements. Within sixty days after receiving such a 95548  
petition, the director shall determine whether the area has the 95549  
characteristics set forth in division (A)(1) of section 5709.61 of 95550  
the Revised Code, and shall forward the findings to the 95551  
legislative authority of the municipal corporation. If the 95552  
director certifies the area as having those characteristics, and 95553  
thereby certifies it as a zone, the legislative authority may 95554  
enter into an agreement with an enterprise under division (C) of 95555  
this section. 95556

(B) Any enterprise that wishes to enter into an agreement 95557  
with a municipal corporation under division (C) of this section 95558  
shall submit a proposal to the legislative authority of the 95559  
municipal corporation on a form prescribed by the director of 95560  
development services, together with the application fee 95561  
established under section 5709.68 of the Revised Code. The form 95562  
shall require the following information: 95563

(1) An estimate of the number of new employees whom the 95564  
enterprise intends to hire, or of the number of employees whom the 95565  
enterprise intends to retain, within the zone at a facility that 95566  
is a project site, and an estimate of the amount of payroll of the 95567  
enterprise attributable to these employees; 95568

(2) An estimate of the amount to be invested by the 95569  
enterprise to establish, expand, renovate, or occupy a facility, 95570  
including investment in new buildings, additions or improvements 95571  
to existing buildings, machinery, equipment, furniture, fixtures, 95572  
and inventory; 95573

(3) A listing of the enterprise's current investment, if any, 95574  
in a facility as of the date of the proposal's submission. 95575

The enterprise shall review and update the listings required 95576  
under this division to reflect material changes, and any agreement 95577  
entered into under division (C) of this section shall set forth 95578  
final estimates and listings as of the time the agreement is 95579  
entered into. The legislative authority may, on a separate form 95580  
and at any time, require any additional information necessary to 95581  
determine whether an enterprise is in compliance with an agreement 95582  
and to collect the information required to be reported under 95583  
section 5709.68 of the Revised Code. 95584

(C) Upon receipt and investigation of a proposal under 95585  
division (B) of this section, if the legislative authority finds 95586  
that the enterprise submitting the proposal is qualified by 95587  
financial responsibility and business experience to create and 95588  
preserve employment opportunities in the zone and improve the 95589  
economic climate of the municipal corporation, the legislative 95590  
authority, on or before October 15, ~~2015~~ 2017, may do one of the 95591  
following: 95592

(1) Enter into an agreement with the enterprise under which 95593  
the enterprise agrees to establish, expand, renovate, or occupy a 95594  
facility and hire new employees, or preserve employment 95595  
opportunities for existing employees, in return for one or more of 95596  
the following incentives: 95597

(a) Exemption for a specified number of years, not to exceed 95598  
fifteen, of a specified portion, up to seventy-five per cent, of 95599  
the assessed value of tangible personal property first used in 95600  
business at the project site as a result of the agreement. If an 95601  
exemption for inventory is specifically granted in the agreement 95602  
pursuant to this division, the exemption applies to inventory 95603  
required to be listed pursuant to sections 5711.15 and 5711.16 of 95604  
the Revised Code, except that, in the instance of an expansion or 95605

other situations in which an enterprise was in business at the 95606  
facility prior to the establishment of the zone, the inventory 95607  
that is exempt is that amount or value of inventory in excess of 95608  
the amount or value of inventory required to be listed in the 95609  
personal property tax return of the enterprise in the return for 95610  
the tax year in which the agreement is entered into. 95611

(b) Exemption for a specified number of years, not to exceed 95612  
fifteen, of a specified portion, up to seventy-five per cent, of 95613  
the increase in the assessed valuation of real property 95614  
constituting the project site subsequent to formal approval of the 95615  
agreement by the legislative authority; 95616

(c) Provision for a specified number of years, not to exceed 95617  
fifteen, of any optional services or assistance that the municipal 95618  
corporation is authorized to provide with regard to the project 95619  
site. 95620

(2) Enter into an agreement under which the enterprise agrees 95621  
to remediate an environmentally contaminated facility, to spend an 95622  
amount equal to at least two hundred fifty per cent of the true 95623  
value in money of the real property of the facility prior to 95624  
remediation as determined for the purposes of property taxation to 95625  
establish, expand, renovate, or occupy the remediated facility, 95626  
and to hire new employees or preserve employment opportunities for 95627  
existing employees at the remediated facility, in return for one 95628  
or more of the following incentives: 95629

(a) Exemption for a specified number of years, not to exceed 95630  
fifteen, of a specified portion, not to exceed fifty per cent, of 95631  
the assessed valuation of the real property of the facility prior 95632  
to remediation; 95633

(b) Exemption for a specified number of years, not to exceed 95634  
fifteen, of a specified portion, not to exceed one hundred per 95635  
cent, of the increase in the assessed valuation of the real 95636

property of the facility during or after remediation; 95637

(c) The incentive under division (C)(1)(a) of this section, 95638  
except that the percentage of the assessed value of such property 95639  
exempted from taxation shall not exceed one hundred per cent; 95640

(d) The incentive under division (C)(1)(c) of this section. 95641

(3) Enter into an agreement with an enterprise that plans to 95642  
purchase and operate a large manufacturing facility that has 95643  
ceased operation or announced its intention to cease operation, in 95644  
return for exemption for a specified number of years, not to 95645  
exceed fifteen, of a specified portion, up to one hundred per 95646  
cent, of the assessed value of tangible personal property used in 95647  
business at the project site as a result of the agreement, or of 95648  
the assessed valuation of real property constituting the project 95649  
site, or both. 95650

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 95651  
section, the portion of the assessed value of tangible personal 95652  
property or of the increase in the assessed valuation of real 95653  
property exempted from taxation under those divisions may exceed 95654  
seventy-five per cent in any year for which that portion is 95655  
exempted if the average percentage exempted for all years in which 95656  
the agreement is in effect does not exceed sixty per cent, or if 95657  
the board of education of the city, local, or exempted village 95658  
school district within the territory of which the property is or 95659  
will be located approves a percentage in excess of seventy-five 95660  
per cent. 95661

(2) Notwithstanding any provision of the Revised Code to the 95662  
contrary, the exemptions described in divisions (C)(1)(a), (b), 95663  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 95664  
be for up to fifteen years if the board of education of the city, 95665  
local, or exempted village school district within the territory of 95666  
which the property is or will be located approves a number of 95667

years in excess of ten. 95668

(3) For the purpose of obtaining the approval of a city, 95669  
local, or exempted village school district under division (D)(1) 95670  
or (2) of this section, the legislative authority shall deliver to 95671  
the board of education a notice not later than forty-five days 95672  
prior to approving the agreement, excluding Saturdays, Sundays, 95673  
and legal holidays as defined in section 1.14 of the Revised Code. 95674  
The notice shall state the percentage to be exempted, an estimate 95675  
of the true value of the property to be exempted, and the number 95676  
of years the property is to be exempted. The board of education, 95677  
by resolution adopted by a majority of the board, shall approve or 95678  
disapprove the agreement and certify a copy of the resolution to 95679  
the legislative authority not later than fourteen days prior to 95680  
the date stipulated by the legislative authority as the date upon 95681  
which approval of the agreement is to be formally considered by 95682  
the legislative authority. The board of education may include in 95683  
the resolution conditions under which the board would approve the 95684  
agreement, including the execution of an agreement to compensate 95685  
the school district under division (B) of section 5709.82 of the 95686  
Revised Code. The legislative authority may approve the agreement 95687  
at any time after the board of education certifies its resolution 95688  
approving the agreement to the legislative authority, or, if the 95689  
board approves the agreement conditionally, at any time after the 95690  
conditions are agreed to by the board and the legislative 95691  
authority. 95692

If a board of education has adopted a resolution waiving its 95693  
right to approve agreements and the resolution remains in effect, 95694  
approval of an agreement by the board is not required under this 95695  
division. If a board of education has adopted a resolution 95696  
allowing a legislative authority to deliver the notice required 95697  
under this division fewer than forty-five business days prior to 95698  
the legislative authority's approval of the agreement, the 95699

legislative authority shall deliver the notice to the board not 95700  
later than the number of days prior to such approval as prescribed 95701  
by the board in its resolution. If a board of education adopts a 95702  
resolution waiving its right to approve agreements or shortening 95703  
the notification period, the board shall certify a copy of the 95704  
resolution to the legislative authority. If the board of education 95705  
rescinds such a resolution, it shall certify notice of the 95706  
rescission to the legislative authority. 95707

(4) The legislative authority shall comply with section 95708  
5709.83 of the Revised Code unless the board of education has 95709  
adopted a resolution under that section waiving its right to 95710  
receive such notice. 95711

(E) This division applies to zones certified by the director 95712  
of development services under this section prior to July 22, 1994. 95713

On or before October 15, ~~2015~~ 2017, the legislative authority 95714  
that designated a zone to which this division applies may enter 95715  
into an agreement with an enterprise if the legislative authority 95716  
finds that the enterprise satisfies one of the criteria described 95717  
in divisions (E)(1) to (5) of this section: 95718

(1) The enterprise currently has no operations in this state 95719  
and, subject to approval of the agreement, intends to establish 95720  
operations in the zone; 95721

(2) The enterprise currently has operations in this state 95722  
and, subject to approval of the agreement, intends to establish 95723  
operations at a new location in the zone that would not result in 95724  
a reduction in the number of employee positions at any of the 95725  
enterprise's other locations in this state; 95726

(3) The enterprise, subject to approval of the agreement, 95727  
intends to relocate operations, currently located in another 95728  
state, to the zone; 95729

(4) The enterprise, subject to approval of the agreement, 95730

intends to expand operations at an existing site in the zone that 95731  
the enterprise currently operates; 95732

(5) The enterprise, subject to approval of the agreement, 95733  
intends to relocate operations, currently located in this state, 95734  
to the zone, and the director of development services has issued a 95735  
waiver for the enterprise under division (B) of section 5709.633 95736  
of the Revised Code. 95737

The agreement shall require the enterprise to agree to 95738  
establish, expand, renovate, or occupy a facility in the zone and 95739  
hire new employees, or preserve employment opportunities for 95740  
existing employees, in return for one or more of the incentives 95741  
described in division (C) of this section. 95742

(F) All agreements entered into under this section shall be 95743  
in the form prescribed under section 5709.631 of the Revised Code. 95744  
After an agreement is entered into under this section, if the 95745  
legislative authority revokes its designation of a zone, or if the 95746  
director of development services revokes a zone's certification, 95747  
any entitlements granted under the agreement shall continue for 95748  
the number of years specified in the agreement. 95749

(G) Except as otherwise provided in this division, an 95750  
agreement entered into under this section shall require that the 95751  
enterprise pay an annual fee equal to the greater of one per cent 95752  
of the dollar value of incentives offered under the agreement or 95753  
five hundred dollars; provided, however, that if the value of the 95754  
incentives exceeds two hundred fifty thousand dollars, the fee 95755  
shall not exceed two thousand five hundred dollars. The fee shall 95756  
be payable to the legislative authority once per year for each 95757  
year the agreement is effective on the days and in the form 95758  
specified in the agreement. Fees paid shall be deposited in a 95759  
special fund created for such purpose by the legislative authority 95760  
and shall be used by the legislative authority exclusively for the 95761  
purpose of complying with section 5709.68 of the Revised Code and 95762

by the tax incentive review council created under section 5709.85 95763  
of the Revised Code exclusively for the purposes of performing the 95764  
duties prescribed under that section. The legislative authority 95765  
may waive or reduce the amount of the fee charged against an 95766  
enterprise, but such a waiver or reduction does not affect the 95767  
obligations of the legislative authority or the tax incentive 95768  
review council to comply with section 5709.68 or 5709.85 of the 95769  
Revised Code. 95770

(H) When an agreement is entered into pursuant to this 95771  
section, the legislative authority authorizing the agreement shall 95772  
forward a copy of the agreement to the director of development 95773  
services and to the tax commissioner within fifteen days after the 95774  
agreement is entered into. If any agreement includes terms not 95775  
provided for in section 5709.631 of the Revised Code affecting the 95776  
revenue of a city, local, or exempted village school district or 95777  
causing revenue to be forgone by the district, including any 95778  
compensation to be paid to the school district pursuant to section 95779  
5709.82 of the Revised Code, those terms also shall be forwarded 95780  
in writing to the director of development services along with the 95781  
copy of the agreement forwarded under this division. 95782

(I) After an agreement is entered into, the enterprise shall 95783  
file with each personal property tax return required to be filed, 95784  
or annual report required to be filed under section 5727.08 of the 95785  
Revised Code, while the agreement is in effect, an informational 95786  
return, on a form prescribed by the tax commissioner for that 95787  
purpose, setting forth separately the property, and related costs 95788  
and values, exempted from taxation under the agreement. 95789

(J) Enterprises may agree to give preference to residents of 95790  
the zone within which the agreement applies relative to residents 95791  
of this state who do not reside in the zone when hiring new 95792  
employees under the agreement. 95793

(K) An agreement entered into under this section may include 95794



a provision requiring the enterprise to create one or more 95795  
temporary internship positions for students enrolled in a course 95796  
of study at a school or other educational institution in the 95797  
vicinity, and to create a scholarship or provide another form of 95798  
educational financial assistance for students holding such a 95799  
position in exchange for the student's commitment to work for the 95800  
enterprise at the completion of the internship. 95801

(L) The tax commissioner's authority in determining the 95802  
accuracy of any exemption granted by an agreement entered into 95803  
under this section is limited to divisions (C)(1)(a) and (b), 95804  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 95805  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 95806  
and, as authorized by law, to enforcing any modification to, or 95807  
revocation of, that agreement by the legislative authority of a 95808  
municipal corporation or the director of development services. 95809

**Sec. 5709.63.** (A) With the consent of the legislative 95810  
authority of each affected municipal corporation or of a board of 95811  
township trustees, a board of county commissioners may, in the 95812  
manner set forth in section 5709.62 of the Revised Code, designate 95813  
one or more areas in one or more municipal corporations or in 95814  
unincorporated areas of the county as proposed enterprise zones. A 95815  
board of county commissioners may designate no more than one area 95816  
within a township, or within adjacent townships, as a proposed 95817  
enterprise zone. The board shall petition the director of 95818  
development services for certification of the area as having the 95819  
characteristics set forth in division (A)(1) or (2) of section 95820  
5709.61 of the Revised Code as amended by Substitute Senate Bill 95821  
No. 19 of the 120th general assembly. Except as otherwise provided 95822  
in division (D) of this section, on and after July 1, 1994, boards 95823  
of county commissioners shall not enter into agreements under this 95824  
section unless the board has petitioned the director and the 95825  
director has certified the zone under this section as amended by 95826

that act; however, all agreements entered into under this section 95827  
as it existed prior to July 1, 1994, and the incentives granted 95828  
under those agreements shall remain in effect for the period 95829  
agreed to under those agreements. The director shall make the 95830  
determination in the manner provided under section 5709.62 of the 95831  
Revised Code. 95832

Any enterprise wishing to enter into an agreement with the 95833  
board under division (B) or (D) of this section shall submit a 95834  
proposal to the board on the form and accompanied by the 95835  
application fee prescribed under division (B) of section 5709.62 95836  
of the Revised Code. The enterprise shall review and update the 95837  
estimates and listings required by the form in the manner required 95838  
under that division. The board may, on a separate form and at any 95839  
time, require any additional information necessary to determine 95840  
whether an enterprise is in compliance with an agreement and to 95841  
collect the information required to be reported under section 95842  
5709.68 of the Revised Code. 95843

(B) If the board of county commissioners finds that an 95844  
enterprise submitting a proposal is qualified by financial 95845  
responsibility and business experience to create and preserve 95846  
employment opportunities in the zone and to improve the economic 95847  
climate of the municipal corporation or municipal corporations or 95848  
the unincorporated areas in which the zone is located and to which 95849  
the proposal applies, the board, on or before October 15, ~~2015~~ 95850  
2017, and with the consent of the legislative authority of each 95851  
affected municipal corporation or of the board of township 95852  
trustees may do either of the following: 95853

(1) Enter into an agreement with the enterprise under which 95854  
the enterprise agrees to establish, expand, renovate, or occupy a 95855  
facility in the zone and hire new employees, or preserve 95856  
employment opportunities for existing employees, in return for the 95857  
following incentives: 95858

(a) When the facility is located in a municipal corporation, 95859  
the board may enter into an agreement for one or more of the 95860  
incentives provided in division (C) of section 5709.62 of the 95861  
Revised Code, subject to division (D) of that section; 95862

(b) When the facility is located in an unincorporated area, 95863  
the board may enter into an agreement for one or more of the 95864  
following incentives: 95865

(i) Exemption for a specified number of years, not to exceed 95866  
fifteen, of a specified portion, up to sixty per cent, of the 95867  
assessed value of tangible personal property first used in 95868  
business at a project site as a result of the agreement. If an 95869  
exemption for inventory is specifically granted in the agreement 95870  
pursuant to this division, the exemption applies to inventory 95871  
required to be listed pursuant to sections 5711.15 and 5711.16 of 95872  
the Revised Code, except, in the instance of an expansion or other 95873  
situations in which an enterprise was in business at the facility 95874  
prior to the establishment of the zone, the inventory that is 95875  
exempt is that amount or value of inventory in excess of the 95876  
amount or value of inventory required to be listed in the personal 95877  
property tax return of the enterprise in the return for the tax 95878  
year in which the agreement is entered into. 95879

(ii) Exemption for a specified number of years, not to exceed 95880  
fifteen, of a specified portion, up to sixty per cent, of the 95881  
increase in the assessed valuation of real property constituting 95882  
the project site subsequent to formal approval of the agreement by 95883  
the board; 95884

(iii) Provision for a specified number of years, not to 95885  
exceed fifteen, of any optional services or assistance the board 95886  
is authorized to provide with regard to the project site; 95887

(iv) The incentive described in division (C)(2) of section 95888  
5709.62 of the Revised Code. 95889

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both.

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent.

(b) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (B)(1)(b)(i), (ii), (iii), and (iv) and (B)(2) of this section may be for up to fifteen years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten.

(c) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (C)(1)(a) or (b) of this section, the board of county commissioners shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the

percentage to be exempted, an estimate of the true value of the 95922  
property to be exempted, and the number of years the property is 95923  
to be exempted. The board of education, by resolution adopted by a 95924  
majority of the board, shall approve or disapprove the agreement 95925  
and certify a copy of the resolution to the board of county 95926  
commissioners not later than fourteen days prior to the date 95927  
stipulated by the board of county commissioners as the date upon 95928  
which approval of the agreement is to be formally considered by 95929  
the board of county commissioners. The board of education may 95930  
include in the resolution conditions under which the board would 95931  
approve the agreement, including the execution of an agreement to 95932  
compensate the school district under division (B) of section 95933  
5709.82 of the Revised Code. The board of county commissioners may 95934  
approve the agreement at any time after the board of education 95935  
certifies its resolution approving the agreement to the board of 95936  
county commissioners, or, if the board of education approves the 95937  
agreement conditionally, at any time after the conditions are 95938  
agreed to by the board of education and the board of county 95939  
commissioners. 95940

If a board of education has adopted a resolution waiving its 95941  
right to approve agreements and the resolution remains in effect, 95942  
approval of an agreement by the board of education is not required 95943  
under division (C) of this section. If a board of education has 95944  
adopted a resolution allowing a board of county commissioners to 95945  
deliver the notice required under this division fewer than 95946  
forty-five business days prior to approval of the agreement by the 95947  
board of county commissioners, the board of county commissioners 95948  
shall deliver the notice to the board of education not later than 95949  
the number of days prior to such approval as prescribed by the 95950  
board of education in its resolution. If a board of education 95951  
adopts a resolution waiving its right to approve agreements or 95952  
shortening the notification period, the board of education shall 95953  
certify a copy of the resolution to the board of county 95954

commissioners. If the board of education rescinds such a 95955  
resolution, it shall certify notice of the rescission to the board 95956  
of county commissioners. 95957

(2) The board of county commissioners shall comply with 95958  
section 5709.83 of the Revised Code unless the board of education 95959  
has adopted a resolution under that section waiving its right to 95960  
receive such notice. 95961

(D) This division applies to zones certified by the director 95962  
of development services under this section prior to July 22, 1994. 95963

On or before October 15, ~~2015~~ 2017, and with the consent of 95964  
the legislative authority of each affected municipal corporation 95965  
or board of township trustees of each affected township, the board 95966  
of county commissioners that designated a zone to which this 95967  
division applies may enter into an agreement with an enterprise if 95968  
the board finds that the enterprise satisfies one of the criteria 95969  
described in divisions (D)(1) to (5) of this section: 95970

(1) The enterprise currently has no operations in this state 95971  
and, subject to approval of the agreement, intends to establish 95972  
operations in the zone; 95973

(2) The enterprise currently has operations in this state 95974  
and, subject to approval of the agreement, intends to establish 95975  
operations at a new location in the zone that would not result in 95976  
a reduction in the number of employee positions at any of the 95977  
enterprise's other locations in this state; 95978

(3) The enterprise, subject to approval of the agreement, 95979  
intends to relocate operations, currently located in another 95980  
state, to the zone; 95981

(4) The enterprise, subject to approval of the agreement, 95982  
intends to expand operations at an existing site in the zone that 95983  
the enterprise currently operates; 95984

(5) The enterprise, subject to approval of the agreement, 95985  
intends to relocate operations, currently located in this state, 95986  
to the zone, and the director of development services has issued a 95987  
waiver for the enterprise under division (B) of section 5709.633 95988  
of the Revised Code. 95989

The agreement shall require the enterprise to agree to 95990  
establish, expand, renovate, or occupy a facility in the zone and 95991  
hire new employees, or preserve employment opportunities for 95992  
existing employees, in return for one or more of the incentives 95993  
described in division (B) of this section. 95994

(E) All agreements entered into under this section shall be 95995  
in the form prescribed under section 5709.631 of the Revised Code. 95996  
After an agreement under this section is entered into, if the 95997  
board of county commissioners revokes its designation of a zone, 95998  
or if the director of development services revokes a zone's 95999  
certification, any entitlements granted under the agreement shall 96000  
continue for the number of years specified in the agreement. 96001

(F) Except as otherwise provided in this division, an 96002  
agreement entered into under this section shall require that the 96003  
enterprise pay an annual fee equal to the greater of one per cent 96004  
of the dollar value of incentives offered under the agreement or 96005  
five hundred dollars; provided, however, that if the value of the 96006  
incentives exceeds two hundred fifty thousand dollars, the fee 96007  
shall not exceed two thousand five hundred dollars. The fee shall 96008  
be payable to the board of county commissioners once per year for 96009  
each year the agreement is effective on the days and in the form 96010  
specified in the agreement. Fees paid shall be deposited in a 96011  
special fund created for such purpose by the board and shall be 96012  
used by the board exclusively for the purpose of complying with 96013  
section 5709.68 of the Revised Code and by the tax incentive 96014  
review council created under section 5709.85 of the Revised Code 96015  
exclusively for the purposes of performing the duties prescribed 96016

under that section. The board may waive or reduce the amount of 96017  
the fee charged against an enterprise, but such waiver or 96018  
reduction does not affect the obligations of the board or the tax 96019  
incentive review council to comply with section 5709.68 or 5709.85 96020  
of the Revised Code, respectively. 96021

(G) With the approval of the legislative authority of a 96022  
municipal corporation or the board of township trustees of a 96023  
township in which a zone is designated under division (A) of this 96024  
section, the board of county commissioners may delegate to that 96025  
legislative authority or board any powers and duties of the board 96026  
of county commissioners to negotiate and administer agreements 96027  
with regard to that zone under this section. 96028

(H) When an agreement is entered into pursuant to this 96029  
section, the board of county commissioners authorizing the 96030  
agreement or the legislative authority or board of township 96031  
trustees that negotiates and administers the agreement shall 96032  
forward a copy of the agreement to the director of development 96033  
services and to the tax commissioner within fifteen days after the 96034  
agreement is entered into. If any agreement includes terms not 96035  
provided for in section 5709.631 of the Revised Code affecting the 96036  
revenue of a city, local, or exempted village school district or 96037  
causing revenue to be foregone by the district, including any 96038  
compensation to be paid to the school district pursuant to section 96039  
5709.82 of the Revised Code, those terms also shall be forwarded 96040  
in writing to the director of development services along with the 96041  
copy of the agreement forwarded under this division. 96042

(I) After an agreement is entered into, the enterprise shall 96043  
file with each personal property tax return required to be filed, 96044  
or annual report that is required to be filed under section 96045  
5727.08 of the Revised Code, while the agreement is in effect, an 96046  
informational return, on a form prescribed by the tax commissioner 96047  
for that purpose, setting forth separately the property, and 96048



related costs and values, exempted from taxation under the 96049  
agreement. 96050

(J) Enterprises may agree to give preference to residents of 96051  
the zone within which the agreement applies relative to residents 96052  
of this state who do not reside in the zone when hiring new 96053  
employees under the agreement. 96054

(K) An agreement entered into under this section may include 96055  
a provision requiring the enterprise to create one or more 96056  
temporary internship positions for students enrolled in a course 96057  
of study at a school or other educational institution in the 96058  
vicinity, and to create a scholarship or provide another form of 96059  
educational financial assistance for students holding such a 96060  
position in exchange for the student's commitment to work for the 96061  
enterprise at the completion of the internship. 96062

(L) The tax commissioner's authority in determining the 96063  
accuracy of any exemption granted by an agreement entered into 96064  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 96065  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 96066  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 96067  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 96068  
(10) of section 5709.631 of the Revised Code and, as authorized by 96069  
law, to enforcing any modification to, or revocation of, that 96070  
agreement by the board of county commissioners or the director of 96071  
development services or, if the board's powers and duties are 96072  
delegated under division (G) of this section, by the legislative 96073  
authority of a municipal corporation or board of township 96074  
trustees. 96075

**Sec. 5709.632.** (A)(1) The legislative authority of a 96076  
municipal corporation defined by the United States office of 96077  
management and budget as a principal city of a metropolitan 96078  
statistical area may, in the manner set forth in section 5709.62 96079

of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone. 96080  
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(2) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed urban jobs and enterprise zones, except that a board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed urban jobs and enterprise zone. 96082  
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(3) The legislative authority or board of county commissioners may petition the director of development services for certification of the area as having the characteristics set forth in division (A)(3) of section 5709.61 of the Revised Code. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in that division and forward the findings to the legislative authority or board of county commissioners. If the director certifies the area as having those characteristics and thereby certifies it as a zone, the legislative authority or board may enter into agreements with enterprises under division (B) of this section. Any enterprise wishing to enter into an agreement with a legislative authority or board of county commissioners under this section and satisfying one of the criteria described in divisions (B)(1) to (5) of this section shall submit a proposal to the legislative authority or board on the form prescribed under division (B) of section 5709.62 of the Revised Code and shall review and update the estimates and listings required by the form in the manner required under that division. The legislative authority or board may, on a separate form and at any time, require any additional information necessary to determine whether 96091  
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an enterprise is in compliance with an agreement and to collect 96112  
the information required to be reported under section 5709.68 of 96113  
the Revised Code. 96114

(B) Prior to entering into an agreement with an enterprise, 96115  
the legislative authority or board of county commissioners shall 96116  
determine whether the enterprise submitting the proposal is 96117  
qualified by financial responsibility and business experience to 96118  
create and preserve employment opportunities in the zone and to 96119  
improve the economic climate of the municipal corporation or 96120  
municipal corporations or the unincorporated areas in which the 96121  
zone is located and to which the proposal applies, and whether the 96122  
enterprise satisfies one of the following criteria: 96123

(1) The enterprise currently has no operations in this state 96124  
and, subject to approval of the agreement, intends to establish 96125  
operations in the zone; 96126

(2) The enterprise currently has operations in this state 96127  
and, subject to approval of the agreement, intends to establish 96128  
operations at a new location in the zone that would not result in 96129  
a reduction in the number of employee positions at any of the 96130  
enterprise's other locations in this state; 96131

(3) The enterprise, subject to approval of the agreement, 96132  
intends to relocate operations, currently located in another 96133  
state, to the zone; 96134

(4) The enterprise, subject to approval of the agreement, 96135  
intends to expand operations at an existing site in the zone that 96136  
the enterprise currently operates; 96137

(5) The enterprise, subject to approval of the agreement, 96138  
intends to relocate operations, currently located in this state, 96139  
to the zone, and the director of development services has issued a 96140  
waiver for the enterprise under division (B) of section 5709.633 96141  
of the Revised Code. 96142

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and on or before October 15, ~~2015~~ 2017, and, in the case of a board of commissioners, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b), (B)(2), and (B)(3) of section 5709.63 of the Revised Code, subject to division (C) of that section.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development services revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the

enterprise pay an annual fee equal to the greater of one per cent 96175  
of the dollar value of incentives offered under the agreement or 96176  
five hundred dollars; provided, however, that if the value of the 96177  
incentives exceeds two hundred fifty thousand dollars, the fee 96178  
shall not exceed two thousand five hundred dollars. The fee shall 96179  
be payable to the legislative authority or board of commissioners 96180  
once per year for each year the agreement is effective on the days 96181  
and in the form specified in the agreement. Fees paid shall be 96182  
deposited in a special fund created for such purpose by the 96183  
legislative authority or board and shall be used by the 96184  
legislative authority or board exclusively for the purpose of 96185  
complying with section 5709.68 of the Revised Code and by the tax 96186  
incentive review council created under section 5709.85 of the 96187  
Revised Code exclusively for the purposes of performing the duties 96188  
prescribed under that section. The legislative authority or board 96189  
may waive or reduce the amount of the fee charged against an 96190  
enterprise, but such waiver or reduction does not affect the 96191  
obligations of the legislative authority or board or the tax 96192  
incentive review council to comply with section 5709.68 or 5709.85 96193  
of the Revised Code, respectively. 96194

(F) With the approval of the legislative authority of a 96195  
municipal corporation or the board of township trustees of a 96196  
township in which a zone is designated under division (A)(2) of 96197  
this section, the board of county commissioners may delegate to 96198  
that legislative authority or board any powers and duties of the 96199  
board to negotiate and administer agreements with regard to that 96200  
zone under this section. 96201

(G) When an agreement is entered into pursuant to this 96202  
section, the legislative authority or board of commissioners 96203  
authorizing the agreement shall forward a copy of the agreement to 96204  
the director of development services and to the tax commissioner 96205  
within fifteen days after the agreement is entered into. If any 96206

agreement includes terms not provided for in section 5709.631 of 96207  
the Revised Code affecting the revenue of a city, local, or 96208  
exempted village school district or causing revenue to be forgone 96209  
by the district, including any compensation to be paid to the 96210  
school district pursuant to section 5709.82 of the Revised Code, 96211  
those terms also shall be forwarded in writing to the director of 96212  
development services along with the copy of the agreement 96213  
forwarded under this division. 96214

(H) After an agreement is entered into, the enterprise shall 96215  
file with each personal property tax return required to be filed 96216  
while the agreement is in effect, an informational return, on a 96217  
form prescribed by the tax commissioner for that purpose, setting 96218  
forth separately the property, and related costs and values, 96219  
exempted from taxation under the agreement. 96220

(I) An agreement entered into under this section may include 96221  
a provision requiring the enterprise to create one or more 96222  
temporary internship positions for students enrolled in a course 96223  
of study at a school or other educational institution in the 96224  
vicinity, and to create a scholarship or provide another form of 96225  
educational financial assistance for students holding such a 96226  
position in exchange for the student's commitment to work for the 96227  
enterprise at the completion of the internship. 96228

**Sec. 5709.67.** (A) Except as otherwise provided in sections 96229  
5709.61 to 5709.69 of the Revised Code, the director of 96230  
development shall administer those sections and shall adopt rules 96231  
necessary to implement and administer the enterprise zone program. 96232  
The director shall assign to each zone currently certified a 96233  
unique designation by which the zone shall be identified for 96234  
purposes of administering sections 5709.61 to 5709.69 of the 96235  
Revised Code. The tax commissioner shall administer all other tax 96236  
incentives provided under sections 5709.61 to 5709.69 of the 96237

Revised Code and shall adopt rules necessary to carry out that 96238  
duty. No tax incentive qualification certificate or employee tax 96239  
credit certificate shall be issued or remain in effect unless the 96240  
enterprise applying for or holding the certificate complies with 96241  
all such rules. The director of job and family services shall 96242  
administer the incentive provided under division (B)(1) of section 96243  
5709.66 of the Revised Code and shall adopt rules necessary to 96244  
carry out that duty. No extension of benefits certificate shall be 96245  
issued or remain in effect unless the enterprise applying for or 96246  
holding the certificate complies with all such rules. 96247

(B) Not later than the first day of August each year, the 96248  
director of development shall report to the general assembly on 96249  
all of the following for the preceding calendar year: 96250

(1) The cost to the state of the tax and other incentives 96251  
provided under sections 5709.61 to 5709.69 of the Revised Code; 96252

(2) The number of tax incentive qualification certificates, 96253  
employee tax credit certificates, and extension of benefits 96254  
certificates issued; 96255

(3) The names of the municipal corporations and counties that 96256  
have entered agreements under sections 5709.62, 5709.63, and 96257  
5709.632 of the Revised Code; 96258

(4) The number of new employees hired as a result of the tax 96259  
and other incentives provided under sections 5709.61 to 5709.69 of 96260  
the Revised Code; 96261

(5) Information on agreement terms concerning school district 96262  
revenue that are not provided for in section 5709.631 of the 96263  
Revised Code and that are forwarded to the director under division 96264  
(H) of section 5709.62, division (H) of section 5709.63, or 96265  
division (G) of section 5709.632 of the Revised Code. 96266

The report shall include a finding by the director as to 96267  
whether the incentives provided under sections 5709.61 to 5709.69 96268

of the Revised Code have resulted in the creation of more 96269  
positions in the state than would have been created without the 96270  
incentives. The director shall send a copy of the report to each 96271  
member of the general assembly and to the director of the 96272  
legislative service commission. 96273

~~(C) All forms used in connection with the administration of 96274  
sections 5709.61 to 5709.69 of the Revised Code, except forms 96275  
administered directly by the tax commissioner, by the director of 96276  
job and family services, or by a county or municipal corporation, 96277  
are subject to review and approval by the state forms management 96278  
control center under sections 125.91 to 125.98 of the Revised 96279  
Code. 96280~~

**Sec. 5709.73.** (A) As used in this section and section 5709.74 96281  
of the Revised Code: 96282

(1) "Business day" means a day of the week excluding 96283  
Saturday, Sunday, and a legal holiday as defined in section 1.14 96284  
of the Revised Code. 96285

(2) "Further improvements" or "improvements" means the 96286  
increase in the assessed value of real property that would first 96287  
appear on the tax list and duplicate of real and public utility 96288  
property after the effective date of a resolution adopted under 96289  
this section were it not for the exemption granted by that 96290  
resolution. For purposes of division (B) of this section, 96291  
"improvements" do not include any property used or to be used for 96292  
residential purposes. For this purpose, "property that is used or 96293  
to be used for residential purposes" means property that, as 96294  
improved, is used or to be used for purposes that would cause the 96295  
tax commissioner to classify the property as residential property 96296  
in accordance with rules adopted by the commissioner under section 96297  
5713.041 of the Revised Code. 96298

(3) "Housing renovation" means a project carried out for 96299



residential purposes. 96300

(4) "Incentive district" has the same meaning as in section 96301  
5709.40 of the Revised Code, except that a blighted area is in the 96302  
unincorporated area of a township. 96303

(5) "Project" and "public infrastructure improvement" have 96304  
the same meanings as in section 5709.40 of the Revised Code. 96305

(B) A board of township trustees may, by unanimous vote, 96306  
adopt a resolution that declares to be a public purpose any public 96307  
infrastructure improvements made that are necessary for the 96308  
development of certain parcels of land located in the 96309  
unincorporated area of the township. Except with the approval 96310  
under division (D) of this section of the board of education of 96311  
each city, local, or exempted village school district within which 96312  
the improvements are located, the resolution may exempt from real 96313  
property taxation not more than seventy-five per cent of further 96314  
improvements to a parcel of land that directly benefits from the 96315  
public infrastructure improvements, for a period of not more than 96316  
ten years. The resolution shall specify the percentage of the 96317  
further improvements to be exempted and the life of the exemption. 96318

(C)(1) A board of township trustees may adopt, by unanimous 96319  
vote, a resolution creating an incentive district and declaring 96320  
improvements to parcels within the district to be a public purpose 96321  
and, except as provided in division (F) of this section, exempt 96322  
from taxation as provided in this section, but no board of 96323  
township trustees of a township that has a population that exceeds 96324  
twenty-five thousand, as shown by the most recent federal 96325  
decennial census, shall adopt a resolution that creates an 96326  
incentive district if the sum of the taxable value of real 96327  
property in the proposed district for the preceding tax year and 96328  
the taxable value of all real property in the township that would 96329  
have been taxable in the preceding year were it not for the fact 96330  
that the property was in an existing incentive district and 96331

therefore exempt from taxation exceeds twenty-five per cent of the 96332  
taxable value of real property in the township for the preceding 96333  
tax year. The district shall be located within the unincorporated 96334  
area of the township and shall not include any territory that is 96335  
included within a district created under division (B) of section 96336  
5709.78 of the Revised Code. The resolution shall delineate the 96337  
boundary of the district and specifically identify each parcel 96338  
within the district. A district may not include any parcel that is 96339  
or has been exempted from taxation under division (B) of this 96340  
section or that is or has been within another district created 96341  
under this division. A resolution may create more than one 96342  
district, and more than one resolution may be adopted under 96343  
division (C)(1) of this section. 96344

(2) Not later than thirty days prior to adopting a resolution 96345  
under division (C)(1) of this section, if the township intends to 96346  
apply for exemptions from taxation under section 5709.911 of the 96347  
Revised Code on behalf of owners of real property located within 96348  
the proposed incentive district, the board shall conduct a public 96349  
hearing on the proposed resolution. Not later than thirty days 96350  
prior to the public hearing, the board shall give notice of the 96351  
public hearing and the proposed resolution by first class mail to 96352  
every real property owner whose property is located within the 96353  
boundaries of the proposed incentive district that is the subject 96354  
of the proposed resolution. 96355

(3)(a) A resolution adopted under division (C)(1) of this 96356  
section shall specify the life of the incentive district and the 96357  
percentage of the improvements to be exempted, shall designate the 96358  
public infrastructure improvements made, to be made, or in the 96359  
process of being made, that benefit or serve, or, once made, will 96360  
benefit or serve parcels in the district. The resolution also 96361  
shall identify one or more specific projects being, or to be, 96362  
undertaken in the district that place additional demand on the 96363

public infrastructure improvements designated in the resolution. 96364  
The project identified may, but need not be, the project under 96365  
division (C)(3)(b) of this section that places real property in 96366  
use for commercial or industrial purposes. 96367

A resolution adopted under division (C)(1) of this section on 96368  
or after March 30, 2006, shall not designate police or fire 96369  
equipment as public infrastructure improvements, and no service 96370  
payment provided for in section 5709.74 of the Revised Code and 96371  
received by the township under the resolution shall be used for 96372  
police or fire equipment. 96373

(b) A resolution adopted under division (C)(1) of this 96374  
section may authorize the use of service payments provided for in 96375  
section 5709.74 of the Revised Code for the purpose of housing 96376  
renovations within the incentive district, provided that the 96377  
resolution also designates public infrastructure improvements that 96378  
benefit or serve the district, and that a project within the 96379  
district places real property in use for commercial or industrial 96380  
purposes. Service payments may be used to finance or support 96381  
loans, deferred loans, and grants to persons for the purpose of 96382  
housing renovations within the district. The resolution shall 96383  
designate the parcels within the district that are eligible for 96384  
housing renovations. The resolution shall state separately the 96385  
amount or the percentages of the expected aggregate service 96386  
payments that are designated for each public infrastructure 96387  
improvement and for the purpose of housing renovations. 96388

(4) Except with the approval of the board of education of 96389  
each city, local, or exempted village school district within the 96390  
territory of which the incentive district is or will be located, 96391  
and subject to division (E) of this section, the life of an 96392  
incentive district shall not exceed ten years, and the percentage 96393  
of improvements to be exempted shall not exceed seventy-five per 96394  
cent. With approval of the board of education, the life of a 96395

district may be not more than thirty years, and the percentage of 96396  
improvements to be exempted may be not more than one hundred per 96397  
cent. The approval of a board of education shall be obtained in 96398  
the manner provided in division (D) of this section. 96399

(D) Improvements with respect to a parcel may be exempted 96400  
from taxation under division (B) of this section, and improvements 96401  
to parcels within an incentive district may be exempted from 96402  
taxation under division (C) of this section, for up to ten years 96403  
or, with the approval of the board of education of the city, 96404  
local, or exempted village school district within which the parcel 96405  
or district is located, for up to thirty years. The percentage of 96406  
the improvements exempted from taxation may, with such approval, 96407  
exceed seventy-five per cent, but shall not exceed one hundred per 96408  
cent. Not later than forty-five business days prior to adopting a 96409  
resolution under this section declaring improvements to be a 96410  
public purpose that is subject to approval by a board of education 96411  
under this division, the board of township trustees shall deliver 96412  
to the board of education a notice stating its intent to adopt a 96413  
resolution making that declaration. The notice regarding 96414  
improvements with respect to a parcel under division (B) of this 96415  
section shall identify the parcels for which improvements are to 96416  
be exempted from taxation, provide an estimate of the true value 96417  
in money of the improvements, specify the period for which the 96418  
improvements would be exempted from taxation and the percentage of 96419  
the improvements that would be exempted, and indicate the date on 96420  
which the board of township trustees intends to adopt the 96421  
resolution. The notice regarding improvements made under division 96422  
(C) of this section to parcels within an incentive district shall 96423  
delineate the boundaries of the district, specifically identify 96424  
each parcel within the district, identify each anticipated 96425  
improvement in the district, provide an estimate of the true value 96426  
in money of each such improvement, specify the life of the 96427  
district and the percentage of improvements that would be 96428

exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

The board of education shall certify its resolution to the board of township trustees not later than fourteen days prior to the date the board of township trustees intends to adopt the resolution as indicated in the notice. If the board of education and the board of township trustees negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for the number of years specified in the resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to

certify a resolution to the board of township trustees within the 96462  
time prescribed by this section, the board of township trustees 96463  
thereupon may adopt the resolution and may declare the 96464  
improvements a public purpose for up to thirty years or, in the 96465  
case of exemption percentages proposed in excess of seventy-five 96466  
per cent, for the exemption percentage specified in the 96467  
resolution. The board of township trustees may adopt the 96468  
resolution at any time after the board of education certifies its 96469  
resolution approving the exemption to the board of township 96470  
trustees, or, if the board of education approves the exemption on 96471  
the condition that a mutually acceptable compensation agreement be 96472  
negotiated, at any time after the compensation agreement is agreed 96473  
to by the board of education and the board of township trustees. 96474  
If a mutually acceptable compensation agreement is negotiated 96475  
between the board of township trustees and the board of education, 96476  
including agreements for payments in lieu of taxes under section 96477  
5709.74 of the Revised Code, the board of township trustees shall 96478  
compensate the joint vocational school district within which the 96479  
parcel or district is located at the same rate and under the same 96480  
terms received by the city, local, or exempted village school 96481  
district. 96482

If a board of education has adopted a resolution waiving its 96483  
right to approve exemptions from taxation under this section and 96484  
the resolution remains in effect, approval of such exemptions by 96485  
the board of education is not required under division (D) of this 96486  
section. If a board of education has adopted a resolution allowing 96487  
a board of township trustees to deliver the notice required under 96488  
division (D) of this section fewer than forty-five business days 96489  
prior to adoption of the resolution by the board of township 96490  
trustees, the board of township trustees shall deliver the notice 96491  
to the board of education not later than the number of days prior 96492  
to the adoption as prescribed by the board of education in its 96493  
resolution. If a board of education adopts a resolution waiving 96494

its right to approve exemptions or shortening the notification 96495  
period, the board of education shall certify a copy of the 96496  
resolution to the board of township trustees. If the board of 96497  
education rescinds the resolution, it shall certify notice of the 96498  
rescission to the board of township trustees. 96499

If the board of township trustees is not required by division 96500  
(D) of this section to notify the board of education of the board 96501  
of township trustees' intent to declare improvements to be a 96502  
public purpose, the board of township trustees shall comply with 96503  
the notice requirements imposed under section 5709.83 of the 96504  
Revised Code before taking formal action to adopt the resolution 96505  
making that declaration, unless the board of education has adopted 96506  
a resolution under that section waiving its right to receive the 96507  
notice. 96508

(E)(1) If a proposed resolution under division (C)(1) of this 96509  
section exempts improvements with respect to a parcel within an 96510  
incentive district for more than ten years, or the percentage of 96511  
the improvement exempted from taxation exceeds seventy-five per 96512  
cent, not later than forty-five business days prior to adopting 96513  
the resolution the board of township trustees shall deliver to the 96514  
board of county commissioners of the county within which the 96515  
incentive district is or will be located a notice that states its 96516  
intent to adopt a resolution creating an incentive district. The 96517  
notice shall include a copy of the proposed resolution, identify 96518  
the parcels for which improvements are to be exempted from 96519  
taxation, provide an estimate of the true value in money of the 96520  
improvements, specify the period of time for which the 96521  
improvements would be exempted from taxation, specify the 96522  
percentage of the improvements that would be exempted from 96523  
taxation, and indicate the date on which the board of township 96524  
trustees intends to adopt the resolution. 96525

(2) The board of county commissioners, by resolution adopted 96526

by a majority of the board, may object to the exemption for the 96527  
number of years in excess of ten, may object to the exemption for 96528  
the percentage of the improvement to be exempted in excess of 96529  
seventy-five per cent, or both. If the board of county 96530  
commissioners objects, the board may negotiate a mutually 96531  
acceptable compensation agreement with the board of township 96532  
trustees. In no case shall the compensation provided to the board 96533  
of county commissioners exceed the property taxes foregone due to 96534  
the exemption. If the board of county commissioners objects, and 96535  
the board of county commissioners and board of township trustees 96536  
fail to negotiate a mutually acceptable compensation agreement, 96537  
the resolution adopted under division (C)(1) of this section shall 96538  
provide to the board of county commissioners compensation in the 96539  
eleventh and subsequent years of the exemption period equal in 96540  
value to not more than fifty per cent of the taxes that would be 96541  
payable to the county or, if the board of county commissioner's 96542  
objection includes an objection to an exemption percentage in 96543  
excess of seventy-five per cent, compensation equal in value to 96544  
not more than fifty per cent of the taxes that would be payable to 96545  
the county, on the portion of the improvement in excess of 96546  
seventy-five per cent, were that portion to be subject to 96547  
taxation. The board of county commissioners shall certify its 96548  
resolution to the board of township trustees not later than thirty 96549  
days after receipt of the notice. 96550

(3) If the board of county commissioners does not object or 96551  
fails to certify its resolution objecting to an exemption within 96552  
thirty days after receipt of the notice, the board of township 96553  
trustees may adopt its resolution, and no compensation shall be 96554  
provided to the board of county commissioners. If the board of 96555  
county commissioners timely certifies its resolution objecting to 96556  
the trustees' resolution, the board of township trustees may adopt 96557  
its resolution at any time after a mutually acceptable 96558  
compensation agreement is agreed to by the board of county 96559



commissioners and the board of township trustees, or, if no 96560  
compensation agreement is negotiated, at any time after the board 96561  
of township trustees agrees in the proposed resolution to provide 96562  
compensation to the board of county commissioners of fifty per 96563  
cent of the taxes that would be payable to the county in the 96564  
eleventh and subsequent years of the exemption period or on the 96565  
portion of the improvement in excess of seventy-five per cent, 96566  
were that portion to be subject to taxation. 96567

(F) Service payments in lieu of taxes that are attributable 96568  
to any amount by which the effective tax rate of either a renewal 96569  
levy with an increase or a replacement levy exceeds the effective 96570  
tax rate of the levy renewed or replaced, or that are attributable 96571  
to an additional levy, for a levy authorized by the voters for any 96572  
of the following purposes on or after January 1, 2006, and which 96573  
are provided pursuant to a resolution creating an incentive 96574  
district under division (C)(1) of this section that is adopted on 96575  
or after January 1, 2006, shall be distributed to the appropriate 96576  
taxing authority as required under division (C) of section 5709.74 96577  
of the Revised Code in an amount equal to the amount of taxes from 96578  
that additional levy or from the increase in the effective tax 96579  
rate of such renewal or replacement levy that would have been 96580  
payable to that taxing authority from the following levies were it 96581  
not for the exemption authorized under division (C) of this 96582  
section: 96583

(1) A tax levied under division (L) of section 5705.19 or 96584  
section 5705.191 of the Revised Code for community mental 96585  
retardation and developmental disabilities programs and services 96586  
pursuant to Chapter 5126. of the Revised Code; 96587

(2) A tax levied under division (Y) of section 5705.19 of the 96588  
Revised Code for providing or maintaining senior citizens services 96589  
or facilities; 96590

(3) A tax levied under section 5705.22 of the Revised Code 96591

for county hospitals;	96592
(4) A tax levied by a joint-county district or by a county	96593
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	96594
for alcohol, drug addiction, and mental health services or	96595
families;	96596
(5) A tax levied under section 5705.23 of the Revised Code	96597
for library purposes;	96598
(6) A tax levied under section 5705.24 of the Revised Code	96599
for the support of children services and the placement and care of	96600
children;	96601
(7) A tax levied under division (Z) of section 5705.19 of the	96602
Revised Code for the provision and maintenance of zoological park	96603
services and facilities under section 307.76 of the Revised Code;	96604
(8) A tax levied under section 511.27 or division (H) of	96605
section 5705.19 of the Revised Code for the support of township	96606
park districts;	96607
(9) A tax levied under division (A), (F), or (H) of section	96608
5705.19 of the Revised Code for parks and recreational purposes of	96609
a joint recreation district organized pursuant to division (B) of	96610
section 755.14 of the Revised Code;	96611
(10) A tax levied under section 1545.20 or 1545.21 of the	96612
Revised Code for park district purposes;	96613
(11) A tax levied under section 5705.191 of the Revised Code	96614
for the purpose of making appropriations for public assistance;	96615
human or social services; public relief; public welfare; public	96616
health and hospitalization; and support of general hospitals;	96617
(12) A tax levied under section 3709.29 of the Revised Code	96618
for a general health district program.	96619
(G) An exemption from taxation granted under this section	96620
commences with the tax year specified in the resolution so long as	96621

the year specified in the resolution commences after the effective 96622  
date of the resolution. If the resolution specifies a year 96623  
commencing before the effective date of the resolution or 96624  
specifies no year whatsoever, the exemption commences with the tax 96625  
year in which an exempted improvement first appears on the tax 96626  
list and duplicate of real and public utility property and that 96627  
commences after the effective date of the resolution. In lieu of 96628  
stating a specific year, the resolution may provide that the 96629  
exemption commences in the tax year in which the value of an 96630  
improvement exceeds a specified amount or in which the 96631  
construction of one or more improvements is completed, provided 96632  
that such tax year commences after the effective date of the 96633  
resolution. With respect to the exemption of improvements to 96634  
parcels under division (B) of this section, the resolution may 96635  
allow for the exemption to commence in different tax years on a 96636  
parcel-by-parcel basis, with a separate exemption term specified 96637  
for each parcel. 96638

Except as otherwise provided in this division, the exemption 96639  
ends on the date specified in the resolution as the date the 96640  
improvement ceases to be a public purpose or the incentive 96641  
district expires, or ends on the date on which the public 96642  
infrastructure improvements and housing renovations are paid in 96643  
full from the township public improvement tax increment equivalent 96644  
fund established under section 5709.75 of the Revised Code, 96645  
whichever occurs first. The exemption of an improvement with 96646  
respect to a parcel or within an incentive district may end on a 96647  
later date, as specified in the resolution, if the board of 96648  
township trustees and the board of education of the city, local, 96649  
or exempted village school district within which the parcel or 96650  
district is located have entered into a compensation agreement 96651  
under section 5709.82 of the Revised Code with respect to the 96652  
improvement and the board of education has approved the term of 96653  
the exemption under division (D) of this section, but in no case 96654

shall the improvement be exempted from taxation for more than 96655  
thirty years. The board of township trustees may, by majority 96656  
vote, adopt a resolution permitting the township to enter into 96657  
such agreements as the board finds necessary or appropriate to 96658  
provide for the construction or undertaking of public 96659  
infrastructure improvements and housing renovations. Any exemption 96660  
shall be claimed and allowed in the same or a similar manner as in 96661  
the case of other real property exemptions. If an exemption status 96662  
changes during a tax year, the procedure for the apportionment of 96663  
the taxes for that year is the same as in the case of other 96664  
changes in tax exemption status during the year. 96665

(H) The board of township trustees may issue the notes of the 96666  
township to finance all costs pertaining to the construction or 96667  
undertaking of public infrastructure improvements and housing 96668  
renovations made pursuant to this section. The notes shall be 96669  
signed by the board and attested by the signature of the township 96670  
fiscal officer, shall bear interest not to exceed the rate 96671  
provided in section 9.95 of the Revised Code, and are not subject 96672  
to Chapter 133. of the Revised Code. The resolution authorizing 96673  
the issuance of the notes shall pledge the funds of the township 96674  
public improvement tax increment equivalent fund established 96675  
pursuant to section 5709.75 of the Revised Code to pay the 96676  
interest on and principal of the notes. The notes, which may 96677  
contain a clause permitting prepayment at the option of the board, 96678  
shall be offered for sale on the open market or given to the 96679  
vendor or contractor if no sale is made. 96680

(I) The township, not later than fifteen days after the 96681  
adoption of a resolution under this section, shall submit to the 96682  
director of development services a copy of the resolution. On or 96683  
before the thirty-first day of March of each year, the township 96684  
shall submit a status report to the director of development 96685  
services. The report shall indicate, in the manner prescribed by 96686

the director, the progress of the project during each year that 96687  
the exemption remains in effect, including a summary of the 96688  
receipts from service payments in lieu of taxes; expenditures of 96689  
money from the fund created under section 5709.75 of the Revised 96690  
Code; a description of the public infrastructure improvements and 96691  
housing renovations financed with the expenditures; and a 96692  
quantitative summary of changes in private investment resulting 96693  
from each project. 96694

(J) Nothing in this section shall be construed to prohibit a 96695  
board of township trustees from declaring to be a public purpose 96696  
improvements with respect to more than one parcel. 96697

If a parcel is located in a new community district in which 96698  
the new community authority imposes a community development charge 96699  
on the basis of rentals received from leases of real property as 96700  
described in division (L)(2) of section 349.01 of the Revised 96701  
Code, the parcel may not be exempted from taxation under this 96702  
section. 96703

(K) A board of township trustees that adopted a resolution 96704  
under this section prior to July 21, 1994, may amend that 96705  
resolution to include any additional public infrastructure 96706  
improvement. A board of township trustees that seeks by the 96707  
amendment to utilize money from its township public improvement 96708  
tax increment equivalent fund for land acquisition in aid of 96709  
industry, commerce, distribution, or research, demolition on 96710  
private property, or stormwater and flood remediation projects may 96711  
do so provided that the board currently is a party to a 96712  
hold-harmless agreement with the board of education of the city, 96713  
local, or exempted village school district within the territory of 96714  
which are located the parcels that are subject to an exemption. 96715  
For the purposes of this division, a "hold-harmless agreement" 96716  
means an agreement under which the board of township trustees 96717  
agrees to compensate the school district for one hundred per cent 96718

of the tax revenue that the school district would have received 96719  
from further improvements to parcels designated in the resolution 96720  
were it not for the exemption granted by the resolution. 96721

(L) Notwithstanding the limitation prescribed by division (D) 96722  
of this section on the number of years that improvements to a 96723  
parcel or parcels may be exempted from taxation, a board of 96724  
trustees of a township with a population of fifteen thousand or 96725  
more may amend a resolution originally adopted under this section 96726  
before December 31, 1994, to extend the exemption of improvements 96727  
to the parcel or parcels included in such resolution for an 96728  
additional period not to exceed fifteen years. The amendment shall 96729  
not increase the percentage of improvements to the parcel or 96730  
parcels exempted from taxation. The board of township trustees 96731  
shall comply with the notice requirements imposed under section 96732  
5709.83 of the Revised Code before taking formal action to adopt 96733  
an amendment authorized under this division unless the board of 96734  
education has adopted a resolution under that section waiving its 96735  
right to receive the notice. The board of township trustees shall 96736  
deliver an identical notice to the board of county commissioners 96737  
of each county in which the exempted parcels are located. 96738

**Sec. 5709.92.** (A) As used in this section: 96739

(1) "School district" means a city, local, or exempted 96740  
village school district. 96741

(2) "Joint vocational school district" means a joint 96742  
vocational school district created under section 3311.16 of the 96743  
Revised Code, and includes a cooperative education school district 96744  
created under section 3311.52 or 3311.521 of the Revised Code and 96745  
a county school financing district created under section 3311.50 96746  
of the Revised Code. 96747

(3) "Total resources" means the sum of the amounts described 96748  
in divisions (A)(3)(a) to (g) of this section less any reduction 96749

required under division (C)(2)(a) of this section. 96750

(a) The state education aid for fiscal year 2015; 96751

(b) The sum of the payments received in fiscal year 2015 for 96752  
current expense levy losses under division (C)(3) of section 96753  
5727.85 and division (C)(12) of section 5751.21 of the Revised 96754  
Code, as they existed at that time, excluding the portion of such 96755  
payments attributable to levies for joint vocational school 96756  
district purposes; 96757

(c) The sum of fixed-sum levy loss payments received by the 96758  
school district in fiscal year 2015 under division (F)(1) of 96759  
section 5727.85 and division (E)(1) of section 5751.21 of the 96760  
Revised Code, as they existed at that time, for fixed-sum levies 96761  
charged and payable for a purpose other than paying debt charges; 96762

(d) The district's taxes charged and payable against all 96763  
property on the tax list of real and public utility property for 96764  
current expense purposes for tax year 2014, including taxes 96765  
charged and payable from emergency levies charged and payable 96766  
under sections 5705.194 to 5705.197 of the Revised Code, excluding 96767  
taxes levied for joint vocational school district purposes or 96768  
levied under section 5705.23 of the Revised Code; 96769

(e) The amount certified for fiscal year 2015 under division 96770  
(A)(2) of section 3317.08 of the Revised Code; 96771

(f) Distributions received during calendar year 2014 from 96772  
taxes levied under section 718.09 of the Revised Code; 96773

(g) Distributions received during fiscal year 2015 from the 96774  
gross casino revenue county student fund. 96775

(4)(a) "State education aid" for a school district means the 96776  
sum of state amounts computed for the district under sections 96777  
3317.022 and 3317.0212 of the Revised Code after any amounts are 96778  
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 96779

the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY,  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 96780  
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(b) "State education aid" for a joint vocational district  
means the amount computed for the district under section 3317.16  
of the Revised Code after any amounts are added or subtracted  
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general  
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL  
DISTRICTS." 96782  
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(5) "Taxes charged and payable" means taxes charged and  
payable after the reduction required by section 319.301 of the  
Revised Code but before the reductions required by sections  
319.302 and 323.152 of the Revised Code. 96788  
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(6) "Capacity quintile" means the capacity measure quintiles  
determined under division (B) of this section. 96792  
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(7) "Threshold per cent" means the following: 96794

(a) For a school district in the lowest capacity quintile,  
one per cent for fiscal year 2016; for fiscal year 2017 and each  
year thereafter, the sum of the prior year's threshold per cent  
plus one percentage point. 96795  
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(b) For a school district in the second lowest capacity  
quintile, one and one-fourth per cent for fiscal year 2016; for  
fiscal year 2017 and each year thereafter, the sum of the prior  
year's threshold per cent plus one and one-fourth percentage  
points. 96799  
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(c) For a school district in the third lowest capacity  
quintile, one and one-half per cent for fiscal year 2016; for  
fiscal year 2017 and each year thereafter, the sum of the prior  
year's threshold per cent plus one and one-half percentage points. 96804  
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(d) For a school district in the second highest capacity  
quintile, one and three-fourths per cent for fiscal year 2016; for 96808  
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fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and three-fourths percentage points. 96810  
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus two percentage points. 96813  
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(f) For a joint vocational school district, two per cent for fiscal year 2016; for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 96817  
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(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(2)(b) of this section. 96820  
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(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities. 96826  
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(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes. 96836  
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(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 96840

of payments received by the school district in fiscal year 2015 96841  
for levy losses under division (H) of section 5727.84 of the 96842  
Revised Code, excluding levy losses for debt purposes. 96843

(12) "TPP fixed-sum debt levy losses" means the sum of 96844  
payments received by a school district in fiscal year 2015 for 96845  
levy losses under division (E) of section 5751.21 of the Revised 96846  
Code for debt purposes. 96847

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 96848  
payments received by the school district in fiscal year 2015 for 96849  
levy losses under division (H) of section 5727.84 of the Revised 96850  
Code for debt purposes. 96851

(14) "Qualifying levies" means qualifying levies described in 96852  
section 5751.20 of the Revised Code as that section was in effect 96853  
before July 1, 2015. 96854

(15) "Qualifying school district" means a school district 96855  
within whose territory a nuclear power plant is located and for 96856  
which the ratio of current expense allocation to total resources 96857  
is ten per cent or more. 96858

(16) "Production equipment tax loss" means the amount 96859  
computed for a school district or joint vocational school district 96860  
under division (B)(1) of section 5727.09 of the Revised Code. 96861

(B) The department of education shall rank all school 96862  
districts in the order of districts' capacity measures determined 96863  
under section 3317.018 of the Revised Code from lowest to highest, 96864  
and divide such ranking into quintiles, with the first quintile 96865  
containing the twenty per cent of school districts having the 96866  
lowest capacity measure and the fifth quintile containing the 96867  
twenty per cent of school districts having the highest capacity 96868  
measure. This calculation and ranking shall be performed once, in 96869  
fiscal year 2016, and used for subsequent years for the purpose of 96870  
division (A)(7) of this section. 96871

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts other than qualifying school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts other than qualifying school districts equal to the amount described in division (C)(1)(a) or (b) of this section. In fiscal year 2016 and subsequent fiscal years, payments shall be made to qualifying school districts equal to the sum of the amounts described in divisions (A)(3)(b) and (c) of this section. 96872  
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(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold per cent, zero; 96883  
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(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources; 96886  
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(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent. 96890  
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(2)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 96892  
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(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 96896  
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(3) The department of education shall report to each school district and joint vocational school district the apportionment of 96901  
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the payments under division (C)(1) of this section among the 96903  
district's funds based on qualifying levies. 96904

(D)(1) Except as provided in division (D)(2) of this section, 96905  
payments in the following amounts shall be made to school 96906  
districts and joint vocational school districts in tax years 2016 96907  
through 2021: 96908

(a) In tax year 2016, the sum of the district's operating TPP 96909  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 96910

(b) In tax year 2017, the sum of the district's operating TPP 96911  
fixed-sum levy losses and eighty per cent of operating S.B. 3 96912  
fixed-sum levy losses. 96913

(c) In tax year 2018, the sum of eighty per cent of the 96914  
district's operating TPP fixed-sum levy losses and sixty per cent 96915  
of its operating S.B. 3 fixed-sum levy losses. 96916

(d) In tax year 2019, the sum of sixty per cent of the 96917  
district's operating TPP fixed-sum levy losses and forty per cent 96918  
of its operating S.B. 3 fixed-sum levy losses. 96919

(e) In tax year 2020, the sum of forty per cent of the 96920  
district's operating TPP fixed-sum levy losses and twenty per cent 96921  
of its operating S.B. 3 fixed-sum levy losses. 96922

(f) In tax year 2021, twenty per cent of the district's 96923  
operating TPP fixed-sum levy losses. 96924

No payment shall be made under division (D)(1) of this 96925  
section after tax year 2021. 96926

(2) In the case of a qualifying school district, payments 96927  
shall be made in tax year 2016 and subsequent tax years equal to 96928  
one hundred per cent of the sum of the district's operating TPP 96929  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 96930

(3) Amounts are payable under division (D) of this section 96931  
for fixed-sum levy losses only to the extent of such losses for 96932

qualifying levies that remain in effect for the current tax year. 96933  
For this purpose, a qualifying levy levied under section 5705.194 96934  
or 5705.213 of the Revised Code remains in effect for the current 96935  
tax year only if a tax levied under either of those sections is 96936  
charged and payable for the current tax year for an annual sum at 96937  
least equal to the annual sum levied by the board of education for 96938  
tax year 2004 under those sections less the amount of the payment 96939  
under this division. 96940

(E)(1) For fixed-sum levies for debt purposes, payments shall 96941  
be made to school districts and joint vocational school districts 96942  
equal to one hundred per cent of the district's fixed-sum levy 96943  
loss determined under division (E) of section 5751.20 and division 96944  
(H) of section 5727.84 of the Revised Code as in effect before 96945  
July 1, 2015, and paid in tax year 2014. No payment shall be made 96946  
for qualifying levies that are no longer charged and payable. 96947

(2) Beginning in 2016, by the thirty-first day of January of 96948  
each year, the tax commissioner shall review the calculation of 96949  
fixed-sum levy loss for debt purposes determined under division 96950  
(E) of section 5751.20 and division (H) of section 5727.84 of the 96951  
Revised Code as in effect before July 1, 2015. If the commissioner 96952  
determines that a fixed-sum levy that had been scheduled to be 96953  
reimbursed in the current year is no longer charged and payable, a 96954  
revised calculation for that year and all subsequent years shall 96955  
be made. 96956

(F)(1) For taxes levied within the ten-mill limitation for 96957  
debt purposes in tax year 1998 in the case of electric company tax 96958  
value losses, and in tax year 1999 in the case of natural gas 96959  
company tax value losses, payments shall be made to school 96960  
districts and joint vocational school districts equal to one 96961  
hundred per cent of the loss computed under division (D) of 96962  
section 5727.85 of the Revised Code as in effect before July 1, 96963  
2015, as if the tax were a fixed-rate levy, but those payments 96964

shall extend through fiscal year 2016. 96965

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018. 96966  
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(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section and division (D) of section 5709.94 of the Revised Code as follows: 96973  
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(1) For a merger of two or more districts, the production equipment tax loss, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger. 96981  
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(2) If property is transferred from one district to a previously existing district, the amount of the production equipment tax loss, total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the production equipment tax loss for the preceding tax year and the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the 96986  
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Revised Code or, in the case of a joint vocational school 96997  
district, by formula ADM as defined for a joint vocational school 96998  
district in that section, and the denominator of which is the 96999  
formula ADM of the transferor district. 97000

(3) After December 31, 2010, if property is transferred from 97001  
one or more districts to a district that is newly created out of 97002  
the transferred property, the newly created district shall be 97003  
deemed not to have any production equipment tax loss, total 97004  
resources, current expense allocation, total allocation, or 97005  
non-current expense allocation. 97006

(4) If the recipient district under division (G)(2) of this 97007  
section or the newly created district under division (G)(3) of 97008  
this section is assuming debt from one or more of the districts 97009  
from which the property was transferred and any of the districts 97010  
losing the property had fixed-sum levy losses or production 97011  
equipment tax losses, the department of education, in consultation 97012  
with the tax commissioner, shall make an equitable division of the 97013  
reimbursements for those losses. 97014

(H) The payments required by divisions (C), (D), (E), and (F) 97015  
of this section shall be distributed periodically to each school 97016  
and joint vocational school district by the department of 97017  
education unless otherwise provided for. Except as provided in 97018  
division (D) of this section, if a levy that is a qualifying levy 97019  
is not charged and payable in any year after 2014, payments to the 97020  
school district or joint vocational school district shall be 97021  
reduced to the extent that the payments distributed in fiscal year 97022  
2015 were attributable to the levy loss of that levy. 97023

**Sec. 5709.93.** (A) As used in this section: 97024

(1) "Taxes charged and payable" means taxes charged and 97025  
payable after the reduction required by section 319.301 of the 97026  
Revised Code but before the reductions required by sections 97027

<u>319.302 and 323.152 of the Revised Code.</u>	97028
<u>(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points.</u>	97029 97030 97031
<u>(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code.</u>	97032 97033 97034
<u>(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.</u>	97035 97036 97037 97038 97039 97040
<u>(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time.</u>	97041 97042 97043 97044 97045
<u>(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section.</u>	97046 97047 97048 97049 97050 97051
<u>(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time.</u>	97052 97053 97054 97055
<u>(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section</u>	97056 97057 97058



existed at that time. 97059

(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time. 97060  
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(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 97064  
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(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 97068  
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(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 97073  
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(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 97077  
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 97081  
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 97085  
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 97089  
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 97093  
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 97097  
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(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 97101  
97102  
97103  
97104

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 97105  
97106  
97107  
97108

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 97109  
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97111  
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(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 97113  
97114  
97115  
97116  
97117

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of 97118  
97119

section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 97120  
97121

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 97122  
97123  
97124  
97125  
97126  
97127  
97128

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 97129  
97130  
97131  
97132  
97133

(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 97134  
97135  
97136

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015. 97137  
97138  
97139

(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section. 97140  
97141  
97142  
97143

(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 97144  
97145  
97146  
97147

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor 97148  
97149  
97150

under division (J) of section 5747.51 of the Revised Code or 97151  
division (F) of section 5747.53 of the Revised Code multiplied by 97152  
the total amount actually distributed in calendar year 2014 from 97153  
the county undivided local government fund; 97154

(c) The sum of the amounts distributed to the municipal 97155  
corporation in calendar year 2014 pursuant to section 5747.50 of 97156  
the Revised Code; 97157

(d) With respect to taxes levied by the municipal 97158  
corporation, the taxes charged and payable against all property on 97159  
the tax list of real and public utility property for municipal 97160  
current expenses for tax year 2014; 97161

(e) The amount of admissions tax collected by the municipal 97162  
corporation in calendar year 2013, or if such information has not 97163  
yet been reported to the tax commissioner, in the most recent year 97164  
before 2013 for which the municipal corporation has reported data 97165  
to the commissioner; 97166

(f) The amount of income taxes collected by the municipal 97167  
corporation in calendar year 2013 as certified to the tax 97168  
commissioner under section 5747.50 of the Revised Code in 2013, or 97169  
if such information has not yet been reported to the commissioner, 97170  
in the most recent year before 2014 for which the municipal 97171  
corporation has reported such data to the commissioner; 97172

(g) The sum of the amounts distributed to the municipal 97173  
corporation from the gross casino revenue host city fund from July 97174  
2014 through April 2015; 97175

(h) The sum of the amounts distributed to the municipal 97176  
corporation from the gross casino revenue county fund from July 97177  
2014 through April 2015. 97178

(16) "Total resources," in the case of a township, means the 97179  
sum of the amounts in divisions (A)(16)(a) to (c) of this section 97180  
less any reduction required under division (B)(1) or (2) of this 97181

section. 97182

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 97183  
97184  
97185  
97186  
97187

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 97188  
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(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised Code. 97195  
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(17) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section. 97200  
97201  
97202  
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97204

(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 97205  
97206  
97207  
97208

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or 97209  
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division (F) of section 5747.53 of the Revised Code multiplied by 97213  
the total amount actually distributed in calendar year 2014 from 97214  
the county undivided local government fund; 97215

(c) With respect to taxes levied by the local taxing unit, 97216  
the taxes charged and payable against all property on the tax list 97217  
of real and public utility property for tax year 2014 excluding 97218  
taxes charged and payable for the purpose of paying debt charges 97219  
or from a levy imposed under section 5705.23 of the Revised Code; 97220

(d) The amount received from the tax commissioner during 97221  
calendar year 2014 for sales or use taxes authorized under 97222  
sections 5739.023 and 5741.022 of the Revised Code; 97223

(e) For institutions of higher education receiving tax 97224  
revenue from a local levy, as identified in section 3358.02 of the 97225  
Revised Code, the final state share of instruction allocation for 97226  
fiscal year 2014 as calculated by the chancellor of higher 97227  
education and reported to the state controlling board. 97228

(18) "Total resources," in the case of a county, municipal 97229  
corporation, school district, or township public library that 97230  
receives the proceeds of a tax levied under section 5705.23 of the 97231  
Revised Code, means the sum of the amounts in divisions (A)(18)(a) 97232  
to (d) of this section less any reduction required under division 97233  
(B)(1) of this section. 97234

(a) The sum of the payments received by the county, municipal 97235  
corporation, school district, or township public library in 97236  
calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the 97237  
Revised Code, as they existed at that time, for fixed-rate levy 97238  
losses attributable to a tax levied under section 5705.23 of the 97239  
Revised Code for the benefit of the public library; 97240

(b) The public library's percentage share of county undivided 97241  
local government fund allocations as certified to the tax 97242  
commissioner for calendar year 2015 by the county auditor under 97243

division (J) of section 5747.51 of the Revised Code or division 97244  
(F) of section 5747.53 of the Revised Code multiplied by the total 97245  
amount actually distributed in calendar year 2014 from the county 97246  
undivided local government fund; 97247

(c) With respect to a tax levied pursuant to section 5705.23 97248  
of the Revised Code for the benefit of the public library, the 97249  
amount of such tax that is charged and payable against all 97250  
property on the tax list of real and public utility property for 97251  
tax year 2014 excluding any tax that is charged and payable for 97252  
the purpose of paying debt charges; 97253

(d) The sum of the amounts distributed to the library 97254  
district from the county public library fund in calendar year 97255  
2014, as reported to the tax commissioner by the county auditor. 97256

(19) "Municipal current expense property tax levies" means 97257  
all property tax levies of a municipality, except those with the 97258  
following levy names: library; airport resurfacing; bond or any 97259  
levy name including the word "bond"; capital improvement or any 97260  
levy name including the word "capital"; debt or any levy name 97261  
including the word "debt"; equipment or any levy name including 97262  
the word "equipment," unless the levy is for combined operating 97263  
and equipment; employee termination fund; fire pension or any levy 97264  
containing the word "pension," including police pensions; 97265  
fireman's fund or any practically similar name; sinking fund; road 97266  
improvements or any levy containing the word "road"; fire truck or 97267  
apparatus; flood or any levy containing the word "flood"; 97268  
conservancy district; county health; note retirement; sewage, or 97269  
any levy containing the words "sewage" or "sewer"; park 97270  
improvement; parkland acquisition; storm drain; street or any levy 97271  
name containing the word "street"; lighting, or any levy name 97272  
containing the word "lighting"; and water. 97273

(20) "Operating fixed-rate levy loss" means, in the case of 97274  
local taxing units other than municipal corporations, fixed-rate 97275

levy losses of levies imposed for purposes other than paying debt charges or, in the case of municipal corporations, fixed-rate levy losses of municipal current expense property tax levies. 97276  
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(21) "Qualifying local taxing unit" means a local taxing unit, other than a county or municipal corporation, within whose territory a nuclear power plant is located, including a public library on behalf of which a tax is levied under section 5705.23 of the Revised Code on a tax list that includes the property of a nuclear power plant. 97279  
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(22)(a) "Qualifying municipal corporation" means a municipal corporation in the territory of which a qualifying end user is located. 97285  
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(b) "Qualifying end user" means an end user of at least seven million qualifying kilowatt hours of electricity annually. 97288  
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(c) "Qualifying kilowatt hours" means kilowatt hours of electricity generated by a renewable energy resource, as defined in section 5727.01 of the Revised Code, using wind energy and the distribution of which is subject to the tax levied under section 5727.81 of the Revised Code for any measurement period beginning after June 30, 2015. 97290  
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(23) Any term used in this section has the same meaning as in section 5727.84 or 5751.20 of the Revised Code unless otherwise defined by this section. 97296  
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(B)(1) "Total resources" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable. 97299  
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(2) "Current expense allocation" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable. 97303  
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(C)(1) Except as provided in divisions (C)(2) and (D) of this section, the tax commissioner shall compute payments for operating fixed-rate levy losses of local taxing units and public libraries for fiscal year 2016 and each year thereafter as prescribed in divisions (C)(1)(a) and (b) and (2) of this section:

(a) For public libraries and local taxing units other than municipal corporations:

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent.

(b) For municipal corporations:

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent.

(2) In the case of a qualifying local taxing unit for which the ratio of current expense allocation to total resources is ten per cent or more, the payment to be made under division (C) of this section for fiscal year 2016 and each year thereafter, in lieu of the payment computed under division (C)(1)(a) of this section, shall equal the amount described in division (A)(16)(a) of this section if the qualifying local taxing unit is a township, division (A)(18)(a) if the qualifying local taxing unit is a public library, and division (A)(17)(a) if the qualifying local taxing unit is not a township or public library.

(3) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in the municipal corporation for measurement periods ending in the preceding calendar year. The payment shall be computed regardless of whether the qualifying municipal corporation qualifies for a payment under any other division of this section for the fiscal year in which the payment is computed under this division. For the

purposes of this division, the commissioner may require an 97370  
electric distribution company distributing qualifying kilowatt 97371  
hours or, if the end user is a self-assessing purchaser, the end 97372  
user, to report to the commissioner the number of qualifying 97373  
kilowatt hours distributed through the meter of the qualifying end 97374  
user. 97375

(F)(1) The payments required to be made under divisions (C) 97376  
and (D) of this section shall be paid from local government 97377  
tangible property tax replacement fund to the county undivided 97378  
income tax fund in the proper county treasury. Beginning in August 97379  
2015, one-half of the amount determined under each of those 97380  
divisions shall be paid on or before the last day of August each 97381  
year, and one-half shall be paid on or before the last day of 97382  
February each year. Within thirty days after receipt of such 97383  
payments, the county treasurer shall distribute amounts determined 97384  
under this section to the proper local taxing unit or public 97385  
library as if they had been levied and collected as taxes, and the 97386  
local taxing unit or public library shall allocate the amounts so 97387  
received among its funds in the same proportions as if those 97388  
amounts had been levied and collected as taxes. 97389

(2) On or before the last day of August and of February of 97390  
each fiscal year that follows a calendar year in which taxes are 97391  
paid on the basis of qualifying kilowatt hours of electricity 97392  
distributed through the meter of a qualifying end user located in 97393  
a qualifying municipal corporation, one-half of the payment 97394  
computed under division (E) of this section shall be paid from the 97395  
local government tangible personal property tax replacement fund 97396  
directly to the qualifying municipal corporation. The municipal 97397  
corporation shall credit the payments to a special fund created 97398  
for the purpose of providing grants or other financial assistance 97399  
to the qualifying end user or to compensate the municipal 97400  
corporation for municipal income tax or other tax credits or 97401

reductions as the legislative authority may grant to the 97402  
qualifying end user. Such grants or other financial assistance may 97403  
be provided for by ordinance or resolution of the legislative 97404  
authority of the qualifying municipal corporation and may continue 97405  
for as long as is provided by the ordinance or resolution. 97406

(G) If all or a part of the territories of two or more local 97407  
taxing units are merged, or unincorporated territory of a township 97408  
is annexed by a municipal corporation, the tax commissioner shall 97409  
adjust the payments made under this section and division (E) of 97410  
section 5709.94 of the Revised Code to each of the local taxing 97411  
units in proportion to the square mileage of the merged or annexed 97412  
territory as a percentage of the total square mileage of the 97413  
jurisdiction from which the territory originated, or as otherwise 97414  
provided by a written agreement between the legislative 97415  
authorities of the local taxing units certified to the 97416  
commissioner not later than the first day of June of the calendar 97417  
year in which the payment is to be made. 97418

**Sec. 5709.94.** (A) As used in this section: 97419

(1) "School district," "joint vocational school district," 97420  
"local taxing unit," "fixed-rate levy," and "fixed-sum levy" have 97421  
the same meanings as in section 5727.84 of the Revised Code. 97422

(2) "Electric company," "energy company," and "energy 97423  
conversion equipment" have the same meanings as in section 5727.01 97424  
of the Revised Code. 97425

(3) "Taxing unit" includes school districts, joint vocational 97426  
school districts, and local taxing units. 97427

(B) On or before the last day of December of each year, the 97428  
tax commissioner shall determine both of the following for each 97429  
taxing unit: 97430

(1) The taxing unit's production equipment tax value loss, 97431

which shall equal the value of all tangible personal property of 97432  
an electric company or energy company that is not transmission or 97433  
distribution property or energy conversion equipment, as it would 97434  
have been assessed by the tax commissioner and apportioned to the 97435  
taxing unit for that tax year if the property were taxable 97436  
property and the assessment rate applicable to such property were 97437  
twenty-four per cent. 97438

(2) The taxing unit's nonproduction equipment tax value gain, 97439  
which shall equal the value of all transmission and distribution 97440  
property and energy conversion equipment of an electric company or 97441  
energy company apportioned to the taxing unit for the tax year 97442  
multiplied by a percentage equal to the difference between 97443  
eighty-five per cent and the percentage determined under division 97444  
(B)(3) of section 5727.09 of the Revised Code. 97445

(C) On or after the first day of January each year beginning 97446  
in 2017, the tax commissioner shall determine the sum of the 97447  
following: 97448

(1) The fixed-rate levy loss for each taxing unit, which 97449  
equals the total of the rates of fixed-rate levies imposed by the 97450  
taxing unit for the preceding tax year multiplied by the 97451  
production equipment tax value loss determined under division (B) 97452  
of this section; 97453

(2) The fixed-sum levy loss for each taxing unit, which 97454  
equals the total of the rates of fixed-sum levies imposed by the 97455  
taxing unit for the preceding tax year multiplied by the 97456  
production equipment tax value loss determined under division (B) 97457  
of this section. 97458

(D) On or after the first day of January each year beginning 97459  
in 2017, the tax commissioner shall determine the sum of the 97460  
following: 97461

(1) The fixed-rate levy gain for each taxing unit, which 97462

equals the total of the rates of fixed-rate levies imposed by the 97463  
taxing unit for the preceding tax year multiplied by the 97464  
nonproduction equipment tax value gain determined under division 97465  
(B)(2) of this section; 97466

(2) The fixed-sum levy gain for each taxing unit, which 97467  
equals the total of the rates of fixed-sum levies imposed by the 97468  
taxing unit for the preceding tax year multiplied by the 97469  
nonproduction equipment tax value gain determined under division 97470  
(B)(2) of this section. 97471

(E) On or before the twenty-eighth day of February and the 97472  
thirty-first day of August of each year, beginning in 2017, the 97473  
tax commissioner shall determine, for each taxing unit, whether 97474  
the amount determined under division (C) exceeds the amount 97475  
determined under division (D) of this section. If the amount 97476  
determined under division (C) exceeds the amount determined under 97477  
division (D) of this section for a taxing unit, the commissioner 97478  
shall make payments to the taxing unit from the production 97479  
equipment property tax replacement fund. The amount of each 97480  
payment shall equal one-half of the amount by which the amount 97481  
determined under division (C) exceeds the amount determined under 97482  
division (D) of this section. 97483

(F) The payments required to be made under divisions (D) and 97484  
(E) of this section shall be paid from the production equipment 97485  
property tax replacement fund to the county undivided income tax 97486  
fund in the proper county treasury. Within thirty days after 97487  
receipt of such payments, the county treasurer shall distribute 97488  
amounts determined under this section to the proper taxing unit as 97489  
if they had been levied and collected as taxes, and the taxing 97490  
unit shall allocate the amounts so received among its funds in the 97491  
same proportions as if those amounts had been levied and collected 97492  
as taxes. 97493

(G) For each taxing unit for which the fixed-sum levy gain as 97494

determined under division (D)(2) exceeds its fixed-sum levy loss 97495  
as determined under division (C)(2) of this section, the 97496  
commissioner shall certify to the county auditor of the proper 97497  
county the net fixed-sum levy gain, which equals the amount by 97498  
which the fixed-sum levy gain exceeds the fixed-sum levy loss for 97499  
the purposes of section 5705.34 of the Revised Code. 97500

(H)(1) On the first day of June of each year, beginning in 97501  
2018, the director of budget and management shall transfer any 97502  
balance remaining in the production equipment property tax 97503  
replacement fund after the payments have been made under this 97504  
section to the general revenue fund. 97505

(2) If the total amount in the production equipment property 97506  
tax replacement fund is insufficient to make all payments under 97507  
this section at the time the payments are to be made, the director 97508  
of budget and management shall transfer from the general revenue 97509  
fund to the production equipment property tax replacement fund the 97510  
difference between the total amount to be paid and the total 97511  
amount in the production equipment property tax replacement fund. 97512

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 97513  
5715.01 of the Revised Code: 97514

(A) "Land devoted exclusively to agricultural use" means: 97515

(1) Tracts, lots, or parcels of land totaling not less than 97516  
ten acres to which, during the three calendar years prior to the 97517  
year in which application is filed under section 5713.31 of the 97518  
Revised Code, and through the last day of May of such year, one or 97519  
more of the following apply: 97520

(a) The tracts, lots, or parcels of land were devoted 97521  
exclusively to commercial animal or poultry husbandry, 97522  
aquaculture, algaculture meaning the farming of algae, apiculture, 97523  
the production for a commercial purpose of timber, field crops, 97524

tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, 97525  
or flowers, or the growth of timber for a noncommercial purpose, 97526  
if the land on which the timber is grown is contiguous to or part 97527  
of a parcel of land under common ownership that is otherwise 97528  
devoted exclusively to agricultural use. 97529

(b) The tracts, lots, or parcels of land were devoted 97530  
exclusively to biodiesel production, biomass energy production, 97531  
electric or heat energy production, or biologically derived 97532  
methane gas production if the land on which the production 97533  
facility is located is contiguous to or part of a parcel of land 97534  
under common ownership that is otherwise devoted exclusively to 97535  
agricultural use, provided that at least fifty per cent of the 97536  
feedstock used in the production was derived from parcels of land 97537  
under common ownership or leasehold. 97538

(c) The tracts, lots, or parcels of land were devoted to and 97539  
qualified for payments or other compensation under a land 97540  
retirement or conservation program under an agreement with an 97541  
agency of the federal government. 97542

(2) Tracts, lots, or parcels of land totaling less than ten 97543  
acres that, during the three calendar years prior to the year in 97544  
which application is filed under section 5713.31 of the Revised 97545  
Code and through the last day of May of such year, were devoted 97546  
exclusively to commercial animal or poultry husbandry, 97547  
aquaculture, algaculture meaning the farming of algae, apiculture, 97548  
the production for a commercial purpose of field crops, tobacco, 97549  
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 97550  
or flowers where such activities produced an average yearly gross 97551  
income of at least twenty-five hundred dollars during such 97552  
three-year period or where there is evidence of an anticipated 97553  
gross income of such amount from such activities during the tax 97554  
year in which application is made, or were devoted to and 97555  
qualified for payments or other compensation under a land 97556



retirement or conservation program under an agreement with an agency of the federal government;

(3) A tract, lot, or parcel of land taxed under sections 5713.22 to 5713.26 of the Revised Code is not land devoted exclusively to agricultural use;

(4) Tracts, lots, or parcels of land, or portions thereof that, during the previous three consecutive calendar years have been designated as land devoted exclusively to agricultural use, but such land has been lying idle or fallow for up to one year and no action has occurred to such land that is either inconsistent with the return of it to agricultural production or converts the land devoted exclusively to agricultural use as defined in this section. Such land shall remain designated as land devoted exclusively to agricultural use provided that beyond one year, but less than three years, the landowner proves good cause as determined by the board of revision.

(5) Tracts, lots, or parcels of land, or portions thereof that, during the previous three consecutive calendar years have been designated as land devoted exclusively to agricultural use, but such land has been lying idle or fallow because of dredged material being stored or deposited on such land pursuant to a contract between the land's owner and the department of natural resources or the United States army corps of engineers and no action has occurred to the land that is either inconsistent with the return of it to agricultural production or converts the land devoted exclusively to agricultural use. Such land shall remain designated as land devoted exclusively to agricultural use until the last year in which dredged material is stored or deposited on the land pursuant to such a contract, but not to exceed five years.

"Land devoted exclusively to agricultural use" includes tracts, lots, or parcels of land or portions thereof that are used

for conservation practices, provided that the tracts, lots, or 97589  
parcels of land or portions thereof comprise twenty-five per cent 97590  
or less of the total of the tracts, lots, or parcels of land that 97591  
satisfy the criteria established in division (A)(1), (2), ~~or (4)~~ 97592  
or (5) of this section together with the tracts, lots, or parcels 97593  
of land or portions thereof that are used for conservation 97594  
practices. 97595

(B) "Conversion of land devoted exclusively to agricultural 97596  
use" means any of the following: 97597

(1) The failure of the owner of land devoted exclusively to 97598  
agricultural use during the next preceding calendar year to file a 97599  
renewal application under section 5713.31 of the Revised Code 97600  
without good cause as determined by the board of revision; 97601

(2) The failure of the new owner of such land to file an 97602  
initial application under that section without good cause as 97603  
determined by the board of revision; 97604

(3) The failure of such land or portion thereof to qualify as 97605  
land devoted exclusively to agricultural use for the current 97606  
calendar year as requested by an application filed under such 97607  
section; 97608

(4) The failure of the owner of the land described in 97609  
division (A)(4) or (5) of this section to act on such land in a 97610  
manner that is consistent with the return of the land to 97611  
agricultural production after three years. 97612

The construction or installation of an energy facility, as 97613  
defined in section 5727.01 of the Revised Code, on a portion of a 97614  
tract, lot, or parcel of land devoted exclusively to agricultural 97615  
use shall not cause the remaining portion of the tract, lot, or 97616  
parcel to be regarded as a conversion of land devoted exclusively 97617  
to agricultural use if the remaining portion of the tract, lot, or 97618  
parcel continues to be devoted exclusively to agricultural use. 97619

(C) "Tax savings" means the difference between the dollar amount of real property taxes levied in any year on land valued and assessed in accordance with its current agricultural use value and the dollar amount of real property taxes that would have been levied upon such land if it had been valued and assessed for such year in accordance with Section 2 of Article XII, Ohio Constitution.

(D) "Owner" includes, but is not limited to, any person owning a fee simple, fee tail, or life estate or a buyer on a land installment contract.

(E) "Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

(F) "Wetlands" has the same meaning as in section 6111.02 of the Revised Code.

(G) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats or any combination of those reagents and that meets the American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.

(H) "Biologically derived methane gas" means gas from the anaerobic digestion of organic materials, including animal waste and agricultural crops and residues.

(I) "Biomass energy" means energy that is produced from organic material derived from plants or animals and available on a renewable basis, including, but not limited to, agricultural crops, tree crops, crop by-products, and residues.

(J) "Electric or heat energy" means electric or heat energy 97651  
generated from manure, cornstalks, soybean waste, or other 97652  
agricultural feedstocks. 97653

(K) "Dredged material" means material that is excavated or 97654  
dredged from waters of this state. "Dredged material" does not 97655  
include material resulting from normal farming, silviculture, and 97656  
ranching activities, such as plowing, cultivating, seeding, and 97657  
harvesting, for production of food, fiber, and forest products. 97658

**Sec. 5715.01.** (A) The tax commissioner shall direct and 97659  
supervise the assessment for taxation of all real property. The 97660  
commissioner shall adopt, prescribe, and promulgate rules for the 97661  
determination of true value and taxable value of real property by 97662  
uniform rule for such values and for the determination of the 97663  
current agricultural use value of land devoted exclusively to 97664  
agricultural use. The uniform rules shall prescribe methods of 97665  
determining the true value and taxable value of real property and 97666  
shall also prescribe the method for determining the current 97667  
agricultural use value of land devoted exclusively to agricultural 97668  
use, which method shall reflect standard and modern appraisal 97669  
techniques that take into consideration: the productivity of the 97670  
soil under normal management practices; the average price patterns 97671  
of the crops and products produced to determine the income 97672  
potential to be capitalized; the market value of the land for 97673  
agricultural use; and other pertinent factors. The rules shall 97674  
provide that in determining the true value of lands or 97675  
improvements thereon for tax purposes, all facts and circumstances 97676  
relating to the value of the property, its availability for the 97677  
purposes for which it is constructed or being used, its obsolete 97678  
character, if any, the income capacity of the property, if any, 97679  
and any other factor that tends to prove its true value shall be 97680  
used. In determining the true value of minerals or rights to 97681  
minerals for the purpose of real property taxation, the tax 97682

commissioner shall not include in the value of the minerals or 97683  
rights to minerals the value of any tangible personal property 97684  
used in the recovery of those minerals. 97685

(B) The taxable value shall be that per cent of true value in 97686  
money, or current agricultural use value in the case of land 97687  
valued in accordance with section 5713.31 of the Revised Code, the 97688  
commissioner by rule establishes, but it shall not exceed 97689  
thirty-five per cent. The uniform rules shall also prescribe 97690  
methods of making the appraisals set forth in section 5713.03 of 97691  
the Revised Code and definitions as needed to clarify such 97692  
methods. If methods and definitions are not explicitly set forth 97693  
by rule, appraisals of real estate shall be made in accordance 97694  
with the methods and definitions prescribed by the fourteenth 97695  
edition of the appraisal of real estate and the fifth edition of 97696  
the dictionary of real estate appraisal published by the appraisal 97697  
institute. The rules established by the commissioner under this 97698  
section shall be applied uniformly to all parcels. The taxable 97699  
value of each tract, lot, or parcel of real property and 97700  
improvements thereon, determined in accordance with the uniform 97701  
rules and methods prescribed thereby, shall be the taxable value 97702  
of the tract, lot, or parcel for all purposes of sections 5713.01 97703  
to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the 97704  
Revised Code. County auditors shall, under the direction and 97705  
supervision of the commissioner, be the chief assessing officers 97706  
of their respective counties, and shall list and value the real 97707  
property within their respective counties for taxation in 97708  
accordance with this section and sections 5713.03 and 5713.31 of 97709  
the Revised Code and with such rules of the commissioner. There 97710  
shall also be a board in each county, known as the county board of 97711  
revision, which shall hear complaints and revise assessments of 97712  
real property for taxation. 97713

(C) The commissioner shall neither adopt nor enforce any rule 97714

that requires true value for any tax year to be any value other 97715  
than the true value in money on the tax lien date of such tax year 97716  
or that requires taxable value to be obtained in any way other 97717  
than by reducing the true value, or in the case of land valued in 97718  
accordance with section 5713.31 of the Revised Code, its current 97719  
agricultural use value, by a specified, uniform percentage. 97720

**Sec. 5715.39.** (A) The tax commissioner may remit real 97721  
property taxes, manufactured home taxes, penalties, and interest 97722  
found by the commissioner to have been illegally assessed. The 97723  
commissioner also may remit any penalty charged against any real 97724  
property or manufactured or mobile home that was the subject of an 97725  
application for exemption from taxation under section 5715.27 of 97726  
the Revised Code if the commissioner determines that the applicant 97727  
requested such exemption in good faith. The commissioner shall 97728  
include notice of the remission in the commissioner's 97729  
certification to the county auditor required under that section. 97730

(B) The county auditor, upon consultation with the county 97731  
treasurer, shall remit a penalty for late payment of any real 97732  
property taxes or manufactured home taxes when: 97733

(1) The taxpayer could not make timely payment of the tax 97734  
because of the negligence or error of the county auditor or county 97735  
treasurer in the performance of a statutory duty relating to the 97736  
levy or collection of such tax. 97737

(2) In cases other than those described in division (B)(1) of 97738  
this section, and except as provided in division (B)(5) of this 97739  
section, the taxpayer failed to receive a tax bill or a correct 97740  
tax bill, and the taxpayer made a good faith effort to obtain such 97741  
bill within thirty days after the last day for payment of the tax. 97742

(3) The tax was not timely paid because of the death or 97743  
serious injury of the taxpayer, or the taxpayer's confinement in a 97744  
hospital within sixty days preceding the last day for payment of 97745

the tax if, in any case, the tax was subsequently paid within 97746  
sixty days after the last day for payment of such tax. 97747

(4) The taxpayer demonstrates that the full payment was 97748  
properly deposited in the mail in sufficient time for the envelope 97749  
to be postmarked by the United States postal service on or before 97750  
the last day for payment of such tax. A private meter postmark on 97751  
an envelope is not a valid postmark for purposes of establishing 97752  
the date of payment of such tax. 97753

(5) With respect to the first payment due after a taxpayer 97754  
fully satisfies a mortgage against a parcel of real property, the 97755  
mortgagee failed to notify the auditor of the satisfaction of the 97756  
mortgage, and the tax bill was not sent to the taxpayer. 97757

(C) The board of revision shall remit a penalty for late 97758  
payment of any real property taxes or manufactured homes taxes if, 97759  
in cases other than those described in division (B)(1) to ~~(4)~~(5) 97760  
of this section, the taxpayer's failure to make timely payment of 97761  
the tax is due to reasonable cause and not willful neglect. 97762

(D) The taxpayer, upon application within sixty days after 97763  
the mailing of the county auditor's or board of revision's 97764  
decision, may request the tax commissioner to review the denial of 97765  
the remission of a penalty by the auditor or board. The 97766  
application may be filed in person or by certified mail. If the 97767  
application is filed by certified mail, the date of the United 97768  
States postmark placed on the sender's receipt by the postal 97769  
service shall be treated as the date of filing. The commissioner 97770  
shall consider the application, determine whether the penalty 97771  
should be remitted, and certify the determination to the taxpayer, 97772  
to the county treasurer, and to the county auditor, who shall 97773  
correct the tax list and duplicate accordingly. The commissioner 97774  
may issue orders and instructions for the uniform implementation 97775  
of this section by all county boards of revision, county auditors, 97776  
and county treasurers, and such orders and instructions shall be 97777

followed by such officers and boards. 97778

(E) This section shall not provide to the taxpayer any remedy 97779  
with respect to any matter that the taxpayer may be authorized to 97780  
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 97781  
the Revised Code. 97782

(F) Applications for remission, and documents of any kind 97783  
related to those applications, filed with the tax commissioner 97784  
under this section are public records within the meaning of 97785  
section 149.43 of the Revised Code unless otherwise excepted under 97786  
that section. 97787

**Sec. 5725.22.** (A) The treasurer of state shall maintain an 97788  
intangible property tax list of taxes levied by section 5707.03 of 97789  
the Revised Code and certified by the tax commissioner pursuant to 97790  
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 97791  
Code, and a separate list of taxes levied by section 5725.18 of 97792  
the Revised Code and certified by the superintendent of insurance 97793  
pursuant to section 5725.20 of the Revised Code. 97794

(B)(1) With respect to taxes levied under section 5725.18 of 97795  
the Revised Code, the treasurer of state, upon receipt of an 97796  
assessment, shall compute the taxes at the rates prescribed by law 97797  
and enter the taxes on the proper tax list. The treasurer shall 97798  
collect, and the taxpayer shall pay, all such taxes and any 97799  
interest applicable thereto. Payments may be made by mail, in 97800  
person, or by any other means authorized by the treasurer. The 97801  
treasurer shall render a daily itemized statement to the 97802  
superintendent of insurance of the amount of taxes collected and 97803  
the name of the domestic insurance company from whom collected. 97804  
The treasurer of state may adopt rules concerning the methods and 97805  
timeliness of payments under this division. 97806

(2) With respect to taxes levied under section 5707.03 of the 97807  
Revised Code, any assessment certified to the treasurer of state 97808



shall reflect the taxes computed at the rates prescribed by law. 97809  
Upon receipt of such an assessment, the treasurer shall enter the 97810  
taxes on the proper tax list. The tax commissioner shall collect, 97811  
and the taxpayer shall pay, all such taxes and any interest 97812  
applicable thereto. Payments may be made by mail, in person, or by 97813  
any other means authorized by the commissioner. The commissioner 97814  
shall immediately forward to the treasurer any payments received 97815  
under this division, together with any information necessary for 97816  
the treasurer to properly credit such payments. The commissioner 97817  
may adopt rules concerning the method and timeliness of payments 97818  
under this division. 97819

(C) Each tax bill issued pursuant to this section shall 97820  
separately reflect the taxes due, interest, if any, due date, and 97821  
any other information considered necessary. The With respect to 97822  
taxes levied under section 5725.18 of the Revised Code, the last 97823  
day on which payment may be made without penalty shall be the 97824  
fifteenth day of June, unless that day is not a business day as 97825  
defined in section 5709.40 of the Revised Code, in which case the 97826  
payment may be made on the next business day. With respect to 97827  
taxes levied under section 5707.03 of the Revised Code, the last 97828  
day on which payment may be made without penalty shall be at least 97829  
twenty but not more than thirty days from the date of mailing the 97830  
tax bill. The treasurer of state or tax commissioner, as 97831  
appropriate, shall ~~mail~~ issue the tax bill, ~~and, if the tax bill~~ 97832  
is issued by mail, the mailing thereof shall be prima-facie 97833  
evidence of receipt thereof by the taxpayer. 97834

The treasurer or commissioner, as appropriate, shall refund 97835  
taxes as provided in this section, but no refund shall be made to 97836  
a taxpayer having a delinquent claim certified pursuant to this 97837  
section that remains unpaid. The treasurer or commissioner may 97838  
consult the attorney general regarding such claims. Refunds shall 97839  
be paid from the tax refund fund created by section 5703.052 of 97840

the Revised Code. 97841

(D)(1) Within twenty days after receipt of any preliminary 97842  
assessment of taxes levied under section 5725.18 of the Revised 97843  
Code, the treasurer of state shall issue a tax bill, but if such 97844  
preliminary assessment reflects a late filed tax return, the 97845  
treasurer of state shall add interest as provided in division (A) 97846  
of section 5725.221 of the Revised Code and issue a tax bill. 97847

(2) ~~Within twenty days after~~ After receipt of any amended or 97848  
final assessment of taxes levied under section 5725.18 of the 97849  
Revised Code, the treasurer of state shall ascertain the 97850  
difference between the total taxes computed on such assessment and 97851  
the total taxes computed on the most recent assessment certified 97852  
for the same tax year. If the difference is a deficiency, the 97853  
treasurer of state shall add interest as provided in division 97854  
(B)(1) of section 5725.221 of the Revised Code and issue a tax 97855  
bill. Unless an exigency exists, the treasurer shall issue the tax 97856  
bill on or before the fifteenth day of May. In the case of an 97857  
exigency, the treasurer shall issue the tax bill as soon as 97858  
possible after the fifteenth day of May and may extend the due 97859  
date for payment of the tax prescribed by division (C) of this 97860  
section. If the difference is an excess, the treasurer of state 97861  
shall add interest as provided in division (B)(2) of section 97862  
5725.221 of the Revised Code and certify the name of the taxpayer 97863  
and the amount to be refunded to the director of budget and 97864  
management for payment to the taxpayer. If the taxpayer has a 97865  
deficiency for one tax year and an excess for another tax year, or 97866  
any combination thereof for more than two tax years, the treasurer 97867  
of state may determine the net result after adding interest, if 97868  
applicable, and, depending on such result, proceed to ~~mail~~ issue a 97869  
tax bill or certify a refund. 97870

(E)(1) Except as provided in division (E)(2) of this section, 97871  
within twenty days after certifying to the treasurer of state an 97872

amended or final assessment, or a preliminary assessment of a 97873  
dealer in intangibles that has failed to file a report or disclose 97874  
taxable property, the tax commissioner shall ascertain the 97875  
difference between the total taxes computed on such assessment and 97876  
the total taxes computed on the most recent assessment certified 97877  
for the same tax year, if any. If the difference is a deficiency, 97878  
the commissioner shall add interest as provided in division (B)(1) 97879  
of section 5725.221 of the Revised Code and issue a tax bill. If 97880  
the difference is an excess, the commissioner shall add interest 97881  
as provided in division (B)(2) of section 5725.221 of the Revised 97882  
Code and certify the name of the taxpayer and the amount to be 97883  
refunded to the director of budget and management for payment to 97884  
the taxpayer. If the taxpayer has a deficiency for one tax year 97885  
and excess for another tax year, or any combination thereof for 97886  
more than two tax years, the commissioner may determine the net 97887  
result after adding interest, if applicable, and, depending on 97888  
such result, proceed to mail a tax bill or certify a refund. 97889

(2) The tax commissioner may issue a tax bill for any 97890  
deficiency resulting from an assessment at the time the 97891  
commissioner issues the assessment. 97892

(F) ~~If~~ With respect to taxes levied under section 5707.03 of 97893  
the Revised Code, if a taxpayer fails to pay all taxes and 97894  
interest, if any, on or before the due date shown on the tax bill 97895  
but makes payment within ten calendar days of such date, the 97896  
~~treasurer of state or tax commissioner, as appropriate,~~ shall add 97897  
a penalty equal to five per cent of the taxes due. If payment is 97898  
not made within ten days of such date, the ~~treasurer or~~ 97899  
commissioner shall add a penalty equal to ten per cent of the 97900  
taxes due. The ~~treasurer or~~ commissioner shall prepare a 97901  
delinquent claim for each tax bill on which penalties were added 97902  
and certify such claims to the attorney general for collection. 97903  
~~The attorney general shall transmit a copy of each claim certified~~ 97904

by the treasurer to the superintendent of insurance. For each 97905  
claim certified by the treasurer or commissioner, the attorney 97906  
general shall proceed to collect the delinquent taxes, penalties, 97907  
and interest thereon in the manner prescribed by law. 97908

(G) With respect to taxes levied under section 5725.18 of the 97909  
Revised Code, if a taxpayer fails to pay all taxes and interest, 97910  
if any, on or before the due date shown on the tax bill issued by 97911  
the treasurer of state, the treasurer shall add a penalty equal to 97912  
five hundred dollars for each month the taxpayer fails to pay all 97913  
taxes and interest due. The treasurer may add an additional 97914  
penalty, not to exceed ten per cent of the taxes and interest due, 97915  
if the taxpayer fails to demonstrate that the taxpayer made a good 97916  
faith effort to pay all taxes and interest on or before the due 97917  
date shown on the tax bill. The treasurer shall prepare a 97918  
delinquent claim for each tax bill on which penalties were added 97919  
and certify such claims to the attorney general for collection. 97920  
The attorney general shall transmit a copy of each claim certified 97921  
by the treasurer to the superintendent of insurance. For each 97922  
claim certified by the treasurer, the attorney general shall 97923  
proceed to collect the delinquent taxes, penalties, and interest 97924  
thereon in the manner prescribed by law. 97925

**Sec. 5725.33.** (A) Except as otherwise provided in this 97926  
section, terms used in this section have the same meaning as 97927  
section 45D of the Internal Revenue Code, any related proposed, 97928  
temporary or final regulations promulgated under the Internal 97929  
Revenue Code, any rules or guidance of the internal revenue 97930  
service or the United States department of the treasury, and any 97931  
related rules or guidance issued by the community development 97932  
financial institutions fund of the United States department of the 97933  
treasury, as such law, regulations, rules, and guidance exist on 97934  
October 16, 2009. 97935

As used in this section: 97936

(1) "Adjusted purchase price" means the amount paid for the 97937  
portion of a qualified equity ~~investments multiplied by the~~ 97938  
~~qualified low income community investments made by the issuer in~~ 97939  
~~projects located in this state as a percentage of the total amount~~ 97940  
~~of qualified low income community investments made by the issuer~~ 97941  
~~in projects located in all states on the credit allowance date~~ 97942  
~~during the applicable tax year, subject to divisions (B)(1) and~~ 97943  
~~(2) investment approved or certified by the director of~~ 97944  
development services for a qualified community development entity 97945  
in accordance with rules adopted under division (E) of this 97946  
section. 97947

(2) "Applicable percentage" means zero per cent for each of 97948  
the first two credit allowance dates, seven per cent for the third 97949  
credit allowance date, and eight per cent for the four following 97950  
credit allowance dates. 97951

(3) "Credit allowance date" means the date, on or after 97952  
January 1, 2010, a qualified equity investment is made and each of 97953  
the six anniversary dates thereafter. For qualified equity 97954  
investments made after October 16, 2009, but before January 1, 97955  
2010, the initial credit allowance date is January 1, 2010, and 97956  
each of the six anniversary dates thereafter is on the first day 97957  
of January of each year. 97958

(4) "Qualified active low-income community business" excludes 97959  
any business that derives or projects to derive fifteen per cent 97960  
or more of annual revenue from the rental or sale of real 97961  
property, except any business that is a special purpose entity 97962  
principally owned by a principal user of that property formed 97963  
solely for the purpose of renting, either directly or indirectly, 97964  
or selling real property back to such principal user if such 97965  
principal user does not derive fifteen per cent or more of its 97966  
gross annual revenue from the rental or sale of real property. 97967

(5) "Qualified community development entity" includes only entities:	97968 97969
(a) That have entered into an allocation agreement with the community development financial institutions fund of the United States department of the treasury with respect to credits authorized by section 45D of the Internal Revenue Code;	97970 97971 97972 97973
(b) Whose service area includes any portion of this state; and	97974 97975
(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section.	97976 97977 97978
(6) "Qualified equity investment" is limited to an equity investment in a qualified community development entity that:	97979 97980
(a) Is acquired after October 16, 2009, at its original issuance solely in exchange for cash;	97981 97982
(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments <u>in qualified active low-income community businesses in this state</u> , provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments <u>in those businesses</u> ; and	97983 97984 97985 97986 97987 97988 97989 97990
(c) Is designated by the issuer as a qualified equity investment.	97991 97992
"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.	97993 97994 97995 97996 97997

(B) There is hereby allowed a nonrefundable credit against 97998  
the tax imposed by section 5725.18 of the Revised Code for an 97999  
insurance company holding a qualified equity investment on the 98000  
credit allowance date occurring in the calendar year for which the 98001  
tax is due. The credit shall equal the applicable percentage of 98002  
the adjusted purchase price of ~~qualified low-income community~~ 98003  
~~investments~~, subject to divisions (B)(1) and (2) of this section: 98004

(1) For the purpose of calculating the amount of qualified 98005  
low-income community investments held by a qualified community 98006  
development entity, an investment shall be considered held by a 98007  
qualified community development entity even if the investment has 98008  
been sold or repaid, provided that, at any time before the seventh 98009  
anniversary of the issuance of the qualified equity investment, 98010  
the qualified community development entity reinvests an amount 98011  
equal to the capital returned to or received or recovered by the 98012  
qualified community development entity from the original 98013  
investment, exclusive of any profits realized and costs incurred 98014  
in the sale or repayment, in another qualified low-income 98015  
community investment in this state within twelve months of the 98016  
receipt of such capital. If the qualified low-income community 98017  
investment is sold or repaid after the sixth anniversary of the 98018  
issuance of the qualified equity investment, the qualified 98019  
low-income community investment shall be considered held by the 98020  
qualified community development entity through the seventh 98021  
anniversary of the qualified equity investment's issuance. 98022

(2) The qualified low-income community investment made in 98023  
this state shall equal the sum of the qualified low-income 98024  
community investments in each qualified active low-income 98025  
community business in this state, not to exceed two million five 98026  
hundred sixty-four thousand dollars, in which the qualified 98027  
community development entity invests, including such investments 98028  
in any such businesses in this state related to that qualified 98029

active low-income community business through majority ownership or 98030  
control. 98031

The credit shall be claimed in the order prescribed by 98032  
section 5725.98 of the Revised Code. If the amount of the credit 98033  
exceeds the amount of tax otherwise due after deducting all other 98034  
credits in that order, the excess may be carried forward and 98035  
applied to the tax due for not more than four ensuing years. 98036

By claiming a tax credit under this section, an insurance 98037  
company waives its rights under section 5725.222 of the Revised 98038  
Code with respect to the time limitation for the assessment of 98039  
taxes as it relates to credits claimed that later become subject 98040  
to recapture under division (E) of this section. 98041

(C) The amount of qualified equity investments on the basis 98042  
of which credits may be claimed under this section and sections 98043  
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 98044  
the amount, estimated by the director of development, that would 98045  
cause the total amount of credits allowed each fiscal year to 98046  
exceed ten million dollars, computed without regard to the 98047  
potential for taxpayers to carry tax credits forward to later 98048  
years. 98049

(D) If any amount of the federal tax credit allowed for a 98050  
qualified equity investment for which a credit was received under 98051  
this section is recaptured under section 45D of the Internal 98052  
Revenue Code, or if the director of development services 98053  
determines that an investment for which a tax credit is claimed 98054  
under this section is not a qualified equity investment or that 98055  
the proceeds of an investment for which a tax credit is claimed 98056  
under this section are used to make qualified low-income community 98057  
investments other than in a qualified active low-income community 98058  
business in this state, all or a portion of the credit received on 98059  
account of that investment shall be paid by the insurance company 98060  
that received the credit to the superintendent of insurance. The 98061



amount to be recovered shall be determined by the director of 98062  
development services pursuant to rules adopted under division (E) 98063  
of this section. The director shall certify any amount due under 98064  
this division to the superintendent of insurance, and the 98065  
superintendent shall notify the treasurer of state of the amount 98066  
due. Upon notification, the treasurer shall invoice the insurance 98067  
company for the amount due. The amount due is payable not later 98068  
than thirty days after the date the treasurer invoices the 98069  
insurance company. The amount due shall be considered to be tax 98070  
due under section 5725.18 of the Revised Code, and may be 98071  
collected by assessment without regard to the time limitations 98072  
imposed under section 5725.222 of the Revised Code for the 98073  
assessment of taxes by the superintendent. All amounts collected 98074  
under this division shall be credited as revenue from the tax 98075  
levied under section 5725.18 of the Revised Code. 98076

(E) The tax credits authorized under this section and 98077  
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 98078  
be administered by the department of development services. The 98079  
director of development services, in consultation with the tax 98080  
commissioner and the superintendent of insurance, pursuant to 98081  
Chapter 119. of the Revised Code, shall adopt rules for the 98082  
administration of this section and sections 5726.54, 5729.16, and 98083  
5733.58 of the Revised Code. The rules shall provide for 98084  
determining the recovery of credits under division (D) of this 98085  
section and under sections 5726.54, 5729.16, and 5733.58 of the 98086  
Revised Code, including prorating the amount of the credit to be 98087  
recovered on any reasonable basis, the manner in which credits may 98088  
be allocated among claimants, and the amount of any application or 98089  
other fees to be charged in connection with a recovery. 98090

(F) There is hereby created in the state treasury the new 98091  
markets tax credit operating fund. The director of development 98092  
services is authorized to charge reasonable application and other 98093

fees in connection with the administration of tax credits 98094  
authorized by this section and sections 5726.54, 5729.16, and 98095  
5733.58 of the Revised Code. Any such fees collected shall be 98096  
credited to the fund. The director of development services shall 98097  
use money in the fund to pay expenses related to the 98098  
administration of tax credits authorized under sections 5725.33, 98099  
5726.54, 5729.16, and 5733.58 of the Revised Code. 98100

(G) Tax credits earned or allocated to a pass-through entity, 98101  
as that term is defined in section 5733.04 of the Revised Code, 98102  
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 98103  
Code may be allocated to persons having a direct or indirect 98104  
ownership interest in the pass-through entity for such persons' 98105  
direct use in accordance with the provisions of any mutual 98106  
agreement between such persons. 98107

**Sec. 5725.98.** (A) To provide a uniform procedure for 98108  
calculating the amount of tax imposed by section 5725.18 of the 98109  
Revised Code that is due under this chapter, a taxpayer shall 98110  
claim any credits and offsets against tax liability to which it is 98111  
entitled in the following order: 98112

(1) The credit for an insurance company or insurance company 98113  
group under section 5729.031 of the Revised Code; 98114

(2) The credit for eligible employee training costs under 98115  
section 5725.31 of the Revised Code; 98116

(3) The credit for purchasers of qualified low-income 98117  
community investments under section 5725.33 of the Revised Code; 98118

(4) The nonrefundable job retention credit under division 98119  
(B)~~(1)~~ of section 122.171 of the Revised Code; 98120

(5) The offset of assessments by the Ohio life and health 98121  
insurance guaranty association permitted by section 3956.20 of the 98122  
Revised Code; 98123

(6) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code. 98124  
98125

(7) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 98126  
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(8) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code; 98130  
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(9) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 98132  
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 98136  
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**Sec. 5726.01.** As used in this chapter: 98144

(A) "Affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code. 98145  
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(B) "Bank organization" means any of the following:	98154
(1) A national bank organized and operating as a national bank association pursuant to the "National Bank Act," 13 Stat. 100 (1864), 12 U.S.C. 21, et seq.;	98155 98156 98157
(2) A federal savings association or federal savings bank chartered under 12 U.S.C. 1464;	98158 98159
(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is organized or incorporated under the laws of the United States, any state, or a foreign country;	98160 98161 98162 98163
(4) Any corporation organized and operating pursuant to 12 U.S.C. 611, et seq.;	98164 98165
(5) Any agency or branch of a foreign bank, as those terms are defined in 12 U.S.C. 3101;	98166 98167
(6) An entity licensed as a small business investment company under the "Small Business Investment Act of 1958," 72 Stat. 689, 15 U.S.C. 661, et seq.;	98168 98169 98170
<del>(7) A company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a company.</del>	98171 98172
"Bank organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, <u>a company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a company, an association formed pursuant to 12 U.S.C. 2279c-1, an insurance company, or a credit union.</u>	98173 98174 98175 98176 98177 98178
(C) "Call report" means the consolidated reports of condition and income prescribed by the federal financial institutions examination council that a person is required to file with a federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 324, or 12 U.S.C. 1817.	98179 98180 98181 98182 98183

(D) "Captive finance company" means a person that derived at least seventy-five per cent of its gross income for the current taxable year and the two taxable years preceding the current taxable year from one or more of the following transactions:	98184
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(1) Financing transactions with members of its affiliated group;	98188
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(2) Financing transactions with or for customers of products manufactured or sold by a member of its affiliated group;	98190
	98191
(3) Financing transactions with or for a distributor or franchisee that sells, leases, or services a product manufactured or sold by a member of the person's affiliated group;	98192
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	98194
(4) Financing transactions with or for a supplier to a member of the person's affiliated group in connection with the member's manufacturing business;	98195
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(5) Issuing bonds or other publicly traded debt instruments for the benefit of the affiliated group;	98198
	98199
(6) Short-term or long-term investments whereby the person invests the cash reserves of the affiliated group and the affiliated group utilizes the proceeds from the investments.	98200
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For the purposes of division (D) of this section, "financing transaction" means making or selling loans, extending credit, leasing, earning or receiving subvention, including interest supplements and other support costs related thereto, or acquiring, selling, or servicing accounts receivable, notes, loans, leases, debt, or installment obligations that arise from the sale or lease of tangible personal property or the performance of services, and "gross income" has the same meaning as in section 61 of the Internal Revenue Code and includes income from transactions between the captive finance company and other members of its affiliated group.	98203
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A person that has not been in continuous existence for the two taxable years preceding the current taxable year qualifies as a "captive finance company" for purposes of division (D) of this section if the person derived at least seventy-five per cent of its gross income for the period of its existence from one or more of the transactions described in divisions (D)(1) to (6) of this section.

"Captive finance company" does not include a small dollar lender.

(E) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, any other state, or the United States.

(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012.

(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name.

(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies:

(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a group consisting of all entities that are included in the FR Y-9.

(2) If two or more such entities are consolidated for the purposes of filing a call report, "financial institution" means a group consisting of all entities that are included in the call

report and that are not included in a group described in division 98245  
(H)(1) of this section. 98246

(3) If a bank organization is owned directly by a 98247  
grandfathered unitary savings and loan holding company or directly 98248  
or indirectly by an entity that was a grandfathered unitary 98249  
savings and loan holding company on January 1, 2012, "financial 98250  
institution" means a group consisting only of that bank 98251  
organization and the entities included in that bank organization's 98252  
call report, notwithstanding division (H)(1) or (2) of this 98253  
section. 98254

"Financial institution" does not include a diversified 98255  
savings and loan holding company, a grandfathered unitary savings 98256  
and loan holding company, any entity that was a grandfathered 98257  
unitary savings and loan holding company on January 1, 2012, or 98258  
any entity that is not a bank organization or owned by a bank 98259  
organization and that is owned directly or indirectly by an entity 98260  
that was a grandfathered unitary savings and loan holding company 98261  
on January 1, 2012. 98262

(I) "FR Y-9" means the consolidated or parent-only financial 98263  
statements that a holding company is required to file with the 98264  
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 98265  
holding company required to file both consolidated and parent-only 98266  
financial statements, "FR Y-9" means the consolidated financial 98267  
statements that the holding company is required to file. 98268

(J) "Grandfathered unitary savings and loan holding company" 98269  
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 98270  
section existed on December 31, 1999. 98271

(K) "Gross receipts" means all items of income, without 98272  
deduction for expenses. If the reporting person for a taxpayer is 98273  
a holding company, "gross receipts" includes all items of income 98274  
reported on the FR Y-9 filed by the holding company. If the 98275

reporting person for a taxpayer is a bank organization, "gross 98276  
receipts" includes all items of income reported on the call report 98277  
filed by the bank organization. If the reporting person for a 98278  
taxpayer is a nonbank financial organization, "gross receipts" 98279  
includes all items of income reported in accordance with generally 98280  
accepted accounting principles. 98281

(L) "Insurance company" means every corporation, association, 98282  
and society engaged in the business of insurance of any character, 98283  
or engaged in the business of entering into contracts 98284  
substantially amounting to insurance of any character, or of 98285  
indemnifying or guaranteeing against loss or damage, or acting as 98286  
surety on bonds or undertakings. "Insurance company" also includes 98287  
any health insuring corporation as defined in section 1751.01 of 98288  
the Revised Code. 98289

(M)(1) "Nonbank financial organization" means every person 98290  
that is not a bank organization or a holding company of a bank 98291  
organization and that engages in business primarily as a small 98292  
dollar lender. "Nonbank financial organization" does not include 98293  
an institution organized under the "Federal Farm Loan Act," 39 98294  
Stat. 360 (1916), or a successor of such an institution, an 98295  
insurance company, a captive finance company, a credit union, an 98296  
institution organized and operated exclusively for charitable 98297  
purposes within the meaning of section 501(c)(3) of the Internal 98298  
Revenue Code, or a person that facilitates or services one or more 98299  
securitizations for a bank organization, a holding company of a 98300  
bank organization, a captive finance company, or any member of the 98301  
person's affiliated group. 98302

(2) A person is engaged in business primarily as a small 98303  
dollar lender if the person has, for the taxable year, gross 98304  
income from the activities described in division (O) of this 98305  
section that exceeds the person's gross income from all other 98306  
activities. As used in division (M) of this section, "gross 98307



income" has the same meaning as in section 61 of the Internal Revenue Code, and income from transactions between the person and the other members of the affiliated group shall be eliminated, and any sales, exchanges, and other dispositions of commercial paper to persons outside the affiliated group produces gross income only to the extent the proceeds from such transactions exceed the affiliated group's basis in such commercial paper.

(N) "Reporting person" means one of the following:

(1) In the case of a financial institution described in division (H)(1) of this section, the top-tier holding company required to file an FR Y-9.

(2) In the case of a financial institution described in division (H)(2) or (3) of this section, the bank organization required to file the call report.

(3) In the case of a bank organization or nonbank financial organization that is not included in a group described in division (H)(1) or (2) of this section, the bank organization or nonbank financial organization.

(O) "Small dollar lender" means any person engaged primarily in the business of loaning money to individuals, provided that the loan amounts do not exceed five thousand dollars and the duration of the loans do not exceed twelve months. A "small dollar lender" does not include a bank organization, credit union, or captive finance company.

(P) "Tax year" means the calendar year for which the tax levied under section 5726.02 of the Revised Code is required to be paid.

(Q) "Taxable year" means the calendar year preceding the year in which an annual report is required to be filed under section 5726.03 of the Revised Code.

(R) "Taxpayer" means a financial institution subject to the 98338  
tax levied under section 5726.02 of the Revised Code. 98339

(S) "Total equity capital" means the sum of the common stock 98340  
at par value, perpetual preferred stock and related surplus, other 98341  
surplus not related to perpetual preferred stock, retained 98342  
earnings, accumulated other comprehensive income, treasury stock, 98343  
unearned employee stock ownership plan shares, and other equity 98344  
components of a financial institution. "Total equity capital" 98345  
shall not include any noncontrolling (minority) interests as 98346  
reported on an FR Y-9 or call report, unless such interests are in 98347  
a bank organization or a bank holding company. 98348

(T) "Total Ohio equity capital" means the portion of the 98349  
total equity capital of a financial institution apportioned to 98350  
Ohio pursuant to section 5726.05 of the Revised Code. 98351

(U) "Holding company" does not include a diversified savings 98352  
and loan holding company, a grandfathered unitary savings and loan 98353  
holding company, any entity that was a grandfathered unitary 98354  
savings and loan holding company on January 1, 2012, or any entity 98355  
that is not a bank organization or owned by a bank organization 98356  
and that is owned directly or indirectly by an entity that was a 98357  
grandfathered unitary savings and loan holding company on January 98358  
1, 2012. 98359

(V) "Securitization" means transferring one or more assets to 98360  
one or more persons and subsequently issuing securities backed by 98361  
the right to receive payment from the asset or assets so 98362  
transferred. 98363

**Sec. 5726.50.** (A) A taxpayer may claim a refundable tax 98364  
credit against the tax imposed under this chapter for each person 98365  
included in the annual report of the taxpayer that is granted a 98366  
credit by the tax credit authority under section 122.17 or former 98367  
division (B)(2) or (3) of section 122.171 of the Revised Code as 98368

those divisions existed before the effective date of the amendment 98369  
of this section by H.B. 64 of the 131st general assembly. Such a 98370  
credit shall not be claimed for any tax year following the 98371  
calendar year in which a relocation of employment positions occurs 98372  
in violation of an agreement entered into under section 122.17 or 98373  
122.171 of the Revised Code. For the purpose of making tax 98374  
payments under this chapter, taxes equal to the amount of the 98375  
refundable credit shall be considered to be paid on the first day 98376  
of the tax year. 98377

(B) A taxpayer may claim a nonrefundable tax credit against 98378  
the tax imposed under this chapter for each person included in the 98379  
annual report of the taxpayer that is granted a nonrefundable 98380  
credit by the tax credit authority under division (B)~~(1)~~ of 98381  
section 122.171 of the Revised Code. A taxpayer may claim against 98382  
the tax imposed by this chapter any unused portion of the credits 98383  
authorized under division (B) of section 5733.0610 of the Revised 98384  
Code. 98385

(C) The credits authorized in divisions (A) and (B) of this 98386  
section shall be claimed in the order required under section 98387  
5726.98 of the Revised Code. If the amount of a credit authorized 98388  
in division (A) of this section exceeds the tax otherwise due 98389  
under section 5726.02 of the Revised Code after deducting all 98390  
other credits preceding the credit in the order prescribed in 98391  
section 5726.98 of the Revised Code, the excess shall be refunded 98392  
to the taxpayer. 98393

**Sec. 5726.54.** (A) Any term used in this section has the same 98394  
meaning as in section 5725.33 of the Revised Code. 98395

(B) A taxpayer may claim a nonrefundable credit against the 98396  
tax imposed by this chapter for each person included in the annual 98397  
report of the taxpayer that holds a qualified equity investment on 98398

a credit allowance date occurring in the calendar year immediately 98399  
preceding the tax year for which the tax is due. The credit shall 98400  
be computed in the same manner prescribed for the computation of 98401  
credits allowed under section 5725.33 of the Revised Code. 98402

By claiming a tax credit under this section, a taxpayer 98403  
waives its rights under section 5726.20 of the Revised Code with 98404  
respect to the time limitation for the assessment of taxes as it 98405  
relates to credits claimed under this section that later become 98406  
subject to recapture under division (D) of this section. 98407

A taxpayer may claim against the tax imposed by this chapter 98408  
any unused portion of the credits authorized under sections 98409  
5725.33 and 5733.58 of the Revised Code, but only to the extent of 98410  
the remaining carry forward period authorized by those sections. 98411

The credit shall be claimed in the order prescribed by 98412  
section 5726.98 of the Revised Code. If the amount of the credit 98413  
exceeds the amount of tax otherwise due after deducting all other 98414  
credits preceding the credit in the order prescribed in section 98415  
5726.98 of the Revised Code, the excess may be carried forward for 98416  
not more than four ensuing tax years. 98417

(C) The total amount of qualified equity investments on the 98418  
basis of which credits may be claimed under this section and 98419  
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 98420  
subject to the limitation of division (C) of section 5725.33 of 98421  
the Revised Code. 98422

(D) If any amount of a federal tax credit allowed for a 98423  
qualified equity investment for which a credit was received under 98424  
this section is recaptured under section 45D of the Internal 98425  
Revenue Code, or if the director of development services 98426  
determines that an investment for which a tax credit is claimed 98427  
under this section is not a qualified equity investment or that 98428  
the proceeds of an investment for which a tax credit is claimed 98429

under this section are used to make qualified low-income community 98430  
investments other than in a qualified active low-income community 98431  
business in this state, all or a portion of the credit received on 98432  
account of that investment shall be paid by the taxpayer that 98433  
received the credit to the tax commissioner. The amount to be 98434  
recovered shall be determined by the director pursuant to rules 98435  
adopted under section 5725.33 of the Revised Code. The director 98436  
shall certify any amount due under this division to the tax 98437  
commissioner, and the commissioner shall notify the taxpayer of 98438  
the amount due. The amount due is payable not later than thirty 98439  
days after the day the commissioner issues the notice. The amount 98440  
due shall be considered to be tax due under section 5726.02 of the 98441  
Revised Code, and may be collected by assessment without regard to 98442  
the limitations imposed under section 5726.20 of the Revised Code 98443  
for the assessment of taxes by the commissioner. All amounts 98444  
collected under this division shall be credited as revenue from 98445  
the tax levied under section 5726.02 of the Revised Code. 98446

**Sec. 5727.031.** (A) ~~For tax year 2009 and each tax year~~ 98447  
~~thereafter,~~ a A person that is engaged in some other primary 98448  
business to which the supplying of electricity to others is 98449  
incidental shall file a report under section 5727.08 of the 98450  
Revised Code as an electric company but shall only report therein 98451  
as taxable property the amounts required in divisions (B) and (C) 98452  
of this section. All time limits and other procedural requirements 98453  
of this chapter for the reporting and assessment of property of 98454  
electric companies apply to persons required to file a report 98455  
under this section. For the purposes of this section, "the 98456  
supplying of electricity to others" shall not include donating all 98457  
of the electricity a person generates to a political subdivision 98458  
of the state. 98459

(B) A person subject to this section shall report the true 98460  
value of the ~~boilers, machinery, equipment, and any personal~~ 98461

~~transmission and distribution property and energy conversion  
equipment used to supply electricity to others, which shall be the  
sum of the following:~~ 98462  
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~~(1) The true value of the property that is production  
equipment as it would be determined for an electric company under  
section 5727.11 of the Revised Code multiplied by the per cent of  
the electricity generated in the preceding calendar year that was  
not used by the person who generated it; plus~~ 98465  
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~~(2) The true value of the property that is not production  
equipment as it would be determined for an electric company under  
section 5727.11 of the Revised Code multiplied by the per cent of  
the electricity generated in the preceding calendar year that was  
not used by the person who generated it.~~ 98470  
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~~(C) The property reported under division (B) of this section  
shall be listed and assessed at an amount equal to the sum of the  
products determined under divisions (C)(1) and (2) of this  
section.~~ 98475  
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~~(1) Multiply the portion of the true value determined under  
division (B)(1) of this section by the assessment rate in section  
5727.111 of the Revised Code that is applicable to the production  
equipment of an electric company;~~ 98479  
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~~(2) Multiply the portion of the true value determined under  
division (B)(2) of this section multiplied by the assessment rate  
in section 5727.111 of the Revised Code that is applicable to the  
property of an electric company that is not production equipment.~~ 98483  
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**Sec. 5727.06.** (A) Except as otherwise provided by law, the 98487  
following constitutes the taxable property of a public utility, 98488  
interexchange telecommunications company, or public utility 98489  
property lessor that shall be assessed by the tax commissioner: 98490

(1) For tax years before tax year 2006: 98491

(a) In the case of a railroad company, all real property and	98492
tangible personal property owned or operated by the railroad	98493
company in this state on the thirty-first day of December of the	98494
preceding year;	98495
(b) In the case of a water transportation company, all	98496
tangible personal property, except watercraft, owned or operated	98497
by the water transportation company in this state on the	98498
thirty-first day of December of the preceding year and all	98499
watercraft owned or operated by the water transportation company	98500
in this state during the preceding calendar year;	98501
(c) In the case of all other public utilities and	98502
interexchange telecommunications companies, all tangible personal	98503
property that on the thirty-first day of December of the preceding	98504
year was both located in this state and:	98505
(i) Owned by the public utility or interexchange	98506
telecommunications company; or	98507
(ii) Leased by the public utility or interexchange	98508
telecommunications company under a sale and leaseback transaction.	98509
(2) For tax years 2006, 2007, and 2008:	98510
(a) In the case of a railroad company, all real property used	98511
in railroad operations and tangible personal property owned or	98512
operated by the railroad company in this state on the thirty-first	98513
day of December of the preceding year;	98514
(b) In the case of a water transportation company, all	98515
tangible personal property, except watercraft, owned or operated	98516
by the water transportation company in this state on the	98517
thirty-first day of December of the preceding year and all	98518
watercraft owned or operated by the water transportation company	98519
in this state during the preceding calendar year;	98520
(c) In the case of all other public utilities except	98521

telephone and telegraph companies, all tangible personal property 98522  
that on the thirty-first day of December of the preceding year was 98523  
both located in this state and either owned by the public utility 98524  
or leased by the public utility under a sale and leaseback 98525  
transaction. 98526

(3) For tax year 2009 and each tax year thereafter: 98527

(a) In the case of a railroad company, all real property used 98528  
in railroad operations and tangible personal property owned or 98529  
operated by the railroad company in this state on the thirty-first 98530  
day of December of the preceding year; 98531

(b) In the case of a water transportation company, all 98532  
tangible personal property, except watercraft, owned or operated 98533  
by the water transportation company in this state on the 98534  
thirty-first day of December of the preceding year and all 98535  
watercraft owned or operated by the water transportation company 98536  
in this state during the preceding calendar year; 98537

(c) In the case of all other public utilities except 98538  
telephone ~~and~~, telegraph, electric, and energy companies, all 98539  
tangible personal property that on the thirty-first day of 98540  
December of the preceding year was both located in this state and 98541  
either owned by the public utility or leased by the public utility 98542  
under a sale and leaseback transaction, ~~and that is not exempted~~ 98543  
~~from taxation under section 5727.75 of the Revised Code;~~ 98544

(d) In the case of a public utility property lessor, all 98545  
personal property that on the thirty-first day of December of the 98546  
preceding year was both located in this state and leased, in other 98547  
than a sale and leaseback transaction, to a public utility other 98548  
than a railroad, telephone, telegraph, or water transportation 98549  
company, and that is not exempted from taxation under section 98550  
5727.75 of the Revised Code. The assessment rate used under 98551  
section 5727.111 of the Revised Code shall be based on the 98552



assessment rate that would apply if the public utility owned the 98553  
property, ~~and that is not exempted from taxation under section~~ 98554  
~~5727.75 of the Revised Code.~~ 98555

(4) For tax years 2005 and 2006, in the case of telephone, 98556  
telegraph, or interexchange telecommunications companies, all 98557  
tangible personal property that on the thirty-first day of 98558  
December of the preceding year was both located in this state and 98559  
either owned by the telephone, telegraph, or interexchange 98560  
telecommunications company or leased by the telephone, telegraph, 98561  
or interexchange telecommunications company under a sale and 98562  
leaseback transaction. 98563

(5)(a) For tax year 2007 and thereafter, in the case of 98564  
telephone, telegraph, or interexchange telecommunications 98565  
companies, all tangible personal property shall be listed and 98566  
assessed for taxation under Chapter 5711. of the Revised Code, but 98567  
the tangible personal property shall be valued in accordance with 98568  
this chapter using the composite annual allowances and other 98569  
valuation procedures prescribed under section 5727.11 of the 98570  
Revised Code by the tax commissioner for such property for tax 98571  
year 2006, notwithstanding any section of Chapter 5711. of the 98572  
Revised Code to the contrary. 98573

(b) A telephone, telegraph, or interexchange 98574  
telecommunications company subject to division (A)(5)(a) of this 98575  
section shall file a combined return with the tax commissioner in 98576  
accordance with section 5711.13 of the Revised Code even if the 98577  
company has tangible personal property in only one county. Such a 98578  
company also is subject to the issuance of a preliminary 98579  
assessment certificate by the tax commissioner under section 98580  
5711.25 of the Revised Code. Such a company is not required to 98581  
file a county supplemental return under section 5711.131 of the 98582  
Revised Code. 98583

(6) In the case of an electric company or energy company, ~~for~~ 98584

~~tax year 2011 and each tax year thereafter, all transmission and 98585  
distribution tangible personal property and energy conversion 98586  
equipment that on the thirty-first day of December of the 98587  
preceding year was both located in this state and either owned by 98588  
the company or leased by the company under a sale and leaseback 98589  
transaction, and that is not exempted from taxation under section 98590  
5727.75 of the Revised Code. 98591~~

(B) This division applies to tax years before tax year 2007. 98592

In the case of an interexchange telecommunications company, 98593  
all taxable property shall be subject to the provisions of this 98594  
chapter and shall be valued by the commissioner in accordance with 98595  
division (A) of section 5727.11 of the Revised Code. A person 98596  
described by this division shall file the report required by 98597  
section 5727.08 of the Revised Code. Persons described in this 98598  
division shall not be considered taxpayers, as defined in division 98599  
(B) of section 5711.01 of the Revised Code, and shall not be 98600  
required to file a return and list their taxable property under 98601  
any provision of Chapter 5711. of the Revised Code. 98602

(C) The lien of the state for taxes levied each year on the 98603  
real and personal property of public utilities and interexchange 98604  
telecommunications companies and on the personal property of 98605  
public utility property lessors shall attach thereto on the 98606  
thirty-first day of December of the preceding year. 98607

(D) Property that is required by division (A)(3)(b) of this 98608  
section to be assessed by the tax commissioner under this chapter 98609  
shall not be listed by the owner of the property under Chapter 98610  
5711. of the Revised Code. 98611

(E) The ten-thousand-dollar exemption provided for in 98612  
division (C)(3) of section 5709.01 of the Revised Code does not 98613  
apply to any personal property that is valued under this chapter. 98614

(F) The tax commissioner may adopt rules governing the 98615

listing of the taxable property of public utilities and 98616  
interexchange telecommunications companies and the determination 98617  
of true value. 98618

Sec. 5727.09. (A) As used in this section, "qualified 98619  
generation equipment" means the tangible personal property of an 98620  
electric company or energy company that would be taxable property 98621  
under section 5727.06 of the Revised Code as that section existed 98622  
before the enactment of this section and that is not transmission 98623  
and distribution property or energy conversion property. For the 98624  
purpose of making the calculations required by this division, the 98625  
value of qualified generation equipment shall be determined in 98626  
accordance with section 5727.11 of the Revised Code as that 98627  
section existed before the enactment of this section. 98628

(B) On or before October 1, 2016, and the first day of 98629  
October of each year thereafter, the tax commissioner shall 98630  
determine all of the following amounts: 98631

(1) For each taxing unit, the amount of taxes that would be 98632  
charged and payable for the tax year on qualified generation 98633  
equipment apportioned to the taxing unit under section 5727.15 of 98634  
the Revised Code if such equipment were taxable property and the 98635  
assessment rate applicable to such property were twenty-four per 98636  
cent; 98637

(2) The sum of the amounts determined under division (B)(1) 98638  
of this section for all taxing units; 98639

(3) The percentage that, if multiplied by the true value of 98640  
all taxable property of every electric company and energy company 98641  
for the tax year, would produce the amount determined under 98642  
division (B)(2) of this section. 98643

Sec. 5727.11. (A) Except as otherwise provided in this 98644  
section, the true value of all taxable property, except property 98645

of a railroad company, required by section 5727.06 of the Revised Code to be assessed by the tax commissioner shall be determined by a method of valuation using cost as capitalized on the public utility's books and records less composite annual allowances as prescribed by the commissioner. If the commissioner finds that application of this method will not result in the determination of true value of the public utility's taxable property, the commissioner may use another method of valuation.

(B)(1) Except as provided in division (B)(2) of this section, the true value of current gas stored underground is the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(2) For tax year 2001 and thereafter, the true value of current gas stored underground is the quotient obtained by dividing (a) the average value of the current gas stored underground, which shall be determined by adding the value of the gas on hand at the end of each calendar month in the calendar year preceding the tax year, or, if applicable, the last day of business of each month for a partial month, divided by (b) the total number of months the natural gas company was in business during the calendar year prior to the beginning of the tax year. ~~with~~ With the approval of the tax commissioner, a natural gas company may use a date other than the end of a calendar month to value its current gas stored underground.

(C) The true value of noncurrent gas stored underground is thirty-five per cent of the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(D)(1) Except as provided in division (D)(2) of this section, the true value of ~~the production equipment of an electric company and the true value of~~ all taxable property of a rural electric

company is the equipment's or property's cost as capitalized on 98677  
the company's books and records less fifty per cent of that cost 98678  
as an allowance for depreciation and obsolescence. 98679

(2) The true value of the ~~production equipment or energy~~ 98680  
conversion equipment of an electric company, rural electric 98681  
company, or energy company, and the true value of the production 98682  
equipment of a rural electric company, purchased, transferred, or 98683  
placed into service after October 5, 1999, is the purchase price 98684  
of the equipment as capitalized on the company's books and records 98685  
less composite annual allowances as prescribed by the tax 98686  
commissioner. 98687

(E) The true value of taxable property, except property of a 98688  
railroad company, required by section 5727.06 of the Revised Code 98689  
to be assessed by the tax commissioner shall not include the 98690  
allowance for funds used during construction or interest during 98691  
construction that has been capitalized on the public utility's 98692  
books and records as part of the total cost of the taxable 98693  
property. This division shall not apply to the taxable property of 98694  
an electric company or a rural electric company, excluding 98695  
transmission and distribution property, first placed into service 98696  
after December 31, 2000, or to the taxable property a person 98697  
purchases, which includes transfers, if that property was used in 98698  
business by the seller prior to the purchase. 98699

(F) The true value of watercraft owned or operated by a water 98700  
transportation company shall be determined by multiplying the true 98701  
value of the watercraft as determined under division (A) of this 98702  
section by a fraction, the numerator of which is the number of 98703  
revenue-earning miles traveled by the watercraft in the waters of 98704  
this state and the denominator of which is the number of 98705  
revenue-earning miles traveled by the watercraft in all waters. 98706

(G) The cost of property subject to a sale and leaseback 98707  
transaction is the cost of the property as capitalized on the 98708

books and records of the public utility owning the property 98709  
immediately prior to the sale and leaseback transaction. 98710

(H) The cost as capitalized on the books and records of a 98711  
public utility includes amounts capitalized that represent 98712  
regulatory assets, if such amounts previously were included on the 98713  
company's books and records as capitalized costs of taxable 98714  
personal property. 98715

(I) Any change in the composite annual allowances as 98716  
prescribed by the commissioner on a prospective basis shall not be 98717  
admissible in any judicial or administrative action or proceeding 98718  
as evidence of value with regard to prior years' taxes. 98719  
Information about the business, property, or transactions of any 98720  
taxpayer obtained by the commissioner for the purpose of adopting 98721  
or modifying the composite annual allowances shall not be subject 98722  
to discovery or disclosure. 98723

**Sec. 5727.111.** The taxable property of each public utility, 98724  
except a railroad company, and of each interexchange 98725  
telecommunications company shall be assessed at the following 98726  
percentages of true value: 98727

(A) In the case of a rural electric company, fifty per cent 98728  
in the case of its taxable transmission and distribution property 98729  
and its energy conversion equipment, and twenty-five per cent for 98730  
all its other taxable property; 98731

(B) In the case of a telephone or telegraph company, 98732  
twenty-five per cent for taxable property first subject to 98733  
taxation in this state for tax year 1995 or thereafter for tax 98734  
years before tax year 2007, and pursuant to division (H) of 98735  
section 5711.22 of the Revised Code for tax year 2007 and 98736  
thereafter, and the following for all other taxable property: 98737

(1) For tax years prior to 2005, eighty-eight per cent; 98738

(2) For tax year 2005, sixty-seven per cent;	98739
(3) For tax year 2006, forty-six per cent;	98740
(4) For tax year 2007 and thereafter, pursuant to division (H) of section 5711.22 of the Revised Code.	98741 98742
(C) Twenty-five per cent in the case of a natural gas company.	98743 98744
(D) Eighty-eight per cent in the case of a pipe-line, <del>water works,</del> or heating company;	98745 98746
(E)(1) For tax year 2005, eighty-eight per cent in the case of the taxable transmission and distribution property of an electric company, and twenty-five per cent for all its other taxable property;	98747 98748 98749 98750
(2) For tax <del>year</del> <u>years</u> 2006 <del>and each tax year thereafter</del> <u>through 2015</u> , in the case of an electric company, eighty-five per cent in the case of its taxable transmission and distribution property and its energy conversion equipment, and twenty-four per cent for all its other taxable property;	98751 98752 98753 98754 98755
<u>(3) For tax year 2016 and each tax year thereafter, in the</u> <u>case of an electric company, eighty-five per cent plus the</u> <u>percentage determined for the tax year under division (B)(3) of</u> <u>section 5727.09 of the Revised Code.</u>	98756 98757 98758 98759
(F)(1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007;	98760 98761
(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.	98762 98763
(G) Twenty-five per cent in the case of a water transportation company;	98764 98765
(H)(1) For tax <del>year</del> <u>years</u> 2011 <del>and each tax year thereafter</del> <u>through 2015</u> , in the case of an energy company, twenty-four per cent in the case of its taxable production equipment, and	98766 98767 98768

eighty-five per cent for all its other taxable property; 98769

(2) For tax year 2016 and each tax year thereafter, in the 98770  
case of an energy company, eighty-five per cent plus the 98771  
percentage determined for the tax year under division (B)(3) of 98772  
section 5727.09 of the Revised Code. 98773

(I) In the case of a water-works company, twenty-five per 98774  
cent for taxable property first subject to taxation in this state 98775  
for tax year 2015 or thereafter, and eighty-eight per cent for all 98776  
its other taxable property. 98777

**Sec. 5727.15.** When all the taxable property of a public 98778  
utility is located in one taxing district, the tax commissioner 98779  
shall apportion the total taxable value thereof to that taxing 98780  
district. 98781

When taxable property of a public utility is located in more 98782  
than one taxing district, the commissioner shall apportion the 98783  
total taxable value thereof among the taxing districts as follows: 98784

(A)(1) In the case of a telegraph, interexchange 98785  
telecommunications, or telephone company that owns miles of wire 98786  
in this state, the value apportioned to each taxing district shall 98787  
be the same percentage of the total value apportioned to all 98788  
taxing districts as the miles of wire owned by the company within 98789  
the taxing district are to the total miles of wire owned by the 98790  
company within this state; 98791

(2) In the case of a telegraph, interexchange 98792  
telecommunications, or telephone company that does not own miles 98793  
of wire in this state, the value apportioned to each taxing 98794  
district shall be the same percentage of the total value 98795  
apportioned to all taxing districts as the cost of the taxable 98796  
property physically located in the taxing district is of the total 98797  
cost of all taxable property physically located in this state. 98798



(B) In the case of a railroad company:	98799
(1) The taxable value of real and personal property not used in railroad operations shall be apportioned according to its situs;	98800 98801 98802
(2) The taxable value of personal property used in railroad operations shall be apportioned to each taxing district in proportion to the miles of track and trackage rights, weighted to reflect the relative use of such personal property in each taxing district;	98803 98804 98805 98806 98807
(3) The taxable value of real property used in railroad operations shall be apportioned to each taxing district in proportion to its relative value in each taxing district.	98808 98809 98810
<del>(C)(1) Prior to tax year 2001, in the case of an electric company:</del>	98811 98812
<del>(a) Seventy per cent of the taxable value of all production equipment and of all station equipment that is not production equipment shall be apportioned to the taxing district in which such property is physically located; and</del>	98813 98814 98815 98816
<del>(b) The remaining value of such property, together with the value of all other taxable personal property, shall be apportioned to each taxing district in the per cent that the cost of all transmission and distribution property physically located in the taxing district is of the total cost of all transmission and distribution property physically located in this state.</del>	98817 98818 98819 98820 98821 98822
<del>(c) If an electric company's taxable value for the current year includes the value of any production equipment at a plant at which the initial cost of the plant's production equipment exceeded one billion dollars, then prior to making the apportionments required for that company by division (C)(1)(a) and (b) of this section, the tax commissioner shall do the following:</del>	98823 98824 98825 98826 98827 98828

~~(i) Subtract four hundred twenty million dollars from the total taxable value of the production equipment at that plant for the current tax year.~~ 98829  
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~~(ii) Multiply the difference thus obtained by a fraction, the numerator of which is the portion of the taxable value of that plant's production equipment included in the company's total value for the current tax year, and the denominator of which is the total taxable value of such equipment included in the total taxable value of all electric companies for such year;~~ 98832  
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~~(iii) Apportion the product thus obtained to taxing districts in the manner prescribed in division (C)(1)(b) of this section.~~ 98838  
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~~(iv) Deduct the amounts so apportioned from the taxable value of the company's production equipment at the plant, prior to making the apportionments required by divisions (C)(1)(a) and (b) of this section.~~ 98840  
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~~For purposes of division (C)(1)(c) of this section, "initial cost" applies only to production equipment of plants placed in commercial operation on or after January 1, 1987, and means the cost of all production equipment at a plant for the first year the plant's equipment was subject to taxation.~~ 98844  
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~~(2) For tax year 2001 and thereafter, in In the case of an electric company:~~ 98849  
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~~(a) The taxable value of all production equipment shall be apportioned to the taxing district in which such property is physically located; and~~ 98851  
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~~(b) The or an energy company, the value of taxable personal property, including energy conversion equipment but excluding production equipment, shall be apportioned to each taxing district in the proportion that the cost of such other taxable personal property physically located in each taxing district is of the total cost of such other taxable personal property physically~~ 98854  
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located in this state. 98860

~~(D) For tax year 2011 and thereafter, in the case of the taxable property of an energy company:~~ 98861  
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~~(1) The taxable value of all production equipment shall be apportioned to the taxing district in which such property is physically located.~~ 98863  
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~~(2) The taxable value of all other taxable property, including energy conversion equipment, shall be apportioned to each taxing district in the proportion that the cost of such other taxable property physically located in each taxing district is of the total cost of such other taxable property physically located in this state.~~ 98866  
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~~(E)~~ In the case of all other public utilities, the taxable value of the property to be apportioned shall be apportioned to each taxing district in proportion to the entire cost of such property within this state. 98872  
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**Sec. 5727.75.** (A) For purposes of this section: 98876

(1) "Qualified energy project" means an energy project certified by the director of development services pursuant to this section. 98877  
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(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility. 98880  
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(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section. 98883  
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(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand 98886  
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eighty hours. 98890

(5) "Solar energy project" means an energy project composed 98891  
of an energy facility using solar panels to generate electricity. 98892

(B)(1) Tangible personal property of a qualified energy 98893  
project using renewable energy resources is exempt from taxation 98894  
for tax years 2011 through ~~2016~~ 2021 if all of the following 98895  
conditions are satisfied: 98896

(a) On or before December 31, ~~2015~~ 2020, the owner or a 98897  
lessee pursuant to a sale and leaseback transaction of the project 98898  
submits an application to the power siting board for a certificate 98899  
under section 4906.20 of the Revised Code, or if that section does 98900  
not apply, submits an application for any approval, consent, 98901  
permit, or certificate or satisfies any condition required by a 98902  
public agency or political subdivision of this state for the 98903  
construction or initial operation of an energy project. 98904

(b) Construction or installation of the energy facility 98905  
begins on or after January 1, 2009, and before January 1, ~~2016~~ 98906  
2021. For the purposes of this division, construction begins on 98907  
the earlier of the date of application for a certificate or other 98908  
approval or permit described in division (B)(1)(a) of this 98909  
section, or the date the contract for the construction or 98910  
installation of the energy facility is entered into. 98911

(c) For a qualified energy project with a nameplate capacity 98912  
of five megawatts or greater, a board of county commissioners of a 98913  
county in which property of the project is located has adopted a 98914  
resolution under division (E)(1)(b) or (c) of this section to 98915  
approve the application submitted under division (E) of this 98916  
section to exempt the property located in that county from 98917  
taxation. A board's adoption of a resolution rejecting an 98918  
application or its failure to adopt a resolution approving the 98919  
application does not affect the tax-exempt status of the qualified 98920

energy project's property that is located in another county. 98921

(2) If tangible personal property of a qualified energy 98922  
project using renewable energy resources was exempt from taxation 98923  
under this section beginning in any of tax years ~~2011, 2012, 2013,~~ 98924  
~~2014, 2015, or 2016~~ through 2021, and the certification under 98925  
division (E)(2) of this section has not been revoked, the tangible 98926  
personal property of the qualified energy project is exempt from 98927  
taxation for tax year ~~2017~~ 2022 and all ensuing tax years if the 98928  
property was placed into service before January 1, ~~2017~~ 2022, as 98929  
certified in the construction progress report required under 98930  
division (F)(2) of this section. Tangible personal property that 98931  
has not been placed into service before that date is taxable 98932  
property subject to taxation to the extent provided by section 98933  
5727.06 of the Revised Code. An energy project for which 98934  
certification has been revoked is ineligible for further exemption 98935  
under this section. Revocation does not affect the tax-exempt 98936  
status of the project's tangible personal property for the tax 98937  
year in which revocation occurs or any prior tax year. 98938

(C) Tangible personal property of a qualified energy project 98939  
using clean coal technology, advanced nuclear technology, or 98940  
cogeneration technology is exempt from taxation for the first tax 98941  
year that the property would be listed for taxation and all 98942  
subsequent years if all of the following circumstances are met: 98943

(1) The property was placed into service before January 1, 98944  
2021. Tangible personal property that has not been placed into 98945  
service before that date is taxable property subject to taxation 98946  
to the extent provided by section 5727.06 of the Revised Code. 98947

(2) For such a qualified energy project with a nameplate 98948  
capacity of five megawatts or greater, a board of county 98949  
commissioners of a county in which property of the qualified 98950  
energy project is located has adopted a resolution under division 98951  
(E)(1)(b) or (c) of this section to approve the application 98952

submitted under division (E) of this section to exempt the 98953  
property located in that county from taxation. A board's adoption 98954  
of a resolution rejecting the application or its failure to adopt 98955  
a resolution approving the application does not affect the 98956  
tax-exempt status of the qualified energy project's property that 98957  
is located in another county. 98958

(3) The certification for the qualified energy project issued 98959  
under division (E)(2) of this section has not been revoked. An 98960  
energy project for which certification has been revoked is 98961  
ineligible for exemption under this section. Revocation does not 98962  
affect the tax-exempt status of the project's tangible personal 98963  
property for the tax year in which revocation occurs or any prior 98964  
tax year. 98965

(D) Except as otherwise provided in this section, real 98966  
property of a qualified energy project is exempt from taxation for 98967  
any tax year for which the tangible personal property of the 98968  
qualified energy project is exempted under this section. 98969

(E)(1)(a) A person may apply to the director of development 98970  
services for certification of an energy project as a qualified 98971  
energy project on or before the following dates: 98972

(i) December 31, ~~2015~~ 2020, for an energy project using 98973  
renewable energy resources; 98974

(ii) December 31, 2017, for an energy project using clean 98975  
coal technology, advanced nuclear technology, or cogeneration 98976  
technology. 98977

(b) The director shall forward a copy of each application for 98978  
certification of an energy project with a nameplate capacity of 98979  
five megawatts or greater to the board of county commissioners of 98980  
each county in which the project is located and to each taxing 98981  
unit with territory located in each of the affected counties. Any 98982  
board that receives from the director a copy of an application 98983

submitted under this division shall adopt a resolution approving 98984  
or rejecting the application unless it has adopted a resolution 98985  
under division (E)(1)(c) of this section. A resolution adopted 98986  
under division (E)(1)(b) or (c) of this section may require an 98987  
annual service payment to be made in addition to the service 98988  
payment required under division (G) of this section. The sum of 98989  
the service payment required in the resolution and the service 98990  
payment required under division (G) of this section shall not 98991  
exceed nine thousand dollars per megawatt of nameplate capacity 98992  
located in the county. The resolution shall specify the time and 98993  
manner in which the payments required by the resolution shall be 98994  
paid to the county treasurer. The county treasurer shall deposit 98995  
the payment to the credit of the county's general fund to be used 98996  
for any purpose for which money credited to that fund may be used. 98997

The board shall send copies of the resolution by certified 98998  
mail to the owner of the facility and the director within thirty 98999  
days after receipt of the application, or a longer period of time 99000  
if authorized by the director. 99001

(c) A board of county commissioners may adopt a resolution 99002  
declaring the county to be an alternative energy zone and 99003  
declaring all applications submitted to the director of 99004  
development services under this division after the adoption of the 99005  
resolution, and prior to its repeal, to be approved by the board. 99006

All tangible personal property and real property of an energy 99007  
project with a nameplate capacity of five megawatts or greater is 99008  
taxable if it is located in a county in which the board of county 99009  
commissioners adopted a resolution rejecting the application 99010  
submitted under this division or failed to adopt a resolution 99011  
approving the application under division (E)(1)(b) or (c) of this 99012  
section. 99013

(2) The director shall certify an energy project if all of 99014  
the following circumstances exist: 99015

(a) The application was timely submitted. 99016

(b) For an energy project with a nameplate capacity of five 99017  
megawatts or greater, a board of county commissioners of at least 99018  
one county in which the project is located has adopted a 99019  
resolution approving the application under division (E)(1)(b) or 99020  
(c) of this section. 99021

(c) No portion of the project's facility was used to supply 99022  
electricity before December 31, 2009. 99023

(3) The director shall deny a certification application if 99024  
the director determines the person has failed to comply with any 99025  
requirement under this section. The director may revoke a 99026  
certification if the director determines the person, or subsequent 99027  
owner or lessee pursuant to a sale and leaseback transaction of 99028  
the qualified energy project, has failed to comply with any 99029  
requirement under this section. Upon certification or revocation, 99030  
the director shall notify the person, owner, or lessee, the tax 99031  
commissioner, and the county auditor of a county in which the 99032  
project is located of the certification or revocation. Notice 99033  
shall be provided in a manner convenient to the director. 99034

(F) The owner or a lessee pursuant to a sale and leaseback 99035  
transaction of a qualified energy project shall do each of the 99036  
following: 99037

(1) Comply with all applicable regulations; 99038

(2) File with the director of development services a 99039  
certified construction progress report before the first day of 99040  
March of each year during the energy facility's construction or 99041  
installation indicating the percentage of the project completed, 99042  
and the project's nameplate capacity, as of the preceding 99043  
thirty-first day of December. Unless otherwise instructed by the 99044  
director of development services, the owner or lessee of an energy 99045  
project shall file a report with the director on or before the 99046



first day of March each year after completion of the energy 99047  
facility's construction or installation indicating the project's 99048  
nameplate capacity as of the preceding thirty-first day of 99049  
December. Not later than sixty days after June 17, 2010, the owner 99050  
or lessee of an energy project, the construction of which was 99051  
completed before June 17, 2010, shall file a certificate 99052  
indicating the project's nameplate capacity. 99053

(3) File with the director of development services, in a 99054  
manner prescribed by the director, a report of the total number of 99055  
full-time equivalent employees, and the total number of full-time 99056  
equivalent employees domiciled in Ohio, who are employed in the 99057  
construction or installation of the energy facility; 99058

(4) For energy projects with a nameplate capacity of five 99059  
megawatts or greater, repair all roads, bridges, and culverts 99060  
affected by construction as reasonably required to restore them to 99061  
their preconstruction condition, as determined by the county 99062  
engineer in consultation with the local jurisdiction responsible 99063  
for the roads, bridges, and culverts. In the event that the county 99064  
engineer deems any road, bridge, or culvert to be inadequate to 99065  
support the construction or decommissioning of the energy 99066  
facility, the road, bridge, or culvert shall be rebuilt or 99067  
reinforced to the specifications established by the county 99068  
engineer prior to the construction or decommissioning of the 99069  
facility. The owner or lessee of the facility shall post a bond in 99070  
an amount established by the county engineer and to be held by the 99071  
board of county commissioners to ensure funding for repairs of 99072  
roads, bridges, and culverts affected during the construction. The 99073  
bond shall be released by the board not later than one year after 99074  
the date the repairs are completed. The energy facility owner or 99075  
lessee pursuant to a sale and leaseback transaction shall post a 99076  
bond, as may be required by the Ohio power siting board in the 99077  
certificate authorizing commencement of construction issued 99078

pursuant to section 4906.10 of the Revised Code, to ensure funding 99079  
for repairs to roads, bridges, and culverts resulting from 99080  
decommissioning of the facility. The energy facility owner or 99081  
lessee and the county engineer may enter into an agreement 99082  
regarding specific transportation plans, reinforcements, 99083  
modifications, use and repair of roads, financial security to be 99084  
provided, and any other relevant issue. 99085

(5) Provide or facilitate training for fire and emergency 99086  
responders for response to emergency situations related to the 99087  
energy project and, for energy projects with a nameplate capacity 99088  
of five megawatts or greater, at the person's expense, equip the 99089  
fire and emergency responders with proper equipment as reasonably 99090  
required to enable them to respond to such emergency situations; 99091

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 99092  
employees employed in the construction or installation of the 99093  
energy project to total full-time equivalent employees employed in 99094  
the construction or installation of the energy project of not less 99095  
than eighty per cent in the case of a solar energy project, and 99096  
not less than fifty per cent in the case of any other energy 99097  
project. In the case of an energy project for which certification 99098  
from the power siting board is required under section 4906.20 of 99099  
the Revised Code, the number of full-time equivalent employees 99100  
employed in the construction or installation of the energy project 99101  
equals the number actually employed or the number projected to be 99102  
employed in the certificate application, if such projection is 99103  
required under regulations adopted pursuant to section 4906.03 of 99104  
the Revised Code, whichever is greater. For all other energy 99105  
projects, the number of full-time equivalent employees employed in 99106  
the construction or installation of the energy project equals the 99107  
number actually employed or the number projected to be employed by 99108  
the director of development services, whichever is greater. To 99109  
estimate the number of employees to be employed in the 99110

construction or installation of an energy project, the director 99111  
shall use a generally accepted job-estimating model in use for 99112  
renewable energy projects, including but not limited to the job 99113  
and economic development impact model. The director may adjust an 99114  
estimate produced by a model to account for variables not 99115  
accounted for by the model. 99116

(7) For energy projects with a nameplate capacity in excess 99117  
of two megawatts, establish a relationship with a member of the 99118  
university system of Ohio as defined in section 3345.011 of the 99119  
Revised Code or with a person offering an apprenticeship program 99120  
registered with the employment and training administration within 99121  
the United States department of labor or with the apprenticeship 99122  
council created by section 4139.02 of the Revised Code, to educate 99123  
and train individuals for careers in the wind or solar energy 99124  
industry. The relationship may include endowments, cooperative 99125  
programs, internships, apprenticeships, research and development 99126  
projects, and curriculum development. 99127

(8) Offer to sell power or renewable energy credits from the 99128  
energy project to electric distribution utilities or electric 99129  
service companies subject to renewable energy resource 99130  
requirements under section 4928.64 of the Revised Code that have 99131  
issued requests for proposal for such power or renewable energy 99132  
credits. If no electric distribution utility or electric service 99133  
company issues a request for proposal on or before December 31, 99134  
2010, or accepts an offer for power or renewable energy credits 99135  
within forty-five days after the offer is submitted, power or 99136  
renewable energy credits from the energy project may be sold to 99137  
other persons. Division (F)(8) of this section does not apply if: 99138

(a) The owner or lessee is a rural electric company or a 99139  
municipal power agency as defined in section 3734.058 of the 99140  
Revised Code. 99141

(b) The owner or lessee is a person that, before completion 99142

of the energy project, contracted for the sale of power or 99143  
renewable energy credits with a rural electric company or a 99144  
municipal power agency. 99145

(c) The owner or lessee contracts for the sale of power or 99146  
renewable energy credits from the energy project before June 17, 99147  
2010. 99148

(9) Make annual service payments as required by division (G) 99149  
of this section and as may be required in a resolution adopted by 99150  
a board of county commissioners under division (E) of this 99151  
section. 99152

(G) The owner or a lessee pursuant to a sale and leaseback 99153  
transaction of a qualified energy project shall make annual 99154  
service payments in lieu of taxes to the county treasurer on or 99155  
before the final dates for payments of taxes on public utility 99156  
personal property on the real and public utility personal property 99157  
tax list for each tax year for which property of the energy 99158  
project is exempt from taxation under this section. The county 99159  
treasurer shall allocate the payment on the basis of the project's 99160  
physical location. Upon receipt of a payment, or if timely payment 99161  
has not been received, the county treasurer shall certify such 99162  
receipt or non-receipt to the director of development services and 99163  
tax commissioner in a form determined by the director and 99164  
commissioner, respectively. Each payment shall be in the following 99165  
amount: 99166

(1) In the case of a solar energy project, seven thousand 99167  
dollars per megawatt of nameplate capacity located in the county 99168  
as of December 31, 2010, for tax year 2011, as of December 31, 99169  
2011, for tax year 2012, as of December 31, 2012, for tax year 99170  
2013, as of December 31, 2013, for tax year 2014, as of December 99171  
31, 2014, for tax year 2015, as of December 31, 2015, for tax year 99172  
2016, and as of December 31, 2016, for tax year 2017 and each tax 99173  
year thereafter; 99174

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(H) The director of development services in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section.

**Sec. 5727.80.** As used in sections 5727.80 to 5727.95 of the Revised Code:

(A) "Electric distribution company" means either of the following:

(1) A person who distributes electricity through a meter of an end user in this state or to an unmetered location in this state;

(2) The end user of electricity in this state, if the end user obtains electricity that is not distributed or transmitted to the end user by an electric distribution company that is required to remit the tax imposed by section 5727.81 of the Revised Code.

~~"Electric~~

"Electric distribution company" does not include ~~the~~ an end

user of electricity in this state who self-generates electricity 99236  
that is used directly by that end user on the same site that the 99237  
electricity is generated or a person that donates all of the 99238  
electricity the person generates to a political subdivision of the 99239  
state. Division (A)(2) of this section shall not apply to a 99240  
political subdivision in this state that is the end user of 99241  
electricity that is donated to the political subdivision. 99242

(B) "Kilowatt hour" means one thousand watt hours of 99243  
electricity. 99244

(C) For an electric distribution company, "meter of an end 99245  
user in this state" means the last meter used to measure the 99246  
kilowatt hours distributed by an electric distribution company to 99247  
a location in this state, or the last meter located outside of 99248  
this state that is used to measure the kilowatt hours consumed at 99249  
a location in this state. 99250

(D) "Person" has the same meaning as in section 5701.01 of 99251  
the Revised Code, but also includes a political subdivision of the 99252  
state. 99253

(E) "Municipal electric utility" means a municipal 99254  
corporation that owns or operates a system for the distribution of 99255  
electricity. 99256

(F) "Qualified end user" means an end user of electricity 99257  
that uses more than three million kilowatt hours of electricity at 99258  
one manufacturing location in this state for a calendar day for 99259  
use in a qualifying manufacturing process. 99260

(G) "Qualified regeneration" means a process to convert 99261  
electricity to a form of stored energy by means such as using 99262  
electricity to compress air for storage or to pump water to an 99263  
elevated storage reservoir, if such stored energy is subsequently 99264  
used to generate electricity for sale to others primarily during 99265  
periods when there is peak demand for electricity. 99266

(H) "Qualified regeneration meter" means the last meter used 99267  
to measure electricity used in a qualified regeneration process. 99268

(I) "Qualifying manufacturing process" means the performance 99269  
of an electrochemical reaction in which electrons from direct 99270  
current electricity remain a part of the product being 99271  
manufactured. 99272

(J) "Self-assessing purchaser" means a purchaser that meets 99273  
all the requirements of, and pays the excise tax in accordance 99274  
with, division (C) of section 5727.81 of the Revised Code. 99275

(K) "Natural gas distribution company" means a natural gas 99276  
company or a combined company, as defined in section 5727.01 of 99277  
the Revised Code, that is subject to the excise tax imposed by 99278  
section 5727.24 of the Revised Code and that distributes natural 99279  
gas through a meter of an end user in this state or to an 99280  
unmetered location in this state. 99281

(L) "MCF" means one thousand cubic feet. 99282

(M) For a natural gas distribution company, "meter of an end 99283  
user in this state" means the last meter used to measure the MCF 99284  
of natural gas distributed by a natural gas distribution company 99285  
to a location in this state, or the last meter located outside of 99286  
this state that is used to measure the natural gas consumed at a 99287  
location in this state. 99288

(N) "Flex customer" means an industrial or a commercial 99289  
facility that has consumed more than one billion cubic feet of 99290  
natural gas a year at a single location during any of the previous 99291  
five years, or an industrial or a commercial end user of natural 99292  
gas that purchases natural gas distribution services from a 99293  
natural gas distribution company at discounted rates or charges 99294  
established in any of the following: 99295

(1) A special arrangement subject to review and regulation by 99296  
the public utilities commission under section 4905.31 of the 99297



Revised Code; 99298

(2) A special arrangement with a natural gas distribution 99299  
company pursuant to a municipal ordinance; 99300

(3) A variable rate schedule that permits rates to vary 99301  
between defined amounts, provided that the schedule is on file 99302  
with the public utilities commission. 99303

An end user that meets this definition on January 1, 2000, or 99304  
thereafter is a "flex customer" for purposes of determining the 99305  
rate of taxation under division (D) of section 5727.811 of the 99306  
Revised Code. 99307

**Sec. 5727.81.** (A) For the purpose of raising revenue ~~for~~ 99308  
~~public education and to fund the needs of this state and its local~~ 99309  
~~government operations governments,~~ an excise tax is hereby levied 99310  
and imposed on an electric distribution company for all 99311  
electricity distributed by such company at the following rates per 99312  
kilowatt hour of electricity distributed in a thirty-day period by 99313  
the company through a meter of an end user in this state: 99314

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	99317
For the next 2,001 to 15,000	\$.00419	99318
For 15,001 and above	\$.00363	99319

If no meter is used to measure the kilowatt hours of 99320  
electricity distributed by the company, the rates shall apply to 99321  
the estimated kilowatt hours of electricity distributed to an 99322  
unmetered location in this state. 99323

The electric distribution company shall base the monthly tax 99324  
on the kilowatt hours of electricity distributed to an end user 99325  
through the meter of the end user that is not measured for a 99326  
thirty-day period by dividing the days in the measurement period 99327

into the total kilowatt hours measured during the measurement 99328  
period to obtain a daily average usage. The tax shall be 99329  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 99330  
of this section and multiplying that amount by the number of days 99331  
in the measurement period: 99332

(1) Multiplying \$0.00465 per kilowatt hour for the first 99333  
sixty-seven kilowatt hours distributed using a daily average; 99334

(2) Multiplying \$0.00419 for the next sixty-eight to five 99335  
hundred kilowatt hours distributed using a daily average; 99336

(3) Multiplying \$0.00363 for the remaining kilowatt hours 99337  
distributed using a daily average. 99338

Except as provided in division (C) of this section, the 99339  
electric distribution company shall pay the tax to the tax 99340  
commissioner in accordance with section 5727.82 of the Revised 99341  
Code, unless required to remit each tax payment by electronic 99342  
funds transfer to the treasurer of state in accordance with 99343  
section 5727.83 of the Revised Code. 99344

Only the distribution of electricity through a meter of an 99345  
end user in this state shall be used by the electric distribution 99346  
company to compute the amount or estimated amount of tax due. In 99347  
the event a meter is not actually read for a measurement period, 99348  
the estimated kilowatt hours distributed by an electric 99349  
distribution company to bill for its distribution charges shall be 99350  
used. 99351

(B) Except as provided in division (C) of this section, each 99352  
electric distribution company shall pay the tax imposed by this 99353  
section in all of the following circumstances: 99354

(1) The electricity is distributed by the company through a 99355  
meter of an end user in this state; 99356

(2) The company is distributing electricity through a meter 99357

located in another state, but the electricity is consumed in this 99358  
state in the manner prescribed by the tax commissioner; 99359

(3) The company is distributing electricity in this state 99360  
without the use of a meter, but the electricity is consumed in 99361  
this state as estimated and in the manner prescribed by the tax 99362  
commissioner. 99363

(C)(1) As used in division (C) of this section: 99364

(a) "Total price of electricity" means the aggregate value in 99365  
money of anything paid or transferred, or promised to be paid or 99366  
transferred, to obtain electricity or electric service, including 99367  
but not limited to the value paid or promised to be paid for the 99368  
transmission or distribution of electricity and for transition 99369  
costs as described in Chapter 4928. of the Revised Code. 99370

(b) "Package" means the provision or the acquisition, at a 99371  
combined price, of electricity with other services or products, or 99372  
any combination thereof, such as natural gas or other fuels; 99373  
energy management products, software, and services; machinery and 99374  
equipment acquisition; and financing agreements. 99375

(c) "Single location" means a facility located on contiguous 99376  
property separated only by a roadway, railway, or waterway. 99377

(2) Division (C) of this section applies to any commercial or 99378  
industrial purchaser's receipt of electricity through a meter of 99379  
an end user in this state or through more than one meter at a 99380  
single location in this state in a quantity that exceeds 99381  
forty-five million kilowatt hours of electricity over the course 99382  
of the preceding calendar year, or any commercial or industrial 99383  
purchaser that will consume more than forty-five million kilowatt 99384  
hours of electricity over the course of the succeeding twelve 99385  
months as estimated by the tax commissioner. The tax commissioner 99386  
shall make such an estimate upon the written request by an 99387  
applicant for registration as a self-assessing purchaser under 99388

this division. For the meter reading period including July 1, 99389  
2008, through the meter reading period including December 31, 99390  
2010, such a purchaser may elect to self-assess the excise tax 99391  
imposed by this section at the rate of \$.00075 per kilowatt hour 99392  
on the first five hundred four million kilowatt hours distributed 99393  
to that meter or location during the registration year, and a 99394  
percentage of the total price of all electricity distributed to 99395  
that meter or location equal to three and one-half per cent. For 99396  
the meter reading period including January 1, 2011, and 99397  
thereafter, such a purchaser may elect to self-assess the excise 99398  
tax imposed by this section at the rate of \$.00257 per kilowatt 99399  
hour for the first five hundred million kilowatt hours, and 99400  
\$.001832 per kilowatt hour for each kilowatt hour in excess of 99401  
five hundred million kilowatt hours, distributed to that meter or 99402  
location during the registration year. 99403

A qualified end user that receives electricity through a 99404  
meter of an end user in this state or through more than one meter 99405  
at a single location in this state and that consumes, over the 99406  
course of the previous calendar year, more than forty-five million 99407  
kilowatt hours in other than its qualifying manufacturing process, 99408  
may elect to self-assess the tax as allowed by this division with 99409  
respect to the electricity used in other than its qualifying 99410  
manufacturing process. 99411

Payment of the tax shall be made directly to the tax 99412  
commissioner in accordance with divisions (A)(4) and (5) of 99413  
section 5727.82 of the Revised Code, or the treasurer of state in 99414  
accordance with section 5727.83 of the Revised Code. If the 99415  
electric distribution company serving the self-assessing purchaser 99416  
is a municipal electric utility and the purchaser is within the 99417  
municipal corporation's corporate limits, payment shall be made to 99418  
such municipal corporation's general fund and reports shall be 99419  
filed in accordance with divisions (A)(4) and (5) of section 99420

5727.82 of the Revised Code, except that "municipal corporation" 99421  
shall be substituted for "treasurer of state" and "tax 99422  
commissioner." A self-assessing purchaser that pays the excise tax 99423  
as provided in this division shall not be required to pay the tax 99424  
to the electric distribution company from which its electricity is 99425  
distributed. If a self-assessing purchaser's receipt of 99426  
electricity is not subject to the tax as measured under this 99427  
division, the tax on the receipt of such electricity shall be 99428  
measured and paid as provided in division (A) of this section. 99429

(3) In the case of the acquisition of a package, unless the 99430  
elements of the package are separately stated isolating the total 99431  
price of electricity from the price of the remaining elements of 99432  
the package, the tax imposed under this section applies to the 99433  
entire price of the package. If the elements of the package are 99434  
separately stated, the tax imposed under this section applies to 99435  
the total price of the electricity. 99436

(4) Any electric supplier that sells electricity as part of a 99437  
package shall separately state to the purchaser the total price of 99438  
the electricity and, upon request by the tax commissioner, the 99439  
total price of each of the other elements of the package. 99440

(5) The tax commissioner may adopt rules relating to the 99441  
computation of the total price of electricity with respect to 99442  
self-assessing purchasers, which may include rules to establish 99443  
the total price of electricity purchased as part of a package. 99444

(6) An annual application for registration as a 99445  
self-assessing purchaser shall be made for each qualifying meter 99446  
or location on a form prescribed by the tax commissioner. The 99447  
registration year begins on the first day of May and ends on the 99448  
following thirtieth day of April. Persons may apply after the 99449  
first day of May for the remainder of the registration year. In 99450  
the case of an applicant applying on the basis of an estimated 99451  
consumption of forty-five million kilowatt hours over the course 99452

of the succeeding twelve months, the applicant shall provide such 99453  
information as the tax commissioner considers to be necessary to 99454  
estimate such consumption. At the time of making the application 99455  
and by the first day of May of each year, a self-assessing 99456  
purchaser shall pay a fee of five hundred dollars to the tax 99457  
commissioner, or to the treasurer of state as provided in section 99458  
5727.83 of the Revised Code, for each qualifying meter or 99459  
location. The tax commissioner shall immediately pay to the 99460  
treasurer of state all amounts that the tax commissioner receives 99461  
under this section. The treasurer of state shall deposit such 99462  
amounts into the kilowatt hour excise tax administration fund, 99463  
which is hereby created in the state treasury. Money in the fund 99464  
shall be used to defray the tax commissioner's cost in 99465  
administering the tax owed under section 5727.81 of the Revised 99466  
Code by self-assessing purchasers. After the application is 99467  
approved by the tax commissioner, the registration shall remain in 99468  
effect for the current registration year, or until canceled by the 99469  
registrant upon written notification to the commissioner of the 99470  
election to pay the tax in accordance with division (A) of this 99471  
section, or until canceled by the tax commissioner for not paying 99472  
the tax or fee under division (C) of this section or for not 99473  
meeting the qualifications in division (C)(2) of this section. The 99474  
tax commissioner shall give written notice to the electric 99475  
distribution company from which electricity is delivered to a 99476  
self-assessing purchaser of the purchaser's self-assessing status, 99477  
and the electric distribution company is relieved of the 99478  
obligation to pay the tax imposed by division (A) of this section 99479  
for electricity distributed to that self-assessing purchaser until 99480  
it is notified by the tax commissioner that the self-assessing 99481  
purchaser's registration is canceled. Within fifteen days of 99482  
notification of the canceled registration, the electric 99483  
distribution company shall be responsible for payment of the tax 99484  
imposed by division (A) of this section on electricity distributed 99485

to a purchaser that is no longer registered as a self-assessing 99486  
purchaser. A self-assessing purchaser with a canceled registration 99487  
must file a report and remit the tax imposed by division (A) of 99488  
this section on all electricity it receives for any measurement 99489  
period prior to the tax being reported and paid by the electric 99490  
distribution company. A self-assessing purchaser whose 99491  
registration is canceled by the tax commissioner is not eligible 99492  
to register as a self-assessing purchaser for two years after the 99493  
registration is canceled. 99494

(7) If the tax commissioner cancels the self-assessing 99495  
registration of a purchaser registered on the basis of its 99496  
estimated consumption because the purchaser does not consume at 99497  
least forty-five million kilowatt hours of electricity over the 99498  
course of the twelve-month period for which the estimate was made, 99499  
the tax commissioner shall assess and collect from the purchaser 99500  
the difference between (a) the amount of tax that would have been 99501  
payable under division (A) of this section on the electricity 99502  
distributed to the purchaser during that period and (b) the amount 99503  
of tax paid by the purchaser on such electricity pursuant to 99504  
division (C)(2) of this section. The assessment shall be paid 99505  
within sixty days after the tax commissioner issues it, regardless 99506  
of whether the purchaser files a petition for reassessment under 99507  
section 5727.89 of the Revised Code covering that period. If the 99508  
purchaser does not pay the assessment within the time prescribed, 99509  
the amount assessed is subject to the additional charge and the 99510  
interest prescribed by divisions (B) and (C) of section 5727.82 of 99511  
the Revised Code, and is subject to assessment under section 99512  
5727.89 of the Revised Code. If the purchaser is a qualified end 99513  
user, division (C)(7) of this section applies only to electricity 99514  
it consumes in other than its qualifying manufacturing process. 99515

(D) The tax imposed by this section does not apply to the 99516  
distribution of any kilowatt hours of electricity to the federal 99517

government, to an end user located at a federal facility that uses 99518  
electricity for the enrichment of uranium, to a qualified 99519  
regeneration meter, or to an end user for any day the end user is 99520  
a qualified end user. The exemption under this division for a 99521  
qualified end user only applies to the manufacturing location 99522  
where the qualified end user uses more than three million kilowatt 99523  
hours per day in a qualifying manufacturing process. 99524

(E) All revenue arising from the tax imposed by this section 99525  
shall be credited to the general revenue fund except as provided 99526  
by division (C) of this section and section 5727.82 of the Revised 99527  
Code. 99528

**Sec. 5727.811.** (A) For the purpose of raising revenue ~~for~~ 99529  
~~public education and to fund the needs of this~~ state and ~~its~~ local 99530  
~~government operations~~ governments, an excise tax is hereby levied 99531  
on every natural gas distribution company for all natural gas 99532  
volumes billed by, or on behalf of, the company beginning with the 99533  
measurement period that includes July 1, 2001. Except as provided 99534  
in divisions (C) or (D) of this section, the tax shall be levied 99535  
at the following rates per MCF of natural gas distributed by the 99536  
company through a meter of an end user in this state: 99537

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	99539
For the next 101 to 2000 MCF per month	\$.0877	99540
For 2001 and above MCF per month	\$.0411	99541

If no meter is used to measure the MCF of natural gas 99542  
distributed by the company, the rates shall apply to the estimated 99543  
MCF of natural gas distributed to an unmetered location in this 99544  
state. 99545

(B) A natural gas distribution company shall base the tax on 99546  
the MCF of natural gas distributed to an end user through the 99547  
meter of the end user in this state that is estimated to be 99548



consumed by the end user as reflected on the end user's customer 99549  
statement from the natural gas distribution company. Until January 99550  
1, 2003, the natural gas distribution company shall pay the tax 99551  
levied by this section to the treasurer of state in accordance 99552  
with section 5727.82 of the Revised Code. Beginning January 1, 99553  
2003, the natural gas distribution company shall pay the tax 99554  
levied by this section to the tax commissioner in accordance with 99555  
section 5727.82 of the Revised Code unless required to remit 99556  
payment to the treasurer of state in accordance with section 99557  
5727.83 of the Revised Code. 99558

(C) A natural gas distribution company with seventy thousand 99559  
customers or less may elect to apply the rates specified in 99560  
division (A) of this section to the aggregate of the natural gas 99561  
distributed by the company through the meter of all its customers 99562  
in this state, and upon such election, this method shall be used 99563  
to determine the amount of tax to be paid by such company. 99564

(D) A natural gas distribution company shall pay the tax 99565  
imposed by this section at the rate of \$.02 per MCF of natural gas 99566  
distributed by the company through the meter of a flex customer. 99567  
The natural gas distribution company correspondingly shall reduce 99568  
the per MCF rate that it charges the flex customer for natural gas 99569  
distribution services by \$.02 per MCF of natural gas distributed 99570  
to the flex customer. 99571

(E) Except as provided in division (F) of this section, each 99572  
natural gas distribution company shall pay the tax imposed by this 99573  
section in all of the following circumstances: 99574

(1) The natural gas is distributed by the company through a 99575  
meter of an end user in this state; 99576

(2) The natural gas distribution company is distributing 99577  
natural gas through a meter located in another state, but the 99578  
natural gas is consumed in this state in the manner prescribed by 99579

the tax commissioner; 99580

(3) The natural gas distribution company is distributing 99581  
natural gas in this state without the use of a meter, but the 99582  
natural gas is consumed in this state as estimated and in the 99583  
manner prescribed by the tax commissioner. 99584

(F) The tax levied by this section does not apply to the 99585  
distribution of natural gas to the federal government, or natural 99586  
gas produced by an end user in this state that is consumed by that 99587  
end user or its affiliates and is not distributed through the 99588  
facilities of a natural gas company. 99589

(G) All revenue arising from the tax imposed by this section 99590  
shall be credited to the general revenue fund. 99591

**Sec. 5727.84.** ~~(A) No determinations, computations,~~ 99592  
~~certifications, or payments shall be made under this section after~~ 99593  
~~June 30, 2015.~~ 99594

(A) As used in this section and sections 5727.85, 5727.86, 99595  
and 5727.87 of the Revised Code: 99596

(1) "School district" means a city, local, or exempted 99597  
village school district. 99598

(2) "Joint vocational school district" means a joint 99599  
vocational school district created under section 3311.16 of the 99600  
Revised Code, and includes a cooperative education school district 99601  
created under section 3311.52 or 3311.521 of the Revised Code and 99602  
a county school financing district created under section 3311.50 99603  
of the Revised Code. 99604

(3) "Local taxing unit" means a subdivision or taxing unit, 99605  
as defined in section 5705.01 of the Revised Code, a park district 99606  
created under Chapter 1545. of the Revised Code, or a township 99607  
park district established under section 511.23 of the Revised 99608  
Code, but excludes school districts and joint vocational school 99609

districts. 99610

(4) "State education aid," for a school district, means the 99611  
following: 99612

(a) For fiscal years prior to fiscal year 2010, the sum of 99613  
state aid amounts computed for the district under former sections 99614  
3317.029, 3317.052, and 3317.053 of the Revised Code and the 99615  
following provisions, as they existed for the applicable fiscal 99616  
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 99617  
3317.022; divisions (B), (C), and (D) of section 3317.023; 99618  
divisions (G), (L), and (N) of section 3317.024; and sections 99619  
3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; 99620  
and the adjustments required by: division (C) of section 3310.08; 99621  
division (C)(2) of section 3310.41; division (C) of section 99622  
3314.08; division (D)(2) of section 3314.091; division (D) of 99623  
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 99624  
section 3317.023; division (C) of section 3317.20; and sections 99625  
3313.979 and 3313.981 of the Revised Code. However, when 99626  
calculating state education aid for a school district for fiscal 99627  
years 2008 and 2009, include the amount computed for the district 99628  
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 99629  
as subsequently amended, instead of division (D) of section 99630  
3317.022 of the Revised Code; and include amounts calculated under 99631  
Section 269.30.80 of H.B. 119 of the 127th general assembly, as 99632  
subsequently amended. 99633

(b) For fiscal years 2010 and 2011, the sum of the amounts 99634  
computed for the district under former sections 3306.052, 3306.12, 99635  
3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of 99636  
the Revised Code and the following provisions, as they existed for 99637  
the applicable fiscal year: division (G) of section 3317.024; 99638  
section 3317.05 of the Revised Code; and the adjustments required 99639  
by division (C) of section 3310.08; division (C)(2) of section 99640  
3310.41; division (C) of section 3314.08; division (D)(2) of 99641

section 3314.091; division (D) of former section 3314.13; 99642  
divisions (E), (K), (L), (M), and (N) of section 3317.023; 99643  
division (C) of section 3317.20; and sections 3313.979, 3313.981, 99644  
and 3326.33 of the Revised Code. 99645

(c) For fiscal years 2012 and 2013, the amount paid in 99646  
accordance with the section of H.B. 153 of the 129th general 99647  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 99648  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 99649  
section 3310.08; division (C)(2) of section 3310.41; section 99650  
3310.55; division (C) of section 3314.08; division (D)(2) of 99651  
section 3314.091; division (D) of former section 3314.13; 99652  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 99653  
division (C) of section 3317.20; and sections 3313.979 and 99654  
3313.981 of the Revised Code; 99655

(d) For fiscal year 2014 and each fiscal year thereafter, the 99656  
sum of amounts computed for and paid to the district under section 99657  
3317.022 of the Revised Code; and the adjustments required by 99658  
division (C) of section 3310.08, division (C)(2) of section 99659  
3310.41, section 3310.55, division (C) of section 3314.08, 99660  
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 99661  
(K) of section 3317.023, and sections 3313.978, 3313.981, 99662  
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 99663  
However, for fiscal years 2014 and 2015, the amount computed for 99664  
the district under the section of this act entitled "TRANSITIONAL 99665  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 99666  
shall be included. 99667

(5) "State education aid," for a joint vocational school 99668  
district, means the following: 99669

(a) For fiscal years prior to fiscal year 2010, the sum of 99670  
the state aid amounts computed for the district under division (N) 99671  
of section 3317.024 and section 3317.16 of the Revised Code. 99672  
However, when calculating state education aid for a joint 99673

vocational school district for fiscal years 2008 and 2009, include 99674  
the amount computed for the district under Section 269.30.90 of 99675  
H.B. 119 of the 127th general assembly, as subsequently amended. 99676

(b) For fiscal years 2010 and 2011, the amount computed for 99677  
the district in accordance with the section of H.B. 1 of the 128th 99678  
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 99679  
DISTRICTS." 99680

(c) For fiscal years 2012 and 2013, the amount paid in 99681  
accordance with the section of H.B. 153 of the 129th general 99682  
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 99683

(d) For fiscal year 2014 and each fiscal year thereafter, the 99684  
amount computed for the district under section 3317.16 of the 99685  
Revised Code; except that, for fiscal years 2014 and 2015, the 99686  
amount computed for the district under the section of this act 99687  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 99688  
shall be included. 99689

(6) "State education aid offset" means the amount determined 99690  
for each school district or joint vocational school district under 99691  
division (A)(1) of section 5727.85 of the Revised Code. 99692

(7) "Recognized valuation" means the amount computed for a 99693  
school district pursuant to section 3317.015 of the Revised Code. 99694

(8) "Electric company tax value loss" means the amount 99695  
determined under division (D) of this section. 99696

(9) "Natural gas company tax value loss" means the amount 99697  
determined under division (E) of this section. 99698

(10) "Tax value loss" means the sum of the electric company 99699  
tax value loss and the natural gas company tax value loss. 99700

(11) "Fixed-rate levy" means any tax levied on property other 99701  
than a fixed-sum levy. 99702

(12) "Fixed-rate levy loss" means the amount determined under 99703

division (G) of this section. 99704

(13) "Fixed-sum levy" means a tax levied on property at 99705  
whatever rate is required to produce a specified amount of tax 99706  
money or levied in excess of the ten-mill limitation to pay debt 99707  
charges, and includes school district emergency levies charged and 99708  
payable pursuant to section 5705.194 of the Revised Code. 99709

(14) "Fixed-sum levy loss" means the amount determined under 99710  
division (H) of this section. 99711

(15) "Consumer price index" means the consumer price index 99712  
(all items, all urban consumers) prepared by the bureau of labor 99713  
statistics of the United States department of labor. 99714

(16) "Total resources" and "total library resources" have the 99715  
same meanings as in section 5751.20 of the Revised Code. 99716

(17) "2011 current expense S.B. 3 allocation" means the sum 99717  
of payments received by a school district or joint vocational 99718  
school district in fiscal year 2011 for current expense levy 99719  
losses pursuant to division (C)(2) of section 5727.85 of the 99720  
Revised Code. If a fixed-rate levy eligible for reimbursement is 99721  
not charged and payable in any year after tax year 2010, "2011 99722  
current expense S.B. 3 allocation" used to compute payments to be 99723  
made under division (C)(3) of section 5727.85 of the Revised Code 99724  
in the tax years following the last year the levy is charged and 99725  
payable shall be reduced to the extent that those payments are 99726  
attributable to the fixed-rate levy loss of that levy. 99727

(18) "2010 current expense S.B. 3 allocation" means the sum 99728  
of payments received by a municipal corporation in calendar year 99729  
2010 for current expense levy losses pursuant to division (A)(1) 99730  
of section 5727.86 of the Revised Code, excluding any such 99731  
payments received for current expense levy losses attributable to 99732  
a tax levied under section 5705.23 of the Revised Code. If a 99733  
fixed-rate levy eligible for reimbursement is not charged and 99734

payable in any year after tax year 2010, "2010 current expense 99735  
S.B. 3 allocation" used to compute payments to be made under 99736  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 99737  
in the tax years following the last year the levy is charged and 99738  
payable shall be reduced to the extent that those payments are 99739  
attributable to the fixed-rate levy loss of that levy. 99740

(19) "2010 S.B. 3 allocation" means the sum of payments 99741  
received by a local taxing unit during calendar year 2010 pursuant 99742  
to division (A)(1) of section 5727.86 of the Revised Code, 99743  
excluding any such payments received for fixed-rate levy losses 99744  
attributable to a tax levied under section 5705.23 of the Revised 99745  
Code. If a fixed-rate levy eligible for reimbursement is not 99746  
charged and payable in any year after tax year 2010, "2010 S.B. 3 99747  
allocation" used to compute payments to be made under division 99748  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 99749  
years following the last year the levy is charged and payable 99750  
shall be reduced to the extent that those payments are 99751  
attributable to the fixed-rate levy loss of that levy. 99752

(20) "Total S.B. 3 allocation" means, in the case of a school 99753  
district or joint vocational school district, the sum of the 99754  
payments received in fiscal year 2011 pursuant to divisions (C)(2) 99755  
and (D) of section 5727.85 of the Revised Code. In the case of a 99756  
local taxing unit, "total S.B. 3 allocation" means the sum of 99757  
payments received by the unit in calendar year 2010 pursuant to 99758  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 99759  
excluding any such payments received for fixed-rate levy losses 99760  
attributable to a tax levied under section 5705.23 of the Revised 99761  
Code. If a fixed-rate levy eligible for reimbursement is not 99762  
charged and payable in any year after tax year 2010, "total S.B. 3 99763  
allocation" used to compute payments to be made under division 99764  
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 99765  
5727.86 of the Revised Code in the tax years following the last 99766

year the levy is charged and payable shall be reduced to the 99767  
extent that those payments are attributable to the fixed-rate levy 99768  
loss of that levy as would be computed under division (C)(2) of 99769  
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 99770  
Revised Code. 99771

(21) "2011 non-current expense S.B. 3 allocation" means the 99772  
difference of a school district's or joint vocational school 99773  
district's total S.B. 3 allocation minus the sum of the school 99774  
district's 2011 current expense S.B. 3 allocation and the portion 99775  
of the school district's total S.B. 3 allocation constituting 99776  
reimbursement for debt levies pursuant to division (D) of section 99777  
5727.85 of the Revised Code. 99778

(22) "2010 non-current expense S.B. 3 allocation" means the 99779  
difference of a municipal corporation's total S.B. 3 allocation 99780  
minus the sum of its 2010 current expense S.B. 3 allocation and 99781  
the portion of its total S.B. 3 allocation constituting 99782  
reimbursement for debt levies pursuant to division (A)(4) of 99783  
section 5727.86 of the Revised Code. 99784

(23) "S.B. 3 allocation for library purposes" means, in the 99785  
case of a county, municipal corporation, school district, or 99786  
township public library that receives the proceeds of a tax levied 99787  
under section 5705.23 of the Revised Code, the sum of the payments 99788  
received by the public library in calendar year 2010 pursuant to 99789  
section 5727.86 of the Revised Code for fixed-rate levy losses 99790  
attributable to a tax levied under section 5705.23 of the Revised 99791  
Code. If a fixed-rate levy authorized under section 5705.23 of the 99792  
Revised Code that is eligible for reimbursement is not charged and 99793  
payable in any year after tax year 2010, "S.B. 3 allocation for 99794  
library purposes" used to compute payments to be made under 99795  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 99796  
tax years following the last year the levy is charged and payable 99797  
shall be reduced to the extent that those payments are 99798



attributable to the fixed-rate levy loss of that levy as would be 99799  
computed under division (A)(1)(b) of section 5727.86 of the 99800  
Revised Code. 99801

(24) "Threshold per cent" means, in the case of a school 99802  
district or joint vocational school district, two per cent for 99803  
fiscal year 2012 and four per cent for fiscal years 2013 and 99804  
thereafter. In the case of a local taxing unit or public library 99805  
that receives the proceeds of a tax levied under section 5705.23 99806  
of the Revised Code, "threshold per cent" means two per cent for 99807  
calendar year 2011, four per cent for calendar year 2012, and six 99808  
per cent for calendar years 2013 and thereafter. 99809

(B) The kilowatt-hour tax receipts fund is hereby created in 99810  
the state treasury and shall consist of money arising from the tax 99811  
imposed by section 5727.81 of the Revised Code. All money in the 99812  
kilowatt-hour tax receipts fund shall be credited as follows: 99813

Fiscal Year	General Revenue Fund	School District Property Tax Replacement	Local Government Property Tax Replacement	
2001-2011	63.0%	25.4%	11.6%	99815
<del>2012 and</del> <del>thereafter</del> <u>2012-2015</u>	88.0%	9.0%	3.0%	99816

(C) The natural gas tax receipts fund is hereby created in 99817  
the state treasury and shall consist of money arising from the tax 99818  
imposed by section 5727.811 of the Revised Code. All money in the 99819  
fund shall be credited as follows: 99820

~~(1) For~~ for fiscal years before fiscal year 2012: 99821

~~(a)(1)~~ Sixty-eight and seven-tenths per cent shall be 99822  
credited to the school district property tax replacement fund for 99823  
the purpose of making the payments described in section 5727.85 of 99824  
the Revised Code. 99825

~~(b)(2)~~ Thirty-one and three-tenths per cent shall be credited 99826  
to the local government property tax replacement fund for the 99827  
purpose of making the payments described in section 5727.86 of the 99828  
Revised Code. 99829

~~(2) For fiscal years 2012 and thereafter, one hundred per 99830  
cent to the general revenue fund. 99831~~

(D) Not later than January 1, 2002, the tax commissioner 99832  
shall determine for each taxing district its electric company tax 99833  
value loss, which is the sum of the applicable amounts described 99834  
in divisions (D)(1) to (4) of this section: 99835

(1) The difference obtained by subtracting the amount 99836  
described in division (D)(1)(b) from the amount described in 99837  
division (D)(1)(a) of this section. 99838

(a) The value of electric company and rural electric company 99839  
tangible personal property as assessed by the tax commissioner for 99840  
tax year 1998 on a preliminary assessment, or an amended 99841  
preliminary assessment if issued prior to March 1, 1999, and as 99842  
apportioned to the taxing district for tax year 1998; 99843

(b) The value of electric company and rural electric company 99844  
tangible personal property as assessed by the tax commissioner for 99845  
tax year 1998 had the property been apportioned to the taxing 99846  
district for tax year 2001, and assessed at the rates in effect 99847  
for tax year 2001. 99848

(2) The difference obtained by subtracting the amount 99849  
described in division (D)(2)(b) from the amount described in 99850  
division (D)(2)(a) of this section. 99851

(a) The three-year average for tax years 1996, 1997, and 1998 99852  
of the assessed value from nuclear fuel materials and assemblies 99853  
assessed against a person under Chapter 5711. of the Revised Code 99854  
from the leasing of them to an electric company for those 99855  
respective tax years, as reflected in the preliminary assessments; 99856

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000;

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

(4) In the case of a taxing district having a nuclear power plant within its territory, the difference obtained by subtracting the amount described in division (D)(4)(b) of this section from the amount described in division (D)(4)(a) of this section, provided that such difference is greater than ten per cent of the amount described in division (D)(4)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if

issued prior to March 1, 2006, and as apportioned to the taxing 99888  
district for tax year 2005; 99889

(b) The value of electric company tangible personal property 99890  
as assessed by the tax commissioner for tax year 2006 on a 99891  
preliminary assessment, or an amended preliminary assessment if 99892  
issued prior to March 1, 2007, and as apportioned to the taxing 99893  
district for tax year 2006. 99894

(E) Not later than January 1, 2002, the tax commissioner 99895  
shall determine for each taxing district its natural gas company 99896  
tax value loss, which is the sum of the amounts described in 99897  
divisions (E)(1) and (2) of this section: 99898

(1) The difference obtained by subtracting the amount 99899  
described in division (E)(1)(b) from the amount described in 99900  
division (E)(1)(a) of this section. 99901

(a) The value of all natural gas company tangible personal 99902  
property, other than property described in division (E)(2) of this 99903  
section, as assessed by the tax commissioner for tax year 1999 on 99904  
a preliminary assessment, or an amended preliminary assessment if 99905  
issued prior to March 1, 2000, and apportioned to the taxing 99906  
district for tax year 1999; 99907

(b) The value of all natural gas company tangible personal 99908  
property, other than property described in division (E)(2) of this 99909  
section, as assessed by the tax commissioner for tax year 1999 had 99910  
the property been apportioned to the taxing district for tax year 99911  
2001, and assessed at the rates in effect for tax year 2001. 99912

(2) The difference in the value of current gas obtained by 99913  
subtracting the amount described in division (E)(2)(b) from the 99914  
amount described in division (E)(2)(a) of this section. 99915

(a) The three-year average assessed value of current gas as 99916  
assessed by the tax commissioner for tax years 1997, 1998, and 99917  
1999 on a preliminary assessment, or an amended preliminary 99918

assessment if issued prior to March 1, 2001, and as apportioned in 99919  
the taxing district for those respective years; 99920

(b) The three-year average assessed value from current gas 99921  
under division (E)(2)(a) of this section for tax years 1997, 1998, 99922  
and 1999, as reflected in the preliminary assessment, using an 99923  
assessment rate of twenty-five per cent. 99924

(F) The tax commissioner may request that natural gas 99925  
companies, electric companies, and rural electric companies file a 99926  
report to help determine the tax value loss under divisions (D) 99927  
and (E) of this section. The report shall be filed within thirty 99928  
days of the commissioner's request. A company that fails to file 99929  
the report or does not timely file the report is subject to the 99930  
penalty in section 5727.60 of the Revised Code. 99931

(G) Not later than January 1, 2002, the tax commissioner 99932  
shall determine for each school district, joint vocational school 99933  
district, and local taxing unit its fixed-rate levy loss, which is 99934  
the sum of its electric company tax value loss multiplied by the 99935  
tax rate in effect in tax year 1998 for fixed-rate levies and its 99936  
natural gas company tax value loss multiplied by the tax rate in 99937  
effect in tax year 1999 for fixed-rate levies. 99938

(H) Not later than January 1, 2002, the tax commissioner 99939  
shall determine for each school district, joint vocational school 99940  
district, and local taxing unit its fixed-sum levy loss, which is 99941  
the amount obtained by subtracting the amount described in 99942  
division (H)(2) of this section from the amount described in 99943  
division (H)(1) of this section: 99944

(1) The sum of the electric company tax value loss multiplied 99945  
by the tax rate in effect in tax year 1998, and the natural gas 99946  
company tax value loss multiplied by the tax rate in effect in tax 99947  
year 1999, for fixed-sum levies for all taxing districts within 99948  
each school district, joint vocational school district, and local 99949

taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007 through 2016 in the case of school district emergency levies, and for all years after 2006 in the case of all other fixed-sum levies, this computation shall exclude all fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss, but are no longer in effect in the tax year preceding the distribution year. For the purposes of this section, an emergency levy that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.

(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (F) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86

of the Revised Code, and the one-fourth of one mill that is 99982  
subtracted under division (H)(2) of this section shall be 99983  
apportioned among all contributing fixed-sum levies in the 99984  
proportion of each levy to the sum of all fixed-sum levies within 99985  
each school district, joint vocational school district, or local 99986  
taxing unit. 99987

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 99988  
section, in computing the tax value loss, fixed-rate levy loss, 99989  
and fixed-sum levy loss, the tax commissioner shall use the 99990  
greater of the 1998 tax rate or the 1999 tax rate in the case of 99991  
levy losses associated with the electric company tax value loss, 99992  
but the 1999 tax rate shall not include for this purpose any tax 99993  
levy approved by the voters after June 30, 1999, and the tax 99994  
commissioner shall use the greater of the 1999 or the 2000 tax 99995  
rate in the case of levy losses associated with the natural gas 99996  
company tax value loss. 99997

(J) Not later than January 1, 2002, the tax commissioner 99998  
shall certify to the department of education the tax value loss 99999  
determined under divisions (D) and (E) of this section for each 100000  
taxing district, the fixed-rate levy loss calculated under 100001  
division (G) of this section, and the fixed-sum levy loss 100002  
calculated under division (H) of this section. The calculations 100003  
under divisions (G) and (H) of this section shall separately 100004  
display the levy loss for each levy eligible for reimbursement. 100005

(K) Not later than September 1, 2001, the tax commissioner 100006  
shall certify the amount of the fixed-sum levy loss to the county 100007  
auditor of each county in which a school district with a fixed-sum 100008  
levy loss has territory. 100009

**Sec. 5727.85.** ~~(A) No determinations, computations,~~ 100010  
~~certifications, or payments shall be made under this section after~~ 100011  
~~June 30, 2015.~~ 100012

(A) By the thirty-first day of July of each year, beginning 100013  
in 2002 and ending in 2010, the department of education shall 100014  
determine the following for each school district and each joint 100015  
vocational school district: 100016

(1) The state education aid offset, which, except as provided 100017  
in division (A)(1)(c) of this section, is the difference obtained 100018  
by subtracting the amount described in division (A)(1)(b) of this 100019  
section from the amount described in division (A)(1)(a) of this 100020  
section: 100021

(a) The state education aid computed for the school district 100022  
or joint vocational school district for the current fiscal year as 100023  
of the thirty-first day of July; 100024

(b) The state education aid that would be computed for the 100025  
school district or joint vocational school district for the 100026  
current fiscal year as of the thirty-first day of July if the 100027  
recognized valuation included the tax value loss for the school 100028  
district or joint vocational school district; 100029

(c) The state education aid offset for fiscal year 2010 and 100030  
fiscal year 2011 equals the greater of the state education aid 100031  
offset calculated for that fiscal year under divisions (A)(1)(a) 100032  
and (b) of this section or the state education aid offset 100033  
calculated for fiscal year 2009. 100034

(2) For fiscal years 2008 through 2011, the greater of zero 100035  
or the difference obtained by subtracting the state education aid 100036  
offset determined under division (A)(1) of this section from the 100037  
fixed-rate levy loss certified under division (J) of section 100038  
5727.84 of the Revised Code for all taxing districts in each 100039  
school district and joint vocational school district. 100040

By the fifth day of August of each such year, the department 100041  
of education shall certify the amount so determined under division 100042  
(A)(1) of this section to the director of budget and management. 100043



(B) Not later than the thirty-first day of October of the 100044  
years 2006 through 2010, the department of education shall 100045  
determine all of the following for each school district: 100046

(1) The amount obtained by subtracting the district's state 100047  
education aid computed for fiscal year 2002 from the district's 100048  
state education aid computed for the current fiscal year as of the 100049  
fifteenth day of July, by including in the definition of 100050  
recognized valuation the machinery and equipment, inventory, 100051  
furniture and fixtures, and telephone property tax value losses, 100052  
as defined in section 5751.20 of the Revised Code, for the school 100053  
district or joint vocational school district for the preceding tax 100054  
year; 100055

(2) The inflation-adjusted property tax loss. The 100056  
inflation-adjusted property tax loss equals the fixed-rate levy 100057  
loss, excluding the tax loss from levies within the ten-mill 100058  
limitation to pay debt charges, determined under division ~~(G)~~(D) 100059  
of section 5727.84 of the Revised Code for all taxing districts in 100060  
each school district, plus the product obtained by multiplying 100061  
that loss by the cumulative percentage increase in the consumer 100062  
price index from January 1, 2002, to the thirtieth day of June of 100063  
the current year. 100064

(3) The difference obtained by subtracting the amount 100065  
computed under division (B)(1) from the amount of the 100066  
inflation-adjusted property tax loss. If this difference is zero 100067  
or a negative number, no further payments shall be made under 100068  
division (C) of this section to the school district from the 100069  
school district property tax replacement fund. 100070

(C) Beginning in 2002 for school districts and beginning in 100071  
August 2011 for joint vocational school districts, the department 100072  
of education shall pay from the school district property tax 100073  
replacement fund to each school district all of the following: 100074

(1) In February 2002, one-half of the fixed-rate levy loss 100075  
certified under division ~~(J)~~(G) of section 5727.84 of the Revised 100076  
Code between the twenty-first and twenty-eighth days of February. 100077

(2) From August 2002 through February 2011, one-half of the 100078  
amount calculated for that fiscal year under division (A)(2) of 100079  
this section between the twenty-first and twenty-eighth days of 100080  
August and of February, provided the difference computed under 100081  
division (B)(3) of this section is not less than or equal to zero. 100082

(3) For fiscal years 2012 and thereafter, the sum of the 100083  
amounts in divisions (C)(3)(a) or (b) and (c) of this section 100084  
shall be paid on or before the thirty-first day of August and the 100085  
twenty-eighth day of February: 100086

(a) If the ratio of 2011 current expense S.B. 3 allocation to 100087  
total resources is equal to or less than the threshold per cent, 100088  
zero; 100089

(b) If the ratio of 2011 current expense S.B. 3 allocation to 100090  
total resources is greater than the threshold per cent, fifty per 100091  
cent of the difference of 2011 current expense S.B. 3 allocation 100092  
minus the product of total resources multiplied by the threshold 100093  
per cent; 100094

(c) Fifty per cent of the product of 2011 non-current expense 100095  
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 100096  
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 100097

The department of education shall report to each school 100098  
district the apportionment of the payments among the school 100099  
district's funds based on the certifications under division (J) of 100100  
section 5727.84 of the Revised Code. 100101

(D) For taxes levied within the ten-mill limitation for debt 100102  
purposes in tax year 1998 in the case of electric company tax 100103  
value losses, and in tax year 1999 in the case of natural gas 100104  
company tax value losses, payments shall be made equal to one 100105

hundred per cent of the loss computed as if the tax were a 100106  
fixed-rate levy, but those payments shall extend from fiscal year 100107  
2006 through fiscal year 2016. 100108

(E) Not later than January 1, 2002, for all taxing districts 100109  
in each joint vocational school district, the tax commissioner 100110  
shall certify to the department of education the fixed-rate levy 100111  
loss determined under division (G) of section 5727.84 of the 100112  
Revised Code. From February 2002 through February 2011, the 100113  
department shall pay from the school district property tax 100114  
replacement fund to the joint vocational school district one-half 100115  
of the amount calculated for that fiscal year under division 100116  
(A)(2) of this section between the twenty-first and twenty-eighth 100117  
days of August and of February. 100118

(F)(1) Not later than January 1, 2002, for each fixed-sum 100119  
levy levied by each school district or joint vocational school 100120  
district and for each year for which a determination is made under 100121  
division (H) of section 5727.84 of the Revised Code that a 100122  
fixed-sum levy loss is to be reimbursed, the tax commissioner 100123  
shall certify to the department of education the fixed-sum levy 100124  
loss determined under that division. The certification shall cover 100125  
a time period sufficient to include all fixed-sum levies for which 100126  
the tax commissioner made such a determination. The department 100127  
shall pay from the school district property tax replacement fund 100128  
to the school district or joint vocational school district 100129  
one-half of the fixed-sum levy loss so certified for each year 100130  
between the twenty-first and twenty-eighth days of August and of 100131  
February. 100132

(2) Beginning in 2003, by the thirty-first day of January of 100133  
each year, the tax commissioner shall review the certification 100134  
originally made under division (F)(1) of this section. If the 100135  
commissioner determines that a debt levy that had been scheduled 100136  
to be reimbursed in the current year has expired, a revised 100137

certification for that and all subsequent years shall be made to 100138  
the department of education. 100139

(G) If the balance of the half-mill equalization fund created 100140  
under section 3318.18 of the Revised Code is insufficient to make 100141  
the full amount of payments required under division (D) of that 100142  
section, the department of education, at the end of the third 100143  
quarter of the fiscal year, shall certify to the director of 100144  
budget and management the amount of the deficiency, and the 100145  
director shall transfer an amount equal to the deficiency from the 100146  
school district property tax replacement fund to the half-mill 100147  
equalization fund. 100148

(H) Beginning in August 2002, and ending in May 2011, the 100149  
director of budget and management shall transfer from the school 100150  
district property tax replacement fund to the general revenue fund 100151  
each of the following: 100152

(1) Between the twenty-eighth day of August and the fifth day 100153  
of September, the lesser of one-half of the amount certified for 100154  
that fiscal year under division (A)(2) of this section or the 100155  
balance in the school district property tax replacement fund; 100156

(2) Between the first and fifth days of May, the lesser of 100157  
one-half of the amount certified for that fiscal year under 100158  
division (A)(2) of this section or the balance in the school 100159  
district property tax replacement fund. 100160

(I) On the first day of June each year, the director of 100161  
budget and management shall transfer any balance remaining in the 100162  
school district property tax replacement fund after the payments 100163  
have been made under divisions (C), (D), (E), (F), (G), and (H) of 100164  
this section to the half-mill equalization fund created under 100165  
section 3318.18 of the Revised Code to the extent required to make 100166  
any payments in the current fiscal year under that section, and 100167  
shall transfer the remaining balance to the general revenue fund. 100168

(J) After fiscal year 2002, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), (E), (F), and (G) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the difference between the total amount to be paid and the total amount in the school district property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill No. 95 of the 125th general assembly.

(K) If all of the territory of a school district or joint vocational school district is merged with an existing district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or new district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For the merger of all of the territory of two or more districts, the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss of the successor district shall be equal to the sum of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss for each of the districts involved in the merger.

(2) For the transfer of a part of one district's territory to an existing district, the amount of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation that is transferred to the recipient district shall be an amount equal to the

transferring district's total resources, 2011 current expense S.B. 100201  
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 100202  
expense S.B. 3 allocation times a fraction, the numerator of which 100203  
is the number of pupils being transferred to the recipient 100204  
district, measured, in the case of a school district, by formula 100205  
ADM as that term is defined in section 3317.02 of the Revised Code 100206  
or, in the case of a joint vocational school district, by formula 100207  
ADM as defined for a joint vocational school district in that 100208  
section, and the denominator of which is the average daily 100209  
membership or formula ADM of the transferor district. Fixed-sum 100210  
levy losses for both districts shall be determined under division 100211  
(K)(4) of this section. 100212

(3) For the transfer of a part of the territory of one or 100213  
more districts to create a new district: 100214

(a) If the new district is created on or after January 1, 100215  
2000, but before January 1, 2005, the new district shall be paid 100216  
its current fixed-rate levy loss through August 2009. In February 100217  
2010, August 2010, and February 2011, the new district shall be 100218  
paid fifty per cent of the lesser of: (i) the amount calculated 100219  
under division (C)(2) of this section or (ii) an amount equal to 100220  
seventy per cent of the new district's fixed-rate levy loss. 100221

Beginning in fiscal year 2012, the new district shall be paid 100222  
as provided in division (C) of this section. 100223

Fixed-sum levy losses for the districts shall be determined 100224  
under division (K)(4) of this section. 100225

(b) If the new district is created on or after January 1, 100226  
2005, the new district shall be deemed not to have any fixed-rate 100227  
levy loss or, except as provided in division (K)(4) of this 100228  
section, fixed-sum levy loss. The district or districts from which 100229  
the territory was transferred shall have no reduction in their 100230  
fixed-rate levy loss, or, except as provided in division (K)(4) of 100231

this section, their fixed-sum levy loss. 100232

(4) If a recipient district under division (K)(2) of this 100233  
section or a new district under division (K)(3)(a) or (b) of this 100234  
section takes on debt from one or more of the districts from which 100235  
territory was transferred, and any of the districts transferring 100236  
the territory had fixed-sum levy losses, the department of 100237  
education, in consultation with the tax commissioner, shall make 100238  
an equitable division of the fixed-sum levy losses. 100239

**Sec. 5727.86.** ~~(A) No determinations, computations,~~ 100240  
~~certifications, or payments shall be made under this section after~~ 100241  
~~June 30, 2015.~~ 100242

(A) The tax commissioner shall compute the payments to be 100243  
made to each local taxing unit, and to each public library that 100244  
receives the proceeds of a tax levied under section 5705.23 of the 100245  
Revised Code, for each year according to divisions (A)(1), (2), 100246  
(3), and (4) and division (E) of this section, and shall 100247  
distribute the payments in the manner prescribed by division (C) 100248  
of this section. The calculation of the fixed-sum levy loss shall 100249  
cover a time period sufficient to include all fixed-sum levies for 100250  
which the tax commissioner determined, pursuant to division (H) of 100251  
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 100252  
to be reimbursed. 100253

(1) Except as provided in divisions (A)(3) and (4) of this 100254  
section, the following amounts shall be paid on or before the 100255  
thirty-first day of August and the twenty-eighth day of February: 100256

(a) For years 2002 through 2006, fifty per cent of the 100257  
fixed-rate levy loss computed under division (G) of section 100258  
5727.84 of the Revised Code; 100259

(b) For years 2007 through 2010, forty per cent of the 100260  
fixed-rate levy loss computed under division (G) of section 100261

5727.84 of the Revised Code;	100262
(c) For the payment in 2011 to be made on or before the	100263
twentieth day of February, the amount required to be paid in 2010	100264
on or before the twentieth day of February;	100265
(d) For the payment in 2011 to be made on or before the	100266
thirty-first day of August, the sum of the amounts in divisions	100267
(A)(1)(d)(i) or (ii) and (iii) of this section:	100268
(i) If the ratio of fifty per cent of the taxing unit's 2010	100269
S.B. 3 allocation to its total resources is equal to or less than	100270
the threshold per cent, zero;	100271
(ii) If the ratio of fifty per cent of the taxing unit's 2010	100272
S.B. 3 allocation to its total resources is greater than the	100273
threshold per cent, the difference of fifty per cent of the 2010	100274
S.B. 3 allocation minus the product of total resources multiplied	100275
by the threshold per cent;	100276
(iii) In the case of a municipal corporation, fifty per cent	100277
of the product of its 2010 non-current expense S.B. 3 allocation	100278
multiplied by seventy-five per cent.	100279
(e) For 2012 and each year thereafter, the sum of the amounts	100280
in divisions (A)(1)(e)(i) or (ii) and (iii) of this section:	100281
(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation	100282
to its total resources is equal to or less than the threshold per	100283
cent, zero;	100284
(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation	100285
to its total resources is greater than the threshold per cent,	100286
fifty per cent of the difference of the 2010 S.B. 3 allocation	100287
minus the product of total resources multiplied by the threshold	100288
per cent;	100289
(iii) In the case of a municipal corporation, fifty per cent	100290
of the product of its 2010 non-current expense S.B. 3 allocation	100291



multiplied by fifty per cent for year 2012 and by twenty-five per cent for years 2013 and thereafter.

(f) For the payment in 2012 to be made to a public library on or before the thirty-first day of August and for all such payments to be made in 2013 and thereafter, the amount in division (A)(1)(f)(i) or (ii) of this section:

(i) If the ratio of S.B. 3 allocation for library purposes to total library resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of S.B. 3 allocation for library purposes to total library resources is greater than the threshold per cent, fifty per cent of the difference of the S.B. 3 allocation for library purposes minus the product of total library resources multiplied by the threshold per cent.

(2) For fixed-sum levy losses determined under division (H) of section 5727.84 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2002 and thereafter.

(3) A local taxing unit in a county of less than two hundred fifty square miles that receives eighty per cent or more of its combined general fund and bond retirement fund revenues from property taxes and rollbacks based on 1997 actual revenues as presented in its 1999 tax budget, and in which electric companies and rural electric companies comprise over twenty per cent of its property valuation, shall receive one hundred per cent of its fixed-rate levy losses from electric company tax value losses certified under division (A) of this section in years 2002 to 2010. Beginning in 2011, payments for such local taxing units shall be determined under division (A)(1) of this section.

(4) For taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 1998

in the case of electric company tax value losses, and in tax year 100323  
1999 in the case of natural gas company tax value losses, payments 100324  
shall be made equal to one hundred per cent of the loss computed 100325  
as if the tax were a fixed-rate levy, but those payments shall 100326  
extend from 2011 through 2016 if the levy was charged and payable 100327  
for debt purposes in tax year 2010. If the levy is not charged and 100328  
payable for debt purposes in tax year 2010 or any following tax 100329  
year before tax year 2016, payments for that levy shall be made 100330  
under division (A)(1) of this section beginning with the first 100331  
year after the year the levy is charged and payable for a purpose 100332  
other than debt. For the purposes of this division, taxes levied 100333  
pursuant to a municipal charter refer to taxes levied pursuant to 100334  
a provision of a municipal charter that permits the tax to be 100335  
levied without prior voter approval. 100336

(B) Beginning in 2003, by the thirty-first day of January of 100337  
each year, the tax commissioner shall review the calculation 100338  
originally made under division (A) of this section of the 100339  
fixed-sum levy loss determined under division (H) of section 100340  
5727.84 of the Revised Code. If the commissioner determines that a 100341  
fixed-sum levy that had been scheduled to be reimbursed in the 100342  
current year has expired, a revised calculation for that and all 100343  
subsequent years shall be made. 100344

(C) Payments to local taxing units and public libraries 100345  
required to be made under divisions (A) and (E) of this section 100346  
shall be paid from the local government property tax replacement 100347  
fund to the county undivided income tax fund in the proper county 100348  
treasury. The county treasurer shall distribute amounts paid under 100349  
division (A) of this section to the proper local taxing unit or 100350  
public library as if they had been levied and collected as taxes, 100351  
and the local taxing unit or public library shall apportion the 100352  
amounts so received among its funds in the same proportions as if 100353  
those amounts had been levied and collected as taxes. Except in 100354

the case of amounts distributed to the county as a local taxing unit, amounts distributed under division (E)(2) of this section shall be credited to the general fund of the local taxing unit that receives them. Amounts distributed to each county as a local taxing unit under division (E)(2) of this section shall be credited in the proportion that the current taxes charged and payable from each levy of or by the county bears to the total current taxes charged and payable from all levies of or by the county.

(D) By February 5, 2002, the tax commissioner shall estimate the amount of money in the local government property tax replacement fund in excess of the amount necessary to make payments in that month under division (C) of this section. Notwithstanding division (A) of this section, the tax commissioner may pay any local taxing unit, from those excess funds, nine and four-tenths times the amount computed for 2002 under division (A)(1) of this section. A payment made under this division shall be in lieu of the payment to be made in February 2002 under division (A)(1) of this section. A local taxing unit receiving a payment under this division will no longer be entitled to any further payments under division (A)(1) of this section. A payment made under this division shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. The county treasurer shall distribute the payment to the proper local taxing unit as if it had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 2005, and 2006, and on the thirty-first day of January and July of 2007 through January 2011, if the amount credited to the local

government property tax replacement fund exceeds the amount needed 100387  
to be distributed from the fund under division (A) of this section 100388  
in the following month, the tax commissioner shall distribute the 100389  
excess to each county as follows: 100390

(a) One-half shall be distributed to each county in 100391  
proportion to each county's population. 100392

(b) One-half shall be distributed to each county in the 100393  
proportion that the amounts determined under divisions (G) and (H) 100394  
of section 5727.84 of the Revised Code for all local taxing units 100395  
in the county is of the total amounts so determined for all local 100396  
taxing units in the state. 100397

(2) The amounts distributed to each county under division (E) 100398  
of this section shall be distributed by the county auditor to each 100399  
local taxing unit in the county in the proportion that the unit's 100400  
current taxes charged and payable are of the total current taxes 100401  
charged and payable of all the local taxing units in the county. 100402  
If the amount that the county auditor determines to be distributed 100403  
to a local taxing unit is less than five dollars, that amount 100404  
shall not be distributed, and the amount not distributed shall 100405  
remain credited to the county undivided income tax fund. At the 100406  
time of the next distribution under division (E)(2) of this 100407  
section, any amount that had not been distributed in the prior 100408  
distribution shall be added to the amount available for the next 100409  
distribution prior to calculation of the amount to be distributed. 100410  
As used in this division, "current taxes charged and payable" 100411  
means the taxes charged and payable as most recently determined 100412  
for local taxing units in the county. 100413

After January 2011, any amount that exceeds the amount needed 100414  
to be distributed from the fund under division (A) of this section 100415  
in the following month shall be transferred to the general revenue 100416  
fund. 100417

(F) If the total amount in the local government property tax replacement fund is insufficient to make all payments under division (C) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax replacement fund the difference between the total amount to be paid and the amount in the local government property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill 95 of the 125th general assembly.

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the tax commissioner not later than the first day of June of the calendar year in which the payment is to be made.

**Sec. 5729.16.** (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code.

The credit shall be claimed in the order prescribed by

section 5729.98 of the Revised Code. If the amount of the credit 100449  
exceeds the amount of tax otherwise due after deducting all other 100450  
credits in that order, the excess may be carried forward and 100451  
applied to the tax due for not more than four ensuing years. 100452

By claiming a tax credit under this section, an insurance 100453  
company waives its rights under section 5729.102 of the Revised 100454  
Code with respect to the time limitation for the assessment of 100455  
taxes as it relates to credits claimed that later become subject 100456  
to recapture under division (D) of this section. 100457

(C) The total amount of qualified equity investments on the 100458  
basis of which credits may be claimed under this section, section 100459  
5725.33, and section 5733.58 of the Revised Code is subject to the 100460  
limitation of division (C) of section 5725.33 of the Revised Code. 100461

(D) If any amount of a federal tax credit allowed for a 100462  
qualified equity investment for which a credit was received under 100463  
this section is recaptured under section 45D of the Internal 100464  
Revenue Code, or if the director of development services 100465  
determines that an investment for which a tax credit is claimed 100466  
under this section is not a qualified equity investment or that 100467  
the proceeds of an investment for which a tax credit is claimed 100468  
under this section are used to make qualified low-income community 100469  
investments other than in a qualified active low-income community 100470  
business in this state, all or a portion of the credit received on 100471  
account of that investment shall be paid by the insurance company 100472  
that received the credit to the superintendent of insurance. The 100473  
amount to be recovered shall be determined by the director of 100474  
development services pursuant to rules adopted under section 100475  
5725.33 of the Revised Code. The director shall certify any amount 100476  
due under this division to the superintendent of insurance, and 100477  
the superintendent shall notify the treasurer of state of the 100478  
amount due. Upon notification, the treasurer shall invoice the 100479  
insurance company for the amount due. The amount due is payable 100480

not later than thirty days after the date the treasurer invoices 100481  
the insurance company. The amount due shall be considered to be 100482  
tax due under section 5729.03 or 5729.06 of the Revised Code, as 100483  
applicable, and may be collected by assessment without regard to 100484  
the time limitations imposed under section 5729.102 of the Revised 100485  
Code for the assessment of taxes by the superintendent. All 100486  
amounts collected under this division shall be credited as revenue 100487  
from the tax levied under section 5729.03 of the Revised Code. 100488

**Sec. 5729.98.** (A) To provide a uniform procedure for 100489  
calculating the amount of tax due under this chapter, a taxpayer 100490  
shall claim any credits and offsets against tax liability to which 100491  
it is entitled in the following order: 100492

(1) The credit for an insurance company or insurance company 100493  
group under section 5729.031 of the Revised Code; 100494

(2) The credit for eligible employee training costs under 100495  
section 5729.07 of the Revised Code; 100496

(3) The credit for purchases of qualified low-income 100497  
community investments under section 5729.16 of the Revised Code; 100498

(4) The nonrefundable job retention credit under division 100499  
(B)~~(1)~~ of section 122.171 of the Revised Code; 100500

(5) The offset of assessments by the Ohio life and health 100501  
insurance guaranty association against tax liability permitted by 100502  
section 3956.20 of the Revised Code; 100503

(6) The refundable credit for rehabilitating a historic 100504  
building under section 5729.17 of the Revised Code. 100505

(7) The refundable credit for Ohio job retention under former 100506  
division (B)(2) or (3) of section 122.171 of the Revised Code as 100507  
those divisions existed before the effective date of the amendment 100508  
of this section by H.B. 64 of the 131st general assembly; 100509

100510

(8) The refundable credit for Ohio job creation under section 100511  
5729.032 of the Revised Code; 100512

(9) The refundable credit under section 5729.08 of the 100513  
Revised Code for losses on loans made under the Ohio venture 100514  
capital program under sections 150.01 to 150.10 of the Revised 100515  
Code. 100516

(B) For any credit except the refundable credits enumerated 100517  
in this section, the amount of the credit for a taxable year shall 100518  
not exceed the tax due after allowing for any other credit that 100519  
precedes it in the order required under this section. Any excess 100520  
amount of a particular credit may be carried forward if authorized 100521  
under the section creating that credit. Nothing in this chapter 100522  
shall be construed to allow a taxpayer to claim, directly or 100523  
indirectly, a credit more than once for a taxable year. 100524

**Sec. 5733.0610.** (A) A refundable corporation franchise tax 100525  
credit granted by the tax credit authority under section 122.17 or 100526  
former division (B)(2) or (3) of section 122.171 of the Revised 100527  
Code, as those divisions existed before the effective date of the 100528  
amendment of this section by H.B. 64 of the 131st general 100529  
assembly, may be claimed under this chapter in the order required 100530  
under section 5733.98 of the Revised Code. For purposes of making 100531  
tax payments under this chapter, taxes equal to the amount of the 100532  
refundable credit shall be considered to be paid to this state on 100533  
the first day of the tax year. The refundable credit shall not be 100534  
claimed for any tax years following the calendar year in which a 100535  
relocation of employment positions occurs in violation of an 100536  
agreement entered into under section 122.17 or 122.171 of the 100537  
Revised Code. 100538

(B) A nonrefundable corporation franchise tax credit granted 100539  
by the tax credit authority under division (B)~~(1)~~ of section 100540  
122.171 of the Revised Code may be claimed under this chapter in 100541



the order required under section 5733.98 of the Revised Code. 100542

**Sec. 5733.58.** (A) Terms used in this section have the same 100543  
meaning as in section 5725.33 of the Revised Code. 100544

(B) There is hereby allowed a nonrefundable credit against 100545  
the tax imposed by section 5733.06 of the Revised Code for a 100546  
financial institution holding a qualified equity investment on the 100547  
credit allowance date occurring in the calendar year immediately 100548  
preceding the tax year for which the tax is due. The credit shall 100549  
be computed in the same manner prescribed for the computation of 100550  
credits allowed under section 5725.33 of the Revised Code. 100551

By claiming a tax credit under this section, a financial 100552  
institution waives its rights under section 5733.11 of the Revised 100553  
Code with respect to the time limitation for the assessment of 100554  
taxes as it relates to credits claimed that later become subject 100555  
to recapture under division (D) of this section. 100556

The credit shall be claimed in the order prescribed by 100557  
section 5733.98 of the Revised Code. If the amount of the credit 100558  
exceeds the amount of tax otherwise due after deducting all other 100559  
credits in that order, the excess may be carried forward and 100560  
applied to the tax due for not more than four ensuing tax years. 100561

(C) The total amount of qualified equity investments on the 100562  
basis of which credits may be claimed under this section and 100563  
sections 5725.33 and 5729.16 of the Revised Code is subject to the 100564  
limitation of division (C) of section 5725.33 of the Revised Code. 100565

(D) If any amount of a federal tax credit allowed for a 100566  
qualified equity investment for which a credit was received under 100567  
this section is recaptured under section 45D of the Internal 100568  
Revenue Code, or if the director of development services 100569  
determines that an investment for which a tax credit is claimed 100570  
under this section is not a qualified equity investment or that 100571

the proceeds of an investment for which a tax credit is claimed 100572  
under this section are used to make qualified low-income community 100573  
investments other than in a qualified active low-income community 100574  
business in this state, all or a portion of the credit received on 100575  
account of that investment shall be paid by the financial 100576  
institution that received the credit to the tax commissioner. The 100577  
amount to be recovered shall be determined by the director of 100578  
development services pursuant to rules adopted under section 100579  
5725.33 of the Revised Code. The director shall certify any amount 100580  
due under this division to the tax commissioner, and the 100581  
commissioner shall notify the financial institution of the amount 100582  
due. The amount due is payable not later than thirty days after 100583  
the day the commissioner issues the notice. The amount due shall 100584  
be considered to be tax due under section 5733.06 of the Revised 100585  
Code, and may be collected by assessment without regard to the 100586  
limitations imposed under section 5733.11 of the Revised Code for 100587  
the assessment of taxes by the commissioner. All amounts collected 100588  
under this division shall be credited as revenue from the tax 100589  
levied under section 5733.06 of the Revised Code. 100590

**Sec. 5736.01.** As used in this chapter: 100591

(A) "Calendar quarter" and "person" have the same meanings as 100592  
in section 5751.01 of the Revised Code. 100593

(B) "Distribution system" means a bulk transfer or terminal 100594  
system for the distribution of motor fuel consisting of 100595  
refineries, pipelines, marine vessels, and terminals. For the 100596  
purposes of this section, motor fuel that is in a refinery, 100597  
pipeline, terminal, or marine vessel or that is en route to a 100598  
refinery, pipeline, or terminal via any method of transportation 100599  
is in a "distribution system." Motor fuel is "outside of a 100600  
distribution system" if the fuel is in a fuel storage facility, 100601  
including, but not limited to, a bulk plant that is not part of a 100602

refinery or terminal, is in the fuel supply tank of an engine or 100603  
motor vehicle, or is being transported by a marine vessel, tank 100604  
car, rail car, trailer, truck, or other suitable equipment to a 100605  
fuel storage facility that is not in a distribution system. 100606

(C) "Dyed diesel fuel," "import," "motor fuel," "public 100607  
highways," "gasoline," "diesel fuel," "licensed motor fuel 100608  
dealer," "licensed permissive motor fuel dealer," and "terminal" 100609  
have the same meanings as in section 5735.01 of the Revised Code. 100610  
"Gallons" means gross gallons as defined in section 5735.01 of the 100611  
Revised Code. 100612

(D) "First sale of motor fuel within this state" means the 100613  
initial sale of motor fuel to a point outside a distribution 100614  
system, wherever the sale occurs, without regard to where title 100615  
transfers or other conditions of sale, when sold for delivery to a 100616  
location in this state as that location is shown on the bill of 100617  
lading or other similar document issued by the terminal, refinery, 100618  
or supplier. "First sale of motor fuel within this state" excludes 100619  
the following: 100620

(1) Motor fuel exchanges; 100621

(2) The sale of motor fuel on which the petroleum activity 100622  
tax imposed by this chapter was paid in a prior quarterly tax 100623  
payment period and on which the supplier may claim a bad debt. As 100624  
used in this division, "bad debt" has the same meaning as in 100625  
section 5751.01 of the Revised Code. 100626

(E) (1) "Calculated gross receipts" means the sum of the 100627  
following: 100628

~~(1)~~ (a) With respect to sales of gasoline, the product 100629  
obtained by multiplying ~~(a)~~ (i) the total number of gallons of 100630  
gasoline first sold within this state by a supplier during the tax 100631  
period by ~~(b)~~ (ii) the average wholesale price of a gallon of 100632  
unleaded regular gasoline for the calendar quarter that begins six 100633

months before the upcoming calendar quarter, as published by the 100634  
tax commissioner under division (C) of section 5736.02 of the 100635  
Revised Code; 100636

~~(2)~~(b) With respect to sales of propane, the product obtained 100637  
by multiplying (i) the total number of gallons of propane first 100638  
sold within this state by a supplier during the tax period by (ii) 100639  
the average wholesale price of a gallon of propane for the 100640  
calendar quarter that begins six months before the upcoming 100641  
calendar quarter, as published by the tax commissioner under 100642  
division (C) of section 5736.02 of the Revised Code; 100643

(c) With respect to sales of motor fuel that is not gasoline 100644  
or propane, the product obtained by multiplying ~~(a)~~(i) the total 100645  
number of gallons of motor fuel first sold within this state by a 100646  
supplier during the tax period by ~~(b)~~(ii) the average wholesale 100647  
price of a gallon of diesel fuel for the calendar quarter that 100648  
begins six months before the upcoming calendar quarter, as 100649  
published by the tax commissioner under division (C) of section 100650  
5736.02 of the Revised Code. 100651

(2) A supplier that has acquired blend stocks or additives 100652  
with respect to which the tax imposed by this chapter has 100653  
previously been paid may exclude the product of the following 100654  
amounts from the calculation of the supplier's "calculated gross 100655  
receipts" under division (E) of this section, provided that the 100656  
supplier uses the blend stocks or additives for blending with 100657  
motor fuel: 100658

(a) The number of gallons of the blend stocks or additives; 100659

(b) The average wholesale price of a gallon of such blend 100660  
stocks or additives for the calendar quarter in which the tax was 100661  
paid on the blend stocks or additives. 100662

The supplier may rely upon an invoice issued by the seller of 100663  
the blend stocks or additives as evidence that the tax imposed by 100664

this section has been remitted with respect to the blend stocks or additives, provided that the invoice lists the tax as a separate charge, the seller is included on the list maintained by the tax commissioner under section 5736.041 of the Revised Code, and the supplier maintains the invoice in accordance with section 5736.12 of the Revised Code.

(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel.

(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system.

(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack.

(I) "Supplier" means any of the following:

(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such motor fuel at a location in this state;

(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state;

(3) A person that knowingly purchases motor fuel from an unlicensed supplier.

(J) "Tax period" means the calendar quarter on the basis of

which a taxpayer is required to pay the tax imposed under this 100695  
chapter. 100696

(K) "Taxpayer" means a person subject to the tax imposed by 100697  
this chapter. 100698

(L) "Waterways" means all streams, lakes, ponds, marshes, 100699  
water courses, and all other bodies of surface water, natural or 100700  
artificial, which are situated wholly or partially within this 100701  
state or within its jurisdiction, except private impounded bodies 100702  
of water. 100703

(M) "Motor fuel exchange" means an exchange of motor fuel 100704  
between two or more suppliers, licensed motor fuel dealers, or 100705  
licensed permissive motor fuel dealers if delivery occurs at a 100706  
refinery, terminal, pipeline, or marine vessel and if the parties 100707  
agree that neither party requires monetary compensation from the 100708  
other party for the exchanged fuel other than compensation for 100709  
differences in product location, grade, or handling. 100710

**Sec. 5736.02.** (A)(1) Beginning with the tax period that 100711  
commences July 1, 2014, and continuing for every tax period 100712  
thereafter, there is hereby levied an excise tax on each supplier 100713  
measured by the supplier's calculated gross receipts derived from 100714  
the first sale of motor fuel within this state. The tax due shall 100715  
be computed by multiplying ~~sixty-five one hundredths of one per~~ 100716  
~~cent~~ by the supplier's calculated gross receipts by one of the 100717  
following tax rates: 100718

(a) If the calculated gross receipts are received from the 100719  
sale of dyed diesel fuel and the end consumer of the dyed diesel 100720  
fuel is a railroad company as described in division (D)(9) of 100721  
section 5727.01 of the Revised Code, the rate established in 100722  
division (A) of section 5751.03 of the Revised Code; 100723

(b) For all other calculated gross receipts, six and 100724

five-tenths mills. 100725

(2) All revenue from the tax shall be distributed as follows: 100726

~~(1)~~(a) All revenue from the tax as measured by calculated 100727  
gross receipts derived from the sale of motor fuel used for 100728  
propelling vehicles on public highways and waterways shall be used 100729  
for the purposes of maintaining the state highway system, funding 100730  
the enforcement of traffic laws, and covering the costs of 100731  
hospitalization of indigent persons injured in motor vehicle 100732  
accidents on the public highways. 100733

~~(2)~~(b) All revenue not distributed as required by division 100734  
(A)~~(1)~~(2)(a) of this section shall be used for the purpose of 100735  
funding the needs of this state and its local governments. 100736

(B) The tax imposed by this section is in addition to any 100737  
other taxes or fees imposed under the Revised Code. 100738

(C) The tax commissioner shall determine and publish, on the 100739  
web site of the department of taxation, the statewide average 100740  
wholesale prices of a gallon of unleaded regular gasoline, of a 100741  
gallon of propane, and of a gallon of diesel fuel for each 100742  
calendar quarter. The commissioner's determination is presumed to 100743  
be correct unless clearly erroneous. The figure shall be published 100744  
at least fifteen days before the beginning of the calendar 100745  
quarter. The commissioner shall base the average price on pricing 100746  
information available from the United States energy information 100747  
administration or, if such information is not available from that 100748  
agency, from another publicly available source selected by the 100749  
commissioner. The commissioner shall first make reasonable efforts 100750  
to obtain data specific to this state before using national data 100751  
to determine the average wholesale price. The price shall not 100752  
include any federal or state excise taxes on the gasoline or 100753  
diesel fuel, or the tax imposed by this chapter. The price shall 100754  
be rounded up to the nearest one-tenth of one cent. 100755

(D) Nothing in this chapter prohibits a person from 100756  
separately or proportionately billing or invoicing the tax imposed 100757  
by this section to a purchaser of motor fuel. 100758

(E) The tax imposed by this section applies only to suppliers 100759  
having a substantial nexus with this state, as that term is 100760  
defined in section 5751.01 of the Revised Code. A supplier that 100761  
does not have substantial nexus with the state may voluntarily 100762  
obtain a license from the commissioner under section 5736.06 of 100763  
the Revised Code. A supplier that voluntarily obtains a license 100764  
from the commissioner is entitled to the same benefits and is 100765  
subject to the same duties and requirements as are suppliers 100766  
required to be licensed with the commissioner. 100767

**Sec. 5736.50.** (A) A taxpayer granted a credit by the tax 100768  
credit authority under section 122.17 or former division (B)(2) or 100769  
(3) of section 122.171 of the Revised Code, as those divisions 100770  
existed before the effective date of the amendment of this section 100771  
by H.B. 64 of the 131st general assembly, may claim a refundable 100772  
credit against the tax imposed under this chapter. For the purpose 100773  
of making tax payments under this chapter, taxes equal to the 100774  
amount of the refundable credit shall be considered to be paid on 100775  
the first day of the tax period. 100776

(B) A ~~taxpayer granted a~~ nonrefundable credit granted by the 100777  
tax credit authority under division (B)~~(1)~~ of section 122.171 of 100778  
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 100779  
against the tax imposed under this chapter. 100780

(C) Credits authorized in division (A) or (B) of this section 100781  
shall not be claimed for any tax period beginning after the date 100782  
on which a relocation of employment positions occurs in violation 100783  
of an agreement entered into under section 122.17 or 122.171 of 100784  
the Revised Code. 100785

(D) A taxpayer may claim any unused portion of the credit 100786



authorized under division (B) of section 5751.50 of the Revised Code against the tax imposed under this chapter. No credit shall be allowed under this division if the credit was available against the tax imposed under section 5751.02 of the Revised Code except to the extent the credit was not applied against that tax.

(E) The amount of a credit claimed under division (B) or (D) of this section shall not exceed the tax otherwise due for the tax period. If the credit allowed under division (B) or (D) of this section exceeds the tax otherwise due, the excess may be carried forward to the extent authorized by section 122.171 of the Revised Code.

If a taxpayer is authorized to claim credits under division (A) and either or both of divisions (B) and (D) of this section for the same tax period, the taxpayer shall claim the credit allowed under division (B) or (D) before the credit allowed under division (A) of this section.

**Sec. 5739.01.** As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;	100817 100818
(3) All transactions by which:	100819
(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;	100820 100821 100822
(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;	100823 100824 100825 100826 100827 100828
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;	100829 100830
(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;	100831 100832 100833
(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty	100834 100835 100836 100837 100838 100839 100840 100841 100842 100843 100844 100845 100846 100847

per cent of the other corporation's common stock with voting rights.	100848 100849
(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;	100850 100851 100852 100853
(g) Landscaping and lawn care service is or is to be provided;	100854 100855
(h) Private investigation and security service is or is to be provided;	100856 100857
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	100858 100859
(j) Building maintenance and janitorial service is or is to be provided;	100860 100861
(k) Employment service is or is to be provided;	100862
(l) Employment placement service is or is to be provided;	100863
(m) Exterminating service is or is to be provided;	100864
(n) Physical fitness facility service is or is to be provided;	100865 100866
(o) Recreation and sports club service is or is to be provided;	100867 100868
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	100869 100870
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the	100871 100872 100873 100874 100875 100876

order of a licensed physician or licensed chiropractor, or the 100877  
cutting, coloring, or styling of an individual's hair. 100878

(r) On and after August 1, 2003, the transportation of 100879  
persons by motor vehicle or aircraft is or is to be provided, when 100880  
the transportation is entirely within this state, except for 100881  
transportation provided by an ambulance service, by a transit bus, 100882  
as defined in section 5735.01 of the Revised Code, and 100883  
transportation provided by a citizen of the United States holding 100884  
a certificate of public convenience and necessity issued under 49 100885  
U.S.C. 41102; 100886

(s) On and after August 1, 2003, motor vehicle towing service 100887  
is or is to be provided. As used in this division, "motor vehicle 100888  
towing service" means the towing or conveyance of a wrecked, 100889  
disabled, or illegally parked motor vehicle. 100890

(t) On and after August 1, 2003, snow removal service is or 100891  
is to be provided. As used in this division, "snow removal 100892  
service" means the removal of snow by any mechanized means, but 100893  
does not include the providing of such service by a person that 100894  
has less than five thousand dollars in sales of such service 100895  
during the calendar year. 100896

(u) Electronic publishing service is or is to be provided to 100897  
a consumer for use in business, except that such transactions 100898  
occurring between members of an affiliated group, as defined in 100899  
division (B)(3)(e) of this section, are not sales. 100900

(4) All transactions by which printed, imprinted, 100901  
overprinted, lithographic, multilithic, blueprinted, photostatic, 100902  
or other productions or reproductions of written or graphic matter 100903  
are or are to be furnished or transferred; 100904

(5) The production or fabrication of tangible personal 100905  
property for a consideration for consumers who furnish either 100906  
directly or indirectly the materials used in the production of 100907

fabrication work; and include the furnishing, preparing, or 100908  
serving for a consideration of any tangible personal property 100909  
consumed on the premises of the person furnishing, preparing, or 100910  
serving such tangible personal property. Except as provided in 100911  
section 5739.03 of the Revised Code, a construction contract 100912  
pursuant to which tangible personal property is or is to be 100913  
incorporated into a structure or improvement on and becoming a 100914  
part of real property is not a sale of such tangible personal 100915  
property. The construction contractor is the consumer of such 100916  
tangible personal property, provided that the sale and 100917  
installation of carpeting, the sale and installation of 100918  
agricultural land tile, the sale and erection or installation of 100919  
portable grain bins, or the provision of landscaping and lawn care 100920  
service and the transfer of property as part of such service is 100921  
never a construction contract. 100922

As used in division (B)(5) of this section: 100923

(a) "Agricultural land tile" means fired clay or concrete 100924  
tile, or flexible or rigid perforated plastic pipe or tubing, 100925  
incorporated or to be incorporated into a subsurface drainage 100926  
system appurtenant to land used or to be used primarily in 100927  
production by farming, agriculture, horticulture, or floriculture. 100928  
The term does not include such materials when they are or are to 100929  
be incorporated into a drainage system appurtenant to a building 100930  
or structure even if the building or structure is used or to be 100931  
used in such production. 100932

(b) "Portable grain bin" means a structure that is used or to 100933  
be used by a person engaged in farming or agriculture to shelter 100934  
the person's grain and that is designed to be disassembled without 100935  
significant damage to its component parts. 100936

(6) All transactions in which all of the shares of stock of a 100937  
closely held corporation are transferred, or an ownership interest 100938  
in a pass-through entity, as defined in section 5733.04 of the 100939

Revised Code, is transferred, if the corporation or pass-through 100940  
entity is not engaging in business and its entire assets consist 100941  
of boats, planes, motor vehicles, or other tangible personal 100942  
property operated primarily for the use and enjoyment of the 100943  
shareholders or owners; 100944

(7) All transactions in which a warranty, maintenance or 100945  
service contract, or similar agreement by which the vendor of the 100946  
warranty, contract, or agreement agrees to repair or maintain the 100947  
tangible personal property of the consumer is or is to be 100948  
provided; 100949

(8) The transfer of copyrighted motion picture films used 100950  
solely for advertising purposes, except that the transfer of such 100951  
films for exhibition purposes is not a sale; 100952

(9) On and after August 1, 2003, all transactions by which 100953  
tangible personal property is or is to be stored, except such 100954  
property that the consumer of the storage holds for sale in the 100955  
regular course of business; 100956

(10) All transactions in which "guaranteed auto protection" 100957  
is provided whereby a person promises to pay to the consumer the 100958  
difference between the amount the consumer receives from motor 100959  
vehicle insurance and the amount the consumer owes to a person 100960  
holding title to or a lien on the consumer's motor vehicle in the 100961  
event the consumer's motor vehicle suffers a total loss under the 100962  
terms of the motor vehicle insurance policy or is stolen and not 100963  
recovered, if the protection and its price are included in the 100964  
purchase or lease agreement; 100965

(11)(a) Except as provided in division (B)(11)(b) of this 100966  
section, on and after October 1, 2009, all transactions by which 100967  
health care services are paid for, reimbursed, provided, 100968  
delivered, arranged for, or otherwise made available by a medicaid 100969  
health insuring corporation pursuant to the corporation's contract 100970

with the state. 100971

(b) If the centers for medicare and medicaid services of the 100972  
United States department of health and human services determines 100973  
that the taxation of transactions described in division (B)(11)(a) 100974  
of this section constitutes an impermissible health care-related 100975  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 100976  
1396b(w), and regulations adopted thereunder, the medicaid 100977  
director shall notify the tax commissioner of that determination. 100978  
Beginning with the first day of the month following that 100979  
notification, the transactions described in division (B)(11)(a) of 100980  
this section are not sales for the purposes of this chapter or 100981  
Chapter 5741. of the Revised Code. The tax commissioner shall 100982  
order that the collection of taxes under sections 5739.02, 100983  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 100984  
5741.023 of the Revised Code shall cease for transactions 100985  
occurring on or after that date. 100986

(12) All transactions by which a specified digital product is 100987  
provided for permanent use or less than permanent use, regardless 100988  
of whether continued payment is required. 100989

Except as provided in this section, "sale" and "selling" do 100990  
not include transfers of interest in leased property where the 100991  
original lessee and the terms of the original lease agreement 100992  
remain unchanged, or professional, insurance, or personal service 100993  
transactions that involve the transfer of tangible personal 100994  
property as an inconsequential element, for which no separate 100995  
charges are made. 100996

(C) "Vendor" means the person providing the service or by 100997  
whom the transfer effected or license given by a sale is or is to 100998  
be made or given and, for sales described in division (B)(3)(i) of 100999  
this section, the telecommunications service vendor that provides 101000  
the nine hundred telephone service; if two or more persons are 101001  
engaged in business at the same place of business under a single 101002

trade name in which all collections on account of sales by each 101003  
are made, such persons shall constitute a single vendor. 101004

Physicians, dentists, hospitals, and veterinarians who are 101005  
engaged in selling tangible personal property as received from 101006  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 101007  
articles, are vendors. Veterinarians who are engaged in 101008  
transferring to others for a consideration drugs, the dispensing 101009  
of which does not require an order of a licensed veterinarian or 101010  
physician under federal law, are vendors. 101011

(D)(1) "Consumer" means the person for whom the service is 101012  
provided, to whom the transfer effected or license given by a sale 101013  
is or is to be made or given, to whom the service described in 101014  
division (B)(3)(f) or (i) of this section is charged, or to whom 101015  
the admission is granted. 101016

(2) Physicians, dentists, hospitals, and blood banks operated 101017  
by nonprofit institutions and persons licensed to practice 101018  
veterinary medicine, surgery, and dentistry are consumers of all 101019  
tangible personal property and services purchased by them in 101020  
connection with the practice of medicine, dentistry, the rendition 101021  
of hospital or blood bank service, or the practice of veterinary 101022  
medicine, surgery, and dentistry. In addition to being consumers 101023  
of drugs administered by them or by their assistants according to 101024  
their direction, veterinarians also are consumers of drugs that 101025  
under federal law may be dispensed only by or upon the order of a 101026  
licensed veterinarian or physician, when transferred by them to 101027  
others for a consideration to provide treatment to animals as 101028  
directed by the veterinarian. 101029

(3) A person who performs a facility management, or similar 101030  
service contract for a contractee is a consumer of all tangible 101031  
personal property and services purchased for use in connection 101032  
with the performance of such contract, regardless of whether title 101033  
to any such property vests in the contractee. The purchase of such 101034



property and services is not subject to the exception for resale 101035  
under division (E)(1) of this section. 101036

(4)(a) In the case of a person who purchases printed matter 101037  
for the purpose of distributing it or having it distributed to the 101038  
public or to a designated segment of the public, free of charge, 101039  
that person is the consumer of that printed matter, and the 101040  
purchase of that printed matter for that purpose is a sale. 101041

(b) In the case of a person who produces, rather than 101042  
purchases, printed matter for the purpose of distributing it or 101043  
having it distributed to the public or to a designated segment of 101044  
the public, free of charge, that person is the consumer of all 101045  
tangible personal property and services purchased for use or 101046  
consumption in the production of that printed matter. That person 101047  
is not entitled to claim exemption under division (B)(42)(f) of 101048  
section 5739.02 of the Revised Code for any material incorporated 101049  
into the printed matter or any equipment, supplies, or services 101050  
primarily used to produce the printed matter. 101051

(c) The distribution of printed matter to the public or to a 101052  
designated segment of the public, free of charge, is not a sale to 101053  
the members of the public to whom the printed matter is 101054  
distributed or to any persons who purchase space in the printed 101055  
matter for advertising or other purposes. 101056

(5) A person who makes sales of any of the services listed in 101057  
division (B)(3) of this section is the consumer of any tangible 101058  
personal property used in performing the service. The purchase of 101059  
that property is not subject to the resale exception under 101060  
division (E)(1) of this section. 101061

(6) A person who engages in highway transportation for hire 101062  
is the consumer of all packaging materials purchased by that 101063  
person and used in performing the service, except for packaging 101064  
materials sold by such person in a transaction separate from the 101065

service. 101066

(7) In the case of a transaction for health care services 101067  
under division (B)(11) of this section, a medicaid health insuring 101068  
corporation is the consumer of such services. The purchase of such 101069  
services by a medicaid health insuring corporation is not subject 101070  
to the exception for resale under division (E)(1) of this section 101071  
or to the exemptions provided under divisions (B)(12), (18), (19), 101072  
and (22) of section 5739.02 of the Revised Code. 101073

(E) "Retail sale" and "sales at retail" include all sales, 101074  
except those in which the purpose of the consumer is to resell the 101075  
thing transferred or benefit of the service provided, by a person 101076  
engaging in business, in the form in which the same is, or is to 101077  
be, received by the person. 101078

(F) "Business" includes any activity engaged in by any person 101079  
with the object of gain, benefit, or advantage, either direct or 101080  
indirect. "Business" does not include the activity of a person in 101081  
managing and investing the person's own funds. 101082

(G) "Engaging in business" means commencing, conducting, or 101083  
continuing in business, and liquidating a business when the 101084  
liquidator thereof holds itself out to the public as conducting 101085  
such business. Making a casual sale is not engaging in business. 101086

(H)(1)(a) "Price," except as provided in divisions (H)(2), 101087  
(3), and (4) of this section, means the total amount of 101088  
consideration, including cash, credit, property, and services, for 101089  
which tangible personal property or services are sold, leased, or 101090  
rented, valued in money, whether received in money or otherwise, 101091  
without any deduction for any of the following: 101092

(i) The vendor's cost of the property sold; 101093

(ii) The cost of materials used, labor or service costs, 101094  
interest, losses, all costs of transportation to the vendor, all 101095  
taxes imposed on the vendor, including the tax imposed under 101096

Chapter 5751. of the Revised Code, and any other expense of the vendor; 101097  
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(iii) Charges by the vendor for any services necessary to complete the sale; 101099  
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(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 101101  
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(v) Installation charges; 101106

(vi) Credit for any trade-in. 101107

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: 101108  
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(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented; 101117  
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(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization. 101123  
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(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the

consumer shall not be treated as consideration exchanged for a 101159  
gift card. 101160

(2) In the case of a sale of any new motor vehicle by a new 101161  
motor vehicle dealer, as defined in section 4517.01 of the Revised 101162  
Code, in which another motor vehicle is accepted by the dealer as 101163  
part of the consideration received, "price" has the same meaning 101164  
as in division (H)(1) of this section, reduced by the credit 101165  
afforded the consumer by the dealer for the motor vehicle received 101166  
in trade. 101167

(3) In the case of a sale of any watercraft or outboard motor 101168  
by a watercraft dealer licensed in accordance with section 101169  
1547.543 of the Revised Code, in which another watercraft, 101170  
watercraft and trailer, or outboard motor is accepted by the 101171  
dealer as part of the consideration received, "price" has the same 101172  
meaning as in division (H)(1) of this section, reduced by the 101173  
credit afforded the consumer by the dealer for the watercraft, 101174  
watercraft and trailer, or outboard motor received in trade. As 101175  
used in this division, "watercraft" includes an outdrive unit 101176  
attached to the watercraft. 101177

(4) In the case of transactions for health care services 101178  
under division (B)(11) of this section, "price" means the amount 101179  
of managed care premiums received each month by a medicaid health 101180  
insuring corporation. 101181

(I) "Receipts" means the total amount of the prices of the 101182  
sales of vendors, provided that the dollar value of gift cards 101183  
distributed pursuant to an awards, loyalty, or promotional 101184  
program, and cash discounts allowed and taken on sales at the time 101185  
they are consummated are not included, minus any amount deducted 101186  
as a bad debt pursuant to section 5739.121 of the Revised Code. 101187  
"Receipts" does not include the sale price of property returned or 101188  
services rejected by consumers when the full sale price and tax 101189  
are refunded either in cash or by credit. 101190

(J) "Place of business" means any location at which a person 101191  
engages in business. 101192

(K) "Premises" includes any real property or portion thereof 101193  
upon which any person engages in selling tangible personal 101194  
property at retail or making retail sales and also includes any 101195  
real property or portion thereof designated for, or devoted to, 101196  
use in conjunction with the business engaged in by such person. 101197

(L) "Casual sale" means a sale of an item of tangible 101198  
personal property that was obtained by the person making the sale, 101199  
through purchase or otherwise, for the person's own use and was 101200  
previously subject to any state's taxing jurisdiction on its sale 101201  
or use, and includes such items acquired for the seller's use that 101202  
are sold by an auctioneer employed directly by the person for such 101203  
purpose, provided the location of such sales is not the 101204  
auctioneer's permanent place of business. As used in this 101205  
division, "permanent place of business" includes any location 101206  
where such auctioneer has conducted more than two auctions during 101207  
the year. 101208

(M) "Hotel" means every establishment kept, used, maintained, 101209  
advertised, or held out to the public to be a place where sleeping 101210  
accommodations are offered to guests, in which five or more rooms 101211  
are used for the accommodation of such guests, whether the rooms 101212  
are in one or several structures, except as otherwise provided in 101213  
division (G) of section 5739.09 of the Revised Code. 101214

(N) "Transient guests" means persons occupying a room or 101215  
rooms for sleeping accommodations for less than thirty consecutive 101216  
days. 101217

(O) "Making retail sales" means the effecting of transactions 101218  
wherein one party is obligated to pay the price and the other 101219  
party is obligated to provide a service or to transfer title to or 101220  
possession of the item sold. "Making retail sales" does not 101221

include the preliminary acts of promoting or soliciting the retail 101222  
sales, other than the distribution of printed matter which 101223  
displays or describes and prices the item offered for sale, nor 101224  
does it include delivery of a predetermined quantity of tangible 101225  
personal property or transportation of property or personnel to or 101226  
from a place where a service is performed. 101227

(P) "Used directly in the rendition of a public utility 101228  
service" means that property that is to be incorporated into and 101229  
will become a part of the consumer's production, transmission, 101230  
transportation, or distribution system and that retains its 101231  
classification as tangible personal property after such 101232  
incorporation; fuel or power used in the production, transmission, 101233  
transportation, or distribution system; and tangible personal 101234  
property used in the repair and maintenance of the production, 101235  
transmission, transportation, or distribution system, including 101236  
only such motor vehicles as are specially designed and equipped 101237  
for such use. Tangible personal property and services used 101238  
primarily in providing highway transportation for hire are not 101239  
used directly in the rendition of a public utility service. In 101240  
this definition, "public utility" includes a citizen of the United 101241  
States holding, and required to hold, a certificate of public 101242  
convenience and necessity issued under 49 U.S.C. 41102. 101243

(Q) "Refining" means removing or separating a desirable 101244  
product from raw or contaminated materials by distillation or 101245  
physical, mechanical, or chemical processes. 101246

(R) "Assembly" and "assembling" mean attaching or fitting 101247  
together parts to form a product, but do not include packaging a 101248  
product. 101249

(S) "Manufacturing operation" means a process in which 101250  
materials are changed, converted, or transformed into a different 101251  
state or form from which they previously existed and includes 101252  
refining materials, assembling parts, and preparing raw materials 101253

and parts by mixing, measuring, blending, or otherwise committing 101254  
such materials or parts to the manufacturing process. 101255

"Manufacturing operation" does not include packaging. 101256

(T) "Fiscal officer" means, with respect to a regional 101257  
transit authority, the secretary-treasurer thereof, and with 101258  
respect to a county that is a transit authority, the fiscal 101259  
officer of the county transit board if one is appointed pursuant 101260  
to section 306.03 of the Revised Code or the county auditor if the 101261  
board of county commissioners operates the county transit system. 101262

(U) "Transit authority" means a regional transit authority 101263  
created pursuant to section 306.31 of the Revised Code or a county 101264  
in which a county transit system is created pursuant to section 101265  
306.01 of the Revised Code. For the purposes of this chapter, a 101266  
transit authority must extend to at least the entire area of a 101267  
single county. A transit authority that includes territory in more 101268  
than one county must include all the area of the most populous 101269  
county that is a part of such transit authority. County population 101270  
shall be measured by the most recent census taken by the United 101271  
States census bureau. 101272

(V) "Legislative authority" means, with respect to a regional 101273  
transit authority, the board of trustees thereof, and with respect 101274  
to a county that is a transit authority, the board of county 101275  
commissioners. 101276

(W) "Territory of the transit authority" means all of the 101277  
area included within the territorial boundaries of a transit 101278  
authority as they from time to time exist. Such territorial 101279  
boundaries must at all times include all the area of a single 101280  
county or all the area of the most populous county that is a part 101281  
of such transit authority. County population shall be measured by 101282  
the most recent census taken by the United States census bureau. 101283

(X) "Providing a service" means providing or furnishing 101284



anything described in division (B)(3) of this section for 101285  
consideration. 101286

(Y)(1)(a) "Automatic data processing" means processing of 101287  
others' data, including keypunching or similar data entry services 101288  
together with verification thereof, or providing access to 101289  
computer equipment for the purpose of processing data. 101290

(b) "Computer services" means providing services consisting 101291  
of specifying computer hardware configurations and evaluating 101292  
technical processing characteristics, computer programming, and 101293  
training of computer programmers and operators, provided in 101294  
conjunction with and to support the sale, lease, or operation of 101295  
taxable computer equipment or systems. 101296

(c) "Electronic information services" means providing access 101297  
to computer equipment by means of telecommunications equipment for 101298  
the purpose of either of the following: 101299

(i) Examining or acquiring data stored in or accessible to 101300  
the computer equipment; 101301

(ii) Placing data into the computer equipment to be retrieved 101302  
by designated recipients with access to the computer equipment. 101303

For transactions occurring on or after the effective date of 101304  
the amendment of this section by H.B. 157 of the 127th general 101305  
assembly, December 21, 2007, "electronic information services" 101306  
does not include electronic publishing as defined in division 101307  
(LLL) of this section. 101308

(d) "Automatic data processing, computer services, or 101309  
electronic information services" shall not include personal or 101310  
professional services. 101311

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 101312  
section, "personal and professional services" means all services 101313  
other than automatic data processing, computer services, or 101314

electronic information services, including but not limited to:	101315
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	101316 101317 101318 101319 101320
(b) Analyzing business policies and procedures;	101321
(c) Identifying management information needs;	101322
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	101323 101324 101325
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	101326 101327 101328 101329
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	101330 101331 101332
(g) Testing of business procedures;	101333
(h) Training personnel in business procedure applications;	101334
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	101335 101336 101337 101338 101339 101340
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	101341 101342
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	101343 101344

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and

delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

(h) Ancillary service;

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.

(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:

(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number.

"Conference bridging service" does not include telecommunications

services used to reach the conference bridge. 101406

(b) "Detailed telecommunications billing service" means an 101407  
ancillary service of separately stating information pertaining to 101408  
individual calls on a customer's billing statement. 101409

(c) "Directory assistance" means an ancillary service of 101410  
providing telephone number or address information. 101411

(d) "Vertical service" means an ancillary service that is 101412  
offered in connection with one or more telecommunications 101413  
services, which offers advanced calling features that allow 101414  
customers to identify callers and manage multiple calls and call 101415  
connections, including conference bridging service. 101416

(e) "Voice mail service" means an ancillary service that 101417  
enables the customer to store, send, or receive recorded messages. 101418  
"Voice mail service" does not include any vertical services that 101419  
the customer may be required to have in order to utilize the voice 101420  
mail service. 101421

(3) "900 service" means an inbound toll telecommunications 101422  
service purchased by a subscriber that allows the subscriber's 101423  
customers to call in to the subscriber's prerecorded announcement 101424  
or live service, and which is typically marketed under the name 101425  
"900 service" and any subsequent numbers designated by the federal 101426  
communications commission. "900 service" does not include the 101427  
charge for collection services provided by the seller of the 101428  
telecommunications service to the subscriber, or services or 101429  
products sold by the subscriber to the subscriber's customer. 101430

(4) "Prepaid calling service" means the right to access 101431  
exclusively telecommunications services, which must be paid for in 101432  
advance and which enables the origination of calls using an access 101433  
number or authorization code, whether manually or electronically 101434  
dialed, and that is sold in predetermined units or dollars of 101435  
which the number declines with use in a known amount. 101436

(5) "Prepaid wireless calling service" means a 101437  
telecommunications service that provides the right to utilize 101438  
mobile telecommunications service as well as other 101439  
non-telecommunications services, including the download of digital 101440  
products delivered electronically, and content and ancillary 101441  
services, that must be paid for in advance and that is sold in 101442  
predetermined units or dollars of which the number declines with 101443  
use in a known amount. 101444

(6) "Value-added non-voice data service" means a 101445  
telecommunications service in which computer processing 101446  
applications are used to act on the form, content, code, or 101447  
protocol of the information or data primarily for a purpose other 101448  
than transmission, conveyance, or routing. 101449

(7) "Coin-operated telephone service" means a 101450  
telecommunications service paid for by inserting money into a 101451  
telephone accepting direct deposits of money to operate. 101452

(8) "Customer" has the same meaning as in section 5739.034 of 101453  
the Revised Code. 101454

(BB) "Laundry and dry cleaning services" means removing soil 101455  
or dirt from towels, linens, articles of clothing, or other fabric 101456  
items that belong to others and supplying towels, linens, articles 101457  
of clothing, or other fabric items. "Laundry and dry cleaning 101458  
services" does not include the provision of self-service 101459  
facilities for use by consumers to remove soil or dirt from 101460  
towels, linens, articles of clothing, or other fabric items. 101461

(CC) "Magazines distributed as controlled circulation 101462  
publications" means magazines containing at least twenty-four 101463  
pages, at least twenty-five per cent editorial content, issued at 101464  
regular intervals four or more times a year, and circulated 101465  
without charge to the recipient, provided that such magazines are 101466  
not owned or controlled by individuals or business concerns which 101467

conduct such publications as an auxiliary to, and essentially for 101468  
the advancement of the main business or calling of, those who own 101469  
or control them. 101470

(DD) "Landscaping and lawn care service" means the services 101471  
of planting, seeding, sodding, removing, cutting, trimming, 101472  
pruning, mulching, aerating, applying chemicals, watering, 101473  
fertilizing, and providing similar services to establish, promote, 101474  
or control the growth of trees, shrubs, flowers, grass, ground 101475  
cover, and other flora, or otherwise maintaining a lawn or 101476  
landscape grown or maintained by the owner for ornamentation or 101477  
other nonagricultural purpose. However, "landscaping and lawn care 101478  
service" does not include the providing of such services by a 101479  
person who has less than five thousand dollars in sales of such 101480  
services during the calendar year. 101481

(EE) "Private investigation and security service" means the 101482  
performance of any activity for which the provider of such service 101483  
is required to be licensed pursuant to Chapter 4749. of the 101484  
Revised Code, or would be required to be so licensed in performing 101485  
such services in this state, and also includes the services of 101486  
conducting polygraph examinations and of monitoring or overseeing 101487  
the activities on or in, or the condition of, the consumer's home, 101488  
business, or other facility by means of electronic or similar 101489  
monitoring devices. "Private investigation and security service" 101490  
does not include special duty services provided by off-duty police 101491  
officers, deputy sheriffs, and other peace officers regularly 101492  
employed by the state or a political subdivision. 101493

(FF) "Information services" means providing conversation, 101494  
giving consultation or advice, playing or making a voice or other 101495  
recording, making or keeping a record of the number of callers, 101496  
and any other service provided to a consumer by means of a nine 101497  
hundred telephone call, except when the nine hundred telephone 101498  
call is the means by which the consumer makes a contribution to a 101499

recognized charity. 101500

(GG) "Research and development" means designing, creating, or 101501  
formulating new or enhanced products, equipment, or manufacturing 101502  
processes, and also means conducting scientific or technological 101503  
inquiry and experimentation in the physical sciences with the goal 101504  
of increasing scientific knowledge which may reveal the bases for 101505  
new or enhanced products, equipment, or manufacturing processes. 101506

(HH) "Qualified research and development equipment" means 101507  
capitalized tangible personal property, and leased personal 101508  
property that would be capitalized if purchased, used by a person 101509  
primarily to perform research and development. Tangible personal 101510  
property primarily used in testing, as defined in division (A)(4) 101511  
of section 5739.011 of the Revised Code, or used for recording or 101512  
storing test results, is not qualified research and development 101513  
equipment unless such property is primarily used by the consumer 101514  
in testing the product, equipment, or manufacturing process being 101515  
created, designed, or formulated by the consumer in the research 101516  
and development activity or in recording or storing such test 101517  
results. 101518

(II) "Building maintenance and janitorial service" means 101519  
cleaning the interior or exterior of a building and any tangible 101520  
personal property located therein or thereon, including any 101521  
services incidental to such cleaning for which no separate charge 101522  
is made. However, "building maintenance and janitorial service" 101523  
does not include the providing of such service by a person who has 101524  
less than five thousand dollars in sales of such service during 101525  
the calendar year. As used in this division, "cleaning" does not 101526  
include sanitation services necessary for an establishment 101527  
described in 21 U.S.C. 608 to comply with rules and regulations 101528  
adopted pursuant to that section. 101529

(JJ) "Employment service" means providing or supplying 101530  
personnel, on a temporary or long-term basis, to perform work or 101531



labor under the supervision or control of another, when the 101532  
personnel so provided or supplied receive their wages, salary, or 101533  
other compensation from the provider or supplier of the employment 101534  
service or from a third party that provided or supplied the 101535  
personnel to the provider or supplier. "Employment service" does 101536  
not include: 101537

(1) Acting as a contractor or subcontractor, where the 101538  
personnel performing the work are not under the direct control of 101539  
the purchaser. 101540

(2) Medical and health care services. 101541

(3) Supplying personnel to a purchaser pursuant to a contract 101542  
of at least one year between the service provider and the 101543  
purchaser that specifies that each employee covered under the 101544  
contract is assigned to the purchaser on a permanent basis. 101545

(4) Transactions between members of an affiliated group, as 101546  
defined in division (B)(3)(e) of this section. 101547

(5) Transactions where the personnel so provided or supplied 101548  
by a provider or supplier to a purchaser of an employment service 101549  
are then provided or supplied by that purchaser to a third party 101550  
as an employment service, except "employment service" does include 101551  
the transaction between that purchaser and the third party. 101552

(KK) "Employment placement service" means locating or finding 101553  
employment for a person or finding or locating an employee to fill 101554  
an available position. 101555

(LL) "Exterminating service" means eradicating or attempting 101556  
to eradicate vermin infestations from a building or structure, or 101557  
the area surrounding a building or structure, and includes 101558  
activities to inspect, detect, or prevent vermin infestation of a 101559  
building or structure. 101560

(MM) "Physical fitness facility service" means all 101561

transactions by which a membership is granted, maintained, or 101562  
renewed, including initiation fees, membership dues, renewal fees, 101563  
monthly minimum fees, and other similar fees and dues, by a 101564  
physical fitness facility such as an athletic club, health spa, or 101565  
gymnasium, which entitles the member to use the facility for 101566  
physical exercise. 101567

(NN) "Recreation and sports club service" means all 101568  
transactions by which a membership is granted, maintained, or 101569  
renewed, including initiation fees, membership dues, renewal fees, 101570  
monthly minimum fees, and other similar fees and dues, by a 101571  
recreation and sports club, which entitles the member to use the 101572  
facilities of the organization. "Recreation and sports club" means 101573  
an organization that has ownership of, or controls or leases on a 101574  
continuing, long-term basis, the facilities used by its members 101575  
and includes an aviation club, gun or shooting club, yacht club, 101576  
card club, swimming club, tennis club, golf club, country club, 101577  
riding club, amateur sports club, or similar organization. 101578

(OO) "Livestock" means farm animals commonly raised for food, 101579  
food production, or other agricultural purposes, including, but 101580  
not limited to, cattle, sheep, goats, swine, poultry, and captive 101581  
deer. "Livestock" does not include invertebrates, amphibians, 101582  
reptiles, domestic pets, animals for use in laboratories or for 101583  
exhibition, or other animals not commonly raised for food or food 101584  
production. 101585

(PP) "Livestock structure" means a building or structure used 101586  
exclusively for the housing, raising, feeding, or sheltering of 101587  
livestock, and includes feed storage or handling structures and 101588  
structures for livestock waste handling. 101589

(QQ) "Horticulture" means the growing, cultivation, and 101590  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 101591  
and nursery stock. As used in this division, "nursery stock" has 101592  
the same meaning as in section 927.51 of the Revised Code. 101593

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the 101626  
possession or control of tangible personal property for a fixed or 101627  
indefinite term, for consideration. "Lease" or "rental" includes 101628  
future options to purchase or extend, and agreements described in 101629  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 101630  
the amount of consideration may be increased or decreased by 101631  
reference to the amount realized upon the sale or disposition of 101632  
the property. "Lease" or "rental" does not include: 101633

(a) A transfer of possession or control of tangible personal 101634  
property under a security agreement or a deferred payment plan 101635  
that requires the transfer of title upon completion of the 101636  
required payments; 101637

(b) A transfer of possession or control of tangible personal 101638  
property under an agreement that requires the transfer of title 101639  
upon completion of required payments and payment of an option 101640  
price that does not exceed the greater of one hundred dollars or 101641  
one per cent of the total required payments; 101642

(c) Providing tangible personal property along with an 101643  
operator for a fixed or indefinite period of time, if the operator 101644  
is necessary for the property to perform as designed. For purposes 101645  
of this division, the operator must do more than maintain, 101646  
inspect, or set up the tangible personal property. 101647

(2) "Lease" and "rental," as defined in division (UU) of this 101648  
section, shall not apply to leases or rentals that exist before 101649  
June 26, 2003. 101650

(3) "Lease" and "rental" have the same meaning as in division 101651  
(UU)(1) of this section regardless of whether a transaction is 101652  
characterized as a lease or rental under generally accepted 101653  
accounting principles, the Internal Revenue Code, Title XIII of 101654  
the Revised Code, or other federal, state, or local laws. 101655

(VV) "Mobile telecommunications service" has the same meaning 101656

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.

(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does

not include multiple items of printed material delivered to a 101689  
single address. 101690

(AAA) "Computer" means an electronic device that accepts 101691  
information in digital or similar form and manipulates it for a 101692  
result based on a sequence of instructions. 101693

(BBB) "Computer software" means a set of coded instructions 101694  
designed to cause a computer or automatic data processing 101695  
equipment to perform a task. 101696

(CCC) "Delivered electronically" means delivery of computer 101697  
software from the seller to the purchaser by means other than 101698  
tangible storage media. 101699

(DDD) "Prewritten computer software" means computer software, 101700  
including prewritten upgrades, that is not designed and developed 101701  
by the author or other creator to the specifications of a specific 101702  
purchaser. The combining of two or more prewritten computer 101703  
software programs or prewritten portions thereof does not cause 101704  
the combination to be other than prewritten computer software. 101705  
"Prewritten computer software" includes software designed and 101706  
developed by the author or other creator to the specifications of 101707  
a specific purchaser when it is sold to a person other than the 101708  
purchaser. If a person modifies or enhances computer software of 101709  
which the person is not the author or creator, the person shall be 101710  
deemed to be the author or creator only of such person's 101711  
modifications or enhancements. Prewritten computer software or a 101712  
prewritten portion thereof that is modified or enhanced to any 101713  
degree, where such modification or enhancement is designed and 101714  
developed to the specifications of a specific purchaser, remains 101715  
prewritten computer software; provided, however, that where there 101716  
is a reasonable, separately stated charge or an invoice or other 101717  
statement of the price given to the purchaser for the modification 101718  
or enhancement, the modification or enhancement shall not 101719  
constitute prewritten computer software. 101720

(EEE)(1) "Food" means substances, whether in liquid, 101721  
concentrated, solid, frozen, dried, or dehydrated form, that are 101722  
sold for ingestion or chewing by humans and are consumed for their 101723  
taste or nutritional value. "Food" does not include alcoholic 101724  
beverages, dietary supplements, soft drinks, or tobacco. 101725

(2) As used in division (EEE)(1) of this section: 101726

(a) "Alcoholic beverages" means beverages that are suitable 101727  
for human consumption and contain one-half of one per cent or more 101728  
of alcohol by volume. 101729

(b) "Dietary supplements" means any product, other than 101730  
tobacco, that is intended to supplement the diet and that is 101731  
intended for ingestion in tablet, capsule, powder, softgel, 101732  
gelcap, or liquid form, or, if not intended for ingestion in such 101733  
a form, is not represented as conventional food for use as a sole 101734  
item of a meal or of the diet; that is required to be labeled as a 101735  
dietary supplement, identifiable by the "supplement facts" box 101736  
found on the label, as required by 21 C.F.R. 101.36; and that 101737  
contains one or more of the following dietary ingredients: 101738

(i) A vitamin; 101739

(ii) A mineral; 101740

(iii) An herb or other botanical; 101741

(iv) An amino acid; 101742

(v) A dietary substance for use by humans to supplement the 101743  
diet by increasing the total dietary intake; 101744

(vi) A concentrate, metabolite, constituent, extract, or 101745  
combination of any ingredient described in divisions 101746  
(EEE)(2)(b)(i) to (v) of this section. 101747

(c) "Soft drinks" means nonalcoholic beverages that contain 101748  
natural or artificial sweeteners. "Soft drinks" does not include 101749  
beverages that contain milk or milk products, soy, rice, or 101750

similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a



motor vehicle manufacturer. "Mobility enhancing equipment" does 101782  
not include durable medical equipment. 101783

(JJJ) "Prosthetic device" means a replacement, corrective, or 101784  
supportive device, including repair and replacement parts for the 101785  
device, worn on or in the human body to artificially replace a 101786  
missing portion of the body, prevent or correct physical deformity 101787  
or malfunction, or support a weak or deformed portion of the body. 101788  
As used in this division, "prosthetic device" does not include 101789  
corrective eyeglasses, contact lenses, or dental prosthesis. 101790

(KKK)(1) "Fractional aircraft ownership program" means a 101791  
program in which persons within an affiliated group sell and 101792  
manage fractional ownership program aircraft, provided that at 101793  
least one hundred airworthy aircraft are operated in the program 101794  
and the program meets all of the following criteria: 101795

(a) Management services are provided by at least one program 101796  
manager within an affiliated group on behalf of the fractional 101797  
owners. 101798

(b) Each program aircraft is owned or possessed by at least 101799  
one fractional owner. 101800

(c) Each fractional owner owns or possesses at least a 101801  
one-sixteenth interest in at least one fixed-wing program 101802  
aircraft. 101803

(d) A dry-lease aircraft interchange arrangement is in effect 101804  
among all of the fractional owners. 101805

(e) Multi-year program agreements are in effect regarding the 101806  
fractional ownership, management services, and dry-lease aircraft 101807  
interchange arrangement aspects of the program. 101808

(2) As used in division (KKK)(1) of this section: 101809

(a) "Affiliated group" has the same meaning as in division 101810  
(B)(3)(e) of this section. 101811

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials;

editorials, columns, reader commentary, or features; photos or 101844  
images; archival or research material; legal notices, identity 101845  
verification, or public records; scientific, educational, 101846  
instructional, technical, professional, trade, or other literary 101847  
materials; or other similar information which has been gathered 101848  
and made available by the provider to the consumer in an 101849  
electronic format. Providing electronic publishing includes the 101850  
functions necessary for the acquisition, formatting, editing, 101851  
storage, and dissemination of data or information that is the 101852  
subject of a sale. 101853

(MMM) "Medicaid health insuring corporation" means a health 101854  
insuring corporation that holds a certificate of authority under 101855  
Chapter 1751. of the Revised Code and is under contract with the 101856  
department of job and family services pursuant to section 5111.17 101857  
of the Revised Code. 101858

(NNN) "Managed care premium" means any premium, capitation, 101859  
or other payment a medicaid health insuring corporation receives 101860  
for providing or arranging for the provision of health care 101861  
services to its members or enrollees residing in this state. 101862

(OOO) "Captive deer" means deer and other cervidae that have 101863  
been legally acquired, or their offspring, that are privately 101864  
owned for agricultural or farming purposes. 101865

(PPP) "Gift card" means a document, card, certificate, or 101866  
other record, whether tangible or intangible, that may be redeemed 101867  
by a consumer for a dollar value when making a purchase of 101868  
tangible personal property or services. 101869

(QQQ) "Specified digital product" means an electronically 101870  
transferred digital audiovisual work, digital audio work, or 101871  
digital book. 101872

As used in division (QQQ) of this section: 101873

(1) "Digital audiovisual work" means a series of related 101874

images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft,

outboard motor, or aircraft, or of any tangible personal property, 101905  
other than motor vehicles designed by the manufacturer to carry a 101906  
load of more than one ton, to be used by the lessee or renter 101907  
primarily for business purposes, the tax shall be collected by the 101908  
vendor at the time the lease or rental is consummated and shall be 101909  
calculated by the vendor on the basis of the total amount to be 101910  
paid by the lessee or renter under the lease agreement. If the 101911  
total amount of the consideration for the lease or rental includes 101912  
amounts that are not calculated at the time the lease or rental is 101913  
executed, the tax shall be calculated and collected by the vendor 101914  
at the time such amounts are billed to the lessee or renter. In 101915  
the case of an open-end lease or rental, the tax shall be 101916  
calculated by the vendor on the basis of the total amount to be 101917  
paid during the initial fixed term of the lease or rental, and for 101918  
each subsequent renewal period as it comes due. As used in this 101919  
division, "motor vehicle" has the same meaning as in section 101920  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 101921  
unit attached to the watercraft. 101922

A lease with a renewal clause and a termination penalty or 101923  
similar provision that applies if the renewal clause is not 101924  
exercised is presumed to be a sham transaction. In such a case, 101925  
the tax shall be calculated and paid on the basis of the entire 101926  
length of the lease period, including any renewal periods, until 101927  
the termination penalty or similar provision no longer applies. 101928  
The taxpayer shall bear the burden, by a preponderance of the 101929  
evidence, that the transaction or series of transactions is not a 101930  
sham transaction. 101931

(3) Except as provided in division (A)(2) of this section, in 101932  
the case of a sale, the price of which consists in whole or in 101933  
part of the lease or rental of tangible personal property, the tax 101934  
shall be measured by the installments of that lease or rental. 101935

(4) In the case of a sale of a physical fitness facility 101936

service or recreation and sports club service, the price of which 101937  
consists in whole or in part of a membership for the receipt of 101938  
the benefit of the service, the tax applicable to the sale shall 101939  
be measured by the installments thereof. 101940

(B) The tax does not apply to the following: 101941

(1) Sales to the state or any of its political subdivisions, 101942  
or to any other state or its political subdivisions if the laws of 101943  
that state exempt from taxation sales made to this state and its 101944  
political subdivisions; 101945

(2) Sales of food for human consumption off the premises 101946  
where sold; 101947

(3) Sales of food sold to students only in a cafeteria, 101948  
dormitory, fraternity, or sorority maintained in a private, 101949  
public, or parochial school, college, or university; 101950

(4) Sales of newspapers and sales or transfers of magazines 101951  
distributed as controlled circulation publications; 101952

(5) The furnishing, preparing, or serving of meals without 101953  
charge by an employer to an employee provided the employer records 101954  
the meals as part compensation for services performed or work 101955  
done; 101956

(6) Sales of motor fuel upon receipt, use, distribution, or 101957  
sale of which in this state a tax is imposed by the law of this 101958  
state, but this exemption shall not apply to the sale of motor 101959  
fuel on which a refund of the tax is allowable under division (A) 101960  
of section 5735.14 of the Revised Code; and the tax commissioner 101961  
may deduct the amount of tax levied by this section applicable to 101962  
the price of motor fuel when granting a refund of motor fuel tax 101963  
pursuant to division (A) of section 5735.14 of the Revised Code 101964  
and shall cause the amount deducted to be paid into the general 101965  
revenue fund of this state; 101966

(7) Sales of natural gas by a natural gas company, of water 101967  
by a water-works company, or of steam by a heating company, if in 101968  
each case the thing sold is delivered to consumers through pipes 101969  
or conduits, and all sales of communications services by a 101970  
telegraph company, all terms as defined in section 5727.01 of the 101971  
Revised Code, and sales of electricity delivered through wires; 101972

(8) Casual sales by a person, or auctioneer employed directly 101973  
by the person to conduct such sales, except as to such sales of 101974  
motor vehicles, watercraft or outboard motors required to be 101975  
titled under section 1548.06 of the Revised Code, watercraft 101976  
documented with the United States coast guard, snowmobiles, and 101977  
all-purpose vehicles as defined in section 4519.01 of the Revised 101978  
Code; 101979

(9)(a) Sales of services or tangible personal property, other 101980  
than motor vehicles, mobile homes, and manufactured homes, by 101981  
churches, organizations exempt from taxation under section 101982  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 101983  
organizations operated exclusively for charitable purposes as 101984  
defined in division (B)(12) of this section, provided that the 101985  
number of days on which such tangible personal property or 101986  
services, other than items never subject to the tax, are sold does 101987  
not exceed six in any calendar year, except as otherwise provided 101988  
in division (B)(9)(b) of this section. If the number of days on 101989  
which such sales are made exceeds six in any calendar year, the 101990  
church or organization shall be considered to be engaged in 101991  
business and all subsequent sales by it shall be subject to the 101992  
tax. In counting the number of days, all sales by groups within a 101993  
church or within an organization shall be considered to be sales 101994  
of that church or organization. 101995

(b) The limitation on the number of days on which tax-exempt 101996  
sales may be made by a church or organization under division 101997  
(B)(9)(a) of this section does not apply to sales made by student 101998

clubs and other groups of students of a primary or secondary 101999  
school, or a parent-teacher association, booster group, or similar 102000  
organization that raises money to support or fund curricular or 102001  
extracurricular activities of a primary or secondary school. 102002

(c) Divisions (B)(9)(a) and (b) of this section do not apply 102003  
to sales by a noncommercial educational radio or television 102004  
broadcasting station. 102005

(10) Sales not within the taxing power of this state under 102006  
the Constitution or laws of the United States or the Constitution 102007  
of this state; 102008

(11) Except for transactions that are sales under division 102009  
(B)(3)(r) of section 5739.01 of the Revised Code, the 102010  
transportation of persons or property, unless the transportation 102011  
is by a private investigation and security service; 102012

(12) Sales of tangible personal property or services to 102013  
churches, to organizations exempt from taxation under section 102014  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 102015  
nonprofit organizations operated exclusively for charitable 102016  
purposes in this state, no part of the net income of which inures 102017  
to the benefit of any private shareholder or individual, and no 102018  
substantial part of the activities of which consists of carrying 102019  
on propaganda or otherwise attempting to influence legislation; 102020  
sales to offices administering one or more homes for the aged or 102021  
one or more hospital facilities exempt under section 140.08 of the 102022  
Revised Code; and sales to organizations described in division (D) 102023  
of section 5709.12 of the Revised Code. 102024

"Charitable purposes" means the relief of poverty; the 102025  
improvement of health through the alleviation of illness, disease, 102026  
or injury; the operation of an organization exclusively for the 102027  
provision of professional, laundry, printing, and purchasing 102028  
services to hospitals or charitable institutions; the operation of 102029



a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to

real property that are accepted for ownership by this state or any 102062  
of its political subdivisions, or by the United States government 102063  
or any of its agencies at the time of completion of the structures 102064  
or improvements; building and construction materials sold to 102065  
construction contractors for incorporation into a horticulture 102066  
structure or livestock structure for a person engaged in the 102067  
business of horticulture or producing livestock; building 102068  
materials and services sold to a construction contractor for 102069  
incorporation into a house of public worship or religious 102070  
education, or a building used exclusively for charitable purposes 102071  
under a construction contract with an organization whose purpose 102072  
is as described in division (B)(12) of this section; building 102073  
materials and services sold to a construction contractor for 102074  
incorporation into a building under a construction contract with 102075  
an organization exempt from taxation under section 501(c)(3) of 102076  
the Internal Revenue Code of 1986 when the building is to be used 102077  
exclusively for the organization's exempt purposes; building and 102078  
construction materials sold for incorporation into the original 102079  
construction of a sports facility under section 307.696 of the 102080  
Revised Code; building and construction materials and services 102081  
sold to a construction contractor for incorporation into real 102082  
property outside this state if such materials and services, when 102083  
sold to a construction contractor in the state in which the real 102084  
property is located for incorporation into real property in that 102085  
state, would be exempt from a tax on sales levied by that state; 102086  
building and construction materials for incorporation into a 102087  
transportation facility pursuant to a public-private agreement 102088  
entered into under sections 5501.70 to 5501.83 of the Revised 102089  
Code; and, until one calendar year after the construction of a 102090  
convention center that qualifies for property tax exemption under 102091  
section 5709.084 of the Revised Code is completed, building and 102092  
construction materials and services sold to a construction 102093  
contractor for incorporation into the real property comprising 102094

that convention center; 102095

(14) Sales of ships or vessels or rail rolling stock used or 102096  
to be used principally in interstate or foreign commerce, and 102097  
repairs, alterations, fuel, and lubricants for such ships or 102098  
vessels or rail rolling stock; 102099

(15) Sales to persons primarily engaged in any of the 102100  
activities mentioned in division (B)(42)(a), (g), or (h) of this 102101  
section, to persons engaged in making retail sales, or to persons 102102  
who purchase for sale from a manufacturer tangible personal 102103  
property that was produced by the manufacturer in accordance with 102104  
specific designs provided by the purchaser, of packages, including 102105  
material, labels, and parts for packages, and of machinery, 102106  
equipment, and material for use primarily in packaging tangible 102107  
personal property produced for sale, including any machinery, 102108  
equipment, and supplies used to make labels or packages, to 102109  
prepare packages or products for labeling, or to label packages or 102110  
products, by or on the order of the person doing the packaging, or 102111  
sold at retail. "Packages" includes bags, baskets, cartons, 102112  
crates, boxes, cans, bottles, bindings, wrappings, and other 102113  
similar devices and containers, but does not include motor 102114  
vehicles or bulk tanks, trailers, or similar devices attached to 102115  
motor vehicles. "Packaging" means placing in a package. Division 102116  
(B)(15) of this section does not apply to persons engaged in 102117  
highway transportation for hire. 102118

(16) Sales of food to persons using supplemental nutrition 102119  
assistance program benefits to purchase the food. As used in this 102120  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 102121  
federal regulations adopted pursuant to the Food and Nutrition Act 102122  
of 2008. 102123

(17) Sales to persons engaged in farming, agriculture, 102124  
horticulture, or floriculture, of tangible personal property for 102125  
use or consumption primarily in the production by farming, 102126

agriculture, horticulture, or floriculture of other tangible 102127  
personal property for use or consumption primarily in the 102128  
production of tangible personal property for sale by farming, 102129  
agriculture, horticulture, or floriculture; or material and parts 102130  
for incorporation into any such tangible personal property for use 102131  
or consumption in production; and of tangible personal property 102132  
for such use or consumption in the conditioning or holding of 102133  
products produced by and for such use, consumption, or sale by 102134  
persons engaged in farming, agriculture, horticulture, or 102135  
floriculture, except where such property is incorporated into real 102136  
property; 102137

(18) Sales of drugs for a human being that may be dispensed 102138  
only pursuant to a prescription; insulin as recognized in the 102139  
official United States pharmacopoeia; urine and blood testing 102140  
materials when used by diabetics or persons with hypoglycemia to 102141  
test for glucose or acetone; hypodermic syringes and needles when 102142  
used by diabetics for insulin injections; epoetin alfa when 102143  
purchased for use in the treatment of persons with medical 102144  
disease; hospital beds when purchased by hospitals, nursing homes, 102145  
or other medical facilities; and medical oxygen and medical 102146  
oxygen-dispensing equipment when purchased by hospitals, nursing 102147  
homes, or other medical facilities; 102148

(19) Sales of prosthetic devices, durable medical equipment 102149  
for home use, or mobility enhancing equipment, when made pursuant 102150  
to a prescription and when such devices or equipment are for use 102151  
by a human being. 102152

(20) Sales of emergency and fire protection vehicles and 102153  
equipment to nonprofit organizations for use solely in providing 102154  
fire protection and emergency services, including trauma care and 102155  
emergency medical services, for political subdivisions of the 102156  
state; 102157

(21) Sales of tangible personal property manufactured in this 102158

state, if sold by the manufacturer in this state to a retailer for 102159  
use in the retail business of the retailer outside of this state 102160  
and if possession is taken from the manufacturer by the purchaser 102161  
within this state for the sole purpose of immediately removing the 102162  
same from this state in a vehicle owned by the purchaser; 102163

(22) Sales of services provided by the state or any of its 102164  
political subdivisions, agencies, instrumentalities, institutions, 102165  
or authorities, or by governmental entities of the state or any of 102166  
its political subdivisions, agencies, instrumentalities, 102167  
institutions, or authorities; 102168

(23) Sales of motor vehicles to nonresidents of this state 102169  
under the circumstances described in division (B) of section 102170  
5739.029 of the Revised Code; 102171

(24) Sales to persons engaged in the preparation of eggs for 102172  
sale of tangible personal property used or consumed directly in 102173  
such preparation, including such tangible personal property used 102174  
for cleaning, sanitizing, preserving, grading, sorting, and 102175  
classifying by size; packages, including material and parts for 102176  
packages, and machinery, equipment, and material for use in 102177  
packaging eggs for sale; and handling and transportation equipment 102178  
and parts therefor, except motor vehicles licensed to operate on 102179  
public highways, used in intraplant or interplant transfers or 102180  
shipment of eggs in the process of preparation for sale, when the 102181  
plant or plants within or between which such transfers or 102182  
shipments occur are operated by the same person. "Packages" 102183  
includes containers, cases, baskets, flats, fillers, filler flats, 102184  
cartons, closure materials, labels, and labeling materials, and 102185  
"packaging" means placing therein. 102186

(25)(a) Sales of water to a consumer for residential use; 102187

(b) Sales of water by a nonprofit corporation engaged 102188  
exclusively in the treatment, distribution, and sale of water to 102189

consumers, if such water is delivered to consumers through pipes or tubing.	102190 102191
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	102192 102193
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	102194 102195 102196 102197
(a) To prepare food for human consumption for sale;	102198
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	102199 102200 102201 102202
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	102203 102204
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	102205 102206
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	102207 102208 102209 102210
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	102211 102212 102213
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	102214 102215 102216
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property	102217 102218 102219

belonging to others by a person engaged in highway transportation 102220  
for hire, except for packages and packaging used for the 102221  
transportation of tangible personal property; 102222

(33) Sales to the state headquarters of any veterans' 102223  
organization in this state that is either incorporated and issued 102224  
a charter by the congress of the United States or is recognized by 102225  
the United States veterans administration, for use by the 102226  
headquarters; 102227

(34) Sales to a telecommunications service vendor, mobile 102228  
telecommunications service vendor, or satellite broadcasting 102229  
service vendor of tangible personal property and services used 102230  
directly and primarily in transmitting, receiving, switching, or 102231  
recording any interactive, one- or two-way electromagnetic 102232  
communications, including voice, image, data, and information, 102233  
through the use of any medium, including, but not limited to, 102234  
poles, wires, cables, switching equipment, computers, and record 102235  
storage devices and media, and component parts for the tangible 102236  
personal property. The exemption provided in this division shall 102237  
be in lieu of all other exemptions under division (B)(42)(a) or 102238  
(n) of this section to which the vendor may otherwise be entitled, 102239  
based upon the use of the thing purchased in providing the 102240  
telecommunications, mobile telecommunications, or satellite 102241  
broadcasting service. 102242

(35)(a) Sales where the purpose of the consumer is to use or 102243  
consume the things transferred in making retail sales and 102244  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 102245  
certificates, or other advertising material that prices and 102246  
describes tangible personal property offered for retail sale. 102247

(b) Sales to direct marketing vendors of preliminary 102248  
materials such as photographs, artwork, and typesetting that will 102249  
be used in printing advertising material; and of printed matter 102250  
that offers free merchandise or chances to win sweepstake prizes 102251

and that is mailed to potential customers with advertising	102252
material described in division (B)(35)(a) of this section;	102253
(c) Sales of equipment such as telephones, computers,	102254
facsimile machines, and similar tangible personal property	102255
primarily used to accept orders for direct marketing retail sales.	102256
(d) Sales of automatic food vending machines that preserve	102257
food with a shelf life of forty-five days or less by refrigeration	102258
and dispense it to the consumer.	102259
For purposes of division (B)(35) of this section, "direct	102260
marketing" means the method of selling where consumers order	102261
tangible personal property by United States mail, delivery	102262
service, or telecommunication and the vendor delivers or ships the	102263
tangible personal property sold to the consumer from a warehouse,	102264
catalogue distribution center, or similar fulfillment facility by	102265
means of the United States mail, delivery service, or common	102266
carrier.	102267
(36) Sales to a person engaged in the business of	102268
horticulture or producing livestock of materials to be	102269
incorporated into a horticulture structure or livestock structure;	102270
(37) Sales of personal computers, computer monitors, computer	102271
keyboards, modems, and other peripheral computer equipment to an	102272
individual who is licensed or certified to teach in an elementary	102273
or a secondary school in this state for use by that individual in	102274
preparation for teaching elementary or secondary school students;	102275
(38) Sales to a professional racing team of any of the	102276
following:	102277
(a) Motor racing vehicles;	102278
(b) Repair services for motor racing vehicles;	102279
(c) Items of property that are attached to or incorporated in	102280
motor racing vehicles, including engines, chassis, and all other	102281



components of the vehicles, and all spare, replacement, and 102282  
rebuilt parts or components of the vehicles; except not including 102283  
tires, consumable fluids, paint, and accessories consisting of 102284  
instrumentation sensors and related items added to the vehicle to 102285  
collect and transmit data by means of telemetry and other forms of 102286  
communication. 102287

(39) Sales of used manufactured homes and used mobile homes, 102288  
as defined in section 5739.0210 of the Revised Code, made on or 102289  
after January 1, 2000; 102290

(40) Sales of tangible personal property and services to a 102291  
provider of electricity used or consumed directly and primarily in 102292  
generating, transmitting, or distributing electricity for use by 102293  
others, including property that is or is to be incorporated into 102294  
and will become a part of the consumer's production, transmission, 102295  
or distribution system and that retains its classification as 102296  
tangible personal property after incorporation; fuel or power used 102297  
in the production, transmission, or distribution of electricity; 102298  
energy conversion equipment as defined in section 5727.01 of the 102299  
Revised Code; and tangible personal property and services used in 102300  
the repair and maintenance of the production, transmission, or 102301  
distribution system, including only those motor vehicles as are 102302  
specially designed and equipped for such use. The exemption 102303  
provided in this division shall be in lieu of all other exemptions 102304  
in division (B)(42)(a) or (n) of this section to which a provider 102305  
of electricity may otherwise be entitled based on the use of the 102306  
tangible personal property or service purchased in generating, 102307  
transmitting, or distributing electricity. 102308

(41) Sales to a person providing services under division 102309  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 102310  
personal property and services used directly and primarily in 102311  
providing taxable services under that section. 102312

(42) Sales where the purpose of the purchaser is to do any of 102313

the following: 102314

(a) To incorporate the thing transferred as a material or a 102315  
part into tangible personal property to be produced for sale by 102316  
manufacturing, assembling, processing, or refining; or to use or 102317  
consume the thing transferred directly in producing tangible 102318  
personal property for sale by mining, including, without 102319  
limitation, the extraction from the earth of all substances that 102320  
are classed geologically as minerals, production of crude oil and 102321  
natural gas, or directly in the rendition of a public utility 102322  
service, except that the sales tax levied by this section shall be 102323  
collected upon all meals, drinks, and food for human consumption 102324  
sold when transporting persons. Persons engaged in rendering 102325  
services in the exploration for, and production of, crude oil and 102326  
natural gas for others are deemed engaged directly in the 102327  
exploration for, and production of, crude oil and natural gas. 102328  
This paragraph does not exempt from "retail sale" or "sales at 102329  
retail" the sale of tangible personal property that is to be 102330  
incorporated into a structure or improvement to real property. 102331

(b) To hold the thing transferred as security for the 102332  
performance of an obligation of the vendor; 102333

(c) To resell, hold, use, or consume the thing transferred as 102334  
evidence of a contract of insurance; 102335

(d) To use or consume the thing directly in commercial 102336  
fishing; 102337

(e) To incorporate the thing transferred as a material or a 102338  
part into, or to use or consume the thing transferred directly in 102339  
the production of, magazines distributed as controlled circulation 102340  
publications; 102341

(f) To use or consume the thing transferred in the production 102342  
and preparation in suitable condition for market and sale of 102343  
printed, imprinted, overprinted, lithographic, multilithic, 102344

blueprinted, photostatic, or other productions or reproductions of 102345  
written or graphic matter; 102346

(g) To use the thing transferred, as described in section 102347  
5739.011 of the Revised Code, primarily in a manufacturing 102348  
operation to produce tangible personal property for sale; 102349

(h) To use the benefit of a warranty, maintenance or service 102350  
contract, or similar agreement, as described in division (B)(7) of 102351  
section 5739.01 of the Revised Code, to repair or maintain 102352  
tangible personal property, if all of the property that is the 102353  
subject of the warranty, contract, or agreement would not be 102354  
subject to the tax imposed by this section; 102355

(i) To use the thing transferred as qualified research and 102356  
development equipment; 102357

(j) To use or consume the thing transferred primarily in 102358  
storing, transporting, mailing, or otherwise handling purchased 102359  
sales inventory in a warehouse, distribution center, or similar 102360  
facility when the inventory is primarily distributed outside this 102361  
state to retail stores of the person who owns or controls the 102362  
warehouse, distribution center, or similar facility, to retail 102363  
stores of an affiliated group of which that person is a member, or 102364  
by means of direct marketing. This division does not apply to 102365  
motor vehicles registered for operation on the public highways. As 102366  
used in this division, "affiliated group" has the same meaning as 102367  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 102368  
"direct marketing" has the same meaning as in division (B)(35) of 102369  
this section. 102370

(k) To use or consume the thing transferred to fulfill a 102371  
contractual obligation incurred by a warrantor pursuant to a 102372  
warranty provided as a part of the price of the tangible personal 102373  
property sold or by a vendor of a warranty, maintenance or service 102374  
contract, or similar agreement the provision of which is defined 102375

as a sale under division (B)(7) of section 5739.01 of the Revised Code; 102376  
102377

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public; 102378  
102379

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service; 102380  
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(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property. 102385  
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(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing; 102394  
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(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced. 102397  
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As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code. 102404  
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(43) Sales conducted through a coin operated device that 102407  
activates vacuum equipment or equipment that dispenses water, 102408  
whether or not in combination with soap or other cleaning agents 102409  
or wax, to the consumer for the consumer's use on the premises in 102410  
washing, cleaning, or waxing a motor vehicle, provided no other 102411  
personal property or personal service is provided as part of the 102412  
transaction. 102413

(44) Sales of replacement and modification parts for engines, 102414  
airframes, instruments, and interiors in, and paint for, aircraft 102415  
used primarily in a fractional aircraft ownership program, and 102416  
sales of services for the repair, modification, and maintenance of 102417  
such aircraft, and machinery, equipment, and supplies primarily 102418  
used to provide those services. 102419

(45) Sales of telecommunications service that is used 102420  
directly and primarily to perform the functions of a call center. 102421  
As used in this division, "call center" means any physical 102422  
location where telephone calls are placed or received in high 102423  
volume for the purpose of making sales, marketing, customer 102424  
service, technical support, or other specialized business 102425  
activity, and that employs at least fifty individuals that engage 102426  
in call center activities on a full-time basis, or sufficient 102427  
individuals to fill fifty full-time equivalent positions. 102428

(46) Sales by a telecommunications service vendor of 900 102429  
service to a subscriber. This division does not apply to 102430  
information services, as defined in division (FF) of section 102431  
5739.01 of the Revised Code. 102432

(47) Sales of value-added non-voice data service. This 102433  
division does not apply to any similar service that is not 102434  
otherwise a telecommunications service. 102435

(48)(a) Sales of machinery, equipment, and software to a 102436  
qualified direct selling entity for use in a warehouse or 102437

distribution center primarily for storing, transporting, or 102438  
otherwise handling inventory that is held for sale to independent 102439  
salespersons who operate as direct sellers and that is held 102440  
primarily for distribution outside this state; 102441

(b) As used in division (B)(48)(a) of this section: 102442

(i) "Direct seller" means a person selling consumer products 102443  
to individuals for personal or household use and not from a fixed 102444  
retail location, including selling such product at in-home product 102445  
demonstrations, parties, and other one-on-one selling. 102446

(ii) "Qualified direct selling entity" means an entity 102447  
selling to direct sellers at the time the entity enters into a tax 102448  
credit agreement with the tax credit authority pursuant to section 102449  
122.17 of the Revised Code, provided that the agreement was 102450  
entered into on or after January 1, 2007. Neither contingencies 102451  
relevant to the granting of, nor later developments with respect 102452  
to, the tax credit shall impair the status of the qualified direct 102453  
selling entity under division (B)(48) of this section after 102454  
execution of the tax credit agreement by the tax credit authority. 102455

(c) Division (B)(48) of this section is limited to machinery, 102456  
equipment, and software first stored, used, or consumed in this 102457  
state within the period commencing June 24, 2008, and ending on 102458  
the date that is five years after that date. 102459

(49) Sales of materials, parts, equipment, or engines used in 102460  
the repair or maintenance of aircraft or avionics systems of such 102461  
aircraft, and sales of repair, remodeling, replacement, or 102462  
maintenance services in this state performed on aircraft or on an 102463  
aircraft's avionics, engine, or component materials or parts. As 102464  
used in division (B)(49) of this section, "aircraft" means 102465  
aircraft of more than six thousand pounds maximum certified 102466  
takeoff weight or used exclusively in general aviation. 102467

(50) Sales of full flight simulators that are used for pilot 102468

or flight-crew training, sales of repair or replacement parts or 102469  
components, and sales of repair or maintenance services for such 102470  
full flight simulators. "Full flight simulator" means a replica of 102471  
a specific type, or make, model, and series of aircraft cockpit. 102472  
It includes the assemblage of equipment and computer programs 102473  
necessary to represent aircraft operations in ground and flight 102474  
conditions, a visual system providing an out-of-the-cockpit view, 102475  
and a system that provides cues at least equivalent to those of a 102476  
three-degree-of-freedom motion system, and has the full range of 102477  
capabilities of the systems installed in the device as described 102478  
in appendices A and B of part 60 of chapter 1 of title 14 of the 102479  
Code of Federal Regulations. 102480

(51) Any transfer or lease of tangible personal property 102481  
between the state and JobsOhio in accordance with section 4313.02 102482  
of the Revised Code. 102483

(52)(a) Sales to a qualifying corporation. 102484

(b) As used in division (B)(52) of this section: 102485

(i) "Qualifying corporation" means a nonprofit corporation 102486  
organized in this state that leases from an eligible county land, 102487  
buildings, structures, fixtures, and improvements to the land that 102488  
are part of or used in a public recreational facility used by a 102489  
major league professional athletic team or a class A to class AAA 102490  
minor league affiliate of a major league professional athletic 102491  
team for a significant portion of the team's home schedule, 102492  
provided the following apply: 102493

(I) The facility is leased from the eligible county pursuant 102494  
to a lease that requires substantially all of the revenue from the 102495  
operation of the business or activity conducted by the nonprofit 102496  
corporation at the facility in excess of operating costs, capital 102497  
expenditures, and reserves to be paid to the eligible county at 102498  
least once per calendar year. 102499

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility.

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and



the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.026.** (A) A board of county commissioners may levy a tax of one-fourth or one-half of one per cent on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase an existing rate of one-fourth of one per cent to one-half of one per cent, to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;

(5) To provide additional revenue for the acquisition, 102561  
construction, equipping, or repair of any specific permanent 102562  
improvement or any class or group of permanent improvements, which 102563  
improvement or class or group of improvements shall be enumerated 102564  
in the resolution required by division (D) of this section, and to 102565  
pay principal, interest, premium, and other costs associated with 102566  
the issuance of bonds or notes in anticipation of bonds issued 102567  
pursuant to Chapter 133. of the Revised Code for the acquisition, 102568  
construction, equipping, or repair of the specific permanent 102569  
improvement or class or group of permanent improvements; 102570

(6) To provide revenue for the implementation and operation 102571  
of a 9-1-1 system in the county. If the tax is levied or the rate 102572  
increased exclusively for such purpose, the tax shall not be 102573  
levied or the rate increased for more than five years. At the end 102574  
of the last year the tax is levied or the rate increased, any 102575  
balance remaining in the special fund established for such purpose 102576  
shall remain in that fund and be used exclusively for such purpose 102577  
until the fund is completely expended, and, notwithstanding 102578  
section 5705.16 of the Revised Code, the board of county 102579  
commissioners shall not petition for the transfer of money from 102580  
such special fund, and the tax commissioner shall not approve such 102581  
a petition. 102582

If the tax is levied or the rate increased for such purpose 102583  
for more than five years, the board of county commissioners also 102584  
shall levy the tax or increase the rate of the tax for one or more 102585  
of the purposes described in divisions (A)(1) to (5) of this 102586  
section and shall prescribe the method for allocating the revenues 102587  
from the tax each year in the manner required by division (C) of 102588  
this section. 102589

(7) To provide additional revenue for the operation or 102590  
maintenance of a detention facility, as that term is defined under 102591  
division (F) of section 2921.01 of the Revised Code; 102592

(8) To provide revenue to finance the construction or renovation of a sports facility, but only if the tax is levied for that purpose in the manner prescribed by section 5739.028 of the Revised Code.

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As used in division (A)(8) of this section:

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(a) "Sports facility" means a facility intended to house major league professional athletic teams.

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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.

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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county;

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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services;

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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code.

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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code.

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The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant

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to section 5739.028 of the Revised Code, in which case the 102623  
aggregate of the rates of tax levied under this section and 102624  
section 5739.023 of the Revised Code shall be a multiple of 102625  
one-fourth of one per cent. The tax shall be levied and the rate 102626  
increased pursuant to a resolution adopted by a majority of the 102627  
members of the board. The board shall deliver a certified copy of 102628  
the resolution to the tax commissioner, not later than the 102629  
sixty-fifth day prior to the date on which the tax is to become 102630  
effective, which shall be the first day of a calendar quarter. 102631

Prior to the adoption of any resolution to levy the tax or to 102632  
increase the rate of tax exclusively for the purpose set forth in 102633  
division (A)(3) of this section, the board of county commissioners 102634  
shall conduct two public hearings on the resolution, the second 102635  
hearing to be no fewer than three nor more than ten days after the 102636  
first. Notice of the date, time, and place of the hearings shall 102637  
be given by publication in a newspaper of general circulation in 102638  
the county, or as provided in section 7.16 of the Revised Code, 102639  
once a week on the same day of the week for two consecutive weeks. 102640  
The second publication shall be no fewer than ten nor more than 102641  
thirty days prior to the first hearing. Except as provided in 102642  
division (E) of this section, the resolution shall be subject to a 102643  
referendum as provided in sections 305.31 to 305.41 of the Revised 102644  
Code. If the resolution is adopted as an emergency measure 102645  
necessary for the immediate preservation of the public peace, 102646  
health, or safety, it must receive an affirmative vote of all of 102647  
the members of the board of county commissioners and shall state 102648  
the reasons for the necessity. 102649

If the tax is for more than one of the purposes set forth in 102650  
divisions (A)(1) to (7), (9), and (10) of this section, or is 102651  
exclusively for one of the purposes set forth in division (A)(1), 102652  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 102653  
resolution shall not go into effect unless it is approved by a 102654

majority of the electors voting on the question of the tax. 102655

(B) The board of county commissioners shall adopt a 102656  
resolution under section 351.02 of the Revised Code creating the 102657  
convention facilities authority, or under section 307.283 of the 102658  
Revised Code creating the community improvements board, before 102659  
adopting a resolution levying a tax for the purpose of a 102660  
convention facilities authority under division (A)(1) of this 102661  
section or for the purpose of a community improvements board under 102662  
division (A)(4) of this section. 102663

(C)(1) If the tax is to be used for more than one of the 102664  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 102665  
this section, the board of county commissioners shall establish 102666  
the method that will be used to determine the amount or proportion 102667  
of the tax revenue received by the county during each year that 102668  
will be distributed for each of those purposes, including, if 102669  
applicable, provisions governing the reallocation of a convention 102670  
facilities authority's allocation if the authority is dissolved 102671  
while the tax is in effect. The allocation method may provide that 102672  
different proportions or amounts of the tax shall be distributed 102673  
among the purposes in different years, but it shall clearly 102674  
describe the method that will be used for each year. Except as 102675  
otherwise provided in division (C)(2) of this section, the 102676  
allocation method established by the board is not subject to 102677  
amendment during the life of the tax. 102678

(2) Subsequent to holding a public hearing on the proposed 102679  
amendment, the board of county commissioners may amend the 102680  
allocation method established under division (C)(1) of this 102681  
section for any year, if the amendment is approved by the 102682  
governing board of each entity whose allocation for the year would 102683  
be reduced by the proposed amendment. In the case of a tax that is 102684  
levied for a continuing period of time, the board may not so amend 102685  
the allocation method for any year before the sixth year that the 102686

tax is in effect. 102687

(a) If the additional revenues provided to the convention 102688  
facilities authority are pledged by the authority for the payment 102689  
of convention facilities authority revenue bonds for as long as 102690  
such bonds are outstanding, no reduction of the authority's 102691  
allocation of the tax shall be made for any year except to the 102692  
extent that the reduced authority allocation, when combined with 102693  
the authority's other revenues pledged for that purpose, is 102694  
sufficient to meet the debt service requirements for that year on 102695  
such bonds. 102696

(b) If the additional revenues provided to the county are 102697  
pledged by the county for the payment of bonds or notes described 102698  
in division (A)(4) or (5) of this section, for as long as such 102699  
bonds or notes are outstanding, no reduction of the county's or 102700  
the community improvements board's allocation of the tax shall be 102701  
made for any year, except to the extent that the reduced county or 102702  
community improvements board allocation is sufficient to meet the 102703  
debt service requirements for that year on such bonds or notes. 102704

(c) If the additional revenues provided to the transit 102705  
authority are pledged by the authority for the payment of revenue 102706  
bonds issued under section 306.37 of the Revised Code, for as long 102707  
as such bonds are outstanding, no reduction of the authority's 102708  
allocation of tax shall be made for any year, except to the extent 102709  
that the authority's reduced allocation, when combined with the 102710  
authority's other revenues pledged for that purpose, is sufficient 102711  
to meet the debt service requirements for that year on such bonds. 102712

(d) If the additional revenues provided to the county are 102713  
pledged by the county for the payment of bonds or notes issued 102714  
under section 133.60 of the Revised Code, for so long as the bonds 102715  
or notes are outstanding, no reduction of the county's allocation 102716  
of the tax shall be made for any year, except to the extent that 102717  
the reduced county allocation is sufficient to meet the debt 102718

service requirements for that year on the bonds or notes. 102719

(D)(1) The resolution levying the tax or increasing the rate 102720  
of tax shall state the rate of the tax or the rate of the 102721  
increase; the purpose or purposes for which it is to be levied; 102722  
the number of years for which it is to be levied or that it is for 102723  
a continuing period of time; the allocation method required by 102724  
division (C) of this section; and if required to be submitted to 102725  
the electors of the county under division (A) of this section, the 102726  
date of the election at which the proposal shall be submitted to 102727  
the electors of the county, which shall be not less than ninety 102728  
days after the certification of a copy of the resolution to the 102729  
board of elections and, if the tax is to be levied exclusively for 102730  
the purpose set forth in division (A)(3) of this section, shall 102731  
not occur in ~~February~~ or August of any year. Upon certification of 102732  
the resolution to the board of elections, the board of county 102733  
commissioners shall notify the tax commissioner in writing of the 102734  
levy question to be submitted to the electors. If approved by a 102735  
majority of the electors, the tax shall become effective on the 102736  
first day of a calendar quarter next following the sixty-fifth day 102737  
following the date the board of county commissioners and tax 102738  
commissioner receive from the board of elections the certification 102739  
of the results of the election, except as provided in division (E) 102740  
of this section. 102741

(2)(a) A resolution specifying that the tax is to be used 102742  
exclusively for the purpose set forth in division (A)(3) of this 102743  
section that is not adopted as an emergency measure may direct the 102744  
board of elections to submit the question of levying the tax or 102745  
increasing the rate of the tax to the electors of the county at a 102746  
special election held on the date specified by the board of county 102747  
commissioners in the resolution, provided that the election occurs 102748  
not less than ninety days after the resolution is certified to the 102749  
board of elections and the election is not held in ~~February~~ or 102750

August of any year. Upon certification of the resolution to the 102751  
board of elections, the board of county commissioners shall notify 102752  
the tax commissioner in writing of the levy question to be 102753  
submitted to the electors. No resolution adopted under division 102754  
(D)(2)(a) of this section shall go into effect unless approved by 102755  
a majority of those voting upon it and, except as provided in 102756  
division (E) of this section, not until the first day of a 102757  
calendar quarter following the expiration of sixty-five days from 102758  
the date the tax commissioner receives notice from the board of 102759  
elections of the affirmative vote. 102760

(b) A resolution specifying that the tax is to be used 102761  
exclusively for the purpose set forth in division (A)(3) of this 102762  
section that is adopted as an emergency measure shall become 102763  
effective as provided in division (A) of this section, but may 102764  
direct the board of elections to submit the question of repealing 102765  
the tax or increase in the rate of the tax to the electors of the 102766  
county at the next general election in the county occurring not 102767  
less than ninety days after the resolution is certified to the 102768  
board of elections. Upon certification of the resolution to the 102769  
board of elections, the board of county commissioners shall notify 102770  
the tax commissioner in writing of the levy question to be 102771  
submitted to the electors. The ballot question shall be the same 102772  
as that prescribed in section 5739.022 of the Revised Code. The 102773  
board of elections shall notify the board of county commissioners 102774  
and the tax commissioner of the result of the election immediately 102775  
after the result has been declared. If a majority of the qualified 102776  
electors voting on the question of repealing the tax or increase 102777  
in the rate of the tax vote for repeal of the tax or repeal of the 102778  
increase, the board of county commissioners, on the first day of a 102779  
calendar quarter following the expiration of sixty-five days after 102780  
the date the board and tax commissioner received notice of the 102781  
result of the election, shall, in the case of a repeal of the tax, 102782  
cease to levy the tax, or, in the case of a repeal of an increase 102783



in the rate of the tax, cease to levy the increased rate and levy 102784  
the tax at the rate at which it was imposed immediately prior to 102785  
the increase in rate. 102786

(c) A board of county commissioners, by resolution, may 102787  
reduce the rate of a tax levied exclusively for the purpose set 102788  
forth in division (A)(3) of this section to a lower rate 102789  
authorized by this section. Any such reduction shall be made 102790  
effective on the first day of the calendar quarter next following 102791  
the sixty-fifth day after the tax commissioner receives a 102792  
certified copy of the resolution from the board. 102793

(E) If a vendor makes a sale in this state by printed catalog 102794  
and the consumer computed the tax on the sale based on local rates 102795  
published in the catalog, any tax levied or repealed or rate 102796  
changed under this section shall not apply to such a sale until 102797  
the first day of a calendar quarter following the expiration of 102798  
one hundred twenty days from the date of notice by the tax 102799  
commissioner pursuant to division (G) of this section. 102800

(F) The tax levied pursuant to this section shall be in 102801  
addition to the tax levied by section 5739.02 of the Revised Code 102802  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 102803  
Revised Code. 102804

A county that levies a tax pursuant to this section shall 102805  
levy a tax at the same rate pursuant to section 5741.023 of the 102806  
Revised Code. 102807

The additional tax levied by the county shall be collected 102808  
pursuant to section 5739.025 of the Revised Code. 102809

Any tax levied pursuant to this section is subject to the 102810  
exemptions provided in section 5739.02 of the Revised Code and in 102811  
addition shall not be applicable to sales not within the taxing 102812  
power of a county under the Constitution of the United States or 102813  
the Ohio Constitution. 102814

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

**Sec. 5739.029.** (A) Notwithstanding sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, and except as otherwise provided in division (B) of this section, the tax due under this chapter on the sale of a motor vehicle required to be titled under Chapter 4505. of the Revised Code by a motor vehicle dealer to a consumer that is a nonresident of this state shall be the lesser of the amount of tax that would be due under this chapter and Chapter 5741. of the Revised Code if the total combined rate were six per cent, or the amount of tax that would be due to the state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use.

(B) No tax is due under this section, any other section of this chapter, or Chapter 5741. of the Revised Code under any of the following circumstances:

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state;

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under

division (C) of this section affirming the consumer's intentions 102846  
under divisions (B)(1)(a) and (b) of this section; and 102847

(d) The state in which the consumer titles or registers the 102848  
motor vehicle or to which the consumer removes the vehicle for use 102849  
provides an exemption under circumstances substantially similar to 102850  
those described in division (B)(1) of this section. 102851

(2) The state in which the consumer titles or registers the 102852  
motor vehicle or to which the consumer removes the vehicle for use 102853  
does not provide a credit against its sales or use tax or similar 102854  
excise tax for sales or use tax paid to this state. 102855

(3) The state in which the consumer titles or registers the 102856  
motor vehicle or to which the consumer removes the vehicle for use 102857  
does not impose a sales or use tax or similar excise tax on the 102858  
ownership or use of motor vehicles. 102859

(C) Any nonresident consumer that purchases a motor vehicle 102860  
from a motor vehicle dealer in this state under the circumstances 102861  
described in divisions (B)(1)(a) and (b) of this section shall 102862  
execute an affidavit affirming the intentions described in those 102863  
divisions. The affidavit shall be executed in triplicate and in 102864  
the form specified by the tax commissioner. The affidavit shall be 102865  
given to the motor vehicle dealer. 102866

A motor vehicle dealer that accepts in good faith an 102867  
affidavit presented under this division by a nonresident consumer 102868  
may rely upon the representations made in the affidavit. 102869

(D) A motor vehicle dealer making a sale subject to the tax 102870  
under division (A) of this section shall collect the tax due 102871  
unless the sale is subject to the exception under division (B) of 102872  
this section or unless the sale is not otherwise subject to taxes 102873  
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 102874  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 102875  
the case of a sale under the circumstances described in division 102876

(B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected ~~to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer~~ as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit to the tax commissioner in the manner prescribed by the commissioner.

Unless a sale is excepted from taxation under division (B) of this section or the dealer makes an election under division (B)(5) of section 4505.06 of the Revised Code, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. ~~The clerk shall~~ and remit the tax collected to the tax commissioner in the manner prescribed by the commissioner.

(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder.

(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to sales described in division (A) of this section.

(G) As used in this section:

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code;

(2) "State," except in reference to "this state," means any

state, district, commonwealth, or territory of the United States 102908  
and any province of Canada. 102909

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 102910  
resolution adopted by a majority of the members of the board, levy 102911  
an excise tax not to exceed three per cent on transactions by 102912  
which lodging by a hotel is or is to be furnished to transient 102913  
guests. The board shall establish all regulations necessary to 102914  
provide for the administration and allocation of the tax. The 102915  
regulations may prescribe the time for payment of the tax, and may 102916  
provide for the imposition of a penalty or interest, or both, for 102917  
late payments, provided that the penalty does not exceed ten per 102918  
cent of the amount of tax due, and the rate at which interest 102919  
accrues does not exceed the rate per annum prescribed pursuant to 102920  
section 5703.47 of the Revised Code. Except as provided in 102921  
divisions (A)(2), (3), (4), (5), (6), ~~and (7), (8), (9), and (10)~~ 102922  
of this section, the regulations shall provide, after deducting 102923  
the real and actual costs of administering the tax, for the return 102924  
to each municipal corporation or township that does not levy an 102925  
excise tax on the transactions, a uniform percentage of the tax 102926  
collected in the municipal corporation or in the unincorporated 102927  
portion of the township from each transaction, not to exceed 102928  
thirty-three and one-third per cent. The remainder of the revenue 102929  
arising from the tax shall be deposited in a separate fund and 102930  
shall be spent solely to make contributions to the convention and 102931  
visitors' bureau operating within the county, including a pledge 102932  
and contribution of any portion of the remainder pursuant to an 102933  
agreement authorized by section 307.678 or 307.695 of the Revised 102934  
Code, provided that if the board of county commissioners of an 102935  
eligible county as defined in section 307.678 or 307.695 of the 102936  
Revised Code adopts a resolution amending a resolution levying a 102937  
tax under this division to provide that revenue from the tax shall 102938  
be used by the board as described in either division (D) of 102939

section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment. Except as provided in division (A)(2), (3), (4), (5), (6), ~~or (7)~~, (8), (9), or (10) or (H) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

The board of county commissioners of an eligible county as defined in section 307.678 of the Revised Code may, by resolution, amend a resolution levying a tax under this division to provide that revenue from the tax, not to exceed five hundred thousand dollars each year, may be used as described in division (D) of section 307.678 of the Revised Code.

The board of county commissioners of a county described in division (A)(9) of this section may, by resolution, amend a resolution levying a tax under this division to provide that all or a portion of the revenue from the tax may be used for the purposes described in section 307.679 of the Revised Code.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is

imposed for the duration of the period during which any agreement 103004  
is in effect that was entered into under section 307.695 of the 103005  
Revised Code by the board of county commissioners levying a tax 103006  
under division (A)(1) of this section, the duration of the period 103007  
during which any securities issued by the board under division (I) 103008  
of section 307.695 of the Revised Code are outstanding, or the 103009  
duration of the period during which the board owns a project as 103010  
defined in section 307.695 of the Revised Code, whichever duration 103011  
is longest. The amendment also shall provide that no portion of 103012  
that revenue need be returned to townships or municipal 103013  
corporations as would otherwise be required under division (A)(1) 103014  
of this section. 103015

(3) A board of county commissioners that levies a tax under 103016  
division (A)(1) of this section on March 18, 1999, at a rate of 103017  
three per cent may, by resolution adopted not later than 103018  
forty-five days after March 18, 1999, amend the resolution levying 103019  
the tax to provide for all of the following: 103020

(a) That the rate of the tax shall be increased by not more 103021  
than an additional four per cent on each transaction; 103022

(b) That all of the revenue from the increase in the rate 103023  
shall be pledged and contributed to a convention facilities 103024  
authority established by the board of county commissioners under 103025  
Chapter 351. of the Revised Code on or before November 15, 1998, 103026  
and used to pay costs of constructing, maintaining, operating, and 103027  
promoting a facility in the county, including paying bonds, or 103028  
notes issued in anticipation of bonds, as provided by that 103029  
chapter; 103030

(c) That no portion of the revenue arising from the increase 103031  
in rate need be returned to municipal corporations or townships as 103032  
otherwise required under division (A)(1) of this section; 103033

(d) That the increase in rate shall not be subject to 103034



diminution by initiative or referendum or by law while any bonds, 103035  
or notes in anticipation of bonds, issued by the authority under 103036  
Chapter 351. of the Revised Code to which the revenue is pledged, 103037  
remain outstanding in accordance with their terms, unless 103038  
provision is made by law or by the board of county commissioners 103039  
for an adequate substitute therefor that is satisfactory to the 103040  
trustee if a trust agreement secures the bonds. 103041

Division (A)(3) of this section does not apply to the board 103042  
of county commissioners of any county in which a convention center 103043  
or facility exists or is being constructed on November 15, 1998, 103044  
or of any county in which a convention facilities authority levies 103045  
a tax pursuant to section 351.021 of the Revised Code on that 103046  
date. 103047

As used in division (A)(3) of this section, "cost" and 103048  
"facility" have the same meanings as in section 351.01 of the 103049  
Revised Code, and "convention center" has the same meaning as in 103050  
section 307.695 of the Revised Code. 103051

(4)(a) A board of county commissioners that levies a tax 103052  
under division (A)(1) of this section on June 30, 2002, at a rate 103053  
of three per cent may, by resolution adopted not later than 103054  
September 30, 2002, amend the resolution levying the tax to 103055  
provide for all of the following: 103056

(i) That the rate of the tax shall be increased by not more 103057  
than an additional three and one-half per cent on each 103058  
transaction; 103059

(ii) That all of the revenue from the increase in rate shall 103060  
be pledged and contributed to a convention facilities authority 103061  
established by the board of county commissioners under Chapter 103062  
351. of the Revised Code on or before May 15, 2002, and be used to 103063  
pay costs of constructing, expanding, maintaining, operating, or 103064  
promoting a convention center in the county, including paying 103065

bonds, or notes issued in anticipation of bonds, as provided by 103066  
that chapter; 103067

(iii) That no portion of the revenue arising from the 103068  
increase in rate need be returned to municipal corporations or 103069  
townships as otherwise required under division (A)(1) of this 103070  
section; 103071

(iv) That the increase in rate shall not be subject to 103072  
diminution by initiative or referendum or by law while any bonds, 103073  
or notes in anticipation of bonds, issued by the authority under 103074  
Chapter 351. of the Revised Code to which the revenue is pledged, 103075  
remain outstanding in accordance with their terms, unless 103076  
provision is made by law or by the board of county commissioners 103077  
for an adequate substitute therefor that is satisfactory to the 103078  
trustee if a trust agreement secures the bonds. 103079

(b) Any board of county commissioners that, pursuant to 103080  
division (A)(4)(a) of this section, has amended a resolution 103081  
levying the tax authorized by division (A)(1) of this section may 103082  
further amend the resolution to provide that the revenue referred 103083  
to in division (A)(4)(a)(ii) of this section shall be pledged and 103084  
contributed both to a convention facilities authority to pay the 103085  
costs of constructing, expanding, maintaining, or operating one or 103086  
more convention centers in the county, including paying bonds, or 103087  
notes issued in anticipation of bonds, as provided in Chapter 351. 103088  
of the Revised Code, and to a convention and visitors' bureau to 103089  
pay the costs of promoting one or more convention centers in the 103090  
county. 103091

As used in division (A)(4) of this section, "cost" has the 103092  
same meaning as in section 351.01 of the Revised Code, and 103093  
"convention center" has the same meaning as in section 307.695 of 103094  
the Revised Code. 103095

(5)(a) As used in division (A)(5) of this section: 103096

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 103097  
103098

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard. 103099  
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(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following: 103106  
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103110

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division; 103111  
103112  
103113  
103114

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose. 103115  
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(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board. 103119  
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(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, 103126  
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Ohio Constitution, and that levies an excise tax under division 103128  
(A)(1) of this section at a rate of three per cent and levies an 103129  
additional excise tax under division (E) of this section at a rate 103130  
of one and one-half per cent may, by resolution adopted not later 103131  
than January 1, 2008, by a majority of the members of the board, 103132  
amend the resolution levying a tax under division (A)(1) of this 103133  
section to provide for an increase in the rate of that tax by not 103134  
more than an additional one per cent on transactions by which 103135  
lodging by a hotel is or is to be furnished to transient guests. 103136  
Notwithstanding divisions (A)(1) and (E) of this section, the 103137  
resolution shall provide that all of the revenue from the increase 103138  
in rate, after deducting the real and actual costs of 103139  
administering the tax, shall be used to pay the costs of 103140  
improving, expanding, equipping, financing, or operating a 103141  
convention center by a convention and visitors' bureau in the 103142  
county. The increase in rate shall remain in effect for the period 103143  
specified in the resolution, not to exceed ten years. The increase 103144  
in rate shall be subject to the regulations adopted under division 103145  
(A)(1) of this section, except that the resolution may provide 103146  
that no portion of the revenue from the increase in the rate shall 103147  
be returned to townships or municipal corporations as would 103148  
otherwise be required under that division. 103149

(7) Division (A)(7) of this section applies only to a county 103150  
with a population greater than sixty-five thousand and less than 103151  
seventy thousand according to the most recent federal decennial 103152  
census and in which, on December 31, 2006, an excise tax is levied 103153  
under division (A)(1) of this section at a rate not less than and 103154  
not greater than three per cent, and in which the most recent 103155  
increase in the rate of that tax was enacted or took effect in 103156  
November 1984. 103157

The board of county commissioners of a county to which this 103158  
division applies, by resolution adopted by a majority of the 103159

members of the board, may increase the rate of the tax by not more 103160  
than one per cent on transactions by which lodging by a hotel is 103161  
or is to be furnished to transient guests. The increase in rate 103162  
shall be for the purpose of paying expenses deemed necessary by 103163  
the convention and visitors' bureau operating in the county to 103164  
promote travel and tourism. The increase in rate shall remain in 103165  
effect for the period specified in the resolution, not to exceed 103166  
twenty years, provided that the increase in rate may not continue 103167  
beyond the time when the purpose for which the increase is levied 103168  
ceases to exist. If revenue from the increase in rate is pledged 103169  
to the payment of debt charges on securities, the increase in rate 103170  
is not subject to diminution by initiative or referendum or by law 103171  
for so long as the securities are outstanding, unless provision is 103172  
made by law or by the board of county commissioners for an 103173  
adequate substitute for that revenue that is satisfactory to the 103174  
trustee if a trust agreement secures payment of the debt charges. 103175  
The increase in rate shall be subject to the regulations adopted 103176  
under division (A)(1) of this section, except that the resolution 103177  
may provide that no portion of the revenue from the increase in 103178  
the rate shall be returned to townships or municipal corporations 103179  
as would otherwise be required under division (A)(1) of this 103180  
section. A resolution adopted under division (A)(7) of this 103181  
section is subject to referendum under sections 305.31 to 305.99 103182  
of the Revised Code. 103183

(8)(a) Division (A)(8) of this section applies only to a 103184  
county satisfying all of the following: 103185

(i) The population of the county is greater than one hundred 103186  
seventy-five thousand and less than two hundred twenty-five 103187  
thousand according to the most recent federal decennial census. 103188

(ii) An amusement park with an average yearly attendance in 103189  
excess of two million guests is located in the county. 103190

(iii) On December 31, 2014, an excise tax was levied in the 103191

county under division (A)(1) of this section at a rate of three 103192  
per cent. 103193

(b) The board of county commissioners of a county to which 103194  
this division applies, by resolution adopted by a majority of the 103195  
members of the board, may increase the rate of the tax by not more 103196  
than one per cent on transactions by which lodging by a hotel is 103197  
or is to be furnished to transient guests. The increase in rate 103198  
shall be for the purpose of paying the costs of constructing and 103199  
maintaining county-owned facilities designed to host sporting 103200  
events and paying expenses deemed necessary by the convention and 103201  
visitors' bureau operating in the county to promote travel and 103202  
tourism with reference to the sports facilities. The increase in 103203  
rate shall remain in effect for the period specified in the 103204  
resolution. If revenue from the increase in rate is pledged to the 103205  
payment of debt charges on securities, the increase in rate is not 103206  
subject to diminution by initiative or referendum or by law for so 103207  
long as the securities are outstanding, unless provision is made 103208  
by law or by the board of county commissioners for an adequate 103209  
substitute for that revenue that is satisfactory to the trustee if 103210  
a trust agreement secures payment of the debt charges. The 103211  
increase in rate shall be subject to the regulations adopted under 103212  
division (A)(1) of this section, except that the resolution may 103213  
provide that no portion of the revenue from the increase in the 103214  
rate shall be returned to townships or municipal corporations as 103215  
would otherwise be required under division (A)(1) of this section. 103216

(9) The board of county commissioners of a county with a 103217  
population greater than seventy-five thousand and less than 103218  
seventy-eight thousand, by resolution adopted by a majority of the 103219  
members of the board not later than October 15, 2015, may increase 103220  
the rate of the tax by not more than one per cent on transactions 103221  
by which lodging by a hotel is or is to be furnished to transient 103222  
guests. The increase in rate shall be for the purposes described 103223

in section 307.679 of the Revised Code or for the promotion of 103224  
travel and tourism in the county, including travel and tourism to 103225  
sports facilities. The increase in rate shall remain in effect for 103226  
the period specified in the resolution and as necessary to fulfill 103227  
the county's obligations under a cooperative agreement entered 103228  
into under section 307.679 of the Revised Code. If the resolution 103229  
is adopted by the board before the effective date of the enactment 103230  
of this division but after that enactment becomes law, the 103231  
increase in rate shall become effective beginning on the effective 103232  
date of the enactment of this division. If revenue from the 103233  
increase in rate is pledged to the payment of debt charges on 103234  
securities, or to substitute for other revenues pledged to the 103235  
payment of such debt, the increase in rate is not subject to 103236  
diminution by initiative or referendum or by law for so long as 103237  
the securities are outstanding, unless provision is made by law or 103238  
by the board of county commissioners for an adequate substitute 103239  
for that revenue that is satisfactory to the trustee if a trust 103240  
agreement secures payment of the debt charges. The increase in 103241  
rate shall be subject to the regulations adopted under division 103242  
(A)(1) of this section, except that no portion of the revenue from 103243  
the increase in the rate shall be returned to townships or 103244  
municipal corporations as would otherwise be required under 103245  
division (A)(1) of this section. 103246

(10) Division (A)(10) of this section applies only to 103247  
counties satisfying either of the following: 103248

(a) A county that, on July 1, 2015, does not levy an excise 103249  
tax under division (A)(1) of this section and that has a 103250  
population of at least thirty-nine thousand but not more than 103251  
forty thousand according to the 2010 federal decennial census; 103252

(b) A county that, on July 1, 2015, levies an excise tax 103253  
under division (A)(1) of this section at a rate of three per cent 103254  
and that has a population of at least seventy-one thousand but not 103255

more than seventy-five thousand according to 2010 federal 103256  
decennial census. 103257

The board of county commissioners of a county to which 103258  
division (A)(10) of this section applies, by resolution adopted by 103259  
a majority of the members of the board, may levy an excise tax at 103260  
a rate not to exceed three per cent on transactions by which 103261  
lodging by a hotel is or is to be furnished to transient guests 103262  
for the purpose of acquiring, constructing, equipping, or 103263  
repairing permanent improvements, as defined in section 133.01 of 103264  
the Revised Code. If the board does not levy a tax under division 103265  
(A)(1) of this section, the board shall establish regulations 103266  
necessary to provide for the administration of the tax, which may 103267  
prescribe the time for payment of the tax and the imposition of 103268  
penalty or interest subject to the limitations on penalty and 103269  
interest provided in division (A)(1) of this section. No portion 103270  
of the revenue shall be returned to townships or municipal 103271  
corporations in the county unless otherwise provided by resolution 103272  
of the board. The tax shall apply throughout the territory of the 103273  
county, including in any township or municipal corporation levying 103274  
an excise tax under division (B) of this section or division (A) 103275  
of section 5739.08 of the Revised Code. The levy of the tax is 103276  
subject to referendum as provided under section 305.31 of the 103277  
Revised Code. 103278

The tax shall remain in effect for the period specified in 103279  
the resolution. If revenue from the increase in rate is pledged to 103280  
the payment of debt charges on securities, the increase in rate is 103281  
not subject to diminution by initiative or referendum or by law 103282  
for so long as the securities are outstanding unless provision is 103283  
made by law or by the board for an adequate substitute for that 103284  
revenue that is satisfactory to the trustee if a trust agreement 103285  
secures payment of the debt charges. 103286

(B)(1) The legislative authority of a municipal corporation 103287



or the board of trustees of a township that is not wholly or 103288  
partly located in a county that has in effect a resolution levying 103289  
an excise tax pursuant to division (A)(1) of this section may, by 103290  
ordinance or resolution, levy an excise tax not to exceed three 103291  
per cent on transactions by which lodging by a hotel is or is to 103292  
be furnished to transient guests. The legislative authority of the 103293  
municipal corporation or the board of trustees of the township 103294  
shall deposit at least fifty per cent of the revenue from the tax 103295  
levied pursuant to this division into a separate fund, which shall 103296  
be spent solely to make contributions to convention and visitors' 103297  
bureaus operating within the county in which the municipal 103298  
corporation or township is wholly or partly located, and the 103299  
balance of that revenue shall be deposited in the general fund. 103300  
The municipal corporation or township shall establish all 103301  
regulations necessary to provide for the administration and 103302  
allocation of the tax. The regulations may prescribe the time for 103303  
payment of the tax, and may provide for the imposition of a 103304  
penalty or interest, or both, for late payments, provided that the 103305  
penalty does not exceed ten per cent of the amount of tax due, and 103306  
the rate at which interest accrues does not exceed the rate per 103307  
annum prescribed pursuant to section 5703.47 of the Revised Code. 103308  
The levy of a tax under this division is in addition to any tax 103309  
imposed on the same transaction by a municipal corporation or a 103310  
township as authorized by division (A) of section 5739.08 of the 103311  
Revised Code. 103312

(2)(a) The legislative authority of the most populous 103313  
municipal corporation located wholly or partly in a county in 103314  
which the board of county commissioners has levied a tax under 103315  
division (A)(4) of this section may amend, on or before September 103316  
30, 2002, that municipal corporation's ordinance or resolution 103317  
that levies an excise tax on transactions by which lodging by a 103318  
hotel is or is to be furnished to transient guests, to provide for 103319  
all of the following: 103320

(i) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) The legislative authority of a municipal corporation that, pursuant to division (B)(2)(a) of this section, has amended its ordinance or resolution to increase the rate of the tax authorized by division (B)(1) of this section may further amend the ordinance or resolution to provide that the revenue referred to in division (B)(2)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (B)(2) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(C) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by division (A) of section 5739.08 of the Revised Code. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code. A tax imposed under this division shall remain in effect at the rate at which it is imposed

for the duration of the period during which any agreement entered 103386  
into by the board under section 307.695 of the Revised Code is in 103387  
effect, the duration of the period during which any securities 103388  
issued by the board under division (I) of section 307.695 of the 103389  
Revised Code are outstanding, or the duration of the period during 103390  
which the board owns a project as defined in section 307.695 of 103391  
the Revised Code, whichever duration is longest. 103392

(D) For the purpose of providing contributions under division 103393  
(B)(1) of section 307.671 of the Revised Code to enable the 103394  
acquisition, construction, and equipping of a port authority 103395  
educational and cultural facility in the county and, to the extent 103396  
provided for in the cooperative agreement authorized by that 103397  
section, for the purpose of paying debt service charges on bonds, 103398  
or notes in anticipation of bonds, described in division (B)(1)(b) 103399  
of that section, a board of county commissioners, by resolution 103400  
adopted within ninety days after December 22, 1992, by a majority 103401  
of the members of the board, may levy an additional excise tax not 103402  
to exceed one and one-half per cent on transactions by which 103403  
lodging by a hotel is or is to be furnished to transient guests. 103404  
The excise tax authorized by this division shall be in addition to 103405  
any tax that is levied pursuant to divisions (A), (B), and (C) of 103406  
this section, to any excise tax levied pursuant to section 5739.08 103407  
of the Revised Code, and to any excise tax levied pursuant to 103408  
section 351.021 of the Revised Code. The board of county 103409  
commissioners shall establish all regulations necessary to provide 103410  
for the administration and allocation of the tax that are not 103411  
inconsistent with this section or section 307.671 of the Revised 103412  
Code. The regulations may prescribe the time for payment of the 103413  
tax, and may provide for the imposition of a penalty or interest, 103414  
or both, for late payments, provided that the penalty does not 103415  
exceed ten per cent of the amount of tax due, and the rate at 103416  
which interest accrues does not exceed the rate per annum 103417  
prescribed pursuant to section 5703.47 of the Revised Code. All 103418

revenues arising from the tax shall be expended in accordance with 103419  
section 307.671 of the Revised Code and division (D) of this 103420  
section. The levy of a tax imposed under this division may not 103421  
commence prior to the first day of the month next following the 103422  
execution of the cooperative agreement authorized by section 103423  
307.671 of the Revised Code by all parties to that agreement. The 103424  
tax shall remain in effect at the rate at which it is imposed for 103425  
the period of time described in division (C) of section 307.671 of 103426  
the Revised Code for which the revenue from the tax has been 103427  
pledged by the county to the corporation pursuant to that section, 103428  
but, to any extent provided for in the cooperative agreement, for 103429  
no lesser period than the period of time required for payment of 103430  
the debt service charges on bonds, or notes in anticipation of 103431  
bonds, described in division (B)(1)(b) of that section. 103432

(E) For the purpose of paying the costs of acquiring, 103433  
constructing, equipping, and improving a municipal educational and 103434  
cultural facility, including debt service charges on bonds 103435  
provided for in division (B) of section 307.672 of the Revised 103436  
Code, and for any additional purposes determined by the county in 103437  
the resolution levying the tax or amendments to the resolution, 103438  
including subsequent amendments providing for paying costs of 103439  
acquiring, constructing, renovating, rehabilitating, equipping, 103440  
and improving a port authority educational and cultural performing 103441  
arts facility, as defined in section 307.674 of the Revised Code, 103442  
and including debt service charges on bonds provided for in 103443  
division (B) of section 307.674 of the Revised Code, the 103444  
legislative authority of a county, by resolution adopted within 103445  
ninety days after June 30, 1993, by a majority of the members of 103446  
the legislative authority, may levy an additional excise tax not 103447  
to exceed one and one-half per cent on transactions by which 103448  
lodging by a hotel is or is to be furnished to transient guests. 103449  
The excise tax authorized by this division shall be in addition to 103450  
any tax that is levied pursuant to divisions (A), (B), (C), and 103451

(D) of this section, to any excise tax levied pursuant to section 103452  
5739.08 of the Revised Code, and to any excise tax levied pursuant 103453  
to section 351.021 of the Revised Code. The legislative authority 103454  
of the county shall establish all regulations necessary to provide 103455  
for the administration and allocation of the tax. The regulations 103456  
may prescribe the time for payment of the tax, and may provide for 103457  
the imposition of a penalty or interest, or both, for late 103458  
payments, provided that the penalty does not exceed ten per cent 103459  
of the amount of tax due, and the rate at which interest accrues 103460  
does not exceed the rate per annum prescribed pursuant to section 103461  
5703.47 of the Revised Code. All revenues arising from the tax 103462  
shall be expended in accordance with section 307.672 of the 103463  
Revised Code and this division. The levy of a tax imposed under 103464  
this division shall not commence prior to the first day of the 103465  
month next following the execution of the cooperative agreement 103466  
authorized by section 307.672 of the Revised Code by all parties 103467  
to that agreement. The tax shall remain in effect at the rate at 103468  
which it is imposed for the period of time determined by the 103469  
legislative authority of the county. That period of time shall not 103470  
exceed fifteen years, except that the legislative authority of a 103471  
county with a population of less than two hundred fifty thousand 103472  
according to the most recent federal decennial census, by 103473  
resolution adopted by a majority of its members before the 103474  
original tax expires, may extend the duration of the tax for an 103475  
additional period of time. The additional period of time by which 103476  
a legislative authority extends a tax levied under this division 103477  
shall not exceed fifteen years. 103478

(F) The legislative authority of a county that has levied a 103479  
tax under division (E) of this section may, by resolution adopted 103480  
within one hundred eighty days after January 4, 2001, by a 103481  
majority of the members of the legislative authority, amend the 103482  
resolution levying a tax under that division to provide for the 103483  
use of the proceeds of that tax, to the extent that it is no 103484

longer needed for its original purpose as determined by the 103485  
parties to a cooperative agreement amendment pursuant to division 103486  
(D) of section 307.672 of the Revised Code, to pay costs of 103487  
acquiring, constructing, renovating, rehabilitating, equipping, 103488  
and improving a port authority educational and cultural performing 103489  
arts facility, including debt service charges on bonds provided 103490  
for in division (B) of section 307.674 of the Revised Code, and to 103491  
pay all obligations under any guaranty agreements, reimbursement 103492  
agreements, or other credit enhancement agreements described in 103493  
division (C) of section 307.674 of the Revised Code. The 103494  
resolution may also provide for the extension of the tax at the 103495  
same rate for the longer of the period of time determined by the 103496  
legislative authority of the county, but not to exceed an 103497  
additional twenty-five years, or the period of time required to 103498  
pay all debt service charges on bonds provided for in division (B) 103499  
of section 307.672 of the Revised Code and on port authority 103500  
revenue bonds provided for in division (B) of section 307.674 of 103501  
the Revised Code. All revenues arising from the amendment and 103502  
extension of the tax shall be expended in accordance with section 103503  
307.674 of the Revised Code, this division, and division (E) of 103504  
this section. 103505

(G) For purposes of a tax levied by a county, township, or 103506  
municipal corporation under this section or section 5739.08 of the 103507  
Revised Code, a board of county commissioners, board of township 103508  
trustees, or the legislative authority of a municipal corporation 103509  
may adopt a resolution or ordinance at any time specifying that 103510  
"hotel," as otherwise defined in section 5739.01 of the Revised 103511  
Code, includes the following: 103512

(1) Establishments in which fewer than five rooms are used 103513  
for the accommodation of guests. 103514

(2) Establishments at which rooms are used for the 103515  
accommodation of guests regardless of whether each room is 103516

accessible through its own keyed entry or several rooms are 103517  
accessible through the same keyed entry; and, in determining the 103518  
number of rooms, all rooms are included regardless of the number 103519  
of structures in which the rooms are situated or the number of 103520  
parcels of land on which the structures are located if the 103521  
structures are under the same ownership and the structures are not 103522  
identified in advertisements of the accommodations as distinct 103523  
establishments. For the purposes of division (G)(2) of this 103524  
section, two or more structures are under the same ownership if 103525  
they are owned by the same person, or if they are owned by two or 103526  
more persons the majority of the ownership interests of which are 103527  
owned by the same person. 103528

The resolution or ordinance may apply to a tax imposed 103529  
pursuant to this section prior to the adoption of the resolution 103530  
or ordinance if the resolution or ordinance so states, but the tax 103531  
shall not apply to transactions by which lodging by such an 103532  
establishment is provided to transient guests prior to the 103533  
adoption of the resolution or ordinance. 103534

(H)(1) As used in this division: 103535

(a) "Convention facilities authority" has the same meaning as 103536  
in section 351.01 of the Revised Code. 103537

(b) "Convention center" has the same meaning as in section 103538  
307.695 of the Revised Code. 103539

(2) Notwithstanding any contrary provision of division (D) of 103540  
this section, the legislative authority of a county with a 103541  
population of one million or more according to the most recent 103542  
federal decennial census that has levied a tax under division (D) 103543  
of this section may, by resolution adopted by a majority of the 103544  
members of the legislative authority, provide for the extension of 103545  
such levy and may provide that the proceeds of that tax, to the 103546  
extent that they are no longer needed for their original purpose 103547



as defined by a cooperative agreement entered into under section 103548  
307.671 of the Revised Code, shall be deposited into the county 103549  
general revenue fund. The resolution shall provide for the 103550  
extension of the tax at a rate not to exceed the rate specified in 103551  
division (D) of this section for a period of time determined by 103552  
the legislative authority of the county, but not to exceed an 103553  
additional forty years. 103554

(3) The legislative authority of a county with a population 103555  
of one million or more that has levied a tax under division (A)(1) 103556  
of this section may, by resolution adopted by a majority of the 103557  
members of the legislative authority, increase the rate of the tax 103558  
levied by such county under division (A)(1) of this section to a 103559  
rate not to exceed five per cent on transactions by which lodging 103560  
by a hotel is or is to be furnished to transient guests. 103561  
Notwithstanding any contrary provision of division (A)(1) of this 103562  
section, the resolution may provide that all collections resulting 103563  
from the rate levied in excess of three per cent, after deducting 103564  
the real and actual costs of administering the tax, shall be 103565  
deposited in the county general fund. 103566

(4) The legislative authority of a county with a population 103567  
of one million or more that has levied a tax under division (A)(1) 103568  
of this section may, by resolution adopted on or before August 30, 103569  
2004, by a majority of the members of the legislative authority, 103570  
provide that all or a portion of the proceeds of the tax levied 103571  
under division (A)(1) of this section, after deducting the real 103572  
and actual costs of administering the tax and the amounts required 103573  
to be returned to townships and municipal corporations with 103574  
respect to the first three per cent levied under division (A)(1) 103575  
of this section, shall be deposited in the county general fund, 103576  
provided that such proceeds shall be used to satisfy any pledges 103577  
made in connection with an agreement entered into under section 103578  
307.695 of the Revised Code. 103579

(5) No amount collected from a tax levied, extended, or 103580  
required to be deposited in the county general fund under division 103581  
(H) of this section shall be contributed to a convention 103582  
facilities authority, corporation, or other entity created after 103583  
July 1, 2003, for the principal purpose of constructing, 103584  
improving, expanding, equipping, financing, or operating a 103585  
convention center unless the mayor of the municipal corporation in 103586  
which the convention center is to be operated by that convention 103587  
facilities authority, corporation, or other entity has consented 103588  
to the creation of that convention facilities authority, 103589  
corporation, or entity. Notwithstanding any contrary provision of 103590  
section 351.04 of the Revised Code, if a tax is levied by a county 103591  
under division (H) of this section, the board of county 103592  
commissioners of that county may determine the manner of 103593  
selection, the qualifications, the number, and terms of office of 103594  
the members of the board of directors of any convention facilities 103595  
authority, corporation, or other entity described in division 103596  
(H)(5) of this section. 103597

(6)(a) No amount collected from a tax levied, extended, or 103598  
required to be deposited in the county general fund under division 103599  
(H) of this section may be used for any purpose other than paying 103600  
the direct and indirect costs of constructing, improving, 103601  
expanding, equipping, financing, or operating a convention center 103602  
and for the real and actual costs of administering the tax, 103603  
unless, prior to the adoption of the resolution of the legislative 103604  
authority of the county authorizing the levy, extension, increase, 103605  
or deposit, the county and the mayor of the most populous 103606  
municipal corporation in that county have entered into an 103607  
agreement as to the use of such amounts, provided that such 103608  
agreement has been approved by a majority of the mayors of the 103609  
other municipal corporations in that county. The agreement shall 103610  
provide that the amounts to be used for purposes other than paying 103611  
the convention center or administrative costs described in 103612

division (H)(6)(a) of this section be used only for the direct and 103613  
indirect costs of capital improvements, including the financing of 103614  
capital improvements. 103615

(b) If the county in which the tax is levied has an 103616  
association of mayors and city managers, the approval of that 103617  
association of an agreement described in division (H)(6)(a) of 103618  
this section shall be considered to be the approval of the 103619  
majority of the mayors of the other municipal corporations for 103620  
purposes of that division. 103621

(7) Each year, the auditor of state shall conduct an audit of 103622  
the uses of any amounts collected from taxes levied, extended, or 103623  
deposited under division (H) of this section and shall prepare a 103624  
report of the auditor of state's findings. The auditor of state 103625  
shall submit the report to the legislative authority of the county 103626  
that has levied, extended, or deposited the tax, the speaker of 103627  
the house of representatives, the president of the senate, and the 103628  
leaders of the minority parties of the house of representatives 103629  
and the senate. 103630

(I)(1) As used in this division: 103631

(a) "Convention facilities authority" has the same meaning as 103632  
in section 351.01 of the Revised Code. 103633

(b) "Convention center" has the same meaning as in section 103634  
307.695 of the Revised Code. 103635

(2) Notwithstanding any contrary provision of division (D) of 103636  
this section, the legislative authority of a county with a 103637  
population of one million two hundred thousand or more according 103638  
to the most recent federal decennial census or the most recent 103639  
annual population estimate published or released by the United 103640  
States census bureau at the time the resolution is adopted placing 103641  
the levy on the ballot, that has levied a tax under division (D) 103642  
of this section may, by resolution adopted by a majority of the 103643

members of the legislative authority, provide for the extension of 103644  
such levy and may provide that the proceeds of that tax, to the 103645  
extent that the proceeds are no longer needed for their original 103646  
purpose as defined by a cooperative agreement entered into under 103647  
section 307.671 of the Revised Code and after deducting the real 103648  
and actual costs of administering the tax, shall be used for 103649  
paying the direct and indirect costs of constructing, improving, 103650  
expanding, equipping, financing, or operating a convention center. 103651  
The resolution shall provide for the extension of the tax at a 103652  
rate not to exceed the rate specified in division (D) of this 103653  
section for a period of time determined by the legislative 103654  
authority of the county, but not to exceed an additional forty 103655  
years. 103656

(3) The legislative authority of a county with a population 103657  
of one million two hundred thousand or more that has levied a tax 103658  
under division (A)(1) of this section may, by resolution adopted 103659  
by a majority of the members of the legislative authority, 103660  
increase the rate of the tax levied by such county under division 103661  
(A)(1) of this section to a rate not to exceed five per cent on 103662  
transactions by which lodging by a hotel is or is to be furnished 103663  
to transient guests. Notwithstanding any contrary provision of 103664  
division (A)(1) of this section, the resolution shall provide that 103665  
all collections resulting from the rate levied in excess of three 103666  
per cent, after deducting the real and actual costs of 103667  
administering the tax, shall be used for paying the direct and 103668  
indirect costs of constructing, improving, expanding, equipping, 103669  
financing, or operating a convention center. 103670

(4) The legislative authority of a county with a population 103671  
of one million two hundred thousand or more that has levied a tax 103672  
under division (A)(1) of this section may, by resolution adopted 103673  
on or before July 1, 2008, by a majority of the members of the 103674  
legislative authority, provide that all or a portion of the 103675

proceeds of the tax levied under division (A)(1) of this section, 103676  
after deducting the real and actual costs of administering the tax 103677  
and the amounts required to be returned to townships and municipal 103678  
corporations with respect to the first three per cent levied under 103679  
division (A)(1) of this section, shall be used to satisfy any 103680  
pledges made in connection with an agreement entered into under 103681  
section 307.695 of the Revised Code or shall otherwise be used for 103682  
paying the direct and indirect costs of constructing, improving, 103683  
expanding, equipping, financing, or operating a convention center. 103684

(5) Any amount collected from a tax levied or extended under 103685  
division (I) of this section may be contributed to a convention 103686  
facilities authority created before July 1, 2005, but no amount 103687  
collected from a tax levied or extended under division (I) of this 103688  
section may be contributed to a convention facilities authority, 103689  
corporation, or other entity created after July 1, 2005, unless 103690  
the mayor of the municipal corporation in which the convention 103691  
center is to be operated by that convention facilities authority, 103692  
corporation, or other entity has consented to the creation of that 103693  
convention facilities authority, corporation, or entity. 103694

(J)(1) Except as provided in division (J)(2) of this section, 103695  
money collected by a county and distributed under this section to 103696  
a convention and visitors' bureau in existence as of June 30, 103697  
2013, the effective date of H.B. 59 of the 130th general assembly, 103698  
except for any such money pledged, as of that effective date, to 103699  
the payment of debt service charges on bonds, notes, securities, 103700  
or lease agreements, shall be used solely for tourism sales, 103701  
marketing and promotion, and their associated costs, including, 103702  
but not limited to, operational and administrative costs of the 103703  
bureau, sales and marketing, and maintenance of the physical 103704  
bureau structure. 103705

(2) A convention and visitors' bureau that has entered into 103706  
an agreement under section 307.678 of the Revised Code may use 103707

revenue it receives from a tax levied under division (A)(1) of 103708  
this section as described in division (D) of section 307.678 of 103709  
the Revised Code. 103710

(K) The board of county commissioners of a county with a 103711  
population between one hundred three thousand and one hundred 103712  
seven thousand according to the most recent federal decennial 103713  
census, by resolution adopted by a majority of the members of the 103714  
board within six months after September 15, 2014, the effective 103715  
date of H.B. 483 of the 130th general assembly, may levy a tax not 103716  
to exceed three per cent on transactions by which a hotel is or is 103717  
to be furnished to transient guests. The purpose of the tax shall 103718  
be to pay the costs of expanding, maintaining, or operating a 103719  
soldiers' memorial and the costs of administering the tax. All 103720  
revenue arising from the tax shall be credited to one or more 103721  
special funds in the county treasury and shall be spent solely for 103722  
the purposes of paying those costs. The board of county 103723  
commissioners shall adopt all rules necessary to provide for the 103724  
administration of the tax subject to the same limitations on 103725  
imposing penalty or interest under division (A)(1) of this 103726  
section. 103727

As used in this division "soldiers' memorial" means a 103728  
memorial constructed and funded under Chapter 345. of the Revised 103729  
Code. 103730

(L) A board of county commissioners of an eligible county, by 103731  
resolution adopted by a majority of the members of the board, may 103732  
levy an excise tax at the rate of up to three per cent on 103733  
transactions by which lodging by a hotel is or is to be furnished 103734  
to transient guests for the purpose of paying the costs of 103735  
permanent improvements at sites at which one or more agricultural 103736  
societies conduct fairs or exhibits, paying the costs of 103737  
maintaining or operating such permanent improvements, and paying 103738  
the costs of administering the tax. A resolution adopted under 103739

this division shall direct the board of elections to submit the 103740  
question of the proposed lodging tax to the electors of the county 103741  
at a special election held on the date specified by the board in 103742  
the resolution, provided that the election occurs not less than 103743  
ninety days after a certified copy of the resolution is 103744  
transmitted to the board of elections. A resolution submitted to 103745  
the electors under this division shall not go into effect unless 103746  
it is approved by a majority of those voting upon it. The 103747  
resolution takes effect on the date the board of county 103748  
commissioners receives notification from the board of elections of 103749  
an affirmative vote. 103750

The tax shall remain in effect for the period specified in 103751  
the resolution, not to exceed five years. All revenue arising from 103752  
the tax shall be credited to one or more special funds in the 103753  
county treasury and shall be spent solely for the purposes of 103754  
paying the costs of such permanent improvements and maintaining or 103755  
operating the improvements. Revenue allocated for the use of a 103756  
county agricultural society may be credited to the county 103757  
agricultural society fund created in section 1711.16 of the 103758  
Revised Code upon appropriation by the board. If revenue is 103759  
credited to that fund, it shall be expended only as provided in 103760  
that section. 103761

The board of county commissioners shall adopt all rules 103762  
necessary to provide for the administration of the tax. The rules 103763  
may prescribe the time for payment of the tax, and may provide for 103764  
the imposition or penalty or interest, or both, for late payments, 103765  
provided that the penalty does not exceed ten per cent of the 103766  
amount of tax due, and the rate at which interest accrues does not 103767  
exceed the rate per annum prescribed in section 5703.47 of the 103768  
Revised Code. 103769

As used in this division, "eligible county" means a county in 103770  
which a county agricultural society or independent agricultural 103771

society is organized under section 1711.01 or 1711.02 of the 103772  
Revised Code, provided the agricultural society owns a facility or 103773  
site in the county at which an annual harness horse race is 103774  
conducted where one-day attendance equals at least forty thousand 103775  
attendees. 103776

(M) As used in this division, "eligible county" means a 103777  
county in which a tax is levied under division (A) of this section 103778  
at a rate of three per cent and whose territory includes a part of 103779  
Lake Erie the shoreline of which represents at least fifty per 103780  
cent of the linear length of the county's border with other 103781  
counties of this state. 103782

The board of county commissioners of an eligible county that 103783  
has entered into an agreement with a port authority in the county 103784  
under section 4582.56 of the Revised Code may levy an additional 103785  
lodging tax on transactions by which lodging by a hotel is or is 103786  
to be furnished to transient guests for the purpose of financing 103787  
lakeshore improvement projects constructed or financed by the port 103788  
authority under that section. The resolution levying the tax shall 103789  
specify the purpose of the tax, the rate of the tax, which shall 103790  
not exceed two per cent, and the number of years the tax will be 103791  
levied or that it will be levied for a continuing period of time. 103792  
The tax shall be administered pursuant to the regulations adopted 103793  
by the board under division (A) of this section, except that all 103794  
the proceeds of the tax levied under this division shall be 103795  
pledged to the payment of the costs, including debt charges, of 103796  
lakeshore improvements undertaken by a port authority pursuant to 103797  
the agreement under section 4582.56 of the Revised Code. No 103798  
revenue from the tax may be used to pay the current expenses of 103799  
the port authority. 103800

A resolution levying a tax under this division is subject to 103801  
referendum under sections 305.31 to 305.41 and 305.99 of the 103802  
Revised Code. 103803



Sec. 5739.101. (A) The legislative authority of a municipal corporation, by ordinance or resolution, or of a township, by resolution, may declare the municipal corporation or township to be a resort area for the purposes of this section, if all of the following criteria are met:

(1) According to statistics published by the federal government based on data compiled during the most recent decennial census of the United States, at least sixty-two per cent of total housing units in the municipal corporation or township are classified as "for seasonal, recreational, or occasional use";

(2) Entertainment and recreation facilities are provided within the municipal corporation or township that are primarily intended to provide seasonal leisure time activities for persons other than permanent residents of the municipal corporation or township;

(3) The municipal corporation or township experiences seasonal peaks of employment and demand for government services as a direct result of the seasonal population increase.

(B) For the purpose of providing revenue for its general fund, the legislative authority of a municipal corporation or township, in its ordinance or resolution declaring itself a resort area under this section, may levy a tax on the privilege of engaging in the business of either of the following:

(1) Making sales in the municipal corporation or township, whether wholesale or retail, but including sales of food only to the extent such sales are subject to the tax levied under section 5739.02 of the Revised Code;

(2) Intrastate transportation of passengers or property primarily to or from the municipal corporation or township by a railroad, watercraft, or motor vehicle subject to regulation by

the public utilities commission, except not including 103834  
transportation of passengers as part of a tour or cruise in which 103835  
the passengers will stay in the municipal corporation or township 103836  
for no more than one hour. 103837

The tax is imposed upon and shall be paid by the person 103838  
making the sales or transporting the passengers or property. The 103839  
rate of the tax shall be one-half, one, or one and one-half per 103840  
cent of the person's gross receipts derived from making the sales 103841  
or transporting the passengers or property to or from the 103842  
municipal corporation or township. 103843

(C) The tax For the purpose of fostering and developing 103844  
tourism in a tourism development district designated under section 103845  
503.56 or 715.014 of the Revised Code, the legislative authority 103846  
of a municipal corporation or township, by ordinance or resolution 103847  
adopted on or before December 31, 2018, may levy a tax on the 103848  
privilege of engaging in the business of making sales in the 103849  
tourism development district, whether wholesale or retail, but 103850  
including sales of food only to the extent such sales are subject 103851  
to the tax levied under section 5739.02 of the Revised Code. 103852

The tax is imposed upon and shall be paid by the person 103853  
making the sales. The rate of the tax shall be one-half, one, one 103854  
and one-half, or two per cent of the person's gross receipts 103855  
derived from making the sales in the tourism development district. 103856

(D) A tax levied under division (B) or (C) of this section 103857  
shall take effect on the first day of the month that begins at 103858  
least sixty days after the effective date of the ordinance or 103859  
resolution ~~in~~ by which it is levied. The legislative authority 103860  
shall certify copies of the ordinance or resolution to the tax 103861  
commissioner and treasurer of state within five days after its 103862  
adoption. In addition, one time each week during the two weeks 103863  
following the adoption of the ordinance or resolution, the 103864  
legislative authority shall cause to be published in a newspaper 103865

of general circulation in the municipal corporation or township, 103866  
or as provided in section 7.16 of the Revised Code, a notice 103867  
explaining the tax and stating the rate of the tax, the date it 103868  
will take effect, and that persons subject to the tax must 103869  
register with the tax commissioner under section 5739.103 of the 103870  
Revised Code. 103871

~~(D)~~(E) No more than once a year, and subject to the rates 103872  
prescribed in division (B) or (C) of this section, the legislative 103873  
authority of the municipal corporation or township, by ordinance 103874  
or resolution, may increase or decrease the rate of a tax levied 103875  
under this section. The legislative authority, by ordinance or 103876  
resolution, at any time may repeal such a tax. The legislative 103877  
authority shall certify to the tax commissioner and treasurer of 103878  
state copies of the ordinance or resolution repealing or changing 103879  
the rate of the tax within five days after its adoption. In 103880  
addition, one time each week during the two weeks following the 103881  
adoption of the ordinance or resolution, the legislative authority 103882  
shall cause to be published in a newspaper of general circulation 103883  
in the municipal corporation or township, or as provided in 103884  
section 7.16 of the Revised Code, notice of the repeal or change. 103885

(F) A person may separately or proportionately bill or 103886  
invoice a tax levied pursuant to division (B) or (C) of this 103887  
section to another person. 103888

**Sec. 5739.102.** A person who is liable for a tax levied under 103889  
section 5739.101 of the Revised Code shall file a return with the 103890  
tax commissioner showing the person's taxable gross receipts from 103891  
sales described under division (B)(1) or (2) or (C) of that 103892  
section. The tax commissioner shall prescribe the form of the 103893  
return, and the six- or twelve-month reporting period. The person 103894  
shall file the return on or before the last day of the month 103895  
following the end of the reporting period prescribed by the 103896

commissioner, and shall include with the return payment of the tax 103897  
for the period. The remittance shall be made payable to the 103898  
treasurer of state. 103899

Upon receipt of a return, the tax commissioner shall credit 103900  
any money included with it to the resort area excise tax fund, 103901  
which is hereby created. Within forty-five days after the end of 103902  
each month, the commissioner shall provide for the distribution of 103903  
all money paid during that month into the resort area excise tax 103904  
fund to the appropriate municipal corporations and townships, 103905  
after first subtracting and crediting to the general revenue fund 103906  
one per cent to cover the costs of administering the excise tax. 103907

If a person liable for the tax fails to file a return or pay 103908  
the tax as required under this section and the rules of the tax 103909  
commissioner, the person shall pay an additional charge of the 103910  
greater of fifty dollars or ten per cent of the tax due for the 103911  
return period. The additional charge shall be considered revenue 103912  
arising from the tax levied under section 5739.101 of the Revised 103913  
Code, and may be collected by assessment in the manner provided in 103914  
section 5739.13 of the Revised Code. The tax commissioner may 103915  
remit all or a portion of the charge. 103916

**Sec. 5739.103.** No person shall exercise the privilege of 103917  
engaging in a business described under division (B)(1) or (2) or 103918  
(C) of section 5739.101 of the Revised Code in a municipal 103919  
corporation or township that has imposed a tax under division (B) 103920  
or (C) of that section without first registering with the tax 103921  
commissioner. The tax commissioner shall prescribe the form of the 103922  
registration. 103923

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 103924  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 103925  
the Revised Code, and fails to remit the tax to the state as 103926

prescribed, or on the sale of a motor vehicle, watercraft, or 103927  
outboard motor required to be titled, fails to remit payment to a 103928  
~~clerk of a court of common pleas~~ as provided in section 1548.06 or 103929  
4505.06 of the Revised Code, the vendor shall be personally liable 103930  
for any tax collected and not remitted. The tax commissioner may 103931  
make an assessment against such vendor based upon any information 103932  
in the commissioner's possession. 103933

If any vendor fails to collect the tax or any consumer fails 103934  
to pay the tax imposed by or pursuant to section 5739.02, 103935  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 103936  
transaction subject to the tax, the vendor or consumer shall be 103937  
personally liable for the amount of the tax applicable to the 103938  
transaction. The commissioner may make an assessment against 103939  
either the vendor or consumer, as the facts may require, based 103940  
upon any information in the commissioner's possession. 103941

An assessment against a vendor when the tax imposed by or 103942  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 103943  
the Revised Code has not been collected or paid, shall not 103944  
discharge the purchaser's or consumer's liability to reimburse the 103945  
vendor for the tax applicable to such transaction. 103946

An assessment issued against either, pursuant to this 103947  
section, shall not be considered an election of remedies, nor a 103948  
bar to an assessment against the other for the tax applicable to 103949  
the same transaction, provided that no assessment shall be issued 103950  
against any person for the tax due on a particular transaction if 103951  
the tax on that transaction actually has been paid by another. 103952

The commissioner may make an assessment against any vendor 103953  
who fails to file a return or remit the proper amount of tax 103954  
required by this chapter, or against any consumer who fails to pay 103955  
the proper amount of tax required by this chapter. When 103956  
information in the possession of the commissioner indicates that 103957  
the amount required to be collected or paid under this chapter is 103958

greater than the amount remitted by the vendor or paid by the consumer, the commissioner may audit a sample of the vendor's sales or the consumer's purchases for a representative period, to ascertain the per cent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the vendor or consumer in selecting a representative sample.

The commissioner may make an assessment, based on any information in the commissioner's possession, against any person who fails to file a return or remit the proper amount of tax required by section 5739.102 of the Revised Code.

The commissioner may issue an assessment on any transaction for which any tax imposed under this chapter or Chapter 5741. of the Revised Code was due and unpaid on the date the vendor or consumer was informed by an agent of the tax commissioner of an investigation or audit. If the vendor or consumer remits any payment of the tax for the period covered by the assessment after the vendor or consumer was informed of the investigation or audit, the payment shall be credited against the amount of the assessment.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due from the party assessed and payable to the treasurer of state and remitted

to the tax commissioner. The petition shall indicate the 103991  
objections of the party assessed, but additional objections may be 103992  
raised in writing if received by the commissioner prior to the 103993  
date shown on the final determination. If the petition has been 103994  
properly filed, the commissioner shall proceed under section 103995  
5703.60 of the Revised Code. 103996

(C) After an assessment becomes final, if any portion of the 103997  
assessment remains unpaid, including accrued interest, a certified 103998  
copy of the commissioner's entry making the assessment final may 103999  
be filed in the office of the clerk of the court of common pleas 104000  
in the county in which the place of business of the party assessed 104001  
is located or the county in which the party assessed resides. If 104002  
the party assessed maintains no place of business in this state 104003  
and is not a resident of this state, the certified copy of the 104004  
entry may be filed in the office of the clerk of the court of 104005  
common pleas of Franklin county. 104006

Immediately upon the filing of the entry, the clerk shall 104007  
enter a judgment for the state against the party assessed in the 104008  
amount shown on the entry. The judgment may be filed by the clerk 104009  
in a loose-leaf book entitled "special judgments for state, 104010  
county, and transit authority retail sales tax" or, if 104011  
appropriate, "special judgments for resort area excise tax," and 104012  
shall have the same effect as other judgments. Execution shall 104013  
issue upon the judgment upon the request of the tax commissioner, 104014  
and all laws applicable to sales on execution shall apply to sales 104015  
made under the judgment except as otherwise provided in this 104016  
chapter. 104017

If the assessment is not paid in its entirety within sixty 104018  
days after the date the assessment was issued, the portion of the 104019  
assessment consisting of tax due shall bear interest at the rate 104020  
per annum prescribed by section 5703.47 of the Revised Code from 104021  
the day the tax commissioner issues the assessment until the 104022

assessment is paid or until it is certified to the attorney 104023  
general for collection under section 131.02 of the Revised Code, 104024  
whichever comes first. If the unpaid portion of the assessment is 104025  
certified to the attorney general for collection, the entire 104026  
unpaid portion of the assessment shall bear interest at the rate 104027  
per annum prescribed by section 5703.47 of the Revised Code from 104028  
the date of certification until the date it is paid in its 104029  
entirety. Interest shall be paid in the same manner as the tax and 104030  
may be collected by issuing an assessment under this section. 104031

(D) All money collected by the tax commissioner under this 104032  
section shall be paid to the treasurer of state, and when paid 104033  
shall be considered as revenue arising from the taxes imposed by 104034  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 104035

Sec. 5739.213. (A) As used in this section: 104036

(1) "Tourism development district" means a tourism 104037  
development district designated by a township or municipal 104038  
corporation under section 503.56 or 715.014 of the Revised Code, 104039  
respectively. 104040

(2) "Incremental sales tax growth" means one of the 104041  
following: 104042

(a) For a county, the amount of revenue from a tax levied 104043  
under section 5739.021 or 5739.026 of the Revised Code and 104044  
received by the county under division (B) of section 5739.21 of 104045  
the Revised Code from vendors located within a tourism development 104046  
district during the preceding calendar year minus the amount of 104047  
such revenue so received by the county during the calendar year 104048  
ending immediately before the date the district is designated; 104049

(b) For a transit authority, the amount of revenue from a tax 104050  
levied under section 5739.023 of the Revised Code received by the 104051  
transit authority under division (B) of section 5739.21 of the 104052



Revised Code from vendors located within a tourism development district during the preceding calendar year minus the amount of such revenue so received by the transit authority during the calendar year ending immediately before the date the district is designated. 104053  
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(3) The "fiscal officer" of a municipal corporation means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk. 104058  
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(B)(1) The legislative authority of a municipal corporation or board of trustees of a township that has designated a tourism development district may adopt a resolution or ordinance expressing the legislative authority's or board's intent to receive annual payments from the county or transit authority whose territory overlaps with the territory of that district equal to the incremental sales tax growth from vendors located in the district. The legislative authority or board shall certify the ordinance or resolution to the board of county commissioners or transit authority. The resolution shall specify the municipal corporation's or township's intent to receive such payments and describe the boundaries of the tourism development district. That description shall include sufficient information for the county or transit authority to determine if the address of a vendor is within the boundaries of the district. 104061  
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(2) The board of county commissioners, within thirty days after receiving a certification under division (B)(1) of this section, may adopt and certify to that municipal corporation or township a resolution requiring the county to make payments to the municipal corporation or township under division (B)(4) of this section. The resolution shall prescribe the date by which the county annually shall make such payments, including the year of the first such payment. 104076  
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(3) The transit authority, within thirty days after receiving 104084

a certification under division (B)(1) of this section, may adopt 104085  
and certify to that municipal corporation or township a resolution 104086  
requiring the transit authority to make payments to the municipal 104087  
corporation or township under division (B)(4) of this section. The 104088  
resolution shall prescribe the date by which the transit authority 104089  
annually shall make such payments, including the year of the first 104090  
such payment. 104091

(4) A county or transit authority certifying a resolution 104092  
under division (B)(2) or (3), respectively, shall annually pay 104093  
from its general fund to the municipal corporation or township 104094  
that designated the tourism development district an amount equal 104095  
to the county's or transit authority's incremental sales tax 104096  
growth from vendors located in the tourism development district. 104097

(C) A municipal corporation or township shall use revenue 104098  
received under this section exclusively for fostering and 104099  
developing tourism in the tourism development district. 104100

(D) On or before the annual date prescribed in a resolution 104101  
adopted under division (B)(2) or (3) of this section, the fiscal 104102  
officer of a municipal corporation or township receiving revenue 104103  
from a county or transit authority under this section shall 104104  
certify a list of vendors located within the tourism development 104105  
district to the county or transit authority, which shall include 104106  
the name, address, and vendor's license number for each vendor. 104107  
The board of county commissioners or transit authority required to 104108  
make payments under this section may require vendors located 104109  
within the tourism development district to report their taxable 104110  
sales and other necessary information to the county or transit 104111  
authority for the purposes of calculating incremental sales tax 104112  
growth. 104113

(E) If a municipal corporation or township receiving revenue 104114  
under this section increases the territory of a tourism 104115  
development district, the legislative authority of the municipal 104116

corporation or board of township trustees shall certify a copy of 104117  
the resolution or ordinance expanding the territory of the 104118  
district to the county or transit authority making payments under 104119  
this section. That ordinance or resolution shall describe the 104120  
boundaries of the tourism development district with sufficient 104121  
information for the county or transit authority to determine if 104122  
the address of a vendor is within the boundaries of the district. 104123  
Upon receipt of such an ordinance or resolution, the county or 104124  
transit authority shall recalculate its payments to the municipal 104125  
corporation or township under division (B) of this section, except 104126  
that "incremental sales tax growth" shall mean, in the context of 104127  
the additional territory added to the tourism development 104128  
district, the amount of revenue from taxes levied under sections 104129  
5739.021 and 5739.026 or section 5739.023 of the Revised Code 104130  
received by the county or transit authority under division (B) of 104131  
section 5739.21 of the Revised Code from vendors located within 104132  
the tourism development district during the preceding calendar 104133  
year minus the amount of such revenue so received by the county or 104134  
transit authority ending before the date the territory is added to 104135  
an existing district. 104136

**Sec. 5741.01.** As used in this chapter: 104137

(A) "Person" includes individuals, receivers, assignees, 104138  
trustees in bankruptcy, estates, firms, partnerships, 104139  
associations, joint-stock companies, joint ventures, clubs, 104140  
societies, corporations, business trusts, governments, and 104141  
combinations of individuals of any form. 104142

(B) "Storage" means and includes any keeping or retention in 104143  
this state for use or other consumption in this state. 104144

(C) "Use" means and includes the exercise of any right or 104145  
power incidental to the ownership of the thing used. A thing is 104146  
also "used" in this state if its consumer gives or otherwise 104147

distributes it, without charge, to recipients in this state. 104148

(D) "Purchase" means acquired or received for a 104149  
consideration, whether such acquisition or receipt was effected by 104150  
a transfer of title, or of possession, or of both, or a license to 104151  
use or consume; whether such transfer was absolute or conditional, 104152  
and by whatever means the transfer was effected; and whether the 104153  
consideration was money, credit, barter, or exchange. Purchase 104154  
includes production, even though the article produced was used, 104155  
stored, or consumed by the producer. The transfer of copyrighted 104156  
motion picture films for exhibition purposes is not a purchase, 104157  
except such films as are used solely for advertising purposes. 104158

(E) "Seller" means the person from whom a purchase is made, 104159  
and includes every person engaged in this state or elsewhere in 104160  
the business of selling tangible personal property or providing a 104161  
service for storage, use, or other consumption or benefit in this 104162  
state; and when, in the opinion of the tax commissioner, it is 104163  
necessary for the efficient administration of this chapter, to 104164  
regard any salesperson, representative, peddler, or canvasser as 104165  
the agent of a dealer, distributor, supervisor, or employer under 104166  
whom the person operates, or from whom the person obtains tangible 104167  
personal property, sold by the person for storage, use, or other 104168  
consumption in this state, irrespective of whether or not the 104169  
person is making such sales on the person's own behalf, or on 104170  
behalf of such dealer, distributor, supervisor, or employer, the 104171  
commissioner may regard the person as such agent, and may regard 104172  
such dealer, distributor, supervisor, or employer as the seller. 104173  
"Seller" does not include any person to the extent the person 104174  
provides a communications medium, such as, but not limited to, 104175  
newspapers, magazines, radio, television, or cable television, by 104176  
means of which sellers solicit purchases of their goods or 104177  
services. 104178

(F) "Consumer" means any person who has purchased tangible 104179

personal property or has been provided a service for storage, use, 104180  
or other consumption or benefit in this state. "Consumer" does not 104181  
include a person who receives, without charge, tangible personal 104182  
property or a service. 104183

A person who performs a facility management or similar 104184  
service contract for a contractee is a consumer of all tangible 104185  
personal property and services purchased for use in connection 104186  
with the performance of such contract, regardless of whether title 104187  
to any such property vests in the contractee. The purchase of such 104188  
property and services is not subject to the exception for resale 104189  
under division (E) of section 5739.01 of the Revised Code. 104190

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 104191  
of this section, has the same meaning as in division (H)(1) of 104192  
section 5739.01 of the Revised Code. 104193

(2) In the case of watercraft, outboard motors, or new motor 104194  
vehicles, "price" has the same meaning as in divisions (H)(2) and 104195  
(3) of section 5739.01 of the Revised Code. 104196

(3) In the case of a nonresident business consumer that 104197  
purchases and uses tangible personal property outside this state 104198  
and subsequently temporarily stores, uses, or otherwise consumes 104199  
such tangible personal property in the conduct of business in this 104200  
state, the consumer or the tax commissioner may determine the 104201  
price based on the value of the temporary storage, use, or other 104202  
consumption, in lieu of determining the price pursuant to division 104203  
(G)(1) of this section. A price determination made by the consumer 104204  
is subject to review and redetermination by the commissioner. 104205

(4) In the case of tangible personal property held in this 104206  
state as inventory for sale or lease, and that is temporarily 104207  
stored, used, or otherwise consumed in a taxable manner, the price 104208  
is the value of the temporary use. A price determination made by 104209  
the consumer is subject to review and redetermination by the 104210

commissioner. 104211

(5) In the case of tangible personal property originally 104212  
purchased and used by the consumer outside this state, and that 104213  
becomes permanently stored, used, or otherwise consumed in this 104214  
state more than six months after its acquisition by the consumer, 104215  
the consumer or the commissioner may determine the price based on 104216  
the current value of such tangible personal property, in lieu of 104217  
determining the price pursuant to division (G)(1) of this section. 104218  
A price determination made by the consumer is subject to review 104219  
and redetermination by the commissioner. 104220

(6) If a consumer produces tangible personal property for 104221  
sale and removes that property from inventory for the consumer's 104222  
own use, the price is the produced cost of that tangible personal 104223  
property. 104224

(H) "Nexus with this state" means that the seller engages in 104225  
continuous and widespread solicitation of purchases from residents 104226  
of this state or otherwise purposefully directs its business 104227  
activities at residents of this state. 104228

(I)(1) "Substantial nexus with this state" means that the 104229  
seller has sufficient contact with this state, in accordance with 104230  
Section 8 of Article I of the Constitution of the United States, 104231  
to allow the state to require the seller to collect and remit use 104232  
tax on sales of tangible personal property or services made to 104233  
consumers in this state. ~~"Substantial~~ 104234

(2) "Substantial nexus with this state" exists is presumed to 104235  
exist when the seller does any of the following: 104236

~~(1) Maintains a~~ (a) Uses an office, distribution facility, 104237  
warehouse, storage facility, or similar place of business within 104238  
this state, whether operated by ~~employees or agents of the seller,~~ 104239  
~~by a member of an affiliated group, as defined in division~~ 104240  
~~(B)(3)(c) of section 5739.01 of the Revised Code, of which the~~ 104241

~~seller is a member, or by a franchisee using a trade name of the~~ 104242  
~~seller; or any other person, other than a common carrier acting in~~ 104243  
~~its capacity as a common carrier.~~ 104244

~~(2)(b) Regularly has uses employees, agents, representatives,~~ 104245  
~~solicitors, installers, repairmen, salesmen repairers,~~ 104246  
~~salespersons, or other individuals persons in this state for the~~ 104247  
~~purpose of conducting the business of the seller; or either to~~ 104248  
~~engage in a business with the same or a similar industry~~ 104249  
~~classification as the seller selling a similar product or line of~~ 104250  
~~products as the seller, or to use trademarks, service marks, or~~ 104251  
~~trade names in this state that are the same or substantially~~ 104252  
~~similar to those used by the seller.~~ 104253

~~(3)(c) Uses a any person, other than a common carrier acting~~ 104254  
~~in its capacity as a common carrier, in this state for any of the~~ 104255  
~~purpose of receiving following purposes:~~ 104256

~~(i) Receiving or processing orders of the seller's goods or~~ 104257  
~~services;~~ 104258

~~(ii) Using that person's employees or facilities in this~~ 104259  
~~state to advertise, promote, or facilitate sales by the seller to~~ 104260  
~~customers;~~ 104261

~~(iii) Delivering, installing, assembling, or performing~~ 104262  
~~maintenance services for the seller's customers;~~ 104263

~~(iv) Facilitating the seller's delivery of tangible personal~~ 104264  
~~property to customers in this state by allowing the seller's~~ 104265  
~~customers to pick up property sold by the seller at an office,~~ 104266  
~~distribution facility, warehouse, storage facility, or similar~~ 104267  
~~place of business.~~ 104268

~~(4)(d) Makes regular deliveries of tangible personal property~~ 104269  
~~into this state by means other than common carrier;.~~ 104270

~~(5)(e) Has membership in an affiliated group, as described in~~ 104271

~~division (B)(3)(c) of section 5739.01 of the Revised Code, at least one other member of which person that has substantial nexus with this state;~~

~~(6)(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state;~~

~~(7) Except as provided in section 5703.65 of the Revised Code, is registered with the secretary of state to do business in this state or is registered or licensed by any state agency, board, or commission to transact business in this state or to make sales to persons in this state;~~

~~(8) Has any other contact with this state that would allow this state to require the seller to collect and remit use tax under Section 8 of Article I of the Constitution of the United States.~~

~~(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in-person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~

~~(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales.~~

~~(4) A seller presumed to have substantial nexus with this~~



state under division (I)(2)(g) of this section may rebut that 104303  
presumption by submitting proof that each resident engaged by the 104304  
seller as described in that division did not engage in any 104305  
activity within this state during the preceding twelve months that 104306  
was significantly associated with the seller's ability to 104307  
establish or maintain the seller's market in this state during the 104308  
preceding twelve months. Such proof may consist of sworn written 104309  
statements from all the residents with whom the seller has an 104310  
agreement stating that the resident did not engage in any 104311  
solicitation in this state on behalf of the seller during the 104312  
preceding twelve months if such statements are provided and 104313  
obtained in good faith. 104314

(5) A seller that does not have substantial nexus with this 104315  
state, and any affiliated person of the seller, before selling or 104316  
leasing tangible personal property or services to a state agency, 104317  
shall register with the tax commissioner in the same manner as a 104318  
seller described in division (A)(1) of section 5741.17 of the 104319  
Revised Code. 104320

(6) As used in division (I) of this section: 104321

(a) "Affiliated person" means any person that is a member of 104322  
the same controlled group of corporations as the seller or any 104323  
other person that, notwithstanding the form of organization, bears 104324  
the same ownership relationship to the seller as a corporation 104325  
that is a member of the same controlled group of corporations. 104326

(b) "Controlled group of corporations" has the same meaning 104327  
as in section 1563(a) of the Internal Revenue Code. 104328

(c) "State agency" has the same meaning as in section 1.60 of 104329  
the Revised Code. 104330

(J) "Fiscal officer" means, with respect to a regional 104331  
transit authority, the secretary-treasurer thereof, and with 104332  
respect to a county which is a transit authority, the fiscal 104333

officer of the county transit board appointed pursuant to section 104334  
306.03 of the Revised Code or, if the board of county 104335  
commissioners operates the county transit system, the county 104336  
auditor. 104337

(K) "Territory of the transit authority" means all of the 104338  
area included within the territorial boundaries of a transit 104339  
authority as they from time to time exist. Such territorial 104340  
boundaries must at all times include all the area of a single 104341  
county or all the area of the most populous county which is a part 104342  
of such transit authority. County population shall be measured by 104343  
the most recent census taken by the United States census bureau. 104344

(L) "Transit authority" means a regional transit authority 104345  
created pursuant to section 306.31 of the Revised Code or a county 104346  
in which a county transit system is created pursuant to section 104347  
306.01 of the Revised Code. For the purposes of this chapter, a 104348  
transit authority must extend to at least the entire area of a 104349  
single county. A transit authority which includes territory in 104350  
more than one county must include all the area of the most 104351  
populous county which is a part of such transit authority. County 104352  
population shall be measured by the most recent census taken by 104353  
the United States census bureau. 104354

(M) "Providing a service" has the same meaning as in ~~division~~ 104355  
~~(X)~~ of section 5739.01 of the Revised Code. 104356

(N) "Other consumption" includes receiving the benefits of a 104357  
service. 104358

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 104359  
~~(UU)~~ of section 5739.01 of the Revised Code. 104360

(P) "Certified service provider" has the same meaning as in 104361  
section 5740.01 of the Revised Code. 104362

(Q) "Remote sale" means a sale for which the seller could not 104363  
be legally required to pay, collect, or remit a tax imposed under 104364

this chapter or Chapter 5739. of the Revised Code, unless 104365  
otherwise provided by the laws of the United States. 104366

(R) "Remote seller" means a seller that ~~makes remote sales to~~ 104367  
~~one or more consumers~~ lacks substantial nexus with this state but 104368  
is required to register with the tax commissioner under section 104369  
5741.17 of the Revised Code pursuant to federal law authorizing 104370  
states to require such sellers to register, collect, and remit use 104371  
tax. A seller that is not required to register with the 104372  
commissioner under division (A) of section 5741.17 of the Revised 104373  
Code but registers voluntarily under division (B) of that section 104374  
is not a "remote seller." A seller that registers with the 104375  
commissioner under section 5741.17 of the Revised Code after the 104376  
effective date of any federal law that authorizes states to 104377  
require sellers that lack substantial nexus with the state to 104378  
register, collect, and remit use tax is presumed to be a "remote 104379  
seller." The seller or the commissioner may rebut this presumption 104380  
with evidence that the seller has substantial nexus with this 104381  
state. 104382

(S) "Remote small seller" means a remote seller that has 104383  
gross annual receipts from remote sales in the United States not 104384  
exceeding one million dollars for the preceding calendar year. For 104385  
the purposes of determining whether a person is a small remote 104386  
seller, the sales of all persons related within the meaning of 104387  
subsection (b) or (c) of section 267 or section 707(b)(1) of the 104388  
Internal Revenue Code shall be aggregated, and persons with one or 104389  
more ownership relationships shall be aggregated if those 104390  
relationships were designed with the principal purpose to qualify 104391  
as a remote small seller. 104392

**Sec. 5741.03.** (A) One hundred per cent of all money deposited 104393  
into the state treasury under sections 5741.01 to 5741.22 of the 104394  
Revised Code that is not required to be distributed as provided in 104395

division (B) of this section shall be credited to the general 104396  
revenue fund. 104397

(B) In any case where any county or transit authority has 104398  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 104399  
5741.023 of the Revised Code, the tax commissioner shall, within 104400  
forty-five days after the end of each month, determine and certify 104401  
to the director of budget and management the amount of the 104402  
proceeds of such tax or taxes from billings and assessments 104403  
received during that month, or shown on tax returns or reports 104404  
filed during that month, to be returned to the county or transit 104405  
authority levying the tax or taxes, which amounts shall be 104406  
determined in the manner provided in section 5739.21 of the 104407  
Revised Code. The director of budget and management shall 104408  
transfer, from the general revenue fund, to the permissive tax 104409  
distribution fund created by division (B)(1) of section 4301.423 104410  
of the Revised Code and to the local sales tax administrative fund 104411  
created by division (C) of section 5739.21 of the Revised Code, 104412  
the amounts certified by the tax commissioner. The tax 104413  
commissioner shall then, on or before the twentieth day of the 104414  
month in which such certification is made, provide for payment of 104415  
such respective amounts to the county treasurer or to the fiscal 104416  
officer of the transit authority levying the tax or taxes. The 104417  
amount transferred to the local sales tax administrative fund is 104418  
for use by the tax commissioner in defraying costs the 104419  
commissioner incurs in administering such taxes levied by a county 104420  
or transit authority. 104421

(C)(1) Not later than the first day of each January and ~~of~~ 104422  
July ~~each calendar year beginning July 1, 2015~~ following the date 104423  
remote sellers are first required to register, collect, and remit 104424  
use tax under this chapter, the tax commissioner and the director 104425  
of budget and management shall jointly determine the amount of tax 104426  
imposed by section 5741.02 of the Revised Code and remitted under 104427

this chapter by remote sellers during the six-month period ending 104428  
on the preceding last day of November and of May, respectively, 104429  
reduced by ~~any such tax remitted by sellers pursuant to an~~ 104430  
~~agreement entered into under section 5740.03 of the Revised Code~~ 104431  
~~during the six month period and by~~ any refunds issued during the 104432  
six-month period to remote sellers from the tax refund fund on 104433  
account of that tax. 104434

(2) Not later than that ~~first~~ last day of each January and ~~of~~ 104435  
~~July of the calendar year beginning July 1, 2015~~ following the 104436  
date the commissioner and the director make a determination under 104437  
division (C)(1) of this section, the director of budget and 104438  
management shall transfer from the general revenue fund to the 104439  
income tax reduction fund the amount determined under that 104440  
~~division (C)(1) of this section, less one half of the amount of~~ 104441  
~~that tax remitted during fiscal year 2013 by remote sellers that~~ 104442  
~~voluntarily registered under section 5741.17 of the Revised Code.~~ 104443  
Amounts transferred to the income tax reduction fund under this 104444  
~~section~~ division shall be included in the determination of the 104445  
percentage under division (B)(2) of section 131.44 of the Revised 104446  
Code required to be made by the thirty-first day of July of the 104447  
calendar year in which the commissioner makes the certifications 104448  
under this division. 104449

**Sec. 5741.12.** (A) Each seller required by section 5741.17 of 104450  
the Revised Code to register with the tax commissioner, and any 104451  
seller authorized by the commissioner to collect the tax imposed 104452  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 104453  
of the Revised Code is subject to the same requirements and 104454  
entitled to the same deductions and discount for prompt payments 104455  
as are vendors under section 5739.12 of the Revised Code, and the 104456  
same monetary allowances as are vendors under section 5739.06 of 104457  
the Revised Code. The powers and duties of the commissioner with 104458  
respect to returns and tax remittances under this section shall be 104459

identical with those prescribed in section 5739.12 of the Revised Code. 104460  
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(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, when such tax was not paid to a seller, shall, on or before the twenty-third day of each month, file with the tax commissioner a return for the preceding month in such form as is prescribed by the commissioner, showing such information as the commissioner deems necessary, and shall pay the tax shown on the return to be due. Remittance shall be made payable to the treasurer of state. The commissioner may require consumers to file returns and pay the tax at other than monthly intervals, if the commissioner determines that such filing is necessary for the efficient administration of the tax. If the commissioner determines that a consumer's tax liability is not such as to merit monthly filing, the commissioner may authorize the consumer to file returns and pay tax at less frequent intervals. 104462  
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Any consumer required to file a return and pay the tax under this section whose payment for any year equals or exceeds the amount shown in division (A) of section 5741.121 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section. 104480  
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(C) Every Except as provided in division (B)(5) of section 4505.06 of the Revised Code, every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title. 104485  
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Sec. 5741.17. (A)(1) Except as otherwise provided in 104492  
divisions (A)(2), (3), and (4) of this section, every seller of 104493  
tangible personal property or services who has substantial nexus 104494  
with this state shall register with the tax commissioner and 104495  
supply any information concerning the seller's contacts with this 104496  
state that may be required by the commissioner. 104497

(2) A seller who is licensed as a vendor pursuant to section 104498  
5739.17 of the Revised Code shall not be required to register with 104499  
the commissioner pursuant to this section if all sales to 104500  
consumers in this state are made under the authority of the 104501  
seller's vendor's license. 104502

(3) A Unless the seller has substantial nexus with this state 104503  
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 104504  
Code, a seller is not required to register under this section if 104505  
the seller has no contact with this state other than an agency 104506  
relationship with a person engaged in the business of 104507  
telemarketing in this state and engaged by the seller exclusively 104508  
for the purpose of solicitation of customers in other states. 104509

(4) A seller is not required to register under this section 104510  
if the seller has no contact with this state other than the 104511  
ownership of property that is located at the facility of a printer 104512  
with which the seller has contracted for printing and that 104513  
consists of the final printed product, property that becomes a 104514  
part of the final printed product, or copy from which the final 104515  
printed product is produced. 104516

(B) A seller who does not have substantial nexus with this 104517  
state may voluntarily register with the commissioner. A seller who 104518  
voluntarily registers with the commissioner under this section is 104519  
entitled to the same benefits and is subject to the same duties 104520  
and requirements as a seller required to be registered with the 104521  
commissioner under this chapter. 104522

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

**Sec. 5743.02.** To provide revenues for the general revenue fund, an excise tax on sales of cigarettes is hereby levied at the rate of ~~sixty two and one half~~ eighty mills on each cigarette.

Only one sale of the same article shall be used in computing the amount of tax due.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.05 of the Revised Code. The balance of taxes collected under such section, after the credits to the tax refund fund, shall be paid into the general revenue fund.

**Sec. 5743.05.** The tax commissioner shall sell all stamps provided for by section 5743.03 of the Revised Code. The stamps shall be sold at their face value, except the commissioner shall, by rule, authorize the sale of stamps to wholesale dealers in this state, or to wholesale dealers outside this state, at a discount of not less than one and eight-tenths per cent or more than ten per cent of their face value, as a commission for affixing and canceling the stamps.

The commissioner, by rule, shall authorize the delivery of stamps to wholesale dealers in this state and to wholesale dealers outside this state on credit. If such a dealer has not been in good credit standing with this state for five consecutive years



preceding the purchase, the commissioner shall require the dealer 104553  
to file with the commissioner a bond to the state in the amount 104554  
and in the form prescribed by the commissioner, with surety to the 104555  
satisfaction of the commissioner, conditioned on payment to the 104556  
treasurer of state or the commissioner within thirty days or the 104557  
following twenty-third day of June, whichever comes first for 104558  
stamps delivered within that time. If such a dealer has been in 104559  
good credit standing with this state for five consecutive years 104560  
preceding the purchase, the commissioner shall not require that 104561  
the dealer file such a bond but shall require payment for the 104562  
stamps within thirty days after purchase of the stamps or the 104563  
following twenty-third day of June, whichever comes first. Stamps 104564  
sold to a dealer not required to file a bond shall be sold at face 104565  
value. The maximum amount that may be sold on credit to a dealer 104566  
not required to file a bond shall equal one hundred ten per cent 104567  
of the dealer's average monthly purchases over the preceding 104568  
calendar year. The maximum amount shall be adjusted to reflect any 104569  
changes in the tax rate and may be adjusted, upon application to 104570  
the commissioner by the dealer, to reflect changes in the business 104571  
operations of the dealer. The maximum amount shall be applicable 104572  
to the period ~~of~~ between the first day of July through April to 104573  
the following twenty-third day of June. Payment by a dealer not 104574  
required to file a bond shall be remitted by electronic funds 104575  
transfer as prescribed by section 5743.051 of the Revised Code. If 104576  
a dealer not required to file a bond fails to make the payment in 104577  
full within the ~~thirty-day~~ required payment period, the 104578  
commissioner shall not thereafter sell stamps to that dealer until 104579  
the dealer pays the outstanding amount, including penalty and 104580  
interest on that amount as prescribed in this chapter, and the 104581  
commissioner thereafter may require the dealer to file a bond 104582  
until the dealer is restored to good standing. The commissioner 104583  
shall limit delivery of stamps on credit to the period running 104584  
from the first day of July of the fiscal year until the ~~first~~ 104585

twenty-third day of the following ~~May~~ June. Any discount allowed 104586  
as a commission for affixing and canceling stamps shall be allowed 104587  
with respect to sales of stamps on credit. 104588

The commissioner shall redeem and pay for any destroyed, 104589  
unused, or spoiled tax stamps at their net value, and shall refund 104590  
to wholesale dealers the net amount of state and county taxes paid 104591  
erroneously or paid on cigarettes that have been sold in 104592  
interstate or foreign commerce or that have become unsalable, and 104593  
the net amount of county taxes that were paid on cigarettes that 104594  
have been sold at retail or for retail sale outside a taxing 104595  
county. 104596

An application for a refund of tax shall be filed with the 104597  
commissioner, on the form prescribed by the commissioner for that 104598  
purpose, within three years from the date the tax stamps are 104599  
destroyed or spoiled, from the date of the erroneous payment, or 104600  
from the date that cigarettes on which taxes have been paid have 104601  
been sold in interstate or foreign commerce or have become 104602  
unsalable. 104603

On the filing of the application, the commissioner shall 104604  
determine the amount of refund to which the applicant is entitled, 104605  
payable from receipts of the state tax, and, if applicable, 104606  
payable from receipts of a county tax. If the amount is less than 104607  
that claimed, the commissioner shall certify the amount to the 104608  
director of budget and management and treasurer of state for 104609  
payment from the tax refund fund created by section 5703.052 of 104610  
the Revised Code. If the amount is less than that claimed, the 104611  
commissioner shall proceed in accordance with section 5703.70 of 104612  
the Revised Code. 104613

If a refund is granted for payment of an illegal or erroneous 104614  
assessment issued by the department, the refund shall include 104615  
interest on the amount of the refund from the date of the 104616  
overpayment. The interest shall be computed at the rate per annum 104617

prescribed by section 5703.47 of the Revised Code. 104618

**Sec. 5743.32.** To provide revenue for the general revenue fund 104619  
of the state, an excise tax is hereby levied on the use, 104620  
consumption, or storage for consumption of cigarettes by consumers 104621  
in this state at the rate of ~~sixty two and one half~~ eighty mills 104622  
on each cigarette. The tax shall not apply if the tax levied by 104623  
section 5743.02 of the Revised Code has been paid. 104624

The money received into the state treasury from the excise 104625  
tax levied by this section shall be credited to the general 104626  
revenue fund. 104627

**Sec. 5747.01.** Except as otherwise expressly provided or 104628  
clearly appearing from the context, any term used in this chapter 104629  
that is not otherwise defined in this section has the same meaning 104630  
as when used in a comparable context in the laws of the United 104631  
States relating to federal income taxes or if not used in a 104632  
comparable context in those laws, has the same meaning as in 104633  
section 5733.40 of the Revised Code. Any reference in this chapter 104634  
to the Internal Revenue Code includes other laws of the United 104635  
States relating to federal income taxes. 104636

As used in this chapter: 104637

(A) "Adjusted gross income" or "Ohio adjusted gross income" 104638  
means federal adjusted gross income, as defined and used in the 104639  
Internal Revenue Code, adjusted as provided in this section: 104640

(1) Add interest or dividends on obligations or securities of 104641  
any state or of any political subdivision or authority of any 104642  
state, other than this state and its subdivisions and authorities. 104643

(2) Add interest or dividends on obligations of any 104644  
authority, commission, instrumentality, territory, or possession 104645  
of the United States to the extent that the interest or dividends 104646  
are exempt from federal income taxes but not from state income 104647

taxes. 104648

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 104649  
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 104655  
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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 104657  
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 104661  
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net 104670  
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income included in the adjusted gross income of a beneficiary 104680  
shall reduce the undistributed net income of the trust commencing 104681  
with the earliest years of the accumulation period. 104682

(7) Deduct the amount of wages and salaries, if any, not 104683  
otherwise allowable as a deduction but that would have been 104684  
allowable as a deduction in computing federal adjusted gross 104685  
income for the taxable year, had the targeted jobs credit allowed 104686  
and determined under sections 38, 51, and 52 of the Internal 104687  
Revenue Code not been in effect. 104688

(8) Deduct any interest or interest equivalent on public 104689  
obligations and purchase obligations to the extent that the 104690  
interest or interest equivalent is included in federal adjusted 104691  
gross income. 104692

(9) Add any loss or deduct any gain resulting from the sale, 104693  
exchange, or other disposition of public obligations to the extent 104694  
that the loss has been deducted or the gain has been included in 104695  
computing federal adjusted gross income. 104696

(10) Deduct or add amounts, as provided under section 5747.70 104697  
of the Revised Code, related to contributions to variable college 104698  
savings program accounts made or tuition units purchased pursuant 104699  
to Chapter 3334. of the Revised Code. 104700

(11)(a) Deduct, to the extent not otherwise allowable as a 104701  
deduction or exclusion in computing federal or Ohio adjusted gross 104702  
income for the taxable year, the amount the taxpayer paid during 104703  
the taxable year for medical care insurance and qualified 104704  
long-term care insurance for the taxpayer, the taxpayer's spouse, 104705  
and dependents. No deduction for medical care insurance under 104706  
division (A)(11) of this section shall be allowed either to any 104707  
taxpayer who is eligible to participate in any subsidized health 104708  
plan maintained by any employer of the taxpayer or of the 104709  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 104710

application would be entitled to, benefits under part A of Title 104711  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 104712  
301, as amended. For the purposes of division (A)(11)(a) of this 104713  
section, "subsidized health plan" means a health plan for which 104714  
the employer pays any portion of the plan's cost. The deduction 104715  
allowed under division (A)(11)(a) of this section shall be the net 104716  
of any related premium refunds, related premium reimbursements, or 104717  
related insurance premium dividends received during the taxable 104718  
year. 104719

(b) Deduct, to the extent not otherwise deducted or excluded 104720  
in computing federal or Ohio adjusted gross income during the 104721  
taxable year, the amount the taxpayer paid during the taxable 104722  
year, not compensated for by any insurance or otherwise, for 104723  
medical care of the taxpayer, the taxpayer's spouse, and 104724  
dependents, to the extent the expenses exceed seven and one-half 104725  
per cent of the taxpayer's federal adjusted gross income. 104726

(c) Deduct, to the extent not otherwise deducted or excluded 104727  
in computing federal or Ohio adjusted gross income, any amount 104728  
included in federal adjusted gross income under section 105 or not 104729  
excluded under section 106 of the Internal Revenue Code solely 104730  
because it relates to an accident and health plan for a person who 104731  
otherwise would be a "qualifying relative" and thus a "dependent" 104732  
under section 152 of the Internal Revenue Code but for the fact 104733  
that the person fails to meet the income and support limitations 104734  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 104735

(d) For purposes of division (A)(11) of this section, 104736  
"medical care" has the meaning given in section 213 of the 104737  
Internal Revenue Code, subject to the special rules, limitations, 104738  
and exclusions set forth therein, and "qualified long-term care" 104739  
has the same meaning given in section 7702B(c) of the Internal 104740  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 104741  
of this section, "dependent" includes a person who otherwise would 104742

be a "qualifying relative" and thus a "dependent" under section 104743  
152 of the Internal Revenue Code but for the fact that the person 104744  
fails to meet the income and support limitations under section 104745  
152(d)(1)(B) and (C) of the Internal Revenue Code. 104746

(12)(a) Deduct any amount included in federal adjusted gross 104747  
income solely because the amount represents a reimbursement or 104748  
refund of expenses that in any year the taxpayer had deducted as 104749  
an itemized deduction pursuant to section 63 of the Internal 104750  
Revenue Code and applicable United States department of the 104751  
treasury regulations. The deduction otherwise allowed under 104752  
division (A)(12)(a) of this section shall be reduced to the extent 104753  
the reimbursement is attributable to an amount the taxpayer 104754  
deducted under this section in any taxable year. 104755

(b) Add any amount not otherwise included in Ohio adjusted 104756  
gross income for any taxable year to the extent that the amount is 104757  
attributable to the recovery during the taxable year of any amount 104758  
deducted or excluded in computing federal or Ohio adjusted gross 104759  
income in any taxable year. 104760

(13) Deduct any portion of the deduction described in section 104761  
1341(a)(2) of the Internal Revenue Code, for repaying previously 104762  
reported income received under a claim of right, that meets both 104763  
of the following requirements: 104764

(a) It is allowable for repayment of an item that was 104765  
included in the taxpayer's adjusted gross income for a prior 104766  
taxable year and did not qualify for a credit under division (A) 104767  
or (B) of section 5747.05 of the Revised Code for that year; 104768

(b) It does not otherwise reduce the taxpayer's adjusted 104769  
gross income for the current or any other taxable year. 104770

(14) Deduct an amount equal to the deposits made to, and net 104771  
investment earnings of, a medical savings account during the 104772  
taxable year, in accordance with section 3924.66 of the Revised 104773

Code. The deduction allowed by division (A)(14) of this section 104774  
does not apply to medical savings account deposits and earnings 104775  
otherwise deducted or excluded for the current or any other 104776  
taxable year from the taxpayer's federal adjusted gross income. 104777

(15)(a) Add an amount equal to the funds withdrawn from a 104778  
medical savings account during the taxable year, and the net 104779  
investment earnings on those funds, when the funds withdrawn were 104780  
used for any purpose other than to reimburse an account holder 104781  
for, or to pay, eligible medical expenses, in accordance with 104782  
section 3924.66 of the Revised Code; 104783

(b) Add the amounts distributed from a medical savings 104784  
account under division (A)(2) of section 3924.68 of the Revised 104785  
Code during the taxable year. 104786

(16) Add any amount claimed as a credit under section 104787  
5747.059 or 5747.65 of the Revised Code to the extent that such 104788  
amount satisfies either of the following: 104789

(a) The amount was deducted or excluded from the computation 104790  
of the taxpayer's federal adjusted gross income as required to be 104791  
reported for the taxpayer's taxable year under the Internal 104792  
Revenue Code; 104793

(b) The amount resulted in a reduction of the taxpayer's 104794  
federal adjusted gross income as required to be reported for any 104795  
of the taxpayer's taxable years under the Internal Revenue Code. 104796

(17) Deduct the amount contributed by the taxpayer to an 104797  
individual development account program established by a county 104798  
department of job and family services pursuant to sections 329.11 104799  
to 329.14 of the Revised Code for the purpose of matching funds 104800  
deposited by program participants. On request of the tax 104801  
commissioner, the taxpayer shall provide any information that, in 104802  
the tax commissioner's opinion, is necessary to establish the 104803  
amount deducted under division (A)(17) of this section. 104804



(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179

depreciation expense allowed to any pass-through entity in which 104837  
the taxpayer has a direct or indirect ownership interest. 104838

(iii) Subject to division (A)(20)(a)(v) of this section, for 104839  
taxable years beginning in 2012 or thereafter, if the increase in 104840  
income taxes withheld by the taxpayer is equal to or greater than 104841  
ten per cent of income taxes withheld by the taxpayer during the 104842  
taxpayer's immediately preceding taxable year, "two-thirds" shall 104843  
be substituted for "five-sixths" for the purpose of divisions 104844  
(A)(20)(a)(i) and (ii) of this section. 104845

(iv) Subject to division (A)(20)(a)(v) of this section, for 104846  
taxable years beginning in 2012 or thereafter, a taxpayer is not 104847  
required to add an amount under division (A)(20) of this section 104848  
if the increase in income taxes withheld by the taxpayer and by 104849  
any pass-through entity in which the taxpayer has a direct or 104850  
indirect ownership interest is equal to or greater than the sum of 104851  
(I) the amount of qualifying section 179 depreciation expense and 104852  
(II) the amount of depreciation expense allowed to the taxpayer by 104853  
subsection (k) of section 168 of the Internal Revenue Code, and 104854  
including the taxpayer's proportionate or distributive shares of 104855  
such amounts allowed to any such pass-through entities. 104856

(v) If a taxpayer directly or indirectly incurs a net 104857  
operating loss for the taxable year for federal income tax 104858  
purposes, to the extent such loss resulted from depreciation 104859  
expense allowed by subsection (k) of section 168 of the Internal 104860  
Revenue Code and by qualifying section 179 depreciation expense, 104861  
"the entire" shall be substituted for "five-sixths of the" for the 104862  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 104863

The tax commissioner, under procedures established by the 104864  
commissioner, may waive the add-backs related to a pass-through 104865  
entity if the taxpayer owns, directly or indirectly, less than 104866  
five per cent of the pass-through entity. 104867

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(20) and (21) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly

or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such

depreciation results in or increases a federal net operating loss 104930  
carryback or carryforward. If no such deduction is available for a 104931  
taxable year, the taxpayer may carry forward the amount not 104932  
deducted in such taxable year to the next taxable year and add 104933  
that amount to any deduction otherwise available under division 104934  
(A)(21)(a) of this section for that next taxable year. The 104935  
carryforward of amounts not so deducted shall continue until the 104936  
entire addition required by division (A)(20)(a) of this section 104937  
has been deducted. 104938

(d) No refund shall be allowed as a result of adjustments 104939  
made by division (A)(21) of this section. 104940

(22) Deduct, to the extent not otherwise deducted or excluded 104941  
in computing federal or Ohio adjusted gross income for the taxable 104942  
year, the amount the taxpayer received during the taxable year as 104943  
reimbursement for life insurance premiums under section 5919.31 of 104944  
the Revised Code. 104945

(23) Deduct, to the extent not otherwise deducted or excluded 104946  
in computing federal or Ohio adjusted gross income for the taxable 104947  
year, the amount the taxpayer received during the taxable year as 104948  
a death benefit paid by the adjutant general under section 5919.33 104949  
of the Revised Code. 104950

(24) Deduct, to the extent included in federal adjusted gross 104951  
income and not otherwise allowable as a deduction or exclusion in 104952  
computing federal or Ohio adjusted gross income for the taxable 104953  
year, military pay and allowances received by the taxpayer during 104954  
the taxable year for active duty service in the United States 104955  
army, air force, navy, marine corps, or coast guard or reserve 104956  
components thereof or the national guard. The deduction may not be 104957  
claimed for military pay and allowances received by the taxpayer 104958  
while the taxpayer is stationed in this state. 104959

(25) Deduct, to the extent not otherwise allowable as a 104960

deduction or exclusion in computing federal or Ohio adjusted gross 104961  
income for the taxable year and not otherwise compensated for by 104962  
any other source, the amount of qualified organ donation expenses 104963  
incurred by the taxpayer during the taxable year, not to exceed 104964  
ten thousand dollars. A taxpayer may deduct qualified organ 104965  
donation expenses only once for all taxable years beginning with 104966  
taxable years beginning in 2007. 104967

For the purposes of division (A)(25) of this section: 104968

(a) "Human organ" means all or any portion of a human liver, 104969  
pancreas, kidney, intestine, or lung, and any portion of human 104970  
bone marrow. 104971

(b) "Qualified organ donation expenses" means travel 104972  
expenses, lodging expenses, and wages and salary forgone by a 104973  
taxpayer in connection with the taxpayer's donation, while living, 104974  
of one or more of the taxpayer's human organs to another human 104975  
being. 104976

(26) Deduct, to the extent not otherwise deducted or excluded 104977  
in computing federal or Ohio adjusted gross income for the taxable 104978  
year, amounts received by the taxpayer as retired personnel pay 104979  
for service in the uniformed services or reserve components 104980  
thereof, or the national guard, or received by the surviving 104981  
spouse or former spouse of such a taxpayer under the survivor 104982  
benefit plan on account of such a taxpayer's death. If the 104983  
taxpayer receives income on account of retirement paid under the 104984  
federal civil service retirement system or federal employees 104985  
retirement system, or under any successor retirement program 104986  
enacted by the congress of the United States that is established 104987  
and maintained for retired employees of the United States 104988  
government, and such retirement income is based, in whole or in 104989  
part, on credit for the taxpayer's uniformed service, the 104990  
deduction allowed under this division shall include only that 104991  
portion of such retirement income that is attributable to the 104992

taxpayer's uniformed service, to the extent that portion of such 104993  
retirement income is otherwise included in federal adjusted gross 104994  
income and is not otherwise deducted under this section. Any 104995  
amount deducted under division (A)(26) of this section is not 104996  
included in a taxpayer's adjusted gross income for the purposes of 104997  
section 5747.055 of the Revised Code. No amount may be deducted 104998  
under division (A)(26) of this section on the basis of which a 104999  
credit was claimed under section 5747.055 of the Revised Code. 105000

(27) Deduct, to the extent not otherwise deducted or excluded 105001  
in computing federal or Ohio adjusted gross income for the taxable 105002  
year, the amount the taxpayer received during the taxable year 105003  
from the military injury relief fund created in section ~~5101.98~~ 105004  
5902.05 of the Revised Code. 105005

(28) Deduct, to the extent not otherwise deducted or excluded 105006  
in computing federal or Ohio adjusted gross income for the taxable 105007  
year, the amount the taxpayer received as a veterans bonus during 105008  
the taxable year from the Ohio department of veterans services as 105009  
authorized by Section 2r of Article VIII, Ohio Constitution. 105010

(29) Deduct, to the extent not otherwise deducted or excluded 105011  
in computing federal or Ohio adjusted gross income for the taxable 105012  
year, any income derived from a transfer agreement or from the 105013  
enterprise transferred under that agreement under section 4313.02 105014  
of the Revised Code. 105015

(30) Deduct, to the extent not otherwise deducted or excluded 105016  
in computing federal or Ohio adjusted gross income for the taxable 105017  
year, Ohio college opportunity or federal Pell grant amounts 105018  
received by the taxpayer or the taxpayer's spouse or dependent 105019  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 105020  
1070a, et seq., and used to pay room or board furnished by the 105021  
educational institution for which the grant was awarded at the 105022  
institution's facilities, including meal plans administered by the 105023  
institution. For the purposes of this division, receipt of a grant 105024

includes the distribution of a grant directly to an educational 105025  
institution and the crediting of the grant to the enrollee's 105026  
account with the institution. 105027

~~(31) Deduct one half of the taxpayer's Ohio small business 105028  
investor income, the deduction not to exceed sixty two thousand 105029  
five hundred dollars for each spouse if spouses file separate 105030  
returns under section 5747.08 of the Revised Code or one hundred 105031  
twenty five thousand dollars for all other taxpayers. No 105032  
pass-through entity may claim a deduction under this division. 105033~~

~~For the purposes of this division, "Ohio small business 105034  
investor income" means the portion of a taxpayer's adjusted gross 105035  
income that is business income reduced by deductions from business 105036  
income and apportioned or allocated to this state under sections 105037  
5747.21 and 5747.22 of the Revised Code, all business income to 105038  
the extent not otherwise deducted or excluded in computing federal 105039  
or Ohio adjusted gross income for the taxable year. 105040~~

~~(32) Deduct an amount equal to the fair market value of 105041  
services provided free of charge by dentists and dental hygienists 105042  
under the hope for a smile program established by section 3701.139 105043  
of the Revised Code. 105044~~

(B) "Business income" means income, including gain or loss, 105045  
arising from transactions, activities, and sources in the regular 105046  
course of a trade or business and includes income, gain, or loss 105047  
from real property, tangible property, and intangible property if 105048  
the acquisition, rental, management, and disposition of the 105049  
property constitute integral parts of the regular course of a 105050  
trade or business operation. "Business income" includes income, 105051  
including gain or loss, from a partial or complete liquidation of 105052  
a business, including, but not limited to, gain or loss from the 105053  
sale or other disposition of goodwill. 105054

(C) "Nonbusiness income" means all income other than business 105055



income and may include, but is not limited to, compensation, rents 105056  
and royalties from real or tangible personal property, capital 105057  
gains, interest, dividends and distributions, patent or copyright 105058  
royalties, or lottery winnings, prizes, and awards. 105059

(D) "Compensation" means any form of remuneration paid to an 105060  
employee for personal services. 105061

(E) "Fiduciary" means a guardian, trustee, executor, 105062  
administrator, receiver, conservator, or any other person acting 105063  
in any fiduciary capacity for any individual, trust, or estate. 105064

(F) "Fiscal year" means an accounting period of twelve months 105065  
ending on the last day of any month other than December. 105066

(G) "Individual" means any natural person. 105067

(H) "Internal Revenue Code" means the "Internal Revenue Code 105068  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 105069

(I) "Resident" means any of the following, provided that 105070  
division (I)(3) of this section applies only to taxable years of a 105071  
trust beginning in 2002 or thereafter: 105072

(1) An individual who is domiciled in this state, subject to 105073  
section 5747.24 of the Revised Code; 105074

(2) The estate of a decedent who at the time of death was 105075  
domiciled in this state. The domicile tests of section 5747.24 of 105076  
the Revised Code are not controlling for purposes of division 105077  
(I)(2) of this section. 105078

(3) A trust that, in whole or part, resides in this state. If 105079  
only part of a trust resides in this state, the trust is a 105080  
resident only with respect to that part. 105081

For the purposes of division (I)(3) of this section: 105082

(a) A trust resides in this state for the trust's current 105083  
taxable year to the extent, as described in division (I)(3)(d) of 105084  
this section, that the trust consists directly or indirectly, in 105085

whole or in part, of assets, net of any related liabilities, that 105086  
were transferred, or caused to be transferred, directly or 105087  
indirectly, to the trust by any of the following: 105088

(i) A person, a court, or a governmental entity or 105089  
instrumentality on account of the death of a decedent, but only if 105090  
the trust is described in division (I)(3)(e)(i) or (ii) of this 105091  
section; 105092

(ii) A person who was domiciled in this state for the 105093  
purposes of this chapter when the person directly or indirectly 105094  
transferred assets to an irrevocable trust, but only if at least 105095  
one of the trust's qualifying beneficiaries is domiciled in this 105096  
state for the purposes of this chapter during all or some portion 105097  
of the trust's current taxable year; 105098

(iii) A person who was domiciled in this state for the 105099  
purposes of this chapter when the trust document or instrument or 105100  
part of the trust document or instrument became irrevocable, but 105101  
only if at least one of the trust's qualifying beneficiaries is a 105102  
resident domiciled in this state for the purposes of this chapter 105103  
during all or some portion of the trust's current taxable year. If 105104  
a trust document or instrument became irrevocable upon the death 105105  
of a person who at the time of death was domiciled in this state 105106  
for purposes of this chapter, that person is a person described in 105107  
division (I)(3)(a)(iii) of this section. 105108

(b) A trust is irrevocable to the extent that the transferor 105109  
is not considered to be the owner of the net assets of the trust 105110  
under sections 671 to 678 of the Internal Revenue Code. 105111

(c) With respect to a trust other than a charitable lead 105112  
trust, "qualifying beneficiary" has the same meaning as "potential 105113  
current beneficiary" as defined in section 1361(e)(2) of the 105114  
Internal Revenue Code, and with respect to a charitable lead trust 105115  
"qualifying beneficiary" is any current, future, or contingent 105116

beneficiary, but with respect to any trust "qualifying  
beneficiary" excludes a person or a governmental entity or  
instrumentality to any of which a contribution would qualify for  
the charitable deduction under section 170 of the Internal Revenue  
Code.

(d) For the purposes of division (I)(3)(a) of this section,  
the extent to which a trust consists directly or indirectly, in  
whole or in part, of assets, net of any related liabilities, that  
were transferred directly or indirectly, in whole or part, to the  
trust by any of the sources enumerated in that division shall be  
ascertained by multiplying the fair market value of the trust's  
assets, net of related liabilities, by the qualifying ratio, which  
shall be computed as follows:

(i) The first time the trust receives assets, the numerator  
of the qualifying ratio is the fair market value of those assets  
at that time, net of any related liabilities, from sources  
enumerated in division (I)(3)(a) of this section. The denominator  
of the qualifying ratio is the fair market value of all the  
trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a  
revised qualifying ratio shall be computed. The numerator of the  
revised qualifying ratio is the sum of (1) the fair market value  
of the trust's assets immediately prior to the subsequent  
transfer, net of any related liabilities, multiplied by the  
qualifying ratio last computed without regard to the subsequent  
transfer, and (2) the fair market value of the subsequently  
transferred assets at the time transferred, net of any related  
liabilities, from sources enumerated in division (I)(3)(a) of this  
section. The denominator of the revised qualifying ratio is the  
fair market value of all the trust's assets immediately after the  
subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of

the sources enumerated in division (I)(3)(a) of this section shall 105149  
be ascertained without regard to the domicile of the trust's 105150  
beneficiaries. 105151

(e) For the purposes of division (I)(3)(a)(i) of this 105152  
section: 105153

(i) A trust is described in division (I)(3)(e)(i) of this 105154  
section if the trust is a testamentary trust and the testator of 105155  
that testamentary trust was domiciled in this state at the time of 105156  
the testator's death for purposes of the taxes levied under 105157  
Chapter 5731. of the Revised Code. 105158

(ii) A trust is described in division (I)(3)(e)(ii) of this 105159  
section if the transfer is a qualifying transfer described in any 105160  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 105161  
irrevocable inter vivos trust, and at least one of the trust's 105162  
qualifying beneficiaries is domiciled in this state for purposes 105163  
of this chapter during all or some portion of the trust's current 105164  
taxable year. 105165

(f) For the purposes of division (I)(3)(e)(ii) of this 105166  
section, a "qualifying transfer" is a transfer of assets, net of 105167  
any related liabilities, directly or indirectly to a trust, if the 105168  
transfer is described in any of the following: 105169

(i) The transfer is made to a trust, created by the decedent 105170  
before the decedent's death and while the decedent was domiciled 105171  
in this state for the purposes of this chapter, and, prior to the 105172  
death of the decedent, the trust became irrevocable while the 105173  
decedent was domiciled in this state for the purposes of this 105174  
chapter. 105175

(ii) The transfer is made to a trust to which the decedent, 105176  
prior to the decedent's death, had directly or indirectly 105177  
transferred assets, net of any related liabilities, while the 105178  
decedent was domiciled in this state for the purposes of this 105179

chapter, and prior to the death of the decedent the trust became 105180  
irrevocable while the decedent was domiciled in this state for the 105181  
purposes of this chapter. 105182

(iii) The transfer is made on account of a contractual 105183  
relationship existing directly or indirectly between the 105184  
transferor and either the decedent or the estate of the decedent 105185  
at any time prior to the date of the decedent's death, and the 105186  
decedent was domiciled in this state at the time of death for 105187  
purposes of the taxes levied under Chapter 5731. of the Revised 105188  
Code. 105189

(iv) The transfer is made to a trust on account of a 105190  
contractual relationship existing directly or indirectly between 105191  
the transferor and another person who at the time of the 105192  
decedent's death was domiciled in this state for purposes of this 105193  
chapter. 105194

(v) The transfer is made to a trust on account of the will of 105195  
a testator who was domiciled in this state at the time of the 105196  
testator's death for purposes of the taxes levied under Chapter 105197  
5731. of the Revised Code. 105198

(vi) The transfer is made to a trust created by or caused to 105199  
be created by a court, and the trust was directly or indirectly 105200  
created in connection with or as a result of the death of an 105201  
individual who, for purposes of the taxes levied under Chapter 105202  
5731. of the Revised Code, was domiciled in this state at the time 105203  
of the individual's death. 105204

(g) The tax commissioner may adopt rules to ascertain the 105205  
part of a trust residing in this state. 105206

(J) "Nonresident" means an individual or estate that is not a 105207  
resident. An individual who is a resident for only part of a 105208  
taxable year is a nonresident for the remainder of that taxable 105209  
year. 105210

(K) "Pass-through entity" has the same meaning as in section 105211  
5733.04 of the Revised Code. 105212

(L) "Return" means the notifications and reports required to 105213  
be filed pursuant to this chapter for the purpose of reporting the 105214  
tax due and includes declarations of estimated tax when so 105215  
required. 105216

(M) "Taxable year" means the calendar year or the taxpayer's 105217  
fiscal year ending during the calendar year, or fractional part 105218  
thereof, upon which the adjusted gross income is calculated 105219  
pursuant to this chapter. 105220

(N) "Taxpayer" means any person subject to the tax imposed by 105221  
section 5747.02 of the Revised Code or any pass-through entity 105222  
that makes the election under division (D) of section 5747.08 of 105223  
the Revised Code. 105224

(O) "Dependents" means dependents as defined in the Internal 105225  
Revenue Code and as claimed in the taxpayer's federal income tax 105226  
return for the taxable year or which the taxpayer would have been 105227  
permitted to claim had the taxpayer filed a federal income tax 105228  
return. 105229

(P) "Principal county of employment" means, in the case of a 105230  
nonresident, the county within the state in which a taxpayer 105231  
performs services for an employer or, if those services are 105232  
performed in more than one county, the county in which the major 105233  
portion of the services are performed. 105234

(Q) As used in sections 5747.50 to 5747.55 of the Revised 105235  
Code: 105236

(1) "Subdivision" means any county, municipal corporation, 105237  
park district, or township. 105238

(2) "Essential local government purposes" includes all 105239  
functions that any subdivision is required by general law to 105240

exercise, including like functions that are exercised under a 105241  
charter adopted pursuant to the Ohio Constitution. 105242

(R) "Overpayment" means any amount already paid that exceeds 105243  
the figure determined to be the correct amount of the tax. 105244

(S) "Taxable income" or "Ohio taxable income" applies only to 105245  
estates and trusts, and means federal taxable income, as defined 105246  
and used in the Internal Revenue Code, adjusted as follows: 105247

(1) Add interest or dividends, net of ordinary, necessary, 105248  
and reasonable expenses not deducted in computing federal taxable 105249  
income, on obligations or securities of any state or of any 105250  
political subdivision or authority of any state, other than this 105251  
state and its subdivisions and authorities, but only to the extent 105252  
that such net amount is not otherwise includible in Ohio taxable 105253  
income and is described in either division (S)(1)(a) or (b) of 105254  
this section: 105255

(a) The net amount is not attributable to the S portion of an 105256  
electing small business trust and has not been distributed to 105257  
beneficiaries for the taxable year; 105258

(b) The net amount is attributable to the S portion of an 105259  
electing small business trust for the taxable year. 105260

(2) Add interest or dividends, net of ordinary, necessary, 105261  
and reasonable expenses not deducted in computing federal taxable 105262  
income, on obligations of any authority, commission, 105263  
instrumentality, territory, or possession of the United States to 105264  
the extent that the interest or dividends are exempt from federal 105265  
income taxes but not from state income taxes, but only to the 105266  
extent that such net amount is not otherwise includible in Ohio 105267  
taxable income and is described in either division (S)(1)(a) or 105268  
(b) of this section; 105269

(3) Add the amount of personal exemption allowed to the 105270  
estate pursuant to section 642(b) of the Internal Revenue Code; 105271

(4) Deduct interest or dividends, net of related expenses	105272
deducted in computing federal taxable income, on obligations of	105273
the United States and its territories and possessions or of any	105274
authority, commission, or instrumentality of the United States to	105275
the extent that the interest or dividends are exempt from state	105276
taxes under the laws of the United States, but only to the extent	105277
that such amount is included in federal taxable income and is	105278
described in either division (S)(1)(a) or (b) of this section;	105279
(5) Deduct the amount of wages and salaries, if any, not	105280
otherwise allowable as a deduction but that would have been	105281
allowable as a deduction in computing federal taxable income for	105282
the taxable year, had the targeted jobs credit allowed under	105283
sections 38, 51, and 52 of the Internal Revenue Code not been in	105284
effect, but only to the extent such amount relates either to	105285
income included in federal taxable income for the taxable year or	105286
to income of the S portion of an electing small business trust for	105287
the taxable year;	105288
(6) Deduct any interest or interest equivalent, net of	105289
related expenses deducted in computing federal taxable income, on	105290
public obligations and purchase obligations, but only to the	105291
extent that such net amount relates either to income included in	105292
federal taxable income for the taxable year or to income of the S	105293
portion of an electing small business trust for the taxable year;	105294
(7) Add any loss or deduct any gain resulting from sale,	105295
exchange, or other disposition of public obligations to the extent	105296
that such loss has been deducted or such gain has been included in	105297
computing either federal taxable income or income of the S portion	105298
of an electing small business trust for the taxable year;	105299
(8) Except in the case of the final return of an estate, add	105300
any amount deducted by the taxpayer on both its Ohio estate tax	105301
return pursuant to section 5731.14 of the Revised Code, and on its	105302
federal income tax return in determining federal taxable income;	105303



(9)(a) Deduct any amount included in federal taxable income 105304  
solely because the amount represents a reimbursement or refund of 105305  
expenses that in a previous year the decedent had deducted as an 105306  
itemized deduction pursuant to section 63 of the Internal Revenue 105307  
Code and applicable treasury regulations. The deduction otherwise 105308  
allowed under division (S)(9)(a) of this section shall be reduced 105309  
to the extent the reimbursement is attributable to an amount the 105310  
taxpayer or decedent deducted under this section in any taxable 105311  
year. 105312

(b) Add any amount not otherwise included in Ohio taxable 105313  
income for any taxable year to the extent that the amount is 105314  
attributable to the recovery during the taxable year of any amount 105315  
deducted or excluded in computing federal or Ohio taxable income 105316  
in any taxable year, but only to the extent such amount has not 105317  
been distributed to beneficiaries for the taxable year. 105318

(10) Deduct any portion of the deduction described in section 105319  
1341(a)(2) of the Internal Revenue Code, for repaying previously 105320  
reported income received under a claim of right, that meets both 105321  
of the following requirements: 105322

(a) It is allowable for repayment of an item that was 105323  
included in the taxpayer's taxable income or the decedent's 105324  
adjusted gross income for a prior taxable year and did not qualify 105325  
for a credit under division (A) or (B) of section 5747.05 of the 105326  
Revised Code for that year. 105327

(b) It does not otherwise reduce the taxpayer's taxable 105328  
income or the decedent's adjusted gross income for the current or 105329  
any other taxable year. 105330

(11) Add any amount claimed as a credit under section 105331  
5747.059 or 5747.65 of the Revised Code to the extent that the 105332  
amount satisfies either of the following: 105333

(a) The amount was deducted or excluded from the computation 105334

of the taxpayer's federal taxable income as required to be 105335  
reported for the taxpayer's taxable year under the Internal 105336  
Revenue Code; 105337

(b) The amount resulted in a reduction in the taxpayer's 105338  
federal taxable income as required to be reported for any of the 105339  
taxpayer's taxable years under the Internal Revenue Code. 105340

(12) Deduct any amount, net of related expenses deducted in 105341  
computing federal taxable income, that a trust is required to 105342  
report as farm income on its federal income tax return, but only 105343  
if the assets of the trust include at least ten acres of land 105344  
satisfying the definition of "land devoted exclusively to 105345  
agricultural use" under section 5713.30 of the Revised Code, 105346  
regardless of whether the land is valued for tax purposes as such 105347  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 105348  
trust is a pass-through entity investor, section 5747.231 of the 105349  
Revised Code applies in ascertaining if the trust is eligible to 105350  
claim the deduction provided by division (S)(12) of this section 105351  
in connection with the pass-through entity's farm income. 105352

Except for farm income attributable to the S portion of an 105353  
electing small business trust, the deduction provided by division 105354  
(S)(12) of this section is allowed only to the extent that the 105355  
trust has not distributed such farm income. Division (S)(12) of 105356  
this section applies only to taxable years of a trust beginning in 105357  
2002 or thereafter. 105358

(13) Add the net amount of income described in section 641(c) 105359  
of the Internal Revenue Code to the extent that amount is not 105360  
included in federal taxable income. 105361

(14) Add or deduct the amount the taxpayer would be required 105362  
to add or deduct under division (A)(20) or (21) of this section if 105363  
the taxpayer's Ohio taxable income were computed in the same 105364  
manner as an individual's Ohio adjusted gross income is computed 105365

under this section. In the case of a trust, division (S)(14) of 105366  
this section applies only to any of the trust's taxable years 105367  
beginning in 2002 or thereafter. 105368

(T) "School district income" and "school district income tax" 105369  
have the same meanings as in section 5748.01 of the Revised Code. 105370

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 105371  
of this section, "public obligations," "purchase obligations," and 105372  
"interest or interest equivalent" have the same meanings as in 105373  
section 5709.76 of the Revised Code. 105374

(V) "Limited liability company" means any limited liability 105375  
company formed under Chapter 1705. of the Revised Code or under 105376  
the laws of any other state. 105377

(W) "Pass-through entity investor" means any person who, 105378  
during any portion of a taxable year of a pass-through entity, is 105379  
a partner, member, shareholder, or equity investor in that 105380  
pass-through entity. 105381

(X) "Banking day" has the same meaning as in section 1304.01 105382  
of the Revised Code. 105383

(Y) "Month" means a calendar month. 105384

(Z) "Quarter" means the first three months, the second three 105385  
months, the third three months, or the last three months of the 105386  
taxpayer's taxable year. 105387

(AA)(1) "Eligible institution" means a state university or 105388  
state institution of higher education as defined in section 105389  
3345.011 of the Revised Code, or a private, nonprofit college, 105390  
university, or other post-secondary institution located in this 105391  
state that possesses a certificate of authorization issued by the 105392  
~~Ohio board of regents~~ chancellor of higher education pursuant to 105393  
Chapter 1713. of the Revised Code or a certificate of registration 105394  
issued by the state board of career colleges and schools under 105395

Chapter 3332. of the Revised Code.	105396
(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:	105397 105398 105399 105400 105401 105402 105403 105404 105405 105406
(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	105407 105408 105409
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	105410 105411 105412
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	105413 105414 105415
(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	105416 105417 105418
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	105419 105420 105421 105422 105423
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately	105424 105425 105426

prior to the date on which the trust recognizes the gain or loss, 105427  
is available to the trust. 105428

(b) The requirements of section 5747.011 of the Revised Code 105429  
are satisfied for the trust's taxable year in which the trust 105430  
recognizes the gain or loss. 105431

Any gain or loss that is not a qualifying trust amount is 105432  
modified business income, qualifying investment income, or 105433  
modified nonbusiness income, as the case may be. 105434

(3) "Modified nonbusiness income" means a trust's Ohio 105435  
taxable income other than modified business income, other than the 105436  
qualifying trust amount, and other than qualifying investment 105437  
income, as defined in section 5747.012 of the Revised Code, to the 105438  
extent such qualifying investment income is not otherwise part of 105439  
modified business income. 105440

(4) "Modified Ohio taxable income" applies only to trusts, 105441  
and means the sum of the amounts described in divisions (BB)(4)(a) 105442  
to (c) of this section: 105443

(a) The fraction, calculated under section 5747.013, and 105444  
applying section 5747.231 of the Revised Code, multiplied by the 105445  
sum of the following amounts: 105446

(i) The trust's modified business income; 105447

(ii) The trust's qualifying investment income, as defined in 105448  
section 5747.012 of the Revised Code, but only to the extent the 105449  
qualifying investment income does not otherwise constitute 105450  
modified business income and does not otherwise constitute a 105451  
qualifying trust amount. 105452

(b) The qualifying trust amount multiplied by a fraction, the 105453  
numerator of which is the sum of the book value of the qualifying 105454  
investee's physical assets in this state on the last day of the 105455  
qualifying investee's fiscal or calendar year ending immediately 105456

prior to the day on which the trust recognizes the qualifying 105457  
trust amount, and the denominator of which is the sum of the book 105458  
value of the qualifying investee's total physical assets 105459  
everywhere on the last day of the qualifying investee's fiscal or 105460  
calendar year ending immediately prior to the day on which the 105461  
trust recognizes the qualifying trust amount. If, for a taxable 105462  
year, the trust recognizes a qualifying trust amount with respect 105463  
to more than one qualifying investee, the amount described in 105464  
division (BB)(4)(b) of this section shall equal the sum of the 105465  
products so computed for each such qualifying investee. 105466

(c)(i) With respect to a trust or portion of a trust that is 105467  
a resident as ascertained in accordance with division (I)(3)(d) of 105468  
this section, its modified nonbusiness income. 105469

(ii) With respect to a trust or portion of a trust that is 105470  
not a resident as ascertained in accordance with division 105471  
(I)(3)(d) of this section, the amount of its modified nonbusiness 105472  
income satisfying the descriptions in divisions (B)(2) to (5) of 105473  
section 5747.20 of the Revised Code, except as otherwise provided 105474  
in division (BB)(4)(c)(ii) of this section. With respect to a 105475  
trust or portion of a trust that is not a resident as ascertained 105476  
in accordance with division (I)(3)(d) of this section, the trust's 105477  
portion of modified nonbusiness income recognized from the sale, 105478  
exchange, or other disposition of a debt interest in or equity 105479  
interest in a section 5747.212 entity, as defined in section 105480  
5747.212 of the Revised Code, without regard to division (A) of 105481  
that section, shall not be allocated to this state in accordance 105482  
with section 5747.20 of the Revised Code but shall be apportioned 105483  
to this state in accordance with division (B) of section 5747.212 105484  
of the Revised Code without regard to division (A) of that 105485  
section. 105486

If the allocation and apportionment of a trust's income under 105487  
divisions (BB)(4)(a) and (c) of this section do not fairly 105488

represent the modified Ohio taxable income of the trust in this 105489  
state, the alternative methods described in division (C) of 105490  
section 5747.21 of the Revised Code may be applied in the manner 105491  
and to the same extent provided in that section. 105492

(5)(a) Except as set forth in division (BB)(5)(b) of this 105493  
section, "qualifying investee" means a person in which a trust has 105494  
an equity or ownership interest, or a person or unit of government 105495  
the debt obligations of either of which are owned by a trust. For 105496  
the purposes of division (BB)(2)(a) of this section and for the 105497  
purpose of computing the fraction described in division (BB)(4)(b) 105498  
of this section, all of the following apply: 105499

(i) If the qualifying investee is a member of a qualifying 105500  
controlled group on the last day of the qualifying investee's 105501  
fiscal or calendar year ending immediately prior to the date on 105502  
which the trust recognizes the gain or loss, then "qualifying 105503  
investee" includes all persons in the qualifying controlled group 105504  
on such last day. 105505

(ii) If the qualifying investee, or if the qualifying 105506  
investee and any members of the qualifying controlled group of 105507  
which the qualifying investee is a member on the last day of the 105508  
qualifying investee's fiscal or calendar year ending immediately 105509  
prior to the date on which the trust recognizes the gain or loss, 105510  
separately or cumulatively own, directly or indirectly, on the 105511  
last day of the qualifying investee's fiscal or calendar year 105512  
ending immediately prior to the date on which the trust recognizes 105513  
the qualifying trust amount, more than fifty per cent of the 105514  
equity of a pass-through entity, then the qualifying investee and 105515  
the other members are deemed to own the proportionate share of the 105516  
pass-through entity's physical assets which the pass-through 105517  
entity directly or indirectly owns on the last day of the 105518  
pass-through entity's calendar or fiscal year ending within or 105519  
with the last day of the qualifying investee's fiscal or calendar 105520

year ending immediately prior to the date on which the trust 105521  
recognizes the qualifying trust amount. 105522

(iii) For the purposes of division (BB)(5)(a)(iii) of this 105523  
section, "upper level pass-through entity" means a pass-through 105524  
entity directly or indirectly owning any equity of another 105525  
pass-through entity, and "lower level pass-through entity" means 105526  
that other pass-through entity. 105527

An upper level pass-through entity, whether or not it is also 105528  
a qualifying investee, is deemed to own, on the last day of the 105529  
upper level pass-through entity's calendar or fiscal year, the 105530  
proportionate share of the lower level pass-through entity's 105531  
physical assets that the lower level pass-through entity directly 105532  
or indirectly owns on the last day of the lower level pass-through 105533  
entity's calendar or fiscal year ending within or with the last 105534  
day of the upper level pass-through entity's fiscal or calendar 105535  
year. If the upper level pass-through entity directly and 105536  
indirectly owns less than fifty per cent of the equity of the 105537  
lower level pass-through entity on each day of the upper level 105538  
pass-through entity's calendar or fiscal year in which or with 105539  
which ends the calendar or fiscal year of the lower level 105540  
pass-through entity and if, based upon clear and convincing 105541  
evidence, complete information about the location and cost of the 105542  
physical assets of the lower pass-through entity is not available 105543  
to the upper level pass-through entity, then solely for purposes 105544  
of ascertaining if a gain or loss constitutes a qualifying trust 105545  
amount, the upper level pass-through entity shall be deemed as 105546  
owning no equity of the lower level pass-through entity for each 105547  
day during the upper level pass-through entity's calendar or 105548  
fiscal year in which or with which ends the lower level 105549  
pass-through entity's calendar or fiscal year. Nothing in division 105550  
(BB)(5)(a)(iii) of this section shall be construed to provide for 105551  
any deduction or exclusion in computing any trust's Ohio taxable 105552



income. 105553

(b) With respect to a trust that is not a resident for the 105554  
taxable year and with respect to a part of a trust that is not a 105555  
resident for the taxable year, "qualifying investee" for that 105556  
taxable year does not include a C corporation if both of the 105557  
following apply: 105558

(i) During the taxable year the trust or part of the trust 105559  
recognizes a gain or loss from the sale, exchange, or other 105560  
disposition of equity or ownership interests in, or debt 105561  
obligations of, the C corporation. 105562

(ii) Such gain or loss constitutes nonbusiness income. 105563

(6) "Available" means information is such that a person is 105564  
able to learn of the information by the due date plus extensions, 105565  
if any, for filing the return for the taxable year in which the 105566  
trust recognizes the gain or loss. 105567

(CC) "Qualifying controlled group" has the same meaning as in 105568  
section 5733.04 of the Revised Code. 105569

(DD) "Related member" has the same meaning as in section 105570  
5733.042 of the Revised Code. 105571

(EE)(1) For the purposes of division (EE) of this section: 105572

(a) "Qualifying person" means any person other than a 105573  
qualifying corporation. 105574

(b) "Qualifying corporation" means any person classified for 105575  
federal income tax purposes as an association taxable as a 105576  
corporation, except either of the following: 105577

(i) A corporation that has made an election under subchapter 105578  
S, chapter one, subtitle A, of the Internal Revenue Code for its 105579  
taxable year ending within, or on the last day of, the investor's 105580  
taxable year; 105581

(ii) A subsidiary that is wholly owned by any corporation 105582

that has made an election under subchapter S, chapter one, 105583  
subtitle A of the Internal Revenue Code for its taxable year 105584  
ending within, or on the last day of, the investor's taxable year. 105585

(2) For the purposes of this chapter, unless expressly stated 105586  
otherwise, no qualifying person indirectly owns any asset directly 105587  
or indirectly owned by any qualifying corporation. 105588

(FF) For purposes of this chapter and Chapter 5751. of the 105589  
Revised Code: 105590

(1) "Trust" does not include a qualified pre-income tax 105591  
trust. 105592

(2) A "qualified pre-income tax trust" is any pre-income tax 105593  
trust that makes a qualifying pre-income tax trust election as 105594  
described in division (FF)(3) of this section. 105595

(3) A "qualifying pre-income tax trust election" is an 105596  
election by a pre-income tax trust to subject to the tax imposed 105597  
by section 5751.02 of the Revised Code the pre-income tax trust 105598  
and all pass-through entities of which the trust owns or controls, 105599  
directly, indirectly, or constructively through related interests, 105600  
five per cent or more of the ownership or equity interests. The 105601  
trustee shall notify the tax commissioner in writing of the 105602  
election on or before April 15, 2006. The election, if timely 105603  
made, shall be effective on and after January 1, 2006, and shall 105604  
apply for all tax periods and tax years until revoked by the 105605  
trustee of the trust. 105606

(4) A "pre-income tax trust" is a trust that satisfies all of 105607  
the following requirements: 105608

(a) The document or instrument creating the trust was 105609  
executed by the grantor before January 1, 1972; 105610

(b) The trust became irrevocable upon the creation of the 105611  
trust; and 105612

(c) The grantor was domiciled in this state at the time the trust was created. 105613  
105614

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 105615  
105616

(HH) "Taxable business income" means business income reduced by deductions from business income and by one of the following amounts, provided that "taxable business income" shall not be less than zero: 105617  
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(1) For taxable years beginning in 2015, the lesser of seventy-five per cent of Ohio business income or (a) ninety-three thousand seven hundred fifty dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or (b) one hundred eighty-seven thousand five hundred dollars for all other taxpayers; 105621  
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105623  
105624  
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105626

(2) For taxable years beginning in 2016 and thereafter, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals. 105627  
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**Sec. 5747.02.** (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured ~~in the case of individuals by Ohio adjusted~~ 105631  
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~~gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income as prescribed in divisions (A)(1) to (4) of this section.~~ 105644  
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(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied at the same rates prescribed in division (A)(3) of this section for individuals. 105650  
105651  
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105653

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the same rates prescribed in division (A)(3) of this section for individuals. ~~The tax imposed by this section on the balance thus obtained is hereby levied as follows:~~ 105654  
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105657  
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~~(1) For taxable years beginning in 2004:~~ 105659

~~OHIO ADJUSTED GROSS INCOME LESS~~ 105660

~~EXEMPTIONS (INDIVIDUALS)~~

~~OR~~ 105661

~~MODIFIED OHIO~~ 105662

~~TAXABLE INCOME (TRUSTS)~~ 105663

~~OR~~ 105664

~~OHIO TAXABLE INCOME (ESTATES) TAX~~ 105665

~~\$5,000 or less .743%~~ 105666

~~More than \$5,000 but not more than \$10,000 \$37.15 plus 1.486% of the amount in excess of \$5,000~~ 105667

~~More than \$10,000 but not more than \$15,000 \$111.45 plus 2.972% of the amount in excess of \$10,000~~ 105668

~~More than \$15,000 but not more than \$20,000 \$260.05 plus 3.715% of the amount in excess of \$15,000~~ 105669

~~More than \$20,000 but not more than \$40,000 \$445.80 plus 4.457% of the amount in excess of \$20,000~~ 105670

<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,337.20 plus 5.201% of the amount in excess of \$40,000</del>	105671
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$3,417.60 plus 5.943% of the amount in excess of \$80,000</del>	105672
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$4,606.20 plus 6.9% of the amount in excess of \$100,000</del>	105673
<del>More than \$200,000</del>	<del>\$11,506.20 plus 7.5% of the amount in excess of \$200,000</del>	105674
<del>(2) For taxable years beginning in 2005:-</del>		105675
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		105676
<del>OR</del>		105677
<del>MODIFIED OHIO</del>		105678
<del>TAXABLE INCOME (TRUSTS)</del>		105679
<del>OR</del>		105680
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	105681
<del>\$5,000 or less</del>	<del>.712%</del>	105682
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$35.60 plus 1.424% of the amount in excess of \$5,000</del>	105683
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$106.80 plus 2.847% of the amount in excess of \$10,000</del>	105684
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$249.15 plus 3.559% of the amount in excess of \$15,000</del>	105685
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$427.10 plus 4.27% of the amount in excess of \$20,000</del>	105686
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,281.10 plus 4.983% of the amount in excess of \$40,000</del>	105687
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$3,274.30 plus 5.693% of the amount in excess of \$80,000</del>	105688
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$4,412.90 plus 6.61% of the amount in excess of \$100,000</del>	105689
<del>More than \$200,000</del>	<del>\$11,022.90 plus 7.185% of the amount in excess of \$200,000</del>	105690

<del>(3) For taxable years beginning in 2006:</del>		105691
<del>OHIO ADJUSTED GROSS INCOME LESS</del>		105692
<del>EXEMPTIONS (INDIVIDUALS)</del>		
<del>OR</del>		105693
<del>MODIFIED OHIO</del>		105694
<del>TAXABLE INCOME (TRUSTS)</del>		105695
<del>OR</del>		105696
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	105697
<del>\$5,000 or less</del>	<del>.681%</del>	105698
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$34.05 plus 1.361% of the amount in excess of \$5,000</del>	105699
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$102.10 plus 2.722% of the amount in excess of \$10,000</del>	105700
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$238.20 plus 3.403% of the amount in excess of \$15,000</del>	105701
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$408.35 plus 4.083% of the amount in excess of \$20,000</del>	105702
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,224.95 plus 4.764% of the amount in excess of \$40,000</del>	105703
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$3,130.55 plus 5.444% of the amount in excess of \$80,000</del>	105704
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$4,219.35 plus 6.32% of the amount in excess of \$100,000</del>	105705
<del>More than \$200,000</del>	<del>\$10,539.35 plus 6.87% of the amount in excess of \$200,000</del>	105706
<del>(4) For taxable years beginning in 2007:</del>		105707
<del>OHIO ADJUSTED GROSS INCOME LESS</del>		105708
<del>EXEMPTIONS (INDIVIDUALS)</del>		
<del>OR</del>		105709
<del>MODIFIED OHIO</del>		105710
<del>TAXABLE INCOME (TRUSTS)</del>		105711
<del>OR</del>		105712

<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	105713
<del>\$5,000 or less</del>	<del>.649%</del>	105714
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$32.45 plus 1.299% of the amount in excess of \$5,000</del>	105715
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$97.40 plus 2.598% of the amount in excess of \$10,000</del>	105716
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$227.30 plus 3.247% of the amount in excess of \$15,000</del>	105717
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$389.65 plus 3.895% of the amount in excess of \$20,000</del>	105718
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,168.65 plus 4.546% of the amount in excess of \$40,000</del>	105719
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,987.05 plus 5.194% of the amount in excess of \$80,000</del>	105720
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$4,025.85 plus 6.031% of the amount in excess of \$100,000</del>	105721
<del>More than \$200,000</del>	<del>\$10,056.85 plus 6.555% of the amount in excess of \$200,000</del>	105722
<del>(5) For taxable years beginning in 2008, 2009, or 2010:</del>		105723
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		105724
<del>OR</del>		105725
<del>MODIFIED OHIO TAXABLE INCOME (TRUSTS)</del>		105726
<del>OR</del>		105727
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	105728
<del>\$5,000 or less</del>	<del>.618%</del>	105729
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$30.90 plus 1.236% of the amount in excess of \$5,000</del>	105730
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$92.70 plus 2.473% of the amount in excess of \$10,000</del>	105731
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$216.35 plus 3.091% of the amount in excess of \$15,000</del>	105732
		105733

<del>More than \$20,000 but not more than \$40,000</del>	<del>\$370.90 plus 3.708% of the amount in excess of \$20,000</del>	105734
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,112.50 plus 4.327% of the amount in excess of \$40,000</del>	105735
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,843.30 plus 4.945% of the amount in excess of \$80,000</del>	105736
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,832.30 plus 5.741% of the amount in excess of \$100,000</del>	105737
<del>More than \$200,000</del>	<del>\$9,573.30 plus 6.24% of the amount in excess of \$200,000</del>	105738
<del>(6) For taxable years beginning in 2011 or 2012:</del>		105739
<del>OHIO ADJUSTED GROSS INCOME LESS</del>		105740
<del>EXEMPTIONS (INDIVIDUALS)</del>		
<del>OR</del>		105741
<del>MODIFIED OHIO</del>		105742
<del>TAXABLE INCOME (TRUSTS)</del>		105743
<del>OR</del>		105744
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	105745
<del>\$5,000 or less</del>	<del>.587%</del>	105746
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$29.35 plus 1.174% of the amount in excess of \$5,000</del>	105747
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$88.05 plus 2.348% of the amount in excess of \$10,000</del>	105748
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$205.45 plus 2.935% of the amount in excess of \$15,000</del>	105749
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$352.20 plus 3.521% of the amount in excess of \$20,000</del>	105750
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,056.40 plus 4.109% of the amount in excess of \$40,000</del>	105751
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,700.00 plus 4.695% of the amount in excess of \$80,000</del>	105752
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,639.00 plus 5.451% of the amount in excess of \$100,000</del>	105753



<del>More than \$200,000</del>	<del>\$9,090.00 plus 5.925% of the amount in excess of \$200,000</del>	105754
<del>(7) For taxable years beginning in 2013:</del>		105755
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		105756
<del>OR</del>		105757
<del>MODIFIED OHIO</del>		105758
<del>TAXABLE INCOME (TRUSTS)</del>		105759
<del>OR</del>		105760
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	105761
<del>\$5,000 or less</del>	<del>.537%</del>	105762
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$26.86 plus 1.074% of the amount in excess of \$5,000</del>	105763
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$80.57 plus 2.148% of the amount in excess of \$10,000</del>	105764
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$187.99 plus 2.686% of the amount in excess of \$15,000</del>	105765
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$322.26 plus 3.222% of the amount in excess of \$20,000</del>	105766
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$966.61 plus 3.760% of the amount in excess of \$40,000</del>	105767
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,470.50 plus 4.296% of the amount in excess of \$80,000</del>	105768
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,329.68 plus 4.988% of the amount in excess of \$100,000</del>	105769
<del>More than \$200,000</del>	<del>\$8,317.35 plus 5.421% of the amount in excess of \$200,000</del>	105770
<del>(8) For taxable years beginning in 2014 or thereafter:</del>		105771
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		105772
<del>OR</del>		105773
<del>MODIFIED OHIO</del>		105774

<del>TAXABLE INCOME (TRUSTS)</del>		105775
<del>OR</del>		105776
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	105777
<del>\$5,000 or less</del>	<del>.528%</del>	105778
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$26.41 plus 1.057% of the amount in excess of \$5,000</del>	105779
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$79.24 plus 2.113% of the amount in excess of \$10,000</del>	105780
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$184.90 plus 2.642% of the amount in excess of \$15,000</del>	105781
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$316.98 plus 3.169% of the amount in excess of \$20,000</del>	105782
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$950.76 plus 3.698% of the amount in excess of \$40,000</del>	105783
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,430.00 plus 4.226% of the amount in excess of \$80,000</del>	105784
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,275.10 plus 4.906% of the amount in excess of \$100,000</del>	105785
<del>More than \$200,000</del>	<del>\$8,181.00 plus 5.333% of the amount in excess of \$200,000</del>	105786
<u>(3) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on income other than business income shall be measured by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. The tax imposed on the balance thus obtained is hereby levied as follows:</u>		105787
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		105793
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		105794
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		105795
<u>MODIFIED OHIO</u>		105796
<u>TAXABLE INCOME (TRUSTS)</u>		105797
<u>OR</u>		105798

<u>OHIO TAXABLE INCOME (ESTATES)</u>	TAX	
<u>\$5,000 or less</u>	<u>.495%</u>	105799
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$24.75 plus .990% of the amount in excess of \$5,000</u>	105800
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$74.25 plus 1.980% of the amount in excess of \$10,000</u>	105801
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$173.25 plus 2.476% of the amount in excess of \$15,000</u>	105802
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$297.05 plus 2.969% of the amount in excess of \$20,000</u>	105803
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$890.85 plus 3.465% of the amount in excess of \$40,000</u>	105804
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,276.85 plus 3.960% of the amount in excess of \$80,000</u>	105805
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,068.85 plus 4.597% of the amount in excess of \$100,000</u>	105806
<u>More than \$200,000</u>	<u>\$7,665.85 plus 4.997% of the amount in excess of \$200,000</u>	105807

(4) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on business income shall equal three per cent of the taxpayer's taxable business income.

Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in ~~this~~ division (A)(3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts

to the extent necessary to reflect the new adjustment of the 105824  
income amounts. The rates of taxation shall not be adjusted. 105825

The adjusted amounts apply to taxable years beginning in the 105826  
calendar year in which the adjustments are made and to taxable 105827  
years beginning in each ensuing calendar year until a calendar 105828  
year in which a new adjustment is made pursuant to this division. 105829  
The tax commissioner shall not make a new adjustment in any year 105830  
in which the amount resulting from the adjustment would be less 105831  
than the amount resulting from the adjustment in the preceding 105832  
year. The commissioner shall not make a new adjustment for taxable 105833  
years beginning in 2013, 2014, or 2015. 105834

(B) If the director of budget and management makes a 105835  
certification to the tax commissioner under division (B) of 105836  
section 131.44 of the Revised Code, the amount of tax as 105837  
determined under ~~division (A)~~ divisions (A)(1) to (3) of this 105838  
section shall be reduced by the percentage prescribed in that 105839  
certification for taxable years beginning in the calendar year in 105840  
which that certification is made. 105841

(C) The levy of this tax on income does not prevent a 105842  
municipal corporation, a joint economic development zone created 105843  
under section 715.691, or a joint economic development district 105844  
created under section 715.70 or 715.71 or sections 715.72 to 105845  
715.81 of the Revised Code from levying a tax on income. 105846

(D) This division applies only to taxable years of a trust 105847  
beginning in 2002 or thereafter. 105848

(1) The tax imposed by this section on a trust shall be 105849  
computed by multiplying the Ohio modified taxable income of the 105850  
trust by the rates prescribed by division (A) of this section. 105851

(2) A resident trust may claim a credit against the tax 105852  
computed under division (D) of this section equal to the lesser of 105853  
(1) the tax paid to another state or the District of Columbia on 105854

the resident trust's modified nonbusiness income, other than the 105855  
portion of the resident trust's nonbusiness income that is 105856  
qualifying investment income as defined in section 5747.012 of the 105857  
Revised Code, or (2) the effective tax rate, based on modified 105858  
Ohio taxable income, multiplied by the resident trust's modified 105859  
nonbusiness income other than the portion of the resident trust's 105860  
nonbusiness income that is qualifying investment income. The 105861  
credit applies before any other applicable credits. 105862

(3) The credits enumerated in ~~divisions~~ division (A)(1) ~~to~~ 105863  
~~(13)~~ or (2) of section 5747.98 of the Revised Code do not apply to 105864  
a trust subject to division (D) of this section. Any credits 105865  
enumerated in ~~other divisions~~ division (A)(3) or (4) of section 105866  
5747.98 of the Revised Code apply to a trust subject to division 105867  
(D) of this section. To the extent that the trust distributes 105868  
income for the taxable year for which a credit is available to the 105869  
trust, the credit shall be shared by the trust and its 105870  
beneficiaries. The tax commissioner and the trust shall be guided 105871  
by applicable regulations of the United States treasury regarding 105872  
the sharing of credits. 105873

(E) For the purposes of this section, "trust" means any trust 105874  
described in Subchapter J of Chapter 1 of the Internal Revenue 105875  
Code, excluding trusts that are not irrevocable as defined in 105876  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 105877  
have no modified Ohio taxable income for the taxable year, 105878  
charitable remainder trusts, qualified funeral trusts and preneed 105879  
funeral contract trusts established pursuant to sections 4717.31 105880  
to 4717.38 of the Revised Code that are not qualified funeral 105881  
trusts, endowment and perpetual care trusts, qualified settlement 105882  
trusts and funds, designated settlement trusts and funds, and 105883  
trusts exempted from taxation under section 501(a) of the Internal 105884  
Revenue Code. 105885

Sec. 5747.05. As used in this section, "income tax" includes 105886  
both a tax on net income and a tax measured by net income. 105887

The following credits shall be allowed against the income tax 105888  
imposed by section 5747.02 of the Revised Code on individuals and 105889  
estates: 105890

(A)(1) The amount of tax otherwise due under section 5747.02 105891  
of the Revised Code on such portion of the combined adjusted gross 105892  
income and business income of any nonresident taxpayer that is not 105893  
allocable or apportionable to this state pursuant to sections 105894  
5747.20 to 5747.23 of the Revised Code: 105895

~~(2).~~ The credit provided under this division shall not exceed 105896  
~~the portion of~~ the total tax due under section 5747.02 of the 105897  
Revised Code ~~that the amount of the nonresident taxpayer's~~ 105898  
~~adjusted gross income not allocated to this state pursuant to~~ 105899  
~~sections 5747.20 to 5747.23 of the Revised Code bears to the total~~ 105900  
~~adjusted gross income of the nonresident taxpayer derived from all~~ 105901  
~~sources everywhere.~~ 105902

~~(3)~~(2) The tax commissioner may enter into an agreement with 105903  
the taxing authorities of any state or of the District of Columbia 105904  
that imposes an income tax to provide that compensation paid in 105905  
this state to a nonresident taxpayer shall not be subject to the 105906  
tax levied in section 5747.02 of the Revised Code so long as 105907  
compensation paid in such other state or in the District of 105908  
Columbia to a resident taxpayer shall likewise not be subject to 105909  
the income tax of such other state or of the District of Columbia. 105910

(B) The lesser of division (B)(1) or (2) of this section: 105911

(1) The amount of tax otherwise due under section 5747.02 of 105912  
the Revised Code on such portion of the combined adjusted gross 105913  
income and business income of a resident taxpayer that in another 105914  
state or in the District of Columbia is subjected to an income 105915

tax. The credit provided under division (B)(1) of this section 105916  
shall not exceed ~~the portion of~~ the total tax due under section 105917  
5747.02 of the Revised Code ~~that the amount of the resident~~ 105918  
~~taxpayer's adjusted gross income subjected to an income tax in the~~ 105919  
~~other state or in the District of Columbia bears to the total~~ 105920  
~~adjusted gross income of the resident taxpayer derived from all~~ 105921  
~~sources everywhere.~~ 105922

(2) The amount of income tax liability to another state or 105923  
the District of Columbia on the portion of the combined adjusted 105924  
gross income and business income of a resident taxpayer that in 105925  
another state or in the District of Columbia is subjected to an 105926  
income tax. The credit provided under division (B)(2) of this 105927  
section shall not exceed the amount of tax otherwise due under 105928  
section 5747.02 of the Revised Code. 105929

(3) If the credit provided under division (B) of this section 105930  
is affected by a change in either the portion of the combined 105931  
adjusted gross income and business income of a resident taxpayer 105932  
subjected to an income tax in another state or the District of 105933  
Columbia or the amount of income tax liability that has been paid 105934  
to another state or the District of Columbia, the taxpayer shall 105935  
report the change to the tax commissioner within sixty days of the 105936  
change in such form as the commissioner requires. 105937

(a) In the case of an underpayment, the report shall be 105938  
accompanied by payment of any additional tax due as a result of 105939  
the reduction in credit together with interest on the additional 105940  
tax and is a return subject to assessment under section 5747.13 of 105941  
the Revised Code solely for the purpose of assessing any 105942  
additional tax due under this division, together with any 105943  
applicable penalty and interest. It shall not reopen the 105944  
computation of the taxpayer's tax liability under this chapter 105945  
from a previously filed return no longer subject to assessment 105946  
except to the extent that such liability is affected by an 105947

adjustment to the credit allowed by division (B) of this section. 105948

(b) In the case of an overpayment, an application for refund 105949  
may be filed under this division within the sixty-day period 105950  
prescribed for filing the report even if it is beyond the period 105951  
prescribed in section 5747.11 of the Revised Code if it otherwise 105952  
conforms to the requirements of such section. An application filed 105953  
under this division shall only claim refund of overpayments 105954  
resulting from an adjustment to the credit allowed by division (B) 105955  
of this section unless it is also filed within the time prescribed 105956  
in section 5747.11 of the Revised Code. It shall not reopen the 105957  
computation of the taxpayer's tax liability except to the extent 105958  
that such liability is affected by an adjustment to the credit 105959  
allowed by division (B) of this section. 105960

(4) No credit shall be allowed under division (B) of this 105961  
section ~~for~~: 105962

(a) For income tax paid or accrued to another state or to the 105963  
District of Columbia if the taxpayer, when computing federal 105964  
adjusted gross income, has directly or indirectly deducted, or was 105965  
required to directly or indirectly deduct, the amount of that 105966  
income tax; 105967

(b) For compensation that is not subject to the income tax of 105968  
another state or the District of Columbia as the result of an 105969  
agreement entered into by the tax commissioner under division 105970  
(A)(3) of this section; or 105971

(c) For income tax paid or accrued to another state or the 105972  
District of Columbia if the taxpayer fails to furnish such proof 105973  
as the tax commissioner shall require that such income tax 105974  
liability has been paid. 105975

~~(C) For a taxpayer sixty five years of age or older during 105976  
the taxable year, a credit for such year equal to fifty dollars 105977  
for each return required to be filed under section 5747.08 of the 105978~~



Revised Code. 105979

~~(D) A taxpayer sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in the taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (C) of this section. A taxpayer making such election shall receive a credit for the taxable year equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (C) of this section in subsequent taxable years except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under such division in subsequent taxable years but may not make another election under this division.~~ 105980  
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~~(E) A taxpayer who is not sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in a taxable year ending on or before July 31, 1991, may elect to take a credit against the tax otherwise due under this chapter for such year equal to fifty dollars times the expected remaining life of a taxpayer sixty five years of age as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to a credit under division (C) or (D) of this section in any subsequent year except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under division (C) of this section in subsequent years~~ 105997  
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~~but may not make another election under this division. No taxpayer 106011  
may make an election under this division for a taxable year ending 106012  
on or after August 1, 1991. 106013~~

~~(F) A taxpayer making an election under either division (D) 106014  
or (E) of this section may make only one such election in the 106015  
taxpayer's lifetime. 106016~~

(G) An individual who is a resident for part of a taxable 106017  
year and a nonresident for the remainder of the taxable year is 106018  
allowed the credits under divisions (A) and (B) of this section in 106019  
accordance with rules prescribed by the tax commissioner. In no 106020  
event shall the same income be subject to both credits. 106021

(D) The credit allowed under division (A) of this section 106022  
shall be calculated based upon the amount of tax due under section 106023  
5747.02 of the Revised Code after subtracting any other credits 106024  
that precede the credit under that division in the order required 106025  
under section 5747.98 of the Revised Code. The credit allowed 106026  
under division (B) of this section shall be calculated based upon 106027  
the amount of tax due under section 5747.02 of the Revised Code 106028  
after subtracting any other credits that precede the credit under 106029  
that division in the order required under section 5747.98 of the 106030  
Revised Code. 106031

(E)(1) On a joint return filed by a husband and wife, each of 106032  
whom had adjusted gross income of at least five hundred dollars, 106033  
exclusive of interest, dividends and distributions, royalties, 106034  
rent, and capital gains, a credit equal to the percentage shown in 106035  
the table contained in this division of the amount of tax due 106036  
after allowing for any other credit that precedes the credit under 106037  
this division in the order required under section 5747.98 of the 106038  
Revised Code. 106039

(2) The credit to which a taxpayer is entitled under this 106040  
division in any taxable year is the percentage shown in column B 106041

that corresponds with the taxpayer's adjusted gross income, less 106042  
exemptions for the taxable year: 106043

A.	B.	
IF THE ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR	THE CREDIT FOR THE TAXABLE YEAR IS:	106044 106045

IS:

\$25,000 or less	20%	106046
More than \$25,000 but not more than \$50,000	15%	106047
More than \$50,000 but not more than \$75,000	10%	106048
More than \$75,000	5%	106049

(3) The credit allowed under this division shall not exceed 106050  
six hundred fifty dollars in any taxable year. 106051

(4) The credit shall be claimed in the order required under 106052  
section 5747.98 of the Revised Code. 106053

~~(H)(F) No claim for credit under this section shall be 106054  
allowed unless the claimant furnishes such supporting information 106055  
as the tax commissioner prescribes by rules. Each credit under 106056  
this section shall be claimed in the order required under section 106057  
5747.98 of the Revised Code. 106058~~

~~(I) An individual who is a resident for part of a taxable 106059  
year and a nonresident for the remainder of the taxable year is 106060  
allowed the credits under divisions (A) and (B) of this section in 106061  
accordance with rules prescribed by the tax commissioner. In no 106062  
event shall the same income be subject to both credits. 106063~~

~~(J) The credit allowed under division (A) of this section 106064  
shall be calculated based upon the amount of tax due under section 106065  
5747.02 of the Revised Code after subtracting any other credits 106066  
that precede the credit under that division in the order required 106067  
under section 5747.98 of the Revised Code. The credit allowed 106068~~

~~under division (B) of this section shall be calculated based upon 106069  
the amount of tax due under section 5747.02 of the Revised Code 106070  
after subtracting any other credits that precede the credit under 106071  
that division in the order required under section 5747.98 of the 106072  
Revised Code. 106073~~

~~(K) No credit shall be allowed under division (B) of this 106074  
section unless the taxpayer furnishes such proof as the tax 106075  
commissioner shall require that the income tax liability has been 106076  
paid to another state or the District of Columbia. 106077~~

~~(L) No credit shall be allowed under division (B) of this 106078  
section for compensation that is not subject to the income tax of 106079  
another state or the District of Columbia as the result of an 106080  
agreement entered into by the tax commissioner under division 106081  
(A)(3) of this section. 106082~~

**Sec. 5747.055.** (A) As used in this section "retirement 106083  
income" means retirement benefits, annuities, or distributions 106084  
that are made from or pursuant to a pension, retirement, or 106085  
profit-sharing plan and that: 106086

(1) In the case of an individual, are received by the 106087  
individual on account of retirement and are included in the 106088  
individual's adjusted gross income; 106089

(2) In the case of an estate, are payable to the estate for 106090  
the benefit of the surviving spouse of the decedent and are 106091  
included in the estate's taxable income. 106092

(B) A credit shall be allowed against the tax imposed by 106093  
section 5747.02 of the Revised Code for taxpayers who received 106094  
retirement income during the taxable year and whose adjusted gross 106095  
income for the taxable year, less applicable exemptions under 106096  
section 5747.025 of the Revised Code, as shown on an individual or 106097  
joint annual return is less than one hundred thousand dollars. 106098

Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule, ~~subject to the limitation provided in division (F) of this section:~~

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) ~~At the election of a~~ A taxpayer who receives received a lump-sum distribution from a pension, retirement, or profit-sharing plan ~~within one~~ in the taxable year and whose adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, the credit allowed by this section for that year shall be may elect to receive a credit under this division in lieu of the credit allowed under division (B) of this section. A taxpayer making such an election is not entitled to the credit authorized under this division or division (B) of this section in subsequent taxable years. A taxpayer electing the credit under this division shall receive a credit for the taxable year against the tax imposed by section 5747.02 of the Revised Code computed as follows:

(1) Divide the amount of retirement income received during the taxable year by the taxpayer's expected remaining life on the last day of the taxable year, as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable

year; 106131

(2) Using the quotient thus obtained as the amount of 106132  
retirement income received during the taxable year, compute the 106133  
credit for the taxable year in accordance with division (B) of 106134  
this section; 106135

(3) Multiply the credit thus obtained by the taxpayer's 106136  
expected remaining life. The product thus obtained shall be the 106137  
credit under this division for the taxable year. ~~A taxpayer who 106138  
elects to receive a credit under this division is not entitled to 106139  
receive a credit under this section for any subsequent year except 106140  
as provided in divisions (D) and (E) of this section.~~ 106141

(D) If the credit under division (C) or (E) of this section 106142  
exceeds the tax due for the taxable year after allowing for any 106143  
other credit that precedes that credit in the order required under 106144  
section 5747.98 of the Revised Code, the taxpayer may elect to 106145  
receive a credit for each subsequent taxable year. The amount of 106146  
the credit for each such year shall be computed as follows: 106147

(1) Determine the amount by which the unused credit elected 106148  
under division (C) or (E) of this section exceeded the tax due for 106149  
the taxable year after allowing for any preceding credit in the 106150  
required order; 106151

(2) Divide the amount of such excess by one year less than 106152  
the taxpayer's expected remaining life on the last day of the 106153  
taxable year of the distribution for which the credit was allowed 106154  
under division (C) or (E) of this section. The quotient thus 106155  
obtained shall be the credit for each subsequent year. 106156

(E) If subsequent to the receipt of a lump-sum distribution 106157  
and an election under division (C) of this section an individual 106158  
receives another lump-sum distribution within one taxable year, 106159  
and the taxpayer's adjusted gross income for the taxable year, 106160  
less applicable exemptions under section 5747.025 of the Revised 106161

Code, as shown on an individual or joint annual return is less 106162  
than one hundred thousand dollars, the taxpayer may elect to 106163  
receive a credit for that taxable year. The credit shall equal the 106164  
lesser of: 106165

(1) A credit computed in the manner prescribed in division 106166  
(C) of this section; 106167

(2) The amount of credit, if any, to which the taxpayer would 106168  
otherwise be entitled for the taxable year under division (D) of 106169  
this section times the taxpayer's expected remaining life on the 106170  
last day of the taxable year. A taxpayer who elects to receive a 106171  
credit under this division is not entitled to a credit under this 106172  
division or division (B) or (C) of this section for any subsequent 106173  
year except as provided in division (D) of this section. 106174

~~(F) In the case of a taxpayer who elected to take an 106175  
exclusion under division (A)(1) or (3) of former section 5747.01 106176  
of the Revised Code based upon the taxpayer's expected remaining 106177  
life, and who was entitled immediately preceding the effective 106178  
date of this section under division (A)(2) or (3) of such section 106179  
to a further exclusion, any credit computed in accordance with the 106180  
schedule in division (B) of this section, including the credit 106181  
computed under division (C)(2) of this section, shall not exceed 106182  
the credit available upon an amount of retirement income received 106183  
during the taxable year equal to the sum of such former exclusion 106184  
plus four thousand dollars~~ A credit equal to fifty dollars for 106185  
each return required to be filed under section 5747.08 of the 106186  
Revised Code shall be allowed against the tax imposed by section 106187  
5747.02 of the Revised Code for taxpayers sixty-five years of age 106188  
or older during the taxable year whose adjusted gross income, less 106189  
applicable exemptions under section 5747.025 of the Revised Code, 106190  
as shown on an individual or joint annual return is less than one 106191  
hundred thousand dollars for that taxable year. 106192

(G) A taxpayer sixty-five years of age or older during the 106193

taxable year who has received a lump-sum distribution from a 106194  
pension, retirement, or profit-sharing plan in the taxable year, 106195  
and whose adjusted gross income, less applicable exemptions under 106196  
section 5747.025 of the Revised Code, as shown on an individual or 106197  
joint annual return is less than one hundred thousand dollars for 106198  
that taxable year may elect to receive a credit under this 106199  
division in lieu of the credit to which the taxpayer is entitled 106200  
under division (F) of this section. A taxpayer making such an 106201  
election shall receive a credit for the taxable year against the 106202  
tax imposed by section 5747.02 of the Revised Code equal to fifty 106203  
dollars times the taxpayer's expected remaining life as shown by 106204  
annuity tables issued under the Internal Revenue Code and in 106205  
effect for the calendar year that includes the last day of the 106206  
taxable year. A taxpayer making an election under this division is 106207  
not entitled to the credit authorized under this division or 106208  
division (F) of this section in subsequent taxable years. 106209

(H) The credits allowed by this section shall be claimed in 106210  
the order required under section 5747.98 of the Revised Code. The 106211  
tax commissioner may require a taxpayer to furnish any information 106212  
necessary to support a claim for credit under this section, and no 106213  
credit shall be allowed unless such information is provided. 106214

**Sec. 5747.058.** (A) A refundable income tax credit granted by 106215  
the tax credit authority under section 122.17 or former division 106216  
(B)(2) or (3) of section 122.171 of the Revised Code, as those 106217  
divisions existed before the effective date of the amendment of 106218  
this section by H.B. 64 of the 131st general assembly, may be 106219  
claimed under this chapter, in the order required under section 106220  
5747.98 of the Revised Code. For purposes of making tax payments 106221  
under this chapter, taxes equal to the amount of the refundable 106222  
credit shall be considered to be paid to this state on the first 106223  
day of the taxable year. The refundable credit shall not be 106224  
claimed for any taxable years ending with or following the 106225



calendar year in which a relocation of employment positions occurs 106226  
in violation of an agreement entered into under section 122.17 or 106227  
122.171 of the Revised Code. 106228

(B) A nonrefundable income tax credit granted by the tax 106229  
credit authority under division (B)~~(1)~~ of section 122.171 of the 106230  
Revised Code may be claimed under this chapter, in the order 106231  
required under section 5747.98 of the Revised Code. 106232

**Sec. 5747.08.** An annual return with respect to the tax 106233  
imposed by section 5747.02 of the Revised Code and each tax 106234  
imposed under Chapter 5748. of the Revised Code shall be made by 106235  
every taxpayer for any taxable year for which the taxpayer is 106236  
liable for the tax imposed by that section or under that chapter, 106237  
unless the total credits allowed under ~~divisions~~ division (E)~~7~~ 106238  
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 106239  
section 5747.055 of the Revised Code for the year are equal to or 106240  
exceed the tax imposed by section 5747.02 of the Revised Code, in 106241  
which case no return shall be required unless the taxpayer is 106242  
liable for a tax imposed pursuant to Chapter 5748. of the Revised 106243  
Code. 106244

(A) If an individual is deceased, any return or notice 106245  
required of that individual under this chapter shall be made and 106246  
filed by that decedent's executor, administrator, or other person 106247  
charged with the property of that decedent. 106248

(B) If an individual is unable to make a return or notice 106249  
required by this chapter, the return or notice required of that 106250  
individual shall be made and filed by the individual's duly 106251  
authorized agent, guardian, conservator, fiduciary, or other 106252  
person charged with the care of the person or property of that 106253  
individual. 106254

(C) Returns or notices required of an estate or a trust shall 106255  
be made and filed by the fiduciary of the estate or trust. 106256

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 106257  
of this section, any pass-through entity may file a single return 106258  
on behalf of one or more of the entity's investors other than an 106259  
investor that is a person subject to the tax imposed under section 106260  
5733.06 of the Revised Code. The single return shall set forth the 106261  
name, address, and social security number or other identifying 106262  
number of each of those pass-through entity investors and shall 106263  
indicate the distributive share of each of those pass-through 106264  
entity investor's income taxable in this state in accordance with 106265  
sections 5747.20 to 5747.231 of the Revised Code. Such 106266  
pass-through entity investors for whom the pass-through entity 106267  
elects to file a single return are not entitled to the exemption 106268  
or credit provided for by sections 5747.02 and 5747.022 of the 106269  
Revised Code; shall calculate the tax before business credits at 106270  
the highest rate of tax set forth in section 5747.02 of the 106271  
Revised Code for the taxable year for which the return is filed; 106272  
and are entitled to only their distributive share of the business 106273  
credits as defined in division (D)(2) of this section. A single 106274  
check drawn by the pass-through entity shall accompany the return 106275  
in full payment of the tax due, as shown on the single return, for 106276  
such investors, other than investors who are persons subject to 106277  
the tax imposed under section 5733.06 of the Revised Code. 106278

(b)(i) A pass-through entity shall not include in such a 106279  
single return any investor that is a trust to the extent that any 106280  
direct or indirect current, future, or contingent beneficiary of 106281  
the trust is a person subject to the tax imposed under section 106282  
5733.06 of the Revised Code. 106283

(ii) A pass-through entity shall not include in such a single 106284  
return any investor that is itself a pass-through entity to the 106285  
extent that any direct or indirect investor in the second 106286  
pass-through entity is a person subject to the tax imposed under 106287  
section 5733.06 of the Revised Code. 106288

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division ~~(C)~~(F) of section ~~5747.05~~ 5747.055 of the Revised Code;

(c) The lump sum distribution credit under division ~~(D)~~(G) of section ~~5747.05~~ 5747.055 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C)

of section 5747.055 of the Revised Code;	106320
(f) The lump sum retirement income credit under division (D)	106321
of section 5747.055 of the Revised Code;	106322
(g) The lump sum retirement income credit under division (E)	106323
of section 5747.055 of the Revised Code;	106324
(h) The credit for displaced workers who pay for job training	106325
under section 5747.27 of the Revised Code;	106326
(i) The twenty-dollar personal exemption credit under section	106327
5747.022 of the Revised Code;	106328
(j) The joint filing credit under division <del>(G)</del> <u>(E)</u> of section	106329
5747.05 of the Revised Code;	106330
(k) The nonresident credit under division (A) of section	106331
5747.05 of the Revised Code;	106332
(l) The credit for a resident's out-of-state income under	106333
division (B) of section 5747.05 of the Revised Code;	106334
(m) The low-income credit under section 5747.056 of the	106335
Revised Code;	106336
(n) The earned income tax credit under section 5747.71 of the	106337
Revised Code.	106338
(3) The election provided for under division (D) of this	106339
section applies only to the taxable year for which the election is	106340
made by the pass-through entity. Unless the tax commissioner	106341
provides otherwise, this election, once made, is binding and	106342
irrevocable for the taxable year for which the election is made.	106343
Nothing in this division shall be construed to provide for any	106344
deduction or credit that would not be allowable if a nonresident	106345
pass-through entity investor were to file an annual return.	106346
(4) If a pass-through entity makes the election provided for	106347
under division (D) of this section, the pass-through entity shall	106348
be liable for any additional taxes, interest, interest penalty, or	106349

penalties imposed by this chapter if the tax commissioner finds 106350  
that the single return does not reflect the correct tax due by the 106351  
pass-through entity investors covered by that return. Nothing in 106352  
this division shall be construed to limit or alter the liability, 106353  
if any, imposed on pass-through entity investors for unpaid or 106354  
underpaid taxes, interest, interest penalty, or penalties as a 106355  
result of the pass-through entity's making the election provided 106356  
for under division (D) of this section. For the purposes of 106357  
division (D) of this section, "correct tax due" means the tax that 106358  
would have been paid by the pass-through entity had the single 106359  
return been filed in a manner reflecting the commissioner's 106360  
findings. Nothing in division (D) of this section shall be 106361  
construed to make or hold a pass-through entity liable for tax 106362  
attributable to a pass-through entity investor's income from a 106363  
source other than the pass-through entity electing to file the 106364  
single return. 106365

(E) If a husband and wife file a joint federal income tax 106366  
return for a taxable year, they shall file a joint return under 106367  
this section for that taxable year, and their liabilities are 106368  
joint and several, but, if the federal income tax liability of 106369  
either spouse is determined on a separate federal income tax 106370  
return, they shall file separate returns under this section. 106371

If either spouse is not required to file a federal income tax 106372  
return and either or both are required to file a return pursuant 106373  
to this chapter, they may elect to file separate or joint returns, 106374  
and, pursuant to that election, their liabilities are separate or 106375  
joint and several. If a husband and wife file separate returns 106376  
pursuant to this chapter, each must claim the taxpayer's own 106377  
exemption, but not both, as authorized under section 5747.02 of 106378  
the Revised Code on the taxpayer's own return. 106379

(F) Each return or notice required to be filed under this 106380  
section shall contain the signature of the taxpayer or the 106381

taxpayer's duly authorized agent and of the person who prepared 106382  
the return for the taxpayer, and shall include the taxpayer's 106383  
social security number. Each return shall be verified by a 106384  
declaration under the penalties of perjury. The tax commissioner 106385  
shall prescribe the form that the signature and declaration shall 106386  
take. 106387

(G) Each return or notice required to be filed under this 106388  
section shall be made and filed as required by section 5747.04 of 106389  
the Revised Code, on or before the fifteenth day of April of each 106390  
year, on forms that the tax commissioner shall prescribe, together 106391  
with remittance made payable to the treasurer of state in the 106392  
combined amount of the state and all school district income taxes 106393  
shown to be due on the form. 106394

Upon good cause shown, the commissioner may extend the period 106395  
for filing any notice or return required to be filed under this 106396  
section and may adopt rules relating to extensions. If the 106397  
extension results in an extension of time for the payment of any 106398  
state or school district income tax liability with respect to 106399  
which the return is filed, the taxpayer shall pay at the time the 106400  
tax liability is paid an amount of interest computed at the rate 106401  
per annum prescribed by section 5703.47 of the Revised Code on 106402  
that liability from the time that payment is due without extension 106403  
to the time of actual payment. Except as provided in section 106404  
5747.132 of the Revised Code, in addition to all other interest 106405  
charges and penalties, all taxes imposed under this chapter or 106406  
Chapter 5748. of the Revised Code and remaining unpaid after they 106407  
become due, except combined amounts due of one dollar or less, 106408  
bear interest at the rate per annum prescribed by section 5703.47 106409  
of the Revised Code until paid or until the day an assessment is 106410  
issued under section 5747.13 of the Revised Code, whichever occurs 106411  
first. 106412

If the commissioner considers it necessary in order to ensure 106413

the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return 106446  
required to be filed under this section includes a box that the 106447  
taxpayer may check to authorize a paid tax preparer who prepared 106448  
the return to communicate with the department of taxation about 106449  
matters pertaining to the return. The return or instructions 106450  
accompanying the return shall indicate that by checking the box 106451  
the taxpayer authorizes the department of taxation to contact the 106452  
preparer concerning questions that arise during the processing of 106453  
the return and authorizes the preparer only to provide the 106454  
department with information that is missing from the return, to 106455  
contact the department for information about the processing of the 106456  
return or the status of the taxpayer's refund or payments, and to 106457  
respond to notices about mathematical errors, offsets, or return 106458  
preparation that the taxpayer has received from the department and 106459  
has shown to the preparer. 106460

(K) The tax commissioner shall permit individual taxpayers to 106461  
instruct the department of taxation to cause any refund of 106462  
overpaid taxes to be deposited directly into a checking account, 106463  
savings account, or an individual retirement account or individual 106464  
retirement annuity, or preexisting college savings plan or program 106465  
account offered by the Ohio tuition trust authority under Chapter 106466  
3334. of the Revised Code, as designated by the taxpayer, when the 106467  
taxpayer files the annual return required by this section 106468  
electronically. 106469

(L) The tax commissioner may adopt rules to administer this 106470  
section. 106471

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 106472  
section 5747.11 of the Revised Code who wishes to contribute any 106473  
part of the taxpayer's refund to the natural areas and preserves 106474  
fund created in section 1517.11 of the Revised Code, the nongame 106475  
and endangered wildlife fund created in section 1531.26 of the 106476



Revised Code, the military injury relief fund created in section 106477  
~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society 106478  
income tax contribution fund created in section 149.308 of the 106479  
Revised Code, the breast and cervical cancer project income tax 106480  
contribution fund created in section 3701.601 of the Revised Code, 106481  
the wishes for sick children income tax contribution fund created 106482  
in section 3701.602 of the Revised Code, or all of those funds may 106483  
designate on the taxpayer's income tax return the amount that the 106484  
taxpayer wishes to contribute to the fund or funds. A designated 106485  
contribution is irrevocable upon the filing of the return and 106486  
shall be made in the full amount designated if the refund found 106487  
due the taxpayer upon the initial processing of the taxpayer's 106488  
return, after any deductions including those required by section 106489  
5747.12 of the Revised Code, is greater than or equal to the 106490  
designated contribution. If the refund due as initially determined 106491  
is less than the designated contribution, the contribution shall 106492  
be made in the full amount of the refund. The tax commissioner 106493  
shall subtract the amount of the contribution from the amount of 106494  
the refund initially found due the taxpayer and shall certify the 106495  
difference to the director of budget and management and treasurer 106496  
of state for payment to the taxpayer in accordance with section 106497  
5747.11 of the Revised Code. For the purpose of any subsequent 106498  
determination of the taxpayer's net tax payment, the contribution 106499  
shall be considered a part of the refund paid to the taxpayer. 106500

(B) The tax commissioner shall provide a space on the income 106501  
tax return form in which a taxpayer may indicate that the taxpayer 106502  
wishes to make a donation in accordance with this section. The tax 106503  
commissioner shall also print in the instructions accompanying the 106504  
income tax return form a description of the purposes for which the 106505  
natural areas and preserves fund, the nongame and endangered 106506  
wildlife fund, the military injury relief fund, the Ohio 106507  
historical society income tax contribution fund, ~~and~~ the breast 106508  
and cervical cancer project income tax contribution fund, and the 106509

wishes for sick children income tax contribution fund were created 106510  
and the use of moneys from the income tax refund contribution 106511  
system established in this section. No person shall designate on 106512  
the person's income tax return any part of a refund claimed under 106513  
section 5747.11 of the Revised Code as a contribution to any fund 106514  
other than the natural areas and preserves fund, the nongame and 106515  
endangered wildlife fund, the military injury relief fund, the 106516  
Ohio historical society income tax contribution fund, ~~or~~ the 106517  
breast and cervical cancer project income tax contribution fund, 106518  
or the wishes for sick children income tax contribution fund. 106519

(C) The money collected under the income tax refund 106520  
contribution system established in this section shall be deposited 106521  
by the tax commissioner into the natural areas and preserves fund, 106522  
the nongame and endangered wildlife fund, the military injury 106523  
relief fund, the Ohio historical society income tax contribution 106524  
fund, ~~and~~ the breast and cervical cancer project income tax 106525  
contribution fund, and the wishes for sick children income tax 106526  
contribution fund in the amounts designated on the tax returns. 106527

(D) No later than the thirtieth day of September each year, 106528  
the tax commissioner shall determine the total amount contributed 106529  
to each fund under this section during the preceding eight months, 106530  
any adjustments to prior months, and the cost to the department of 106531  
taxation of administering the income tax refund contribution 106532  
system during that eight-month period. The commissioner shall make 106533  
an additional determination no later than the thirty-first day of 106534  
January of each year of the total amount contributed to each fund 106535  
under this section during the preceding four calendar months, any 106536  
adjustments to prior years made during that four-month period, and 106537  
the cost to the department of taxation of administering the income 106538  
tax contribution system during that period. The cost of 106539  
administering the income tax contribution system shall be 106540  
certified by the tax commissioner to the director of budget and 106541

management, who shall transfer an amount equal to ~~one-fifth~~ 106542  
one-sixth of such administrative costs from each of the ~~five~~ six 106543  
funds to the income tax contribution fund, which is hereby 106544  
created, provided that the moneys that the department receives to 106545  
pay the cost of administering the income tax refund contribution 106546  
system in any year shall not exceed two and one-half per cent of 106547  
the total amount contributed under that system during that year. 106548

(E) If the total amount contributed to a fund under this 106549  
section in each of two consecutive calendar years is less than one 106550  
hundred fifty thousand dollars, no person may designate a 106551  
contribution to that fund for any taxable year ending after the 106552  
last day of that two-year period. In such a case, the tax 106553  
commissioner shall remove the space dedicated to the fund on the 106554  
income tax return and the description of the fund in the 106555  
instructions accompanying the income tax return. 106556

(F) The general assembly may authorize taxpayer refund 106557  
contributions to no more than six funds under the income tax 106558  
refund contribution system established in this section. If the 106559  
general assembly authorizes income tax refund contributions to a 106560  
fund other than the natural areas and preserves fund, the nongame 106561  
and endangered wildlife fund, the military injury relief fund, the 106562  
Ohio historical society income tax contribution fund, ~~or~~ the 106563  
breast and cervical cancer project income tax contribution fund, 106564  
or the wishes for sick children income tax contribution fund, such 106565  
contributions may be authorized only for a period of two calendar 106566  
years. 106567

With the exception of the Ohio historical society income tax 106568  
contribution fund, the general assembly may authorize income tax 106569  
refund contributions to a fund only if all the money in the fund 106570  
will be expended or distributed by a state agency as defined in 106571  
section 1.60 of the Revised Code. 106572

(G)(1) The director of natural resources, in January of every 106573

odd-numbered year, shall report to the general assembly on the 106574  
effectiveness of the income tax refund contribution system as it 106575  
pertains to the natural areas and preserves fund and the nongame 106576  
and endangered wildlife fund. The report shall include the amount 106577  
of money contributed to each fund in each of the previous five 106578  
years, the amount of money contributed directly to each fund in 106579  
addition to or independently of the income tax refund contribution 106580  
system in each of the previous five years, and the purposes for 106581  
which the money was expended. 106582

(2) The director of ~~job and family~~ veterans services, the 106583  
director of the Ohio historical society, and the director of 106584  
health, in January of every odd-numbered year, each shall report 106585  
to the general assembly on the effectiveness of the income tax 106586  
refund contribution system as it pertains to the military injury 106587  
relief fund, the Ohio historical society income tax contribution 106588  
fund, ~~and~~ the breast and cervical cancer project income tax 106589  
contribution fund, and the wishes for sick children income tax 106590  
contribution fund respectively. The report shall include the 106591  
amount of money contributed to the fund in each of the previous 106592  
five years, the amount of money contributed directly to the fund 106593  
in addition to or independently of the income tax refund 106594  
contribution system in each of the previous five years, and the 106595  
purposes for which the money was expended. 106596

**Sec. 5747.21.** (A) This section applies solely for the 106597  
purposes of computing the credit allowed under division (A) of 106598  
section 5747.05 of the Revised Code, computing income taxable in 106599  
this state under division (D) of section 5747.08 of the Revised 106600  
Code, computing the deduction under division (A)(31) of section 106601  
5747.01 of the Revised Code, and computing the credit allowed 106602  
under section 5747.057 of the Revised Code. 106603

(B) Except as otherwise provided under section 5747.212 of 106604

the Revised Code, all items of business income and business 106605  
deduction shall be apportioned to this state by multiplying ~~the~~ 106606  
~~adjusted-gross~~ business income by the fraction calculated under 106607  
division (B)(2) of section 5733.05 and section 5733.057 of the 106608  
Revised Code as if the taxpayer's business were a corporation 106609  
subject to the tax imposed by section 5733.06 of the Revised Code. 106610

(C) If the allocation and apportionment provisions of 106611  
sections 5747.20 to 5747.23 of the Revised Code or of any rule 106612  
adopted by the tax commissioner, do not fairly represent the 106613  
extent of business activity in this state of a taxpayer or 106614  
pass-through entity, the taxpayer or pass-through entity may 106615  
request, which request must be in writing accompanying a timely 106616  
filed return or timely filed amended return, or the tax 106617  
commissioner may require, in respect of all or any part of the 106618  
business activity, if reasonable, any one or more of the 106619  
following: 106620

(1) Separate accounting; 106621

(2) The exclusion of one or more factors; 106622

(3) The inclusion of one or more additional factors which 106623  
will fairly represent the business activity in this state; 106624

(4) The employment of any other method to effectuate an 106625  
equitable allocation and apportionment of such business in this 106626  
state. An alternative method will be effective only with approval 106627  
of the tax commissioner. 106628

The tax commissioner may adopt rules in the manner provided 106629  
by sections 5703.14 and 5747.18 of the Revised Code providing for 106630  
alternative methods of calculating business income and nonbusiness 106631  
income applicable to all taxpayers and pass-through entities, to 106632  
classes of taxpayers and pass-through entities, or only to 106633  
taxpayers and pass-through entities within a certain industry. 106634

Sec. 5747.37. (A) As used in this section: 106635

(1) "Minor child" means a person under eighteen years of age. 106636

(2) "Legally adopt" means to adopt a minor child pursuant to 106637  
Chapter 3107. of the Revised Code, or pursuant to the laws of any 106638  
other state or nation if such an adoption is recognizable under 106639  
section 3107.18 of the Revised Code. For the purposes of this 106640  
section, a minor child is legally adopted when the final decree or 106641  
order of adoption is issued by the proper court under the laws of 106642  
the state or nation under which the child is adopted, or, in the 106643  
case of an interlocutory order of adoption, when the order becomes 106644  
final under the laws of the state or nation. "Legally adopt" does 106645  
not include the adoption of a minor child by the child's 106646  
stepparent. 106647

(B) There is hereby granted a credit against the tax imposed 106648  
by section 5747.02 of the Revised Code for the legal adoption by a 106649  
taxpayer of a minor child. The total amount of the credit applied 106650  
against the taxes imposed under divisions (A)(3) and (4) of 106651  
section 5747.02 of the Revised Code for each minor child legally 106652  
adopted by the taxpayer shall equal the greater of the following: 106653

(1) One thousand five hundred dollars; 106654

(2) The amount of expenses incurred by the taxpayer and the 106655  
taxpayer's spouse to legally adopt the child, not to exceed ten 106656  
thousand dollars. For the purposes of this division, expenses 106657  
incurred to legally adopt a child include expenses described in 106658  
division (C) of section 3107.055 of the Revised Code. 106659

The taxpayer shall claim the credit for each child beginning 106660  
with the taxable year in which the child was legally adopted. If 106661  
the sum of the credit to which the taxpayer would otherwise be 106662  
entitled under this section is greater than the total tax due 106663  
under section 5747.02 of the Revised Code for that taxable year 106664

after allowing for any other credits that precede the credit under 106665  
this section in the order required under section 5747.98 of the 106666  
Revised Code, such excess shall be allowed as a credit in each of 106667  
the ensuing five taxable years, but the amount of any excess 106668  
credit allowed in any such taxable year shall be deducted from the 106669  
balance carried forward to the ensuing taxable year. The credit 106670  
shall be claimed in the order required under section 5747.98 of 106671  
the Revised Code. For the purposes of making tax payments under 106672  
this chapter, taxes equal to the amount of the credit shall be 106673  
considered to be paid to this state on the first day of the 106674  
taxable year. 106675

The taxpayer shall provide to the tax commissioner any 106676  
receipts or other documentation of the expenses incurred to 106677  
legally adopt the child upon the request of the tax commissioner 106678  
for the purpose of division (B)(2) of this section. 106679

**Sec. 5747.50.** (A) As used in this section: 106680

(1) "County's proportionate share of the calendar year 2007 106681  
LGF and LGRAF distributions" means the percentage computed for the 106682  
county under division (B)(1)(a) of section 5747.501 of the Revised 106683  
Code. 106684

(2) "County's proportionate share of the total amount of the 106685  
local government fund additional revenue formula" means each 106686  
county's proportionate share of the state's population as 106687  
determined for and certified to the county for distributions to be 106688  
made during the current calendar year under division (B)(2)(a) of 106689  
section 5747.501 of the Revised Code. If prior to the first day of 106690  
January of the current calendar year the federal government has 106691  
issued a revision to the population figures reflected in the 106692  
estimate produced pursuant to division (B)(2)(a) of section 106693  
5747.501 of the Revised Code, such revised population figures 106694  
shall be used for making the distributions during the current 106695

calendar year. 106696

(3) "2007 LGF and LGRAF county distribution base available in that month" means the lesser of the amounts described in division (A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero: 106697  
106698  
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106700

(a) The total amount available for distribution to counties from the local government fund during the current month. 106701  
106702

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year. 106703  
106704  
106705  
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(4) "Local government fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local government fund, less any amounts to be distributed in that month from the local government fund under division (B)(1) of this section, provided that the local government fund additional revenue distribution base available during that month shall not be less than zero. 106708  
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(5) "Total amount available for distribution to counties" means the total amount available for distribution from the local government fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section. 106716  
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(B) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county an amount equal to the sum of: 106721  
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106723

(1) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided 106724  
106725  
106726



that if the 2007 LGF and LGRAF county distribution base available 106727  
in that month is zero, no payment shall be made under division 106728  
(B)(1) of this section for the month or the remainder of the 106729  
calendar year; and 106730

(2) The county's proportionate share of the total amount of 106731  
the local government fund additional revenue formula multiplied by 106732  
the local government fund additional revenue distribution base 106733  
available during that month. 106734

Money received into the treasury of a county under this 106735  
division shall be credited to the undivided local government fund 106736  
in the treasury of the county on or before the fifteenth day of 106737  
each month. On or before the twentieth day of each month, the 106738  
county auditor shall issue warrants against all of the undivided 106739  
local government fund in the county treasury in the respective 106740  
amounts allowed as provided in section 5747.51 of the Revised 106741  
Code, and the treasurer shall distribute and pay such sums to the 106742  
subdivision therein. 106743

(C)(1) As used in division (C) of this section: 106744

(a) "Total amount available for distribution to 106745  
municipalities during the current month" means the product 106746  
obtained by multiplying the total amount available for 106747  
distribution from the local government fund during the current 106748  
month by the aggregate municipal share. 106749

(b) "Aggregate municipal share" means the quotient obtained 106750  
by dividing the total amount distributed directly from the local 106751  
government fund to municipal corporations during calendar year 106752  
2007 by the total distributions from the local government fund and 106753  
local government revenue assistance fund during calendar year 106754  
2007. 106755

(2) On or before the tenth day of each month, the tax 106756  
commissioner shall provide for payment from the local government 106757

fund to each municipal corporation an amount equal to the product 106758  
derived by multiplying the municipal corporation's percentage of 106759  
the total amount distributed to all such municipal corporations 106760  
under this division during calendar year 2007 by the total amount 106761  
available for distribution to municipal corporations during the 106762  
current month. 106763

(3) Payments received by a municipal corporation under this 106764  
division shall be paid into its general fund and may be used for 106765  
any lawful purpose. 106766

(4) The amount distributed to municipal corporations under 106767  
this division during any calendar year shall not exceed the amount 106768  
distributed directly from the local government fund to municipal 106769  
corporations during calendar year 2007. If that maximum amount is 106770  
reached during any month, distributions to municipal corporations 106771  
in that month shall be as provided in divisions (C)(1) and (2) of 106772  
this section, but no further distributions shall be made to 106773  
municipal corporations under division (C) of this section during 106774  
the remainder of the calendar year. 106775

(5) Upon being informed of a municipal corporation's 106776  
dissolution, the tax commissioner shall cease providing for 106777  
payments to that municipal corporation under division (C) of this 106778  
section. The proportionate shares of the total amount available 106779  
for distribution to each of the remaining municipal corporations 106780  
under this division shall be increased on a pro rata basis. 106781

The tax commissioner shall reduce payments under division (C) 106782  
of this section to municipal corporations for which reduced 106783  
payments are required under section 5747.502 of the Revised Code. 106784

(D) Each municipal corporation which has in effect a tax 106785  
imposed under Chapter 718. of the Revised Code shall, no later 106786  
than the thirty-first day of August of each year, certify to the 106787  
tax commissioner, on a form prescribed by the commissioner, the 106788

amount of income tax revenue collected and refunded by such 106789  
municipal corporation pursuant to such chapter during the 106790  
preceding calendar year, arranged, when possible, by the type of 106791  
income from which the revenue was collected or the refund was 106792  
issued. The municipal corporation shall also report the amount of 106793  
income tax revenue collected and refunded on behalf of a joint 106794  
economic development district or a joint economic development zone 106795  
that levies an income tax administered by the municipal 106796  
corporation and the amount of such revenue distributed to 106797  
contracting parties during the preceding calendar year. The tax 106798  
commissioner may withhold payment of local government fund moneys 106799  
pursuant to division (C) of this section from any municipal 106800  
corporation for failure to comply with this reporting requirement. 106801

Sec. 5747.502. (A) As used in this section: 106802

(1) "Delinquent subdivision" means a municipal corporation, 106803  
township, or county that has not filed a report or signed 106804  
statement under section 4511.0915 of the Revised Code, as required 106805  
under that section. 106806

(2) "Noncompliant subdivision" means a municipal corporation, 106807  
township, or county that files a report under division (A)(1) of 106808  
section 4511.0915 of the Revised Code for the most recent calendar 106809  
quarter. 106810

(B)(1)(a) Upon receiving notification of a delinquent 106811  
subdivision under division (C)(2) of section 4511.0915 of the 106812  
Revised Code, the tax commissioner shall do both of the following: 106813

(i) If the delinquent subdivision is a municipal corporation, 106814  
cease providing for payments to the municipal corporation under 106815  
division (C) of section 5747.50 of the Revised Code, beginning 106816  
with the next required payment; 106817

(ii) Immediately notify the county auditor and county 106818

treasurer required to provide for payments to the delinquent 106819  
subdivision from a county undivided local government fund that 106820  
such payments are to cease until the tax commissioner notifies the 106821  
auditor and treasurer under division (B)(3)(a)(ii) of this 106822  
section. 106823

(b) A county treasurer receiving the notice under division 106824  
(B)(1)(a)(ii) of this section shall cease providing for payments 106825  
to the delinquent subdivision from a county undivided local 106826  
government fund, beginning with the next required payment. 106827

(2)(a) Upon receiving notification that a county, township, 106828  
or municipal corporation is no longer a delinquent subdivision 106829  
under division (C)(3) of section 4511.0915 of the Revised Code, 106830  
the tax commissioner shall do both of the following: 106831

(i) If the formerly delinquent subdivision is a municipal 106832  
corporation, begin providing for payments to the municipal 106833  
corporation as required under division (C) of section 5747.50 of 106834  
the Revised Code, beginning with the next required payment. 106835

(ii) Immediately notify the county auditor and county 106836  
treasurer who ceased payments to the formerly delinquent 106837  
subdivision under division (B)(1)(b) of this section that the 106838  
treasurer shall begin providing for payment from a county 106839  
undivided local government fund to the formerly delinquent 106840  
subdivision under section 5747.51 or 5747.53 of the Revised Code. 106841

(b) A county treasurer receiving notice under division 106842  
(B)(2)(a)(ii) of this section shall provide for payments to the 106843  
formerly delinquent subdivision from a county undivided local 106844  
government fund, beginning with the next required payment. 106845

(C)(1) Upon receiving notification of a noncompliant 106846  
subdivision under division (C)(1) of section 4511.0915 of the 106847  
Revised Code, the tax commissioner shall do both of the following: 106848

(a) If the delinquent subdivision is a municipal corporation, 106849

reduce the amount of each of the next three local government fund payments the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code in an amount equal to one-third of the gross amount of fines reported by the noncompliant subdivision on the report filed for the calendar quarter. 106850  
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(b) If the reduction described in division (C)(1)(a) of this section exceeds the amount of money the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code, immediately notify the county auditor and county treasurer required to provide for payments to the noncompliant subdivision from a county undivided local government fund that each of the next three such payments are to be reduced to that subdivision in an amount equal to one-third of that excess. 106856  
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(2) A county treasurer receiving notice under division (C)(1)(b) of this section shall reduce the payments to the noncompliant subdivision from a county undivided local government fund as required by the notice. 106864  
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(D)(1) The tax commissioner shall provide for payment of an amount equal to amounts withheld from municipal corporations under divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the undivided local government fund of the county from which the municipal corporation receives payments under section 5747.51 or 5747.53 of the Revised Code. The county treasurer shall distribute that money among subdivisions that are not delinquent or noncompliant subdivisions and that are entitled to receive distributions under those sections by increasing each such subdivision's distribution on a pro rata basis. 106868  
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(2) A county treasurer shall distribute any amount withheld from a delinquent or noncompliant subdivision under division (B)(1)(b) or (C)(2) of this section among other subdivisions that are not delinquent or noncompliant subdivisions by increasing each 106878  
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106881

such subdivision's distribution from the county's undivided local 106882  
government fund on a pro rata basis. 106883

(E) A county, township, or municipal corporation receiving an 106884  
increased distribution under division (B) or (C) of this section 106885  
shall use such money for the current operating expenses of the 106886  
subdivision. 106887

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July 106888  
of each year, the tax commissioner shall make and certify to the 106889  
county auditor of each county an estimate of the amount of the 106890  
local government fund to be allocated to the undivided local 106891  
government fund of each county for the ensuing calendar year, 106892  
adjusting the total as required to account for subdivisions 106893  
receiving local government funds under section 5747.502 of the 106894  
Revised Code. 106895

(B) At each annual regular session of the county budget 106896  
commission convened pursuant to section 5705.27 of the Revised 106897  
Code, each auditor shall present to the commission the certificate 106898  
of the commissioner, the annual tax budget and estimates, and the 106899  
records showing the action of the commission in its last preceding 106900  
regular session. The commission, after extending to the 106901  
representatives of each subdivision an opportunity to be heard, 106902  
under oath administered by any member of the commission, and 106903  
considering all the facts and information presented to it by the 106904  
auditor, shall determine the amount of the undivided local 106905  
government fund needed by and to be apportioned to each 106906  
subdivision for current operating expenses, as shown in the tax 106907  
budget of the subdivision. This determination shall be made 106908  
pursuant to divisions (C) to (I) of this section, unless the 106909  
commission has provided for a formula pursuant to section 5747.53 106910  
of the Revised Code. The commissioner shall reduce or increase the 106911  
amount of funds from the undivided local government fund to a 106912

subdivision required to receive reduced or increased funds under 106913  
section 5747.502 of the Revised Code. 106914

Nothing in this section prevents the budget commission, for 106915  
the purpose of apportioning the undivided local government fund, 106916  
from inquiring into the claimed needs of any subdivision as stated 106917  
in its tax budget, or from adjusting claimed needs to reflect 106918  
actual needs. For the purposes of this section, "current operating 106919  
expenses" means the lawful expenditures of a subdivision, except 106920  
those for permanent improvements and except payments for interest, 106921  
sinking fund, and retirement of bonds, notes, and certificates of 106922  
indebtedness of the subdivision. 106923

(C) The commission shall determine the combined total of the 106924  
estimated expenditures, including transfers, from the general fund 106925  
and any special funds other than special funds established for 106926  
road and bridge; street construction, maintenance, and repair; 106927  
state highway improvement; and gas, water, sewer, and electric 106928  
public utilities operated by a subdivision, as shown in the 106929  
subdivision's tax budget for the ensuing calendar year. 106930

(D) From the combined total of expenditures calculated 106931  
pursuant to division (C) of this section, the commission shall 106932  
deduct the following expenditures, if included in these funds in 106933  
the tax budget: 106934

(1) Expenditures for permanent improvements as defined in 106935  
division (E) of section 5705.01 of the Revised Code; 106936

(2) In the case of counties and townships, transfers to the 106937  
road and bridge fund, and in the case of municipalities, transfers 106938  
to the street construction, maintenance, and repair fund and the 106939  
state highway improvement fund; 106940

(3) Expenditures for the payment of debt charges; 106941

(4) Expenditures for the payment of judgments. 106942

(E) In addition to the deductions made pursuant to division 106943  
(D) of this section, revenues accruing to the general fund and any 106944  
special fund considered under division (C) of this section from 106945  
the following sources shall be deducted from the combined total of 106946  
expenditures calculated pursuant to division (C) of this section: 106947

(1) Taxes levied within the ten-mill limitation, as defined 106948  
in section 5705.02 of the Revised Code; 106949

(2) The budget commission allocation of estimated county 106950  
public library fund revenues to be distributed pursuant to section 106951  
5747.48 of the Revised Code; 106952

(3) Estimated unencumbered balances as shown on the tax 106953  
budget as of the thirty-first day of December of the current year 106954  
in the general fund, but not any estimated balance in any special 106955  
fund considered in division (C) of this section; 106956

(4) Revenue, including transfers, shown in the general fund 106957  
and any special funds other than special funds established for 106958  
road and bridge; street construction, maintenance, and repair; 106959  
state highway improvement; and gas, water, sewer, and electric 106960  
public utilities, from all other sources except those that a 106961  
subdivision receives from an additional tax or service charge 106962  
voted by its electorate or receives from special assessment or 106963  
revenue bond collection. For the purposes of this division, where 106964  
the charter of a municipal corporation prohibits the levy of an 106965  
income tax, an income tax levied by the legislative authority of 106966  
such municipal corporation pursuant to an amendment of the charter 106967  
of that municipal corporation to authorize such a levy represents 106968  
an additional tax voted by the electorate of that municipal 106969  
corporation. For the purposes of this division, any measure 106970  
adopted by a board of county commissioners pursuant to section 106971  
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 106972  
including those measures upheld by the electorate in a referendum 106973  
conducted pursuant to section 322.021, 324.021, 4504.021, or 106974



5739.022 of the Revised Code, shall not be considered an 106975  
additional tax voted by the electorate. 106976

Subject to division (G) of section 5705.29 of the Revised 106977  
Code, money in a reserve balance account established by a county, 106978  
township, or municipal corporation under section 5705.13 of the 106979  
Revised Code shall not be considered an unencumbered balance or 106980  
revenue under division (E)(3) or (4) of this section. Money in a 106981  
reserve balance account established by a township under section 106982  
5705.132 of the Revised Code shall not be considered an 106983  
unencumbered balance or revenue under division (E)(3) or (4) of 106984  
this section. 106985

If a county, township, or municipal corporation has created 106986  
and maintains a nonexpendable trust fund under section 5705.131 of 106987  
the Revised Code, the principal of the fund, and any additions to 106988  
the principal arising from sources other than the reinvestment of 106989  
investment earnings arising from such a fund, shall not be 106990  
considered an unencumbered balance or revenue under division 106991  
(E)(3) or (4) of this section. Only investment earnings arising 106992  
from investment of the principal or investment of such additions 106993  
to principal may be considered an unencumbered balance or revenue 106994  
under those divisions. 106995

(F) The total expenditures calculated pursuant to division 106996  
(C) of this section, less the deductions authorized in divisions 106997  
(D) and (E) of this section, shall be known as the "relative need" 106998  
of the subdivision, for the purposes of this section. 106999

(G) The budget commission shall total the relative need of 107000  
all participating subdivisions in the county, and shall compute a 107001  
relative need factor by dividing the total estimate of the 107002  
undivided local government fund by the total relative need of all 107003  
participating subdivisions. 107004

(H) The relative need of each subdivision shall be multiplied 107005

by the relative need factor to determine the proportionate share 107006  
of the subdivision in the undivided local government fund of the 107007  
county; provided, that the maximum proportionate share of a county 107008  
shall not exceed the following maximum percentages of the total 107009  
estimate of the undivided local government fund governed by the 107010  
relationship of the percentage of the population of the county 107011  
that resides within municipal corporations within the county to 107012  
the total population of the county as reported in the reports on 107013  
population in Ohio by the department of development as of the 107014  
twentieth day of July of the year in which the tax budget is filed 107015  
with the budget commission: 107016

Percentage of municipal 107017 population within the county:	Percentage share of the county shall not exceed:	107018
Less than forty-one per cent	Sixty per cent	107019
Forty-one per cent or more but less than eighty-one per cent	Fifty per cent	107020
Eighty-one per cent or more	Thirty per cent	107021

Where the proportionate share of the county exceeds the 107022  
limitations established in this division, the budget commission 107023  
shall adjust the proportionate shares determined pursuant to this 107024  
division so that the proportionate share of the county does not 107025  
exceed these limitations, and it shall increase the proportionate 107026  
shares of all other subdivisions on a pro rata basis. In counties 107027  
having a population of less than one hundred thousand, not less 107028  
than ten per cent shall be distributed to the townships therein. 107029

(I) The proportionate share of each subdivision in the 107030  
undivided local government fund determined pursuant to division 107031  
(H) of this section for any calendar year shall not be less than 107032  
the product of the average of the percentages of the undivided 107033  
local government fund of the county as apportioned to that 107034  
subdivision for the calendar years 1968, 1969, and 1970, 107035

multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5735.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B)(1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount guaranteed to each subdivision for that calendar year pursuant to this division shall be reduced on a basis proportionate to the amount by which the amount of the undivided local government fund for that calendar year is less than the amount of the undivided local government fund apportioned for the calendar year 1970.

(J) On the basis of such apportionment, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of the subdivisions and the amount each is to receive from the undivided local government fund and the percentage share of each subdivision, in a newspaper or newspapers of countywide

circulation, and send a copy of such allocation to the tax commissioner. 107068  
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The county auditor shall also send by certified mail, return receipt requested, a copy of such allocation to the fiscal officer of each subdivision entitled to participate in the allocation of the undivided local government fund of the county. This copy shall constitute the official notice of the commission action referred to in section 5705.37 of the Revised Code. 107070  
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All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision. 107076  
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If a municipal corporation maintains a municipal university, such municipal university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to such municipal corporation from the total local government fund, however created and constituted, in such amount as requested by the board of trustees, provided such sum does not exceed nine per cent of the total amount paid to the municipal corporation. 107080  
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If any public official fails to maintain the records required by sections 5747.50 to 5747.55 of the Revised Code or by the rules issued by the tax commissioner, the auditor of state, or the treasurer of state pursuant to such sections, or fails to comply with any law relating to the enforcement of such sections, the local government fund money allocated to the county may be withheld until such time as the public official has complied with such sections or such law or the rules issued pursuant thereto. 107088  
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**Sec. 5747.53.** (A) As used in this section: 107096

(1) "City, located wholly or partially in the county, with 107097

the greatest population" means the city, located wholly or 107098  
partially in the county, with the greatest population residing in 107099  
the county; however, if the county budget commission on or before 107100  
January 1, 1998, adopted an alternative method of apportionment 107101  
that was approved by the legislative authority of the city, 107102  
located partially in the county, with the greatest population but 107103  
not the greatest population residing in the county, "city, located 107104  
wholly or partially in the county, with the greatest population" 107105  
means the city, located wholly or partially in the county, with 107106  
the greatest population whether residing in the county or not, if 107107  
this alternative meaning is adopted by action of the board of 107108  
county commissioners and a majority of the boards of township 107109  
trustees and legislative authorities of municipal corporations 107110  
located wholly or partially in the county. 107111

(2) "Participating political subdivision" means a municipal 107112  
corporation or township that satisfies all of the following: 107113

(a) It is located wholly or partially in the county. 107114

(b) It is not the city, located wholly or partially in the 107115  
county, with the greatest population. 107116

(c) Undivided local government fund moneys are apportioned to 107117  
it under the county's alternative method or formula of 107118  
apportionment in the current calendar year. 107119

(B) In lieu of the method of apportionment of the undivided 107120  
local government fund of the county provided by section 5747.51 of 107121  
the Revised Code, the county budget commission may provide for the 107122  
apportionment of the fund under an alternative method or on a 107123  
formula basis as authorized by this section. The commissioner 107124  
shall reduce or increase the amount of funds from the undivided 107125  
local government fund to a subdivision required to receive reduced 107126  
or increased funds under section 5747.502 of the Revised Code. 107127

Except as otherwise provided in division (C) of this section, 107128

the alternative method of apportionment shall have first been 107129  
approved by all of the following governmental units: the board of 107130  
county commissioners; the legislative authority of the city, 107131  
located wholly or partially in the county, with the greatest 107132  
population; and a majority of the boards of township trustees and 107133  
legislative authorities of municipal corporations, located wholly 107134  
or partially in the county, excluding the legislative authority of 107135  
the city, located wholly or partially in the county, with the 107136  
greatest population. In granting or denying approval for an 107137  
alternative method of apportionment, the board of county 107138  
commissioners, boards of township trustees, and legislative 107139  
authorities of municipal corporations shall act by motion. A 107140  
motion to approve shall be passed upon a majority vote of the 107141  
members of a board of county commissioners, board of township 107142  
trustees, or legislative authority of a municipal corporation, 107143  
shall take effect immediately, and need not be published. 107144

Any alternative method of apportionment adopted and approved 107145  
under this division may be revised, amended, or repealed in the 107146  
same manner as it may be adopted and approved. If an alternative 107147  
method of apportionment adopted and approved under this division 107148  
is repealed, the undivided local government fund of the county 107149  
shall be apportioned among the subdivisions eligible to 107150  
participate in the fund, commencing in the ensuing calendar year, 107151  
under the apportionment provided in section 5747.52 of the Revised 107152  
Code, unless the repeal occurs by operation of division (C) of 107153  
this section or a new method for apportionment of the fund is 107154  
provided in the action of repeal. 107155

(C) This division applies only in counties in which the city, 107156  
located wholly or partially in the county, with the greatest 107157  
population has a population of twenty thousand or less and a 107158  
population that is less than fifteen per cent of the total 107159  
population of the county. In such a county, the legislative 107160

authorities or boards of township trustees of two or more 107161  
participating political subdivisions, which together have a 107162  
population residing in the county that is a majority of the total 107163  
population of the county, each may adopt a resolution to exclude 107164  
the approval otherwise required of the legislative authority of 107165  
the city, located wholly or partially in the county, with the 107166  
greatest population. All of the resolutions to exclude that 107167  
approval shall be adopted not later than the first Monday of 107168  
August of the year preceding the calendar year in which 107169  
distributions are to be made under an alternative method of 107170  
apportionment. 107171

A motion granting or denying approval of an alternative 107172  
method of apportionment under this division shall be adopted by a 107173  
majority vote of the members of the board of county commissioners 107174  
and by a majority vote of a majority of the boards of township 107175  
trustees and legislative authorities of the municipal corporations 107176  
located wholly or partially in the county, other than the city, 107177  
located wholly or partially in the county, with the greatest 107178  
population, shall take effect immediately, and need not be 107179  
published. The alternative method of apportionment under this 107180  
division shall be adopted and approved annually, not later than 107181  
the first Monday of August of the year preceding the calendar year 107182  
in which distributions are to be made under it. A motion granting 107183  
approval of an alternative method of apportionment under this 107184  
division repeals any existing alternative method of apportionment, 107185  
effective with distributions to be made from the fund in the 107186  
ensuing calendar year. An alternative method of apportionment 107187  
under this division shall not be revised or amended after the 107188  
first Monday of August of the year preceding the calendar year in 107189  
which distributions are to be made under it. 107190

(D) In determining an alternative method of apportionment 107191  
authorized by this section, the county budget commission may 107192

include in the method any factor considered to be appropriate and 107193  
reliable, in the sole discretion of the county budget commission. 107194

(E) The limitations set forth in section 5747.51 of the 107195  
Revised Code, stating the maximum amount that the county may 107196  
receive from the undivided local government fund and the minimum 107197  
amount the townships in counties having a population of less than 107198  
one hundred thousand may receive from the fund, are applicable to 107199  
any alternative method of apportionment authorized under this 107200  
section. 107201

(F) On the basis of any alternative method of apportionment 107202  
adopted and approved as authorized by this section, as certified 107203  
by the auditor to the county treasurer, the county treasurer shall 107204  
make distribution of the money in the undivided local government 107205  
fund to each subdivision eligible to participate in the fund, and 107206  
the auditor, when the amount of those shares is in the custody of 107207  
the treasurer in the amounts so computed to be due the respective 107208  
subdivisions, shall at the same time certify to the tax 107209  
commissioner the percentage share of the county as a subdivision. 107210  
All money received into the treasury of a subdivision from the 107211  
undivided local government fund in a county treasury shall be paid 107212  
into the general fund and used for the current operating expenses 107213  
of the subdivision. If a municipal corporation maintains a 107214  
municipal university, the university, when the board of trustees 107215  
so requests the legislative authority of the municipal 107216  
corporation, shall participate in the money apportioned to the 107217  
municipal corporation from the total local government fund, 107218  
however created and constituted, in the amount requested by the 107219  
board of trustees, provided that amount does not exceed nine per 107220  
cent of the total amount paid to the municipal corporation. 107221

(G) The actions of the county budget commission taken 107222  
pursuant to this section are final and may not be appealed to the 107223  
board of tax appeals, except on the issues of abuse of discretion 107224



and failure to comply with the formula. 107225

**Sec. 5747.71.** There is hereby allowed a nonrefundable credit 107226  
against the tax imposed by section 5747.02 of the Revised Code for 107227  
a taxpayer who is an "eligible individual" as defined in section 107228  
32 of the Internal Revenue Code. The credit shall equal five per 107229  
cent of the credit allowed on the taxpayer's federal income tax 107230  
return pursuant to section 32 of the Internal Revenue Code for 107231  
taxable years beginning in 2013, and ten per cent of the federal 107232  
credit allowed for taxable years beginning in or after 2014. If 107233  
the Ohio adjusted gross income of the taxpayer, or the taxpayer 107234  
and the taxpayer's spouse if the taxpayer and the taxpayer's 107235  
spouse file a joint return under section 5747.08 of the Revised 107236  
Code, less applicable exemptions under section 5747.025 of the 107237  
Revised Code, exceeds twenty thousand dollars, the credit 107238  
authorized by this section shall not exceed fifty per cent of the 107239  
amount of tax otherwise due under section 5747.02 of the Revised 107240  
Code after deducting any other nonrefundable credits that precede 107241  
the credit allowed under this section in the order prescribed by 107242  
section 5747.98 of the Revised Code except for the joint filing 107243  
credit authorized under division ~~(G)~~(E) of section 5747.05 of the 107244  
Revised Code. In all other cases, the credit authorized by this 107245  
section shall not exceed the amount of tax otherwise due under 107246  
section 5747.02 of the Revised Code after deducting any other 107247  
nonrefundable credits that precede the credit allowed under this 107248  
section in the order prescribed by section 5747.98 of the Revised 107249  
Code. 107250

The credit shall be claimed in the order prescribed by 107251  
section 5747.98 of the Revised Code. 107252

**Sec. 5747.98.** (A) To provide a uniform procedure for 107253  
calculating the amount of tax due under section 5747.02 of the 107254  
Revised Code, a taxpayer shall claim any credits to which the 107255

taxpayer is entitled in the following order: 107256

(1) Against the tax imposed by division (A)(3) of section 5747.02 of the Revised Code: 107257

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code; 107259  
107260

~~(2)~~(b) The senior citizen credit under division ~~(C)~~(F) of section ~~5747.05~~ 5747.055 of the Revised Code; 107261  
107262

~~(3)~~(c) The lump sum distribution credit under division ~~(D)~~(G) of section ~~5747.05~~ 5747.055 of the Revised Code; 107263  
107264

~~(4)~~(d) The dependent care credit under section 5747.054 of the Revised Code; 107265  
107266

~~(5)~~(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code; 107267  
107268

~~(6)~~(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code; 107269  
107270

~~(7)~~(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code; 107271  
107272

~~(8)~~(h) The low-income credit under section 5747.056 of the Revised Code; 107273  
107274

~~(9)~~(i) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code; 107275  
107276

~~(10)~~(j) The campaign contribution credit under section 5747.29 of the Revised Code; 107277  
107278

~~(11)~~(k) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code; 107279  
107280

~~(12)~~(l) The joint filing credit under division (G) of section 5747.05 of the Revised Code; 107281  
107282

~~(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;~~ 107283  
107284

<del>(14) The credit for a resident's out of state income under</del>	107285
<del>division (B) of section 5747.05 of the Revised Code;</del>	107286
<del>(15)(m) The earned income credit under section 5747.71 of the</del>	107287
<del>Revised Code;</del>	107288
<del>(16)(2) Against the tax imposed by division (A)(4) of section</del>	107289
<del>5747.02 of the Revised Code:</del>	107290
<del>(a) The credit for employers that reimburse employee child</del>	107291
<del>care expenses under section 5747.36 of the Revised Code;</del>	107292
<del>(17)(b) The credit for purchases of lights and reflectors</del>	107293
<del>under section 5747.38 of the Revised Code;</del>	107294
<del>(18)(c) The nonrefundable job retention credit under division</del>	107295
<del>(B) of section 5747.058 of the Revised Code;</del>	107296
<del>(19)(d) The credit for selling alternative fuel under section</del>	107297
<del>5747.77 of the Revised Code;</del>	107298
<del>(20)(e) The second credit for purchases of new manufacturing</del>	107299
<del>machinery and equipment and the credit for using Ohio coal under</del>	107300
<del>section 5747.31 of the Revised Code;</del>	107301
<del>(21)(f) The job training credit under section 5747.39 of the</del>	107302
<del>Revised Code;</del>	107303
<del>(22)(g) The enterprise zone credit under section 5709.66 of</del>	107304
<del>the Revised Code;</del>	107305
<del>(23)(h) The credit for the eligible costs associated with a</del>	107306
<del>voluntary action under section 5747.32 of the Revised Code;</del>	107307
<del>(24) The credit for adoption of a minor child under section</del>	107308
<del>5747.37 of the Revised Code;</del>	107309
<del>(25)(i) The credit for employers that establish on-site child</del>	107310
<del>day-care centers under section 5747.35 of the Revised Code;</del>	107311
<del>(26)(j) The ethanol plant investment credit under section</del>	107312
<del>5747.75 of the Revised Code;</del>	107313

<del>(27)</del> (k) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	107314 107315
<del>(28)</del> (l) The small business investment credit under section 5747.81 of the Revised Code;	107316 107317
<del>(29)</del> (m) The enterprise zone credits under section 5709.65 of the Revised Code;	107318 107319
<del>(30)</del> (n) The research and development credit under section 5747.331 of the Revised Code;	107320 107321
<del>(31)</del> (o) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	107322 107323
<del>(32)</del> (3) <u>Against the tax imposed by either division (A)(3) or (4) of section 5747.02 of the Revised Code:</u>	107324 107325
<u>(a) The credit for adoption of a minor child under section 5747.37 of the Revised Code;</u>	107326 107327
<u>(b) The nonresident credit under division (A) of section 5747.05 of the Revised Code;</u>	107328 107329
<u>(c) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;</u>	107330 107331
<u>(d) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;</u>	107332 107333
<del>(33)</del> (e) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	107334 107335
<del>(34)</del> (f) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	107336 107337
<del>(35)</del> (g) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	107338 107339 107340
<del>(36)</del> (h) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital	107341 107342

program under sections 150.01 to 150.10 of the Revised Code; 107343

~~(37)~~(i) The refundable motion picture production credit under 107344  
section 5747.66 of the Revised Code; 107345

~~(38)~~(j) The refundable credit for financial institution taxes 107346  
paid by a pass-through entity granted under section 5747.65 of the 107347  
Revised Code. 107348

(B) For any credit, except the refundable credits enumerated 107349  
in this section and the credit granted under division (H) of 107350  
section 5747.08 of the Revised Code, the amount of the credit for 107351  
a taxable year shall not exceed the tax due under division (A)(3) 107352  
or (4) of section 5747.02 of the Revised Code, as applicable, 107353  
after allowing for any other credit that precedes it in the order 107354  
required under this section. Any excess amount of a particular 107355  
credit may be carried forward if authorized under the section 107356  
creating that credit. Nothing in this chapter shall be construed 107357  
to allow a taxpayer to claim, directly or indirectly, a credit 107358  
more than once for a taxable year. 107359

**Sec. 5751.01.** As used in this chapter: 107360

(A) "Person" means, but is not limited to, individuals, 107361  
combinations of individuals of any form, receivers, assignees, 107362  
trustees in bankruptcy, firms, companies, joint-stock companies, 107363  
business trusts, estates, partnerships, limited liability 107364  
partnerships, limited liability companies, associations, joint 107365  
ventures, clubs, societies, for-profit corporations, S 107366  
corporations, qualified subchapter S subsidiaries, qualified 107367  
subchapter S trusts, trusts, entities that are disregarded for 107368  
federal income tax purposes, and any other entities. 107369

(B) "Consolidated elected taxpayer" means a group of two or 107370  
more persons treated as a single taxpayer for purposes of this 107371  
chapter as the result of an election made under section 5751.011 107372

of the Revised Code. 107373

(C) "Combined taxpayer" means a group of two or more persons 107374  
treated as a single taxpayer for purposes of this chapter under 107375  
section 5751.012 of the Revised Code. 107376

(D) "Taxpayer" means any person, or any group of persons in 107377  
the case of a consolidated elected taxpayer or combined taxpayer 107378  
treated as one taxpayer, required to register or pay tax under 107379  
this chapter. "Taxpayer" does not include excluded persons. 107380

(E) "Excluded person" means any of the following: 107381

(1) Any person with not more than one hundred fifty thousand 107382  
dollars of taxable gross receipts during the calendar year. 107383  
Division (E)(1) of this section does not apply to a person that is 107384  
a member of a consolidated elected taxpayer; 107385

(2) A public utility that paid the excise tax imposed by 107386  
section 5727.24 or 5727.30 of the Revised Code based on one or 107387  
more measurement periods that include the entire tax period under 107388  
this chapter, except that a public utility that is a combined 107389  
company is a taxpayer with regard to the following gross receipts: 107390

(a) Taxable gross receipts directly attributed to a public 107391  
utility activity, but not directly attributed to an activity that 107392  
is subject to the excise tax imposed by section 5727.24 or 5727.30 107393  
of the Revised Code; 107394

(b) Taxable gross receipts that cannot be directly attributed 107395  
to any activity, multiplied by a fraction whose numerator is the 107396  
taxable gross receipts described in division (E)(2)(a) of this 107397  
section and whose denominator is the total taxable gross receipts 107398  
that can be directly attributed to any activity; 107399

(c) Except for any differences resulting from the use of an 107400  
accrual basis method of accounting for purposes of determining 107401  
gross receipts under this chapter and the use of the cash basis 107402

method of accounting for purposes of determining gross receipts 107403  
under section 5727.24 of the Revised Code, the gross receipts 107404  
directly attributed to the activity of a natural gas company shall 107405  
be determined in a manner consistent with division (D) of section 107406  
5727.03 of the Revised Code. 107407

As used in division (E)(2) of this section, "combined 107408  
company" and "public utility" have the same meanings as in section 107409  
5727.01 of the Revised Code. 107410

(3) A financial institution, as defined in section 5726.01 of 107411  
the Revised Code, that paid the tax imposed by section 5726.02 of 107412  
the Revised Code based on one or more taxable years that include 107413  
the entire tax period under this chapter; 107414

(4) A person directly or indirectly owned by one or more 107415  
financial institutions, as defined in section 5726.01 of the 107416  
Revised Code, that paid the tax imposed by section 5726.02 of the 107417  
Revised Code based on one or more taxable years that include the 107418  
entire tax period under this chapter. 107419

For the purposes of division (E)(4) of this section, a person 107420  
owns another person under the following circumstances: 107421

(a) In the case of corporations issuing capital stock, one 107422  
corporation owns another corporation if it owns fifty per cent or 107423  
more of the other corporation's capital stock with current voting 107424  
rights; 107425

(b) In the case of a limited liability company, one person 107426  
owns the company if that person's membership interest, as defined 107427  
in section 1705.01 of the Revised Code, is fifty per cent or more 107428  
of the combined membership interests of all persons owning such 107429  
interests in the company; 107430

(c) In the case of a partnership, trust, or other 107431  
unincorporated business organization other than a limited 107432  
liability company, one person owns the organization if, under the 107433

articles of organization or other instrument governing the affairs 107434  
of the organization, that person has a beneficial interest in the 107435  
organization's profits, surpluses, losses, or distributions of 107436  
fifty per cent or more of the combined beneficial interests of all 107437  
persons having such an interest in the organization. 107438

(5) A domestic insurance company or foreign insurance 107439  
company, as defined in section 5725.01 of the Revised Code, that 107440  
paid the insurance company premiums tax imposed by section 5725.18 107441  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 107442  
company whose gross premiums are subject to tax under section 107443  
3905.36 of the Revised Code based on one or more measurement 107444  
periods that include the entire tax period under this chapter; 107445

(6) A person that solely facilitates or services one or more 107446  
securitizations of phase-in-recovery property pursuant to a final 107447  
financing order as those terms are defined in section 4928.23 of 107448  
the Revised Code. For purposes of this division, "securitization" 107449  
means transferring one or more assets to one or more persons and 107450  
then issuing securities backed by the right to receive payment 107451  
from the asset or assets so transferred. 107452

(7) Except as otherwise provided in this division, a 107453  
pre-income tax trust as defined in division (FF)(4) of section 107454  
5747.01 of the Revised Code and any pass-through entity of which 107455  
such pre-income tax trust owns or controls, directly, indirectly, 107456  
or constructively through related interests, more than five per 107457  
cent of the ownership or equity interests. If the pre-income tax 107458  
trust has made a qualifying pre-income tax trust election under 107459  
division (FF)(3) of section 5747.01 of the Revised Code, then the 107460  
trust and the pass-through entities of which it owns or controls, 107461  
directly, indirectly, or constructively through related interests, 107462  
more than five per cent of the ownership or equity interests, 107463  
shall not be excluded persons for purposes of the tax imposed 107464  
under section 5751.02 of the Revised Code. 107465



(8) Nonprofit organizations or the state and its agencies, 107466  
instrumentalities, or political subdivisions. 107467

(F) Except as otherwise provided in divisions (F)(2), (3), 107468  
and (4) of this section, "gross receipts" means the total amount 107469  
realized by a person, without deduction for the cost of goods sold 107470  
or other expenses incurred, that contributes to the production of 107471  
gross income of the person, including the fair market value of any 107472  
property and any services received, and any debt transferred or 107473  
forgiven as consideration. 107474

(1) The following are examples of gross receipts: 107475

(a) Amounts realized from the sale, exchange, or other 107476  
disposition of the taxpayer's property to or with another; 107477

(b) Amounts realized from the taxpayer's performance of 107478  
services for another; 107479

(c) Amounts realized from another's use or possession of the 107480  
taxpayer's property or capital; 107481

(d) Any combination of the foregoing amounts. 107482

(2) "Gross receipts" excludes the following amounts: 107483

(a) Interest income except interest on credit sales; 107484

(b) Dividends and distributions from corporations, and 107485  
distributive or proportionate shares of receipts and income from a 107486  
pass-through entity as defined under section 5733.04 of the 107487  
Revised Code; 107488

(c) Receipts from the sale, exchange, or other disposition of 107489  
an asset described in section 1221 or 1231 of the Internal Revenue 107490  
Code, without regard to the length of time the person held the 107491  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 107492  
receipts from hedging transactions also are excluded to the extent 107493  
the transactions are entered into primarily to protect a financial 107494  
position, such as managing the risk of exposure to (i) foreign 107495

currency fluctuations that affect assets, liabilities, profits, 107496  
losses, equity, or investments in foreign operations; (ii) 107497  
interest rate fluctuations; or (iii) commodity price fluctuations. 107498  
As used in division (F)(2)(c) of this section, "hedging 107499  
transaction" has the same meaning as used in section 1221 of the 107500  
Internal Revenue Code and also includes transactions accorded 107501  
hedge accounting treatment under statement of financial accounting 107502  
standards number 133 of the financial accounting standards board. 107503  
For the purposes of division (F)(2)(c) of this section, the actual 107504  
transfer of title of real or tangible personal property to another 107505  
entity is not a hedging transaction. 107506

(d) Proceeds received attributable to the repayment, 107507  
maturity, or redemption of the principal of a loan, bond, mutual 107508  
fund, certificate of deposit, or marketable instrument; 107509

(e) The principal amount received under a repurchase 107510  
agreement or on account of any transaction properly characterized 107511  
as a loan to the person; 107512

(f) Contributions received by a trust, plan, or other 107513  
arrangement, any of which is described in section 501(a) of the 107514  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 107515  
1, Subchapter (D) of the Internal Revenue Code applies; 107516

(g) Compensation, whether current or deferred, and whether in 107517  
cash or in kind, received or to be received by an employee, former 107518  
employee, or the employee's legal successor for services rendered 107519  
to or for an employer, including reimbursements received by or for 107520  
an individual for medical or education expenses, health insurance 107521  
premiums, or employee expenses, or on account of a dependent care 107522  
spending account, legal services plan, any cafeteria plan 107523  
described in section 125 of the Internal Revenue Code, or any 107524  
similar employee reimbursement; 107525

(h) Proceeds received from the issuance of the taxpayer's own 107526

stock, options, warrants, puts, or calls, or from the sale of the	107527
taxpayer's treasury stock;	107528
(i) Proceeds received on the account of payments from	107529
insurance policies, except those proceeds received for the loss of	107530
business revenue;	107531
(j) Gifts or charitable contributions received; membership	107532
dues received by trade, professional, homeowners', or condominium	107533
associations; and payments received for educational courses,	107534
meetings, meals, or similar payments to a trade, professional, or	107535
other similar association; and fundraising receipts received by	107536
any person when any excess receipts are donated or used	107537
exclusively for charitable purposes;	107538
(k) Damages received as the result of litigation in excess of	107539
amounts that, if received without litigation, would be gross	107540
receipts;	107541
(l) Property, money, and other amounts received or acquired	107542
by an agent on behalf of another in excess of the agent's	107543
commission, fee, or other remuneration;	107544
(m) Tax refunds, other tax benefit recoveries, and	107545
reimbursements for the tax imposed under this chapter made by	107546
entities that are part of the same combined taxpayer or	107547
consolidated elected taxpayer group, and reimbursements made by	107548
entities that are not members of a combined taxpayer or	107549
consolidated elected taxpayer group that are required to be made	107550
for economic parity among multiple owners of an entity whose tax	107551
obligation under this chapter is required to be reported and paid	107552
entirely by one owner, pursuant to the requirements of sections	107553
5751.011 and 5751.012 of the Revised Code;	107554
(n) Pension reversions;	107555
(o) Contributions to capital;	107556

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need

to meet a specific customer's preference for a motor vehicle; 107589

(u) Receipts from a financial institution described in 107590  
division (E)(3) of this section for services provided to the 107591  
financial institution in connection with the issuance, processing, 107592  
servicing, and management of loans or credit accounts, if such 107593  
financial institution and the recipient of such receipts have at 107594  
least fifty per cent of their ownership interests owned or 107595  
controlled, directly or constructively through related interests, 107596  
by common owners; 107597

(v) Receipts realized from administering anti-neoplastic 107598  
drugs and other cancer chemotherapy, biologicals, therapeutic 107599  
agents, and supportive drugs in a physician's office to patients 107600  
with cancer; 107601

(w) Funds received or used by a mortgage broker that is not a 107602  
dealer in intangibles, other than fees or other consideration, 107603  
pursuant to a table-funding mortgage loan or warehouse-lending 107604  
mortgage loan. Terms used in division (F)(2)(w) of this section 107605  
have the same meanings as in section 1322.01 of the Revised Code, 107606  
except "mortgage broker" means a person assisting a buyer in 107607  
obtaining a mortgage loan for a fee or other consideration paid by 107608  
the buyer or a lender, or a person engaged in table-funding or 107609  
warehouse-lending mortgage loans that are first lien mortgage 107610  
loans. 107611

(x) Property, money, and other amounts received by a 107612  
professional employer organization, as defined in section 4125.01 107613  
of the Revised Code, from a client employer, as defined in that 107614  
section, in excess of the administrative fee charged by the 107615  
professional employer organization to the client employer; 107616

(y) In the case of amounts retained as commissions by a 107617  
permit holder under Chapter 3769. of the Revised Code, an amount 107618  
equal to the amounts specified under that chapter that must be 107619

paid to or collected by the tax commissioner as a tax and the 107620  
amounts specified under that chapter to be used as purse money; 107621

(z) Qualifying distribution center receipts. 107622

(i) For purposes of division (F)(2)(z) of this section: 107623

(I) "Qualifying distribution center receipts" means receipts 107624  
of a supplier from qualified property that is delivered to a 107625  
qualified distribution center, multiplied by a quantity that 107626  
equals one minus the Ohio delivery percentage. If the qualified 107627  
distribution center is a refining facility, "supplier" includes 107628  
all dealers, brokers, processors, sellers, vendors, cosigners, and 107629  
distributors of qualified property. 107630

(II) "Qualified property" means tangible personal property 107631  
delivered to a qualified distribution center that is shipped to 107632  
that qualified distribution center solely for further shipping by 107633  
the qualified distribution center to another location in this 107634  
state or elsewhere or, in the case of gold, silver, platinum, or 107635  
palladium delivered to a refining facility solely for refining to 107636  
a grade and fineness acceptable for delivery to a registered 107637  
commodities exchange. "Further shipping" includes storing and 107638  
repackaging property into smaller or larger bundles, so long as 107639  
the property is not subject to further manufacturing or 107640  
processing. "Refining" is limited to extracting impurities from 107641  
gold, silver, platinum, or palladium through smelting or some 107642  
other process at a refining facility. 107643

(III) "Qualified distribution center" means a warehouse, a 107644  
facility similar to a warehouse, or a refining facility in this 107645  
state that, for the qualifying year, is operated by a person that 107646  
is not part of a combined taxpayer group and that has a qualifying 107647  
certificate. All warehouses or facilities similar to warehouses 107648  
that are operated by persons in the same taxpayer group and that 107649  
are located within one mile of each other shall be treated as one 107650

qualified distribution center. All refining facilities that are 107651  
operated by persons in the same taxpayer group and that are 107652  
located in the same or adjacent counties may be treated as one 107653  
qualified distribution center. 107654

(IV) "Qualifying year" means the calendar year to which the 107655  
qualifying certificate applies. 107656

(V) "Qualifying period" means the period of the first day of 107657  
July of the second year preceding the qualifying year through the 107658  
thirtieth day of June of the year preceding the qualifying year. 107659

(VI) "Qualifying certificate" means the certificate issued by 107660  
the tax commissioner after the operator of a distribution center 107661  
files an annual application with the commissioner. The application 107662  
and annual fee shall be filed and paid for each qualified 107663  
distribution center on or before the first day of September before 107664  
the qualifying year or within forty-five days after the 107665  
distribution center opens, whichever is later. 107666

The applicant must substantiate to the commissioner's 107667  
satisfaction that, for the qualifying period, all persons 107668  
operating the distribution center have more than fifty per cent of 107669  
the cost of the qualified property shipped to a location such that 107670  
it would be situated outside this state under the provisions of 107671  
division (E) of section 5751.033 of the Revised Code. The 107672  
applicant must also substantiate that the distribution center 107673  
cumulatively had costs from its suppliers equal to or exceeding 107674  
five hundred million dollars during the qualifying period. (For 107675  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 107676  
excludes any person that is part of the consolidated elected 107677  
taxpayer group, if applicable, of the operator of the qualified 107678  
distribution center.) The commissioner may require the applicant 107679  
to have an independent certified public accountant certify that 107680  
the calculation of the minimum thresholds required for a qualified 107681  
distribution center by the operator of a distribution center has 107682

been made in accordance with generally accepted accounting 107683  
principles. The commissioner shall issue or deny the issuance of a 107684  
certificate within sixty days after the receipt of the 107685  
application. A denial is subject to appeal under section 5717.02 107686  
of the Revised Code. If the operator files a timely appeal under 107687  
section 5717.02 of the Revised Code, the operator shall be granted 107688  
a qualifying certificate effective for the remainder of the 107689  
qualifying year or until the appeal is finalized, whichever is 107690  
earlier. If the operator does not prevail in the appeal, the 107691  
operator shall pay the ineligible operator's supplier tax 107692  
liability. 107693

(VII) "Ohio delivery percentage" means the proportion of the 107694  
total property delivered to a destination inside Ohio from the 107695  
qualified distribution center during the qualifying period 107696  
compared with total deliveries from such distribution center 107697  
everywhere during the qualifying period. 107698

(VIII) "Refining facility" means one or more buildings 107699  
located in a county in the Appalachian region of this state as 107700  
defined by section 107.21 of the Revised Code and utilized for 107701  
refining or smelting gold, silver, platinum, or palladium to a 107702  
grade and fineness acceptable for delivery to a registered 107703  
commodities exchange. 107704

(IX) "Registered commodities exchange" means a board of 107705  
trade, such as New York mercantile exchange, inc. or commodity 107706  
exchange, inc., designated as a contract market by the commodity 107707  
futures trading commission under the "Commodity Exchange Act," 7 107708  
U.S.C. 1 et seq., as amended. 107709

(X) "Ineligible operator's supplier tax liability" means an 107710  
amount equal to the tax liability of all suppliers of a 107711  
distribution center had the distribution center not been issued a 107712  
qualifying certificate for the qualifying year. Ineligible 107713  
operator's supplier tax liability shall not include interest or 107714



penalties. The tax commissioner shall determine an ineligible 107715  
operator's supplier tax liability based on information that the 107716  
commissioner may request from the operator of the distribution 107717  
center. An operator shall provide a list of all suppliers of the 107718  
distribution center and the corresponding costs of qualified 107719  
property for the qualifying year at issue within sixty days of a 107720  
request by the commissioner under this division. 107721

(ii)(I) If the distribution center is new and was not open 107722  
for the entire qualifying period, the operator of the distribution 107723  
center may request that the commissioner grant a qualifying 107724  
certificate. If the certificate is granted and it is later 107725  
determined that more than fifty per cent of the qualified property 107726  
during that year was not shipped to a location such that it would 107727  
be situated outside of this state under the provisions of division 107728  
(E) of section 5751.033 of the Revised Code or if it is later 107729  
determined that the person that operates the distribution center 107730  
had average monthly costs from its suppliers of less than forty 107731  
million dollars during that year, then the operator of the 107732  
distribution center shall pay the ineligible operator's supplier 107733  
tax liability. (For purposes of division (F)(2)(z)(ii) of this 107734  
section, "supplier" excludes any person that is part of the 107735  
consolidated elected taxpayer group, if applicable, of the 107736  
operator of the qualified distribution center.) 107737

(II) The commissioner may grant a qualifying certificate to a 107738  
distribution center that does not qualify as a qualified 107739  
distribution center for an entire qualifying period if the 107740  
operator of the distribution center demonstrates that the business 107741  
operations of the distribution center have changed or will change 107742  
such that the distribution center will qualify as a qualified 107743  
distribution center within thirty-six months after the date the 107744  
operator first applies for a certificate. If, at the end of that 107745  
thirty-six-month period, the business operations of the 107746

distribution center have not changed such that the distribution 107747  
center qualifies as a qualified distribution center, the operator 107748  
of the distribution center shall pay the ineligible operator's 107749  
supplier tax liability for each year that the distribution center 107750  
received a certificate but did not qualify as a qualified 107751  
distribution center. For each year the distribution center 107752  
receives a certificate under division (F)(2)(z)(ii)(II) of this 107753  
section, the distribution center shall pay all applicable fees 107754  
required under division (F)(2)(z) of this section and shall submit 107755  
an updated business plan showing the progress the distribution 107756  
center made toward qualifying as a qualified distribution center 107757  
during the preceding year. 107758

(III) An operator may appeal a determination under division 107759  
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 107760  
operator is liable for the operator's supplier tax liability as a 107761  
result of not qualifying as a qualified distribution center, as 107762  
provided in section 5717.02 of the Revised Code. 107763

(iii) When filing an application for a qualifying certificate 107764  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 107765  
qualified distribution center also shall provide documentation, as 107766  
the commissioner requires, for the commissioner to ascertain the 107767  
Ohio delivery percentage. The commissioner, upon issuing the 107768  
qualifying certificate, also shall certify the Ohio delivery 107769  
percentage. The operator of the qualified distribution center may 107770  
appeal the commissioner's certification of the Ohio delivery 107771  
percentage in the same manner as an appeal is taken from the 107772  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 107773  
of this section. 107774

(iv)(I) In the case where the distribution center is new and 107775  
not open for the entire qualifying period, the operator shall make 107776  
a good faith estimate of an Ohio delivery percentage for use by 107777  
suppliers in their reports of taxable gross receipts for the 107778

remainder of the qualifying period. The operator of the facility 107779  
shall disclose to the suppliers that such Ohio delivery percentage 107780  
is an estimate and is subject to recalculation. By the due date of 107781  
the next application for a qualifying certificate, the operator 107782  
shall determine the actual Ohio delivery percentage for the 107783  
estimated qualifying period and proceed as provided in division 107784  
(F)(2)(z)(iii) of this section with respect to the calculation and 107785  
recalculation of the Ohio delivery percentage. The supplier is 107786  
required to file, within sixty days after receiving notice from 107787  
the operator of the qualified distribution center, amended reports 107788  
for the impacted calendar quarter or quarters or calendar year, 107789  
whichever the case may be. Any additional tax liability or tax 107790  
overpayment shall be subject to interest but shall not be subject 107791  
to the imposition of any penalty so long as the amended returns 107792  
are timely filed. 107793

(II) The operator of a distribution center that receives a 107794  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 107795  
section shall make a good faith estimate of the Ohio delivery 107796  
percentage that the operator estimates will apply to the 107797  
distribution center at the end of the thirty-six-month period 107798  
after the operator first applied for a qualifying certificate 107799  
under that division. The result of the estimate shall be 107800  
multiplied by a factor of one and seventy-five one-hundredths. The 107801  
product of that calculation shall be the Ohio delivery percentage 107802  
used by suppliers in their reports of taxable gross receipts for 107803  
each qualifying year that the distribution center receives a 107804  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 107805  
section, except that, if the product is less than five per cent, 107806  
the Ohio delivery percentage used shall be five per cent and that, 107807  
if the product exceeds forty-nine per cent, the Ohio delivery 107808  
percentage used shall be forty-nine per cent. 107809

(v) Qualifying certificates and Ohio delivery percentages 107810

issued by the commissioner shall be open to public inspection and 107811  
shall be timely published by the commissioner. A supplier relying 107812  
in good faith on a certificate issued under this division shall 107813  
not be subject to tax on the qualifying distribution center 107814  
receipts under division (F)(2)(z) of this section. An operator 107815  
receiving a qualifying certificate is liable for the ineligible 107816  
operator's supplier tax liability for each year the operator 107817  
received a certificate but did not qualify as a qualified 107818  
distribution center. 107819

(vi) The annual fee for a qualifying certificate shall be one 107820  
hundred thousand dollars for each qualified distribution center. 107821  
If a qualifying certificate is not issued, the annual fee is 107822  
subject to refund after the exhaustion of all appeals provided for 107823  
in division (F)(2)(z)(i)(VI) of this section. The first one 107824  
hundred thousand dollars of the annual application fees collected 107825  
each calendar year shall be credited to the revenue enhancement 107826  
fund. The remainder of the annual application fees collected shall 107827  
be distributed in the same manner required under section 5751.20 107828  
of the Revised Code. 107829

(vii) The tax commissioner may require that adequate security 107830  
be posted by the operator of the distribution center on appeal 107831  
when the commissioner disagrees that the applicant has met the 107832  
minimum thresholds for a qualified distribution center as set 107833  
forth in division (F)(2)(z) of this section. 107834

(aa) Receipts of an employer from payroll deductions relating 107835  
to the reimbursement of the employer for advancing moneys to an 107836  
unrelated third party on an employee's behalf; 107837

(bb) Cash discounts allowed and taken; 107838

(cc) Returns and allowances; 107839

(dd) Bad debts from receipts on the basis of which the tax 107840  
imposed by this chapter was paid in a prior quarterly tax payment 107841

period. For the purpose of this division, "bad debts" means any 107842  
debts that have become worthless or uncollectible between the 107843  
preceding and current quarterly tax payment periods, have been 107844  
uncollected for at least six months, and that may be claimed as a 107845  
deduction under section 166 of the Internal Revenue Code and the 107846  
regulations adopted under that section, or that could be claimed 107847  
as such if the taxpayer kept its accounts on the accrual basis. 107848  
"Bad debts" does not include repossessed property, uncollectible 107849  
amounts on property that remains in the possession of the taxpayer 107850  
until the full purchase price is paid, or expenses in attempting 107851  
to collect any account receivable or for any portion of the debt 107852  
recovered; 107853

(ee) Any amount realized from the sale of an account 107854  
receivable to the extent the receipts from the underlying 107855  
transaction giving rise to the account receivable were included in 107856  
the gross receipts of the taxpayer; 107857

(ff) Any receipts directly attributed to a transfer agreement 107858  
or to the enterprise transferred under that agreement under 107859  
section 4313.02 of the Revised Code. 107860

(gg)(i) As used in this division: 107861

(I) "Qualified uranium receipts" means receipts from the 107862  
sale, exchange, lease, loan, production, processing, or other 107863  
disposition of uranium within a uranium enrichment zone certified 107864  
by the tax commissioner under division (F)(2)(gg)(ii) of this 107865  
section. "Qualified uranium receipts" does not include any 107866  
receipts with a situs in this state outside a uranium enrichment 107867  
zone certified by the tax commissioner under division 107868  
(F)(2)(gg)(ii) of this section. 107869

(II) "Uranium enrichment zone" means all real property that 107870  
is part of a uranium enrichment facility licensed by the United 107871  
States nuclear regulatory commission and that was or is owned or 107872

controlled by the United States department of energy or its 107873  
successor. 107874

(ii) Any person that owns, leases, or operates real or 107875  
tangible personal property constituting or located within a 107876  
uranium enrichment zone may apply to the tax commissioner to have 107877  
the uranium enrichment zone certified for the purpose of excluding 107878  
qualified uranium receipts under division (F)(2)(gg) of this 107879  
section. The application shall include such information that the 107880  
tax commissioner prescribes. Within sixty days after receiving the 107881  
application, the tax commissioner shall certify the zone for that 107882  
purpose if the commissioner determines that the property qualifies 107883  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 107884  
this section, or, if the tax commissioner determines that the 107885  
property does not qualify, the commissioner shall deny the 107886  
application or request additional information from the applicant. 107887  
If the tax commissioner denies an application, the commissioner 107888  
shall state the reasons for the denial. The applicant may appeal 107889  
the denial of an application to the board of tax appeals pursuant 107890  
to section 5717.02 of the Revised Code. If the applicant files a 107891  
timely appeal, the tax commissioner shall conditionally certify 107892  
the applicant's property. The conditional certification shall 107893  
expire when all of the applicant's appeals are exhausted. Until 107894  
final resolution of the appeal, the applicant shall retain the 107895  
applicant's records in accordance with section 5751.12 of the 107896  
Revised Code, notwithstanding any time limit on the preservation 107897  
of records under that section. 107898

(hh) In the case of amounts collected by a licensed casino 107899  
operator from casino gaming, amounts in excess of the casino 107900  
operator's gross casino revenue. In this division, "casino 107901  
operator" and "casino gaming" have the meanings defined in section 107902  
3772.01 of the Revised Code, and "gross casino revenue" has the 107903  
meaning defined in section 5753.01 of the Revised Code. 107904

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state. 107905  
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(jj) Qualifying integrated supply chain receipts. 107910

As used in division (F)(2)(jj) of this section: 107911

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to another qualified integrated supply chain vendor. 107912  
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107914  
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(ii) "Qualified property" means either of the following: 107916

(I) Component parts used to hold, contain, package, or dispense qualified products that will be incorporated into the item sold at retail, excluding equipment; 107917  
107918  
107919

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail, excluding equipment. 107920  
107921  
107922

(iii) "Qualified integrated supply chain vendor" means a person, other than a retailer, that is a direct member of an integrated supply chain and that provides integrated supply chain services within a qualified integrated supply chain district to another qualified integrated supply chain vendor that is located within the same such district as the person but does not share a common owner with that person. 107923  
107924  
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(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. 107930  
107931

(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors that systematically collaborate and coordinate business operations with a retailer on the flow of 107932  
107933  
107934

tangible personal property from material sourcing through 107935  
manufacturing, assembly, packaging, and delivery to the retailer 107936  
to improve long-term financial performance of each vendor and the 107937  
supply chain. 107938

(vi) "Integrated supply chain services" means manufacturing, 107939  
processing, refining, assembling, packaging, or repackaging 107940  
tangible personal property that will become finished goods 107941  
inventory capable of being sold at retail by a retailer. 107942

(vii) "Retailer" means a person primarily engaged in making 107943  
retail sales. 107944

(viii) "Qualified integrated supply chain district" means a 107945  
parcel or contiguous parcels of land composed of a total of 107946  
between four hundred and seven hundred acres and owned by the same 107947  
person on July 1, 2015, to which both of the following apply: 107948

(I) The acreage is located wholly in a county having a 107949  
population of greater than one hundred sixty-five thousand but 107950  
less than one hundred seventy thousand based on the 2010 federal 107951  
decennial census. 107952

(II) The acreage is located wholly in a municipal corporation 107953  
with a population greater than seven thousand five hundred and 107954  
less than eight thousand based on the 2010 federal decennial 107955  
census that is partly located in the county described in division 107956  
(F)(2)(jj)(viii)(I) of this section. 107957

(kk) Any receipts for which the tax imposed by this chapter 107958  
is prohibited by the constitution or laws of the United States or 107959  
the constitution of this state. 107960

(3) In the case of a taxpayer when acting as a real estate 107961  
broker, "gross receipts" includes only the portion of any fee for 107962  
the service of a real estate broker, or service of a real estate 107963  
salesperson associated with that broker, that is retained by the 107964  
broker and not paid to an associated real estate salesperson or 107965



another real estate broker. For the purposes of this division, 107966  
"real estate broker" and "real estate salesperson" have the same 107967  
meanings as in section 4735.01 of the Revised Code. 107968

(4) A taxpayer's method of accounting for gross receipts for 107969  
a tax period shall be the same as the taxpayer's method of 107970  
accounting for federal income tax purposes for the taxpayer's 107971  
federal taxable year that includes the tax period. If a taxpayer's 107972  
method of accounting for federal income tax purposes changes, its 107973  
method of accounting for gross receipts under this chapter shall 107974  
be changed accordingly. 107975

(G) "Taxable gross receipts" means gross receipts sitused to 107976  
this state under section 5751.033 of the Revised Code. 107977

(H) A person has "substantial nexus with this state" if any 107978  
of the following applies. The person: 107979

(1) Owns or uses a part or all of its capital in this state; 107980

(2) Holds a certificate of compliance with the laws of this 107981  
state authorizing the person to do business in this state; 107982

(3) Has bright-line presence in this state; 107983

(4) Otherwise has nexus with this state to an extent that the 107984  
person can be required to remit the tax imposed under this chapter 107985  
under the Constitution of the United States. 107986

(I) A person has "bright-line presence" in this state for a 107987  
reporting period and for the remaining portion of the calendar 107988  
year if any of the following applies. The person: 107989

(1) Has at any time during the calendar year property in this 107990  
state with an aggregate value of at least fifty thousand dollars. 107991  
For the purpose of division (I)(1) of this section, owned property 107992  
is valued at original cost and rented property is valued at eight 107993  
times the net annual rental charge. 107994

(2) Has during the calendar year payroll in this state of at 107995

least fifty thousand dollars. Payroll in this state includes all 107996  
of the following: 107997

(a) Any amount subject to withholding by the person under 107998  
section 5747.06 of the Revised Code; 107999

(b) Any other amount the person pays as compensation to an 108000  
individual under the supervision or control of the person for work 108001  
done in this state; and 108002

(c) Any amount the person pays for services performed in this 108003  
state on its behalf by another. 108004

(3) Has during the calendar year taxable gross receipts of at 108005  
least five hundred thousand dollars. 108006

(4) Has at any time during the calendar year within this 108007  
state at least twenty-five per cent of the person's total 108008  
property, total payroll, or total gross receipts. 108009

(5) Is domiciled in this state as an individual or for 108010  
corporate, commercial, or other business purposes. 108011

(J) "Tangible personal property" has the same meaning as in 108012  
section 5739.01 of the Revised Code. 108013

(K) "Internal Revenue Code" means the Internal Revenue Code 108014  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 108015  
this chapter that is not otherwise defined has the same meaning as 108016  
when used in a comparable context in the laws of the United States 108017  
relating to federal income taxes unless a different meaning is 108018  
clearly required. Any reference in this chapter to the Internal 108019  
Revenue Code includes other laws of the United States relating to 108020  
federal income taxes. 108021

(L) "Calendar quarter" means a three-month period ending on 108022  
the thirty-first day of March, the thirtieth day of June, the 108023  
thirtieth day of September, or the thirty-first day of December. 108024

(M) "Tax period" means the calendar quarter or calendar year 108025

on the basis of which a taxpayer is required to pay the tax	108026
imposed under this chapter.	108027
(N) "Calendar year taxpayer" means a taxpayer for which the	108028
tax period is a calendar year.	108029
(O) "Calendar quarter taxpayer" means a taxpayer for which	108030
the tax period is a calendar quarter.	108031
(P) "Agent" means a person authorized by another person to	108032
act on its behalf to undertake a transaction for the other,	108033
including any of the following:	108034
(1) A person receiving a fee to sell financial instruments;	108035
(2) A person retaining only a commission from a transaction	108036
with the other proceeds from the transaction being remitted to	108037
another person;	108038
(3) A person issuing licenses and permits under section	108039
1533.13 of the Revised Code;	108040
(4) A lottery sales agent holding a valid license issued	108041
under section 3770.05 of the Revised Code;	108042
(5) A person acting as an agent of the division of liquor	108043
control under section 4301.17 of the Revised Code.	108044
(Q) "Received" includes amounts accrued under the accrual	108045
method of accounting.	108046
(R) "Reporting person" means a person in a consolidated	108047
elected taxpayer or combined taxpayer group that is designated by	108048
that group to legally bind the group for all filings and tax	108049
liabilities and to receive all legal notices with respect to	108050
matters under this chapter, or, for the purposes of section	108051
5751.04 of the Revised Code, a separate taxpayer that is not a	108052
member of such a group.	108053
<b>Sec. 5751.02.</b> (A) For the purpose of funding the needs of	108054

this state and its local governments, there is hereby levied a 108055  
commercial activity tax on each person with taxable gross receipts 108056  
for the privilege of doing business in this state. For the 108057  
purposes of this chapter, "doing business" means engaging in any 108058  
activity, whether legal or illegal, that is conducted for, or 108059  
results in, gain, profit, or income, at any time during a calendar 108060  
year. Persons on which the commercial activity tax is levied 108061  
include, but are not limited to, persons with substantial nexus 108062  
with this state. The tax imposed under this section is not a 108063  
transactional tax and is not subject to Public Law No. 86-272, 73 108064  
Stat. 555. The tax imposed under this section is in addition to 108065  
any other taxes or fees imposed under the Revised Code. The tax 108066  
levied under this section is imposed on the person receiving the 108067  
gross receipts and is not a tax imposed directly on a purchaser. 108068  
The tax imposed by this section is an annual privilege tax for the 108069  
calendar year that, in the case of calendar year taxpayers, is the 108070  
annual tax period and, in the case of calendar quarter taxpayers, 108071  
contains all quarterly tax periods in the calendar year. A 108072  
taxpayer is subject to the annual privilege tax for doing business 108073  
during any portion of such calendar year. 108074

(B) The tax imposed by this section is a tax on the taxpayer 108075  
and shall not be billed or invoiced to another person. Even if the 108076  
tax or any portion thereof is billed or invoiced and separately 108077  
stated, such amounts remain part of the price for purposes of the 108078  
sales and use taxes levied under Chapters 5739. and 5741. of the 108079  
Revised Code. Nothing in division (B) of this section prohibits: 108080

(1) A person from including in the price charged for a good 108081  
or service an amount sufficient to recover the tax imposed by this 108082  
section; or 108083

(2) A lessor from including an amount sufficient to recover 108084  
the tax imposed by this section in a lease payment charged, or 108085

from including such an amount on a billing or invoice pursuant to 108086  
the terms of a written lease agreement providing for the recovery 108087  
of the lessor's tax costs. The recovery of such costs shall be 108088  
based on an estimate of the total tax cost of the lessor during 108089  
the tax period, as the tax liability of the lessor cannot be 108090  
calculated until the end of that period. 108091

(C)(1) The commercial activities tax receipts fund is hereby 108092  
created in the state treasury and shall consist of money arising 108093  
from the tax imposed under this chapter. Eighty-five 108094  
one-hundredths of one per cent of the money credited to that fund 108095  
shall be credited to the revenue enhancement fund and shall be 108096  
used to defray the costs incurred by the department of taxation in 108097  
administering the tax imposed by this chapter and in implementing 108098  
tax reform measures. The remainder of the money in the commercial 108099  
activities tax receipts fund shall first be credited to the 108100  
commercial activity tax motor fuel receipts fund, pursuant to 108101  
division (C)(2) of this section, and the remainder shall be 108102  
credited in the following percentages each fiscal year to the 108103  
general revenue fund, to the school district tangible property tax 108104  
replacement fund, which is hereby created in the state treasury 108105  
for the purpose of making the payments described in section 108106  
5709.92 of the Revised Code, and to the local government tangible 108107  
property tax replacement fund, which is hereby created in the 108108  
state treasury for the purpose of making the payments described in 108109  
section 5709.93 of the Revised Code, in the following percentages: 108110

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	
	<u>Fund</u>	<u>Tangible</u>	<u>Tangible</u>	
		<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	
<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	108112
<u>2016 and</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	108113
<u>thereafter</u>				

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.

(2) On or after the first day of June of each year, the 108146  
director of budget and management may transfer any balance in the 108147  
local government tangible property tax replacement fund to the 108148  
general revenue fund. 108149

(F)(1) There is hereby created in the state treasury the 108150  
commercial activity tax motor fuel receipts fund. 108151

(2) On or before the fifteenth day of June of each fiscal 108152  
year beginning with fiscal year 2015, the director of the Ohio 108153  
public works commission shall certify to the director of budget 108154  
and management the amount of debt service paid from the general 108155  
revenue fund in the current fiscal year on bonds issued to finance 108156  
or assist in the financing of the cost of local subdivision public 108157  
infrastructure capital improvement projects, as provided for in 108158  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 108159  
are attributable to costs for construction, reconstruction, 108160  
maintenance, or repair of public highways and bridges and other 108161  
statutory highway purposes. That certification shall allocate the 108162  
total amount of debt service paid from the general revenue fund 108163  
and attributable to those costs in the current fiscal year 108164  
according to the applicable section of the Ohio Constitution under 108165  
which the bonds were originally issued. 108166

(3) On or before the thirtieth day of June of each fiscal 108167  
year beginning with fiscal year 2015, the director of budget and 108168  
management shall determine an amount up to but not exceeding the 108169  
amount certified under division (F)(2) of this section and shall 108170  
reserve that amount from the cash balance in the petroleum 108171  
activity tax public highways fund or the commercial activity tax 108172  
motor fuel receipts fund for transfer to the general revenue fund 108173  
at times and in amounts to be determined by the director. The 108174  
director shall transfer the cash balance in the petroleum activity 108175  
tax public highways fund or the commercial activity tax motor fuel 108176  
receipts fund in excess of the amount so reserved to the highway 108177

<u>operating fund on or before the thirtieth day of June of the</u>	108178
<u>current fiscal year.</u>	108179
<b>Sec. 5751.20.</b> <del>(A)</del> <u>No determinations, computations,</u>	108180
<u>certifications, or payments shall be made under this section after</u>	108181
<u>June 30, 2015.</u>	108182
<u>(A)</u> As used in sections 5751.20 to 5751.22 of the Revised	108183
Code:	108184
(1) "School district," "joint vocational school district,"	108185
"local taxing unit," "recognized valuation," "fixed-rate levy,"	108186
and "fixed-sum levy" have the same meanings as used in section	108187
5727.84 of the Revised Code.	108188
(2) "State education aid" for a school district means the	108189
following:	108190
(a) For fiscal years prior to fiscal year 2010, the sum of	108191
state aid amounts computed for the district under the following	108192
provisions, as they existed for the applicable fiscal year:	108193
division (A) of section 3317.022 of the Revised Code, including	108194
the amounts calculated under former section 3317.029 and section	108195
3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E),	108196
and (F) of section 3317.022; divisions (B), (C), and (D) of	108197
section 3317.023; divisions (L) and (N) of section 3317.024;	108198
section 3317.0216; and any unit payments for gifted student	108199
services paid under section 3317.05 and former sections 3317.052	108200
and 3317.053 of the Revised Code; except that, for fiscal years	108201
2008 and 2009, the amount computed for the district under Section	108202
269.20.80 of H.B. 119 of the 127th general assembly and as that	108203
section subsequently may be amended shall be substituted for the	108204
amount computed under division (D) of section 3317.022 of the	108205
Revised Code, and the amount computed under Section 269.30.80 of	108206
H.B. 119 of the 127th general assembly and as that section	108207
subsequently may be amended shall be included.	108208



(b) For fiscal years 2010 and 2011, the sum of the amounts 108209  
computed under former sections 3306.052, 3306.12, 3306.13, 108210  
3306.19, 3306.191, and 3306.192 of the Revised Code; 108211

(c) For fiscal years 2012 and 2013, the sum of the amounts 108212  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 108213  
153 of the 129th general assembly; 108214

(d) For fiscal year 2014 and each fiscal year thereafter, the 108215  
sum of state amounts computed for the district under section 108216  
3317.022 of the Revised Code; except that, for fiscal years 2014 108217  
and 2015, the amount computed for the district under the section 108218  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 108219  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 108220

(3) "State education aid" for a joint vocational school 108221  
district means the following: 108222

(a) For fiscal years prior to fiscal year 2010, the sum of 108223  
the state aid computed for the district under division (N) of 108224  
section 3317.024 and former section 3317.16 of the Revised Code, 108225  
except that, for fiscal years 2008 and 2009, the amount computed 108226  
under Section 269.30.80 of H.B. 119 of the 127th general assembly 108227  
and as that section subsequently may be amended shall be included. 108228

(b) For fiscal years 2010 and 2011, the amount paid in 108229  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 108230  
assembly. 108231

(c) For fiscal years 2012 and 2013, the amount paid in 108232  
accordance with Section 267.30.60 of H.B. 153 of the 129th general 108233  
assembly. 108234

(d) For fiscal year 2014 and each fiscal year thereafter, the 108235  
amount computed for the district under section 3317.16 of the 108236  
Revised Code; except that, for fiscal years 2014 and 2015, the 108237  
amount computed for the district under the section of this act 108238  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 108239

shall be included.	108240
(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.	108241 108242 108243
(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.	108244 108245
(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.	108246 108247
(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.	108248 108249
(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.	108250 108251
(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.	108252 108253
(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.	108254 108255
(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.	108256 108257 108258 108259
(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.	108260 108261
(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.	108262 108263 108264
(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.	108265 108266 108267
(15) "Furniture and fixtures" means personal property subject	108268

to the assessment rate specified in division (G) of section 108269  
5711.22 of the Revised Code. 108270

(16) "Qualifying levies" are levies in effect for tax year 108271  
2004 or applicable to tax year 2005 or approved at an election 108272  
conducted before September 1, 2005. For the purpose of determining 108273  
the rate of a qualifying levy authorized by section 5705.212 or 108274  
5705.213 of the Revised Code, the rate shall be the rate that 108275  
would be in effect for tax year 2010. 108276

(17) "Telephone property" means tangible personal property of 108277  
a telephone, telegraph, or interexchange telecommunications 108278  
company subject to an assessment rate specified in section 108279  
5727.111 of the Revised Code in tax year 2004. 108280

(18) "Telephone property tax value loss" means the amount 108281  
determined under division (C)(4) of this section. 108282

(19) "Telephone property fixed-rate levy loss" means the 108283  
amount determined under division (D)(4) of this section. 108284

(20) "Taxes charged and payable" means taxes charged and 108285  
payable after the reduction required by section 319.301 of the 108286  
Revised Code but before the reductions required by sections 108287  
319.302 and 323.152 of the Revised Code. 108288

(21) "Median estate tax collections" means, in the case of a 108289  
municipal corporation to which revenue from the taxes levied in 108290  
Chapter 5731. of the Revised Code was distributed in each of 108291  
calendar years 2006, 2007, 2008, and 2009, the median of those 108292  
distributions. In the case of a municipal corporation to which no 108293  
distributions were made in one or more of those years, "median 108294  
estate tax collections" means zero. 108295

(22) "Total resources," in the case of a school district, 108296  
means the sum of the amounts in divisions (A)(22)(a) to (h) of 108297  
this section less any reduction required under division (A)(32) or 108298  
(33) of this section. 108299

(a) The state education aid for fiscal year 2010;	108300
(b) The sum of the payments received by the school district	108301
in fiscal year 2010 for current expense levy losses pursuant to	108302
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of	108303
section 5751.21 of the Revised Code, excluding the portion of such	108304
payments attributable to levies for joint vocational school	108305
district purposes;	108306
(c) The sum of fixed-sum levy loss payments received by the	108307
school district in fiscal year 2010 pursuant to division (E)(1) of	108308
section 5727.85 and division (E)(1) of section 5751.21 of the	108309
Revised Code for fixed-sum levies charged and payable for a	108310
purpose other than paying debt charges;	108311
(d) Fifty per cent of the school district's taxes charged and	108312
payable against all property on the tax list of real and public	108313
utility property for current expense purposes for tax year 2008,	108314
including taxes charged and payable from emergency levies charged	108315
and payable under section 5709.194 of the Revised Code and	108316
excluding taxes levied for joint vocational school district	108317
purposes;	108318
(e) Fifty per cent of the school district's taxes charged and	108319
payable against all property on the tax list of real and public	108320
utility property for current expenses for tax year 2009, including	108321
taxes charged and payable from emergency levies and excluding	108322
taxes levied for joint vocational school district purposes;	108323
(f) The school district's taxes charged and payable against	108324
all property on the general tax list of personal property for	108325
current expenses for tax year 2009, including taxes charged and	108326
payable from emergency levies;	108327
(g) The amount certified for fiscal year 2010 under division	108328
(A)(2) of section 3317.08 of the Revised Code;	108329
(h) Distributions received during calendar year 2009 from	108330

taxes levied under section 718.09 of the Revised Code.	108331
(23) "Total resources," in the case of a joint vocational	108332
school district, means the sum of amounts in divisions (A)(23)(a)	108333
to (g) of this section less any reduction required under division	108334
(A)(32) of this section.	108335
(a) The state education aid for fiscal year 2010;	108336
(b) The sum of the payments received by the joint vocational	108337
school district in fiscal year 2010 for current expense levy	108338
losses pursuant to division (C)(2) of section 5727.85 and	108339
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	108340
(c) Fifty per cent of the joint vocational school district's	108341
taxes charged and payable against all property on the tax list of	108342
real and public utility property for current expense purposes for	108343
tax year 2008;	108344
(d) Fifty per cent of the joint vocational school district's	108345
taxes charged and payable against all property on the tax list of	108346
real and public utility property for current expenses for tax year	108347
2009;	108348
(e) Fifty per cent of a city, local, or exempted village	108349
school district's taxes charged and payable against all property	108350
on the tax list of real and public utility property for current	108351
expenses of the joint vocational school district for tax year	108352
2008;	108353
(f) Fifty per cent of a city, local, or exempted village	108354
school district's taxes charged and payable against all property	108355
on the tax list of real and public utility property for current	108356
expenses of the joint vocational school district for tax year	108357
2009;	108358
(g) The joint vocational school district's taxes charged and	108359
payable against all property on the general tax list of personal	108360

property for current expenses for tax year 2009. 108361

(24) "Total resources," in the case of county mental health 108362  
and disability related functions, means the sum of the amounts in 108363  
divisions (A)(24)(a) and (b) of this section less any reduction 108364  
required under division (A)(32) of this section. 108365

(a) The sum of the payments received by the county for mental 108366  
health and developmental disability related functions in calendar 108367  
year 2010 under division (A)(1) of section 5727.86 and divisions 108368  
(A)(1) and (2) of section 5751.22 of the Revised Code as they 108369  
existed at that time; 108370

(b) With respect to taxes levied by the county for mental 108371  
health and developmental disability related purposes, the taxes 108372  
charged and payable for such purposes against all property on the 108373  
tax list of real and public utility property for tax year 2009. 108374

(25) "Total resources," in the case of county senior services 108375  
related functions, means the sum of the amounts in divisions 108376  
(A)(25)(a) and (b) of this section less any reduction required 108377  
under division (A)(32) of this section. 108378

(a) The sum of the payments received by the county for senior 108379  
services related functions in calendar year 2010 under division 108380  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 108381  
5751.22 of the Revised Code as they existed at that time; 108382

(b) With respect to taxes levied by the county for senior 108383  
services related purposes, the taxes charged and payable for such 108384  
purposes against all property on the tax list of real and public 108385  
utility property for tax year 2009. 108386

(26) "Total resources," in the case of county children's 108387  
services related functions, means the sum of the amounts in 108388  
divisions (A)(26)(a) and (b) of this section less any reduction 108389  
required under division (A)(32) of this section. 108390

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

108391  
108392  
108393  
108394

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

108395  
108396  
108397  
108398

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

108399  
108400  
108401  
108402

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

108403  
108404  
108405  
108406

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

108407  
108408  
108409  
108410

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

108411  
108412  
108413  
108414  
108415

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

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108417  
108418  
108419

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner

108420  
108421

for calendar year 2010 by the county auditor under division (J) of 108422  
section 5747.51 of the Revised Code or division (F) of section 108423  
5747.53 of the Revised Code multiplied by the total amount 108424  
actually distributed in calendar year 2010 from the county 108425  
undivided local government fund; 108426

(c) With respect to taxes levied by the county for all other 108427  
purposes, the taxes charged and payable for such purposes against 108428  
all property on the tax list of real and public utility property 108429  
for tax year 2009, excluding taxes charged and payable for the 108430  
purpose of paying debt charges; 108431

(d) The sum of the amounts distributed to the county in 108432  
calendar year 2010 for the taxes levied pursuant to sections 108433  
5739.021 and 5741.021 of the Revised Code. 108434

(29) "Total resources," in the case of a municipal 108435  
corporation, means the sum of the amounts in divisions (A)(29)(a) 108436  
to (g) of this section less any reduction required under division 108437  
(A)(32) or (33) of this section. 108438

(a) The sum of the payments received by the municipal 108439  
corporation in calendar year 2010 for current expense levy losses 108440  
under division (A)(1) of section 5727.86 and divisions (A)(1) and 108441  
(2) of section 5751.22 of the Revised Code as they existed at that 108442  
time; 108443

(b) The municipal corporation's percentage share of county 108444  
undivided local government fund allocations as certified to the 108445  
tax commissioner for calendar year 2010 by the county auditor 108446  
under division (J) of section 5747.51 of the Revised Code or 108447  
division (F) of section 5747.53 of the Revised Code multiplied by 108448  
the total amount actually distributed in calendar year 2010 from 108449  
the county undivided local government fund; 108450

(c) The sum of the amounts distributed to the municipal 108451  
corporation in calendar year 2010 pursuant to section 5747.50 of 108452



the Revised Code; 108453

(d) With respect to taxes levied by the municipal 108454  
corporation, the taxes charged and payable against all property on 108455  
the tax list of real and public utility property for current 108456  
expenses, defined in division (A)(35) of this section, for tax 108457  
year 2009; 108458

(e) The amount of admissions tax collected by the municipal 108459  
corporation in calendar year 2008, or if such information has not 108460  
yet been reported to the tax commissioner, in the most recent year 108461  
before 2008 for which the municipal corporation has reported data 108462  
to the commissioner; 108463

(f) The amount of income taxes collected by the municipal 108464  
corporation in calendar year 2008, or if such information has not 108465  
yet been reported to the tax commissioner, in the most recent year 108466  
before 2008 for which the municipal corporation has reported data 108467  
to the commissioner; 108468

(g) The municipal corporation's median estate tax 108469  
collections. 108470

(30) "Total resources," in the case of a township, means the 108471  
sum of the amounts in divisions (A)(30)(a) to (c) of this section 108472  
less any reduction required under division (A)(32) or (33) of this 108473  
section. 108474

(a) The sum of the payments received by the township in 108475  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 108476  
of the Revised Code and divisions (A)(1) and (2) of section 108477  
5751.22 of the Revised Code as they existed at that time, 108478  
excluding payments received for debt purposes; 108479

(b) The township's percentage share of county undivided local 108480  
government fund allocations as certified to the tax commissioner 108481  
for calendar year 2010 by the county auditor under division (J) of 108482  
section 5747.51 of the Revised Code or division (F) of section 108483

5747.53 of the Revised Code multiplied by the total amount	108484
actually distributed in calendar year 2010 from the county	108485
undivided local government fund;	108486
(c) With respect to taxes levied by the township, the taxes	108487
charged and payable against all property on the tax list of real	108488
and public utility property for tax year 2009 excluding taxes	108489
charged and payable for the purpose of paying debt charges.	108490
(31) "Total resources," in the case of a local taxing unit	108491
that is not a county, municipal corporation, or township, means	108492
the sum of the amounts in divisions (A)(31)(a) to (e) of this	108493
section less any reduction required under division (A)(32) of this	108494
section.	108495
(a) The sum of the payments received by the local taxing unit	108496
in calendar year 2010 pursuant to division (A)(1) of section	108497
5727.86 of the Revised Code and divisions (A)(1) and (2) of	108498
section 5751.22 of the Revised Code as they existed at that time;	108499
(b) The local taxing unit's percentage share of county	108500
undivided local government fund allocations as certified to the	108501
tax commissioner for calendar year 2010 by the county auditor	108502
under division (J) of section 5747.51 of the Revised Code or	108503
division (F) of section 5747.53 of the Revised Code multiplied by	108504
the total amount actually distributed in calendar year 2010 from	108505
the county undivided local government fund;	108506
(c) With respect to taxes levied by the local taxing unit,	108507
the taxes charged and payable against all property on the tax list	108508
of real and public utility property for tax year 2009 excluding	108509
taxes charged and payable for the purpose of paying debt charges;	108510
(d) The amount received from the tax commissioner during	108511
calendar year 2010 for sales or use taxes authorized under	108512
sections 5739.023 and 5741.022 of the Revised Code;	108513
(e) For institutions of higher education receiving tax	108514

revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2010 as calculated by the ~~board of regents~~ chancellor of higher education and reported to the state controlling board.

(32) If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total resources" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85, division (A)(1) of section 5727.85, divisions (C)(8) and (9) of section 5751.21, or division (A)(1) of section 5751.22 of the Revised Code.

(33) In the case of a county, municipal corporation, school district, or township with fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code, "total resources" used to compute payments to be made under division (C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, division (C)(12) of section 5751.21, or division (A)(1)(c) of section 5751.22 of the Revised Code shall be reduced by the amounts described in divisions (A)(34)(a) to (c) of this section to the extent that those amounts were included in calculating the "total resources" of the school district or local taxing unit under division (A)(22), (28), (29), or (30) of this section.

(34) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(34)(a) to (c) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding any tax that is charged and payable for the purpose of paying debt charges.

(35) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or

any levy containing the words "sewage" or "sewer"; park 108579  
improvement; parkland acquisition; storm drain; street or any levy 108580  
name containing the word "street"; lighting, or any levy name 108581  
containing the word "lighting"; and water. 108582

(36) "Current expense TPP allocation" means, in the case of a 108583  
school district or joint vocational school district, the sum of 108584  
the payments received by the school district in fiscal year 2011 108585  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 108586  
Revised Code to the extent paid for current expense levies. In the 108587  
case of a municipal corporation, "current expense TPP allocation" 108588  
means the sum of the payments received by the municipal 108589  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 108590  
(2) of section 5751.22 of the Revised Code to the extent paid for 108591  
municipal current expense property tax levies as defined in 108592  
division (A)(35) of this section, excluding any such payments 108593  
received for current expense levy losses attributable to a tax 108594  
levied under section 5705.23 of the Revised Code. If a fixed-rate 108595  
levy that is a qualifying levy is not charged and payable in any 108596  
year after tax year 2010, "current expense TPP allocation" used to 108597  
compute payments to be made under division (C)(12) of section 108598  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 108599  
Revised Code in the tax years following the last year the levy is 108600  
charged and payable shall be reduced to the extent that the 108601  
payments are attributable to the fixed-rate levy loss of that levy 108602  
as would be computed under divisions (C)(10) and (11) of section 108603  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 108604

(37) "TPP allocation" means the sum of payments received by a 108605  
local taxing unit in calendar year 2010 pursuant to divisions 108606  
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 108607  
any such payments received for fixed-rate levy losses attributable 108608  
to a tax levied under section 5705.23 of the Revised Code. If a 108609  
fixed-rate levy that is a qualifying levy is not charged and 108610

payable in any year after tax year 2010, "TPP allocation" used to 108611  
compute payments to be made under division (A)(1)(b) or (c) of 108612  
section 5751.22 of the Revised Code in the tax years following the 108613  
last year the levy is charged and payable shall be reduced to the 108614  
extent that the payments are attributable to the fixed-rate levy 108615  
loss of that levy as would be computed under division (A)(1) of 108616  
that section. 108617

(38) "Total TPP allocation" means, in the case of a school 108618  
district or joint vocational school district, the sum of the 108619  
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 108620  
and (11) and (D) of section 5751.21 of the Revised Code. In the 108621  
case of a local taxing unit, "total TPP allocation" means the sum 108622  
of payments received by the unit in calendar year 2010 pursuant to 108623  
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 108624  
Code. If a fixed-rate levy that is a qualifying levy is not 108625  
charged and payable in any year after tax year 2010, "total TPP 108626  
allocation" used to compute payments to be made under division 108627  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 108628  
5751.22 of the Revised Code in the tax years following the last 108629  
year the levy is charged and payable shall be reduced to the 108630  
extent that the payments are attributable to the fixed-rate levy 108631  
loss of that levy as would be computed under divisions (C)(10) and 108632  
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 108633  
the Revised Code. 108634

(39) "Non-current expense TPP allocation" means the 108635  
difference of total TPP allocation minus the sum of current 108636  
expense TPP allocation and the portion of total TPP allocation 108637  
constituting reimbursement for debt levies, pursuant to division 108638  
(D) of section 5751.21 of the Revised Code in the case of a school 108639  
district or joint vocational school district and pursuant to 108640  
division (A)(3) of section 5751.22 of the Revised Code in the case 108641  
of a municipal corporation. 108642

(40) "TPP allocation for library purposes" means the sum of payments received by a county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to section 5751.22 of the Revised Code for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy authorized under section 5705.23 of the Revised Code that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation for library purposes" used to compute payments to be made under division (A)(1)(d) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of section 5751.22 of the Revised Code.

(41) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the

commercial activity tax motor fuel receipts fund, pursuant to 108675  
division (B)(2) of this section, and the remainder shall be 108676  
credited in the following percentages each fiscal year to the 108677  
general revenue fund, to the school district tangible property tax 108678  
replacement fund, which is hereby created in the state treasury 108679  
for the purpose of making the payments described in section 108680  
5751.21 of the Revised Code, and to the local government tangible 108681  
property tax replacement fund, which is hereby created in the 108682  
state treasury for the purpose of making the payments described in 108683  
section 5751.22 of the Revised Code, in the following percentages: 108684

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	108686
2007	0%	70.0%	30.0%	108687
2008	0%	70.0%	30.0%	108688
2009	0%	70.0%	30.0%	108689
2010	0%	70.0%	30.0%	108690
2011	0%	70.0%	30.0%	108691
2012	25.0%	52.5%	22.5%	108692
2013 and thereafter	50.0%	35.0%	15.0%	108693

(2) Not later than the twentieth day of February, May, 108694  
August, and November of each year, the commissioner shall provide 108695  
for payment from the commercial activities tax receipts fund to 108696  
the commercial activity tax motor fuel receipts fund an amount 108697  
that bears the same ratio to the balance in the commercial 108698  
activities tax receipts fund that (a) the taxable gross receipts 108699  
attributed to motor fuel used for propelling vehicles on public 108700  
highways as indicated by returns filed by the tenth day of that 108701  
month for a liability that is due and payable on or after July 1, 108702  
2013, for a tax period ending before July 1, 2014, bears to (b) 108703



all taxable gross receipts as indicated by those returns for such 108704  
liabilities. 108705

(C) Not later than September 15, 2005, the tax commissioner 108706  
shall determine for each school district, joint vocational school 108707  
district, and local taxing unit its machinery and equipment, 108708  
inventory property, furniture and fixtures property, and telephone 108709  
property tax value losses, which are the applicable amounts 108710  
described in divisions (C)(1), (2), (3), and (4) of this section, 108711  
except as provided in division (C)(5) of this section: 108712

(1) Machinery and equipment property tax value loss is the 108713  
taxable value of machinery and equipment property as reported by 108714  
taxpayers for tax year 2004 multiplied by: 108715

(a) For tax year 2006, thirty-three and eight-tenths per 108716  
cent; 108717

(b) For tax year 2007, sixty-one and three-tenths per cent; 108718

(c) For tax year 2008, eighty-three per cent; 108719

(d) For tax year 2009 and thereafter, one hundred per cent. 108720

(2) Inventory property tax value loss is the taxable value of 108721  
inventory property as reported by taxpayers for tax year 2004 108722  
multiplied by: 108723

(a) For tax year 2006, a fraction, the numerator of which is 108724  
five and three-fourths and the denominator of which is 108725  
twenty-three; 108726

(b) For tax year 2007, a fraction, the numerator of which is 108727  
nine and one-half and the denominator of which is twenty-three; 108728

(c) For tax year 2008, a fraction, the numerator of which is 108729  
thirteen and one-fourth and the denominator of which is 108730  
twenty-three; 108731

(d) For tax year 2009 and thereafter a fraction, the 108732  
numerator of which is seventeen and the denominator of which is 108733

twenty-three.	108734
(3) Furniture and fixtures property tax value loss is the	108735
taxable value of furniture and fixture property as reported by	108736
taxpayers for tax year 2004 multiplied by:	108737
(a) For tax year 2006, twenty-five per cent;	108738
(b) For tax year 2007, fifty per cent;	108739
(c) For tax year 2008, seventy-five per cent;	108740
(d) For tax year 2009 and thereafter, one hundred per cent.	108741
The taxable value of property reported by taxpayers used in	108742
divisions (C)(1), (2), and (3) of this section shall be such	108743
values as determined to be final by the tax commissioner as of	108744
August 31, 2005. Such determinations shall be final except for any	108745
correction of a clerical error that was made prior to August 31,	108746
2005, by the tax commissioner.	108747
(4) Telephone property tax value loss is the taxable value of	108748
telephone property as taxpayers would have reported that property	108749
for tax year 2004 if the assessment rate for all telephone	108750
property for that year were twenty-five per cent, multiplied by:	108751
(a) For tax year 2006, zero per cent;	108752
(b) For tax year 2007, zero per cent;	108753
(c) For tax year 2008, zero per cent;	108754
(d) For tax year 2009, sixty per cent;	108755
(e) For tax year 2010, eighty per cent;	108756
(f) For tax year 2011 and thereafter, one hundred per cent.	108757
(5) Division (C)(5) of this section applies to any school	108758
district, joint vocational school district, or local taxing unit	108759
in a county in which is located a facility currently or formerly	108760
devoted to the enrichment or commercialization of uranium or	108761
uranium products, and for which the total taxable value of	108762

property listed on the general tax list of personal property for 108763  
any tax year from tax year 2001 to tax year 2004 was fifty per 108764  
cent or less of the taxable value of such property listed on the 108765  
general tax list of personal property for the next preceding tax 108766  
year. 108767

In computing the fixed-rate levy losses under divisions 108768  
(D)(1), (2), and (3) of this section for any school district, 108769  
joint vocational school district, or local taxing unit to which 108770  
division (C)(5) of this section applies, the taxable value of such 108771  
property as listed on the general tax list of personal property 108772  
for tax year 2000 shall be substituted for the taxable value of 108773  
such property as reported by taxpayers for tax year 2004, in the 108774  
taxing district containing the uranium facility, if the taxable 108775  
value listed for tax year 2000 is greater than the taxable value 108776  
reported by taxpayers for tax year 2004. For the purpose of making 108777  
the computations under divisions (D)(1), (2), and (3) of this 108778  
section, the tax year 2000 valuation is to be allocated to 108779  
machinery and equipment, inventory, and furniture and fixtures 108780  
property in the same proportions as the tax year 2004 values. For 108781  
the purpose of the calculations in division (A) of section 5751.21 108782  
of the Revised Code, the tax year 2004 taxable values shall be 108783  
used. 108784

To facilitate the calculations required under division (C) of 108785  
this section, the county auditor, upon request from the tax 108786  
commissioner, shall provide by August 1, 2005, the values of 108787  
machinery and equipment, inventory, and furniture and fixtures for 108788  
all single-county personal property taxpayers for tax year 2004. 108789

(D) Not later than September 15, 2005, the tax commissioner 108790  
shall determine for each tax year from 2006 through 2009 for each 108791  
school district, joint vocational school district, and local 108792  
taxing unit its machinery and equipment, inventory, and furniture 108793  
and fixtures fixed-rate levy losses, and for each tax year from 108794

2006 through 2011 its telephone property fixed-rate levy loss. 108795  
Except as provided in division (F) of this section, such losses 108796  
are the applicable amounts described in divisions (D)(1), (2), 108797  
(3), and (4) of this section: 108798

(1) The machinery and equipment fixed-rate levy loss is the 108799  
machinery and equipment property tax value loss multiplied by the 108800  
sum of the tax rates of fixed-rate qualifying levies. 108801

(2) The inventory fixed-rate loss is the inventory property 108802  
tax value loss multiplied by the sum of the tax rates of 108803  
fixed-rate qualifying levies. 108804

(3) The furniture and fixtures fixed-rate levy loss is the 108805  
furniture and fixture property tax value loss multiplied by the 108806  
sum of the tax rates of fixed-rate qualifying levies. 108807

(4) The telephone property fixed-rate levy loss is the 108808  
telephone property tax value loss multiplied by the sum of the tax 108809  
rates of fixed-rate qualifying levies. 108810

(E) Not later than September 15, 2005, the tax commissioner 108811  
shall determine for each school district, joint vocational school 108812  
district, and local taxing unit its fixed-sum levy loss. The 108813  
fixed-sum levy loss is the amount obtained by subtracting the 108814  
amount described in division (E)(2) of this section from the 108815  
amount described in division (E)(1) of this section: 108816

(1) The sum of the machinery and equipment property tax value 108817  
loss, the inventory property tax value loss, and the furniture and 108818  
fixtures property tax value loss, and, for 2008 through 2010, the 108819  
telephone property tax value loss of the district or unit 108820  
multiplied by the sum of the fixed-sum tax rates of qualifying 108821  
levies. For 2006 through 2010, this computation shall include all 108822  
qualifying levies remaining in effect for the current tax year and 108823  
any school district levies charged and payable under section 108824  
5705.194 or 5705.213 of the Revised Code that are qualifying 108825

levies not remaining in effect for the current year. For 2011 108826  
through 2017 in the case of school district levies charged and 108827  
payable under section 5705.194 or 5705.213 of the Revised Code and 108828  
for all years after 2010 in the case of other fixed-sum levies, 108829  
this computation shall include only qualifying levies remaining in 108830  
effect for the current year. For purposes of this computation, a 108831  
qualifying school district levy charged and payable under section 108832  
5705.194 or 5705.213 of the Revised Code remains in effect in a 108833  
year after 2010 only if, for that year, the board of education 108834  
levies a school district levy charged and payable under section 108835  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 108836  
an annual sum at least equal to the annual sum levied by the board 108837  
in tax year 2004 less the amount of the payment certified under 108838  
this division for 2006. 108839

(2) The total taxable value in tax year 2004 less the sum of 108840  
the machinery and equipment, inventory, furniture and fixtures, 108841  
and telephone property tax value losses in each school district, 108842  
joint vocational school district, and local taxing unit multiplied 108843  
by one-half of one mill per dollar. 108844

(3) For the calculations in divisions (E)(1) and (2) of this 108845  
section, the tax value losses are those that would be calculated 108846  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 108847  
section and for tax year 2011 under division (C)(4) of this 108848  
section. 108849

(4) To facilitate the calculation under divisions (D) and (E) 108850  
of this section, not later than September 1, 2005, any school 108851  
district, joint vocational school district, or local taxing unit 108852  
that has a qualifying levy that was approved at an election 108853  
conducted during 2005 before September 1, 2005, shall certify to 108854  
the tax commissioner a copy of the county auditor's certificate of 108855  
estimated property tax millage for such levy as required under 108856  
division (B) of section 5705.03 of the Revised Code, which is the 108857

rate that shall be used in the calculations under such divisions. 108858

If the amount determined under division (E) of this section 108859  
for any school district, joint vocational school district, or 108860  
local taxing unit is greater than zero, that amount shall equal 108861  
the reimbursement to be paid pursuant to division (E) of section 108862  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 108863  
and the one-half of one mill that is subtracted under division 108864  
(E)(2) of this section shall be apportioned among all contributing 108865  
fixed-sum levies in the proportion that each levy bears to the sum 108866  
of all fixed-sum levies within each school district, joint 108867  
vocational school district, or local taxing unit. 108868

(F) If a school district levies a tax under section 5705.219 108869  
of the Revised Code, the fixed-rate levy loss for qualifying 108870  
levies, to the extent repealed under that section, shall equal the 108871  
sum of the following amounts in lieu of the amounts computed for 108872  
such levies under division (D) of this section: 108873

(1) The sum of the rates of qualifying levies to the extent 108874  
so repealed multiplied by the sum of the machinery and equipment, 108875  
inventory, and furniture and fixtures tax value losses for 2009 as 108876  
determined under that division; 108877

(2) The sum of the rates of qualifying levies to the extent 108878  
so repealed multiplied by the telephone property tax value loss 108879  
for 2011 as determined under that division. 108880

The fixed-rate levy losses for qualifying levies to the 108881  
extent not repealed under section 5705.219 of the Revised Code 108882  
shall be as determined under division (D) of this section. The 108883  
revised fixed-rate levy losses determined under this division and 108884  
division (D) of this section first apply in the year following the 108885  
first year the district levies the tax under section 5705.219 of 108886  
the Revised Code. 108887

(G) Not later than October 1, 2005, the tax commissioner 108888

shall certify to the department of education for every school 108889  
district and joint vocational school district the machinery and 108890  
equipment, inventory, furniture and fixtures, and telephone 108891  
property tax value losses determined under division (C) of this 108892  
section, the machinery and equipment, inventory, furniture and 108893  
fixtures, and telephone fixed-rate levy losses determined under 108894  
division (D) of this section, and the fixed-sum levy losses 108895  
calculated under division (E) of this section. The calculations 108896  
under divisions (D) and (E) of this section shall separately 108897  
display the levy loss for each levy eligible for reimbursement. 108898

(H) Not later than October 1, 2005, the tax commissioner 108899  
shall certify the amount of the fixed-sum levy losses to the 108900  
county auditor of each county in which a school district, joint 108901  
vocational school district, or local taxing unit with a fixed-sum 108902  
levy loss reimbursement has territory. 108903

(I) Not later than the twenty-eighth day of February each 108904  
year beginning in 2011 and ending in 2014, the tax commissioner 108905  
shall certify to the department of education for each school 108906  
district first levying a tax under section 5705.219 of the Revised 108907  
Code in the preceding year the revised fixed-rate levy losses 108908  
determined under divisions (D) and (F) of this section. 108909

(J)(1) There is hereby created in the state treasury the 108910  
commercial activity tax motor fuel receipts fund. 108911

(2)(a) On or before June 15, 2014, the director of the Ohio 108912  
public works commission shall certify to the director of budget 108913  
and management the amount of debt service paid from the general 108914  
revenue fund in fiscal years 2013 and 2014 on bonds issued to 108915  
finance or assist in the financing of the cost of local 108916  
subdivision public infrastructure capital improvement projects, as 108917  
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 108918  
Constitution, that are attributable to costs for construction, 108919  
reconstruction, maintenance, or repair of public highways and 108920

bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in each of fiscal years 2013 and 2014 according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(b) On or before June 30, 2014, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (J)(2)(a) of this section and shall reserve that amount from the cash balance in the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before June 30, 2014.

(3)(a) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(b) On or before the thirtieth day of June of each fiscal



year beginning with fiscal year 2015, the director of budget and 108953  
management shall determine an amount up to but not exceeding the 108954  
amount certified under division (J)(3)(a) of this section and 108955  
shall reserve that amount from the cash balance in the petroleum 108956  
activity tax public highways fund or the commercial activity tax 108957  
motor fuel receipts fund for transfer to the general revenue fund 108958  
at times and in amounts to be determined by the director. The 108959  
director shall transfer the cash balance in the petroleum activity 108960  
tax public highways fund or the commercial activity tax motor fuel 108961  
receipts fund in excess of the amount so reserved to the highway 108962  
operating fund on or before the thirtieth day of June of the 108963  
current fiscal year. 108964

**Sec. 5751.21.** ~~(A) No determinations, computations,~~ 108965  
~~certifications, or payments shall be made under this section after~~ 108966  
~~June 30, 2015.~~ 108967

~~(A)~~ Not later than the thirtieth day of July of 2007 through 108968  
2010, the department of education shall consult with the director 108969  
of budget and management and determine the following for each 108970  
school district and each joint vocational school district eligible 108971  
for payment under division (B) of this section: 108972

(1) The state education aid offset, which, except as provided 108973  
in division (A)(1)(c) of this section, is the difference obtained 108974  
by subtracting the amount described in division (A)(1)(b) of this 108975  
section from the amount described in division (A)(1)(a) of this 108976  
section: 108977

(a) The state education aid computed for the school district 108978  
or joint vocational school district for the current fiscal year as 108979  
of the thirtieth day of July; 108980

(b) The state education aid that would be computed for the 108981  
school district or joint vocational school district for the 108982  
current fiscal year as of the thirtieth day of July if the 108983

valuation used in the calculation in division (B)(1) of section 108984  
3306.13 of the Revised Code as that division existed for fiscal 108985  
years 2010 and 2011 included the machinery and equipment, 108986  
inventory, furniture and fixtures, and telephone property tax 108987  
value losses for the school district or joint vocational school 108988  
district for the second preceding tax year, and if taxes charged 108989  
and payable associated with the tax value losses are accounted for 108990  
in any state education aid computation dependent on taxes charged 108991  
and payable. 108992

(c) The state education aid offset for fiscal year 2010 and 108993  
fiscal year 2011 equals the greater of the state education aid 108994  
offset calculated for that fiscal year under divisions (A)(1)(a) 108995  
and (b) of this section and the state education aid offset 108996  
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 108997  
2013, the state education aid offset equals the state education 108998  
aid offset for fiscal year 2011. 108999

(2) For fiscal years 2008 through 2011, the greater of zero 109000  
or the difference obtained by subtracting the state education aid 109001  
offset determined under division (A)(1) of this section from the 109002  
sum of the machinery and equipment fixed-rate levy loss, the 109003  
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 109004  
levy loss, and telephone property fixed-rate levy loss certified 109005  
under divisions (G) and (I) of section 5751.20 of the Revised Code 109006  
for all taxing districts in each school district and joint 109007  
vocational school district for the second preceding tax year. 109008

By the thirtieth day of July of each such year, the 109009  
department of education and the director of budget and management 109010  
shall agree upon the amount to be determined under division (A)(1) 109011  
of this section. 109012

(B) On or before the thirty-first day of August of 2008, 109013  
2009, and 2010, the department of education shall recalculate the 109014  
offset described under division (A) of this section for the 109015

previous fiscal year and recalculate the payments made under 109016  
division (C) of this section in the preceding fiscal year using 109017  
the offset calculated under this division. If the payments 109018  
calculated under this division differ from the payments made under 109019  
division (C) of this section in the preceding fiscal year, the 109020  
difference shall either be paid to a school district or recaptured 109021  
from a school district through an adjustment at the same times 109022  
during the current fiscal year that the payments under division 109023  
(C) of this section are made. In August and October of the current 109024  
fiscal year, the amount of each adjustment shall be three-sevenths 109025  
of the amount calculated under this division. In May of the 109026  
current fiscal year, the adjustment shall be one-seventh of the 109027  
amount calculated under this division. 109028

(C) The department of education shall pay from the school 109029  
district tangible property tax replacement fund to each school 109030  
district and joint vocational school district all of the following 109031  
for fixed-rate levy losses certified under divisions (G) and (I) 109032  
of section 5751.20 of the Revised Code: 109033

(1) On or before May 31, 2006, one-seventh of the total 109034  
fixed-rate levy loss for tax year 2006; 109035

(2) On or before August 31, 2006, and October 31, 2006, 109036  
one-half of six-sevenths of the total fixed-rate levy loss for tax 109037  
year 2006; 109038

(3) On or before May 31, 2007, one-seventh of the total 109039  
fixed-rate levy loss for tax year 2007; 109040

(4) On or before August 31, 2007, and October 31, 2007, 109041  
forty-three per cent of the amount determined under division 109042  
(A)(2) of this section for fiscal year 2008, but not less than 109043  
zero, plus one-half of six-sevenths of the difference between the 109044  
total fixed-rate levy loss for tax year 2007 and the total 109045  
fixed-rate levy loss for tax year 2006. 109046

(5) On or before May 31, 2008, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2008 and the total fixed-rate levy loss for tax year 2006.

(6) On or before August 31, 2008, and October 31, 2008, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2008 and the total fixed-rate levy loss in tax year 2007.

(7) On or before May 31, 2009, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2009 and the total fixed-rate levy loss for tax year 2007.

(8) On or before August 31, 2009, and October 31, 2009, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2010, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2009 and the total fixed-rate levy loss in tax year 2008.

(9) On or before May 31, 2010, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2010, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss in tax year 2010 and the total fixed-rate levy loss in tax year 2008.

(10) On or before August 31, 2010, and October 31, 2010, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2011, but not less than zero, plus one-half of six-sevenths of the difference between the

telephone property fixed-rate levy loss for tax year 2010 and the 109078  
telephone property fixed-rate levy loss for tax year 2009. 109079

(11) On or before May 31, 2011, fourteen per cent of the 109080  
amount determined under division (A)(2) of this section for fiscal 109081  
year 2011, but not less than zero, plus one-seventh of the 109082  
difference between the telephone property fixed-rate levy loss for 109083  
tax year 2011 and the telephone property fixed-rate levy loss for 109084  
tax year 2009. 109085

(12) For fiscal years 2012 and thereafter, the sum of the 109086  
amounts in divisions (C)(12)(a) or (b) and (c) of this section 109087  
shall be paid on or before the last day of November and the last 109088  
day of May: 109089

(a) If the ratio of current expense TPP allocation to total 109090  
resources is equal to or less than the threshold per cent, zero; 109091

(b) If the ratio of current expense TPP allocation to total 109092  
resources is greater than the threshold per cent, fifty per cent 109093  
of the difference of current expense TPP allocation minus the 109094  
product of total resources multiplied by the threshold per cent; 109095

(c) Fifty per cent of the product of non-current expense TPP 109096  
allocation multiplied by seventy-five per cent for fiscal year 109097  
2012 and fifty per cent for fiscal years 2013 and thereafter. 109098

The department of education shall report to each school 109099  
district and joint vocational school district the apportionment of 109100  
the payments among the school district's or joint vocational 109101  
school district's funds based on the certifications under 109102  
divisions (G) and (I) of section 5751.20 of the Revised Code. 109103

(D) For taxes levied within the ten-mill limitation for debt 109104  
purposes in tax year 2005, payments shall be made equal to one 109105  
hundred per cent of the loss computed as if the tax were a 109106  
fixed-rate levy, but those payments shall extend from fiscal year 109107  
2006 through fiscal year 2018, as long as the qualifying levy 109108

continues to be used for debt purposes. If the purpose of such a 109109  
qualifying levy is changed, that levy becomes subject to the 109110  
payments determined in division (C) of this section. 109111

(E)(1) Not later than January 1, 2006, for each fixed-sum 109112  
levy of each school district or joint vocational school district 109113  
and for each year for which a determination is made under division 109114  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 109115  
loss is to be reimbursed, the tax commissioner shall certify to 109116  
the department of education the fixed-sum levy loss determined 109117  
under that division. The certification shall cover a time period 109118  
sufficient to include all fixed-sum levies for which the 109119  
commissioner made such a determination. On or before the last day 109120  
of May of the current year, the department shall pay from the 109121  
school district property tax replacement fund to the school 109122  
district or joint vocational school district one-third of the 109123  
fixed-sum levy loss so certified, plus one-third of the amount 109124  
certified under division (I) of section 5751.20 of the Revised 109125  
Code, and on or before the last day of November, two-thirds of the 109126  
fixed-sum levy loss so certified, plus two-thirds of the amount 109127  
certified under division (I) of section 5751.20 of the Revised 109128  
Code. Payments under this division of the amounts certified under 109129  
division (I) of section 5751.20 of the Revised Code shall continue 109130  
until the levy adopted under section 5705.219 of the Revised Code 109131  
expires. 109132

(2) Beginning in 2006, by the first day of January of each 109133  
year, the tax commissioner shall review the certification 109134  
originally made under division (E)(1) of this section. If the 109135  
commissioner determines that a debt levy that had been scheduled 109136  
to be reimbursed in the current year has expired, a revised 109137  
certification for that and all subsequent years shall be made to 109138  
the department of education. 109139

(F) Beginning in September 2007 and through June 2013, the 109140

director of budget and management shall transfer from the school 109141  
district tangible property tax replacement fund to the general 109142  
revenue fund each of the following: 109143

(1) On the first day of September, one-fourth of the amount 109144  
determined for that fiscal year under division (A)(1) of this 109145  
section; 109146

(2) On the first day of December, one-fourth of the amount 109147  
determined for that fiscal year under division (A)(1) of this 109148  
section; 109149

(3) On the first day of March, one-fourth of the amount 109150  
determined for that fiscal year under division (A)(1) of this 109151  
section; 109152

(4) On the first day of June, one-fourth of the amount 109153  
determined for that fiscal year under division (A)(1) of this 109154  
section. 109155

If, when a transfer is required under division (F)(1), (2), 109156  
(3), or (4) of this section, there is not sufficient money in the 109157  
school district tangible property tax replacement fund to make the 109158  
transfer in the required amount, the director shall transfer the 109159  
balance in the fund to the general revenue fund and may make 109160  
additional transfers on later dates as determined by the director 109161  
in a total amount that does not exceed one-fourth of the amount 109162  
determined for the fiscal year. 109163

(G) If the total amount in the school district tangible 109164  
property tax replacement fund is insufficient to make all payments 109165  
under divisions (C), (D), and (E) of this section at the times the 109166  
payments are to be made, the director of budget and management 109167  
shall transfer from the general revenue fund to the school 109168  
district tangible property tax replacement fund the difference 109169  
between the total amount to be paid and the amount in the school 109170  
district tangible property tax replacement fund. 109171

(H) On the fifteenth day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.

(I) If all of the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, the fixed-sum levy losses, total resources, current expense TPP allocation, total TPP allocation, and non-current expense TPP allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of total resources, current expense TPP allocation, total TPP allocation, and non-current expense TPP allocation that shall be transferred to the recipient district shall be an amount equal to total resources, current expense TPP allocation, total TPP allocation, and non-current expense TPP allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as that term is defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of



the transferred property, the newly created district shall be 109204  
deemed not to have any total resources, current expense TPP 109205  
allocation, total TPP allocation, or non-current expense TPP 109206  
allocation. 109207

(4) If the recipient district under division (I)(2) of this 109208  
section or the newly created district under division (I)(3) of 109209  
this section is assuming debt from one or more of the districts 109210  
from which the property was transferred and any of the districts 109211  
losing the property had fixed-sum levy losses, the department of 109212  
education, in consultation with the tax commissioner, shall make 109213  
an equitable division of the fixed-sum levy loss reimbursements. 109214

**Sec. 5751.22.** ~~(A) No determinations, computations,~~ 109215  
~~certifications, or payments shall be made under this section after~~ 109216  
~~June 30, 2015.~~ 109217

(A) Not later than January 1, 2006, the tax commissioner 109218  
shall compute the payments to be made to each local taxing unit, 109219  
and to each public library that receives the proceeds of a tax 109220  
levied under section 5705.23 of the Revised Code, for each year 109221  
according to divisions (A)(1), (2), (3), and (4) of this section 109222  
as this section existed on that date, and shall distribute the 109223  
payments in the manner prescribed by division (C) of this section. 109224  
The calculation of the fixed-sum levy loss shall cover a time 109225  
period sufficient to include all fixed-sum levies for which the 109226  
commissioner determined, pursuant to division (E) of section 109227  
5751.20 of the Revised Code, that a fixed-sum levy loss is to be 109228  
reimbursed. 109229

(1) Except as provided in division (A)(3) of this section, 109230  
for fixed-rate levy losses determined under division (D) of 109231  
section 5751.20 of the Revised Code, payments shall be made in an 109232  
amount equal to the following: 109233

(a) For tax years 2006 through 2010, one hundred per cent of 109234

such losses;	109235
(b) For the payment in tax year 2011 to be made on or before the twentieth day of November, the sum of the amount in division (A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section:	109236 109237 109238
(i) If the ratio of six-sevenths of the TPP allocation to total resources is equal to or less than the threshold per cent, zero;	109239 109240 109241
(ii) If the ratio of six-sevenths of the TPP allocation to total resources is greater than the threshold per cent, the difference of six-sevenths of the TPP allocation minus the product of total resources multiplied by the threshold per cent;	109242 109243 109244 109245
(iii) In the case of a municipal corporation, six-sevenths of the product of the non-current expense TPP allocation multiplied by seventy-five per cent.	109246 109247 109248
(c) For tax years 2012 and thereafter, the sum of the amount in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of this section:	109249 109250 109251
(i) If the ratio of TPP allocation to total resources is equal to or less than the threshold per cent, zero;	109252 109253
(ii) If the ratio of TPP allocation to total resources is greater than the threshold per cent, the TPP allocation minus the product of total resources multiplied by the threshold per cent;	109254 109255 109256
(iii) In the case of a municipal corporation, non-current expense TPP allocation multiplied by fifty per cent for tax year 2012 and twenty-five per cent for tax years 2013 and thereafter;	109257 109258 109259
(d) For tax years 2012 and thereafter, in the case of a county, school district, municipal corporation, or township public library, the amount in division (A)(1)(d)(i) or (ii) of this section:	109260 109261 109262 109263
(i) If the ratio of TPP allocation for library purposes to	109264

total library resources is equal to or less than the threshold per cent, zero; 109265  
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(ii) If the ratio of TPP allocation for library purposes to total library resources is greater than the threshold per cent, the TPP allocation for library purposes minus the product of total library resources multiplied by the threshold per cent. 109267  
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(2) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 through 2011, except that no payments shall be made for qualifying levies that have expired. For payments required to be made in 2012 and thereafter, payments shall be made in the amount of fifty per cent of the fixed-sum levy loss until the qualifying levy has expired. 109271  
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(3) For taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 2005, payments shall be made based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used for taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 2010, as long as such levies continue to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017. For the purposes of this division, taxes levied pursuant to a municipal charter refer to taxes levied pursuant to a provision of a municipal charter that permits the tax to be levied without prior voter approval. 109279  
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(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation 109295  
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originally made under division (A) of this section of the 109297  
fixed-sum levy losses determined under division (E) of section 109298  
5751.20 of the Revised Code. If the commissioner determines that a 109299  
fixed-sum levy that had been scheduled to be reimbursed in the 109300  
current year has expired, a revised calculation for that and all 109301  
subsequent years shall be made. 109302

(C) Payments to local taxing units and public libraries 109303  
required to be made under division (A) of this section shall be 109304  
paid from the local government tangible property tax replacement 109305  
fund to the county undivided income tax fund in the proper county 109306  
treasury. From May 2006 through November 2010, one-seventh of the 109307  
amount determined under that division shall be paid by the last 109308  
day of May each year, and three-sevenths shall be paid by the last 109309  
day of August and October each year. From May 2011 through 109310  
November 2013, one-seventh of the amount determined under that 109311  
division shall be paid on or before the last day of May each year, 109312  
and six-sevenths shall be paid on or before the thirtieth day of 109313  
November each year, except that in November 2011, the payment 109314  
shall equal one hundred per cent of the amount calculated for that 109315  
payment. Beginning in May 2014, one-half of the amount determined 109316  
under that division shall be paid on or before the last day of May 109317  
each year, and one-half shall be paid on or before the thirtieth 109318  
day of November each year. Within thirty days after receipt of 109319  
such payments, the county treasurer shall distribute amounts 109320  
determined under division (A) of this section to the proper local 109321  
taxing unit or public library as if they had been levied and 109322  
collected as taxes, and the local taxing unit or public library 109323  
shall apportion the amounts so received among its funds in the 109324  
same proportions as if those amounts had been levied and collected 109325  
as taxes. 109326

(D) For each of the fiscal years 2006 through 2018, if the 109327  
total amount in the local government tangible property tax 109328

replacement fund is insufficient to make all payments under 109329  
division (C) of this section at the times the payments are to be 109330  
made, the director of budget and management shall transfer from 109331  
the general revenue fund to the local government tangible property 109332  
tax replacement fund the difference between the total amount to be 109333  
paid and the amount in the local government tangible property tax 109334  
replacement fund. For each fiscal year after 2018, at the time 109335  
payments under division (A)(2) of this section are to be made, the 109336  
director of budget and management shall transfer from the general 109337  
revenue fund to the local government property tax replacement fund 109338  
the amount necessary to make such payments. 109339

(E) On the fifteenth day of June of each year from 2006 109340  
through 2018, the director of budget and management may transfer 109341  
any balance in the local government tangible property tax 109342  
replacement fund to the general revenue fund. 109343

(F) If all or a part of the territories of two or more local 109344  
taxing units are merged, or unincorporated territory of a township 109345  
is annexed by a municipal corporation, the tax commissioner shall 109346  
adjust the payments made under this section to each of the local 109347  
taxing units in proportion to the square mileage of the merged or 109348  
annexed territory as a percentage of the total square mileage of 109349  
the jurisdiction from which the territory originated, or as 109350  
otherwise provided by a written agreement between the legislative 109351  
authorities of the local taxing units certified to the 109352  
commissioner not later than the first day of June of the calendar 109353  
year in which the payment is to be made. 109354

**Sec. 5751.50.** (A) For tax periods beginning on or after 109355  
January 1, 2008, a refundable credit granted by the tax credit 109356  
authority under section 122.17 or former division (B)(2) or (3) of 109357  
section 122.171 of the Revised Code, as those divisions existed 109358  
before the effective date of the amendment of this section by H.B. 109359

64 of the 131st general assembly, may be claimed under this 109360  
chapter in the order required under section 5751.98 of the Revised 109361  
Code. For purposes of making tax payments under this chapter, 109362  
taxes equal to the amount of the refundable credit shall be 109363  
considered to be paid to this state on the first day of the tax 109364  
period. A credit claimed in calendar year 2008 may not be applied 109365  
against the tax otherwise due for a tax period beginning before 109366  
July 1, 2008. The refundable credit shall not be claimed against 109367  
the tax otherwise due for any tax period beginning after the date 109368  
on which a relocation of employment positions occurs in violation 109369  
of an agreement entered into under section 122.17 or 122.171 of 109370  
the Revised Code. 109371

(B) For tax periods beginning on or after January 1, 2008, a 109372  
nonrefundable credit granted by the tax credit authority under 109373  
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 109374  
claimed under this chapter in the order required under section 109375  
5751.98 of the Revised Code. A credit claimed in calendar year 109376  
2008 may not be applied against the tax otherwise due under this 109377  
chapter for a tax period beginning before July 1, 2008. The credit 109378  
shall not be claimed against the tax otherwise due for any tax 109379  
period beginning after the date on which a relocation of 109380  
employment positions occurs in violation of an agreement entered 109381  
into under section 122.17 or 122.171 of the Revised Code. No 109382  
credit shall be allowed under this chapter if the credit was 109383  
available against the tax imposed by section 5733.06 or 5747.02 of 109384  
the Revised Code, except to the extent the credit was not applied 109385  
against such tax. 109386

**Sec. 5902.02.** The duties of the director of veterans services 109387  
shall include the following: 109388

(A) Furnishing the veterans service commissions of all 109389  
counties of the state copies of the state laws, rules, and 109390

legislation relating to the operation of the commissions and their offices;	109391 109392
(B) Upon application, assisting the general public in obtaining records of vital statistics pertaining to veterans or their dependents;	109393 109394 109395
(C) Adopting rules pursuant to Chapter 119. of the Revised Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers;	109396 109397 109398 109399 109400
(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner;	109401 109402 109403 109404
(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas;	109405 109406 109407
(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly;	109408 109409 109410 109411
(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues;	109412 109413 109414 109415 109416 109417
(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions;	109418 109419
(I) Publishing electronically a listing of county veterans	109420

service offices and county veterans service commissioners. The 109421  
listing shall include the expiration dates of commission members' 109422  
terms of office and the organizations they represent; the names, 109423  
addresses, and telephone numbers of county veterans service 109424  
offices; and the addresses and telephone numbers of the Ohio 109425  
offices and headquarters of state and national veterans service 109426  
organizations. 109427

(J) Establishing a veterans advisory committee to advise and 109428  
assist the department of veterans services in its duties. Members 109429  
shall include a member of the national guard association of the 109430  
United States who is a resident of this state, a member of the 109431  
military officers association of America who is a resident of this 109432  
state, a state representative of congressionally chartered 109433  
veterans organizations referred to in section 5901.02 of the 109434  
Revised Code, a representative of any other congressionally 109435  
chartered state veterans organization that has at least one 109436  
veterans service commissioner in the state, three representatives 109437  
of the Ohio state association of county veterans service 109438  
commissioners, who shall have a combined vote of one, three 109439  
representatives of the state association of county veterans 109440  
service officers, who shall have a combined vote of one, one 109441  
representative of the county commissioners association of Ohio, 109442  
who shall be a county commissioner not from the same county as any 109443  
of the other county representatives, a representative of the 109444  
advisory committee on women veterans, a representative of a labor 109445  
organization, and a representative of the office of the attorney 109446  
general. The department of veterans services shall submit to the 109447  
advisory committee proposed rules for the committee's operation. 109448  
The committee may review and revise these proposed rules prior to 109449  
submitting them to the joint committee on agency rule review. 109450

(K) Adopting, with the advice and assistance of the veterans 109451  
advisory committee, policy and procedural guidelines that the 109452



veterans service commissions shall adhere to in the development 109453  
and implementation of rules, policies, procedures, and guidelines 109454  
for the administration of Chapter 5901. of the Revised Code. The 109455  
department of veterans services shall adopt no guidelines or rules 109456  
regulating the purposes, scope, duration, or amounts of financial 109457  
assistance provided to applicants pursuant to sections 5901.01 to 109458  
5901.15 of the Revised Code. The director of veterans services may 109459  
obtain opinions from the office of the attorney general regarding 109460  
rules, policies, procedures, and guidelines of the veterans 109461  
service commissions and may enforce compliance with Chapter 5901. 109462  
of the Revised Code. 109463

(L) Receiving copies of form DD214 filed in accordance with 109464  
the director's guidelines adopted under division (L) of this 109465  
section from members of veterans service commissions appointed 109466  
under section 5901.02 and from county veterans service officers 109467  
employed under section 5901.07 of the Revised Code; 109468

(M) Developing and maintaining and improving a resource, such 109469  
as a telephone answering point or a web site, by means of which 109470  
veterans and their dependents, through a single portal, can access 109471  
multiple sources of information and interaction with regard to the 109472  
rights of, and the benefits available to, veterans and their 109473  
dependents. The director of veterans services may enter into 109474  
agreements with state and federal agencies, with agencies of 109475  
political subdivisions, with state and local instrumentalities, 109476  
and with private entities as necessary to make the resource as 109477  
complete as is possible. 109478

(N) Planning, organizing, advertising, and conducting 109479  
outreach efforts, such as conferences and fairs, at which veterans 109480  
and their dependents may meet, learn about the organization and 109481  
operation of the department of veterans services and of veterans 109482  
service commissions, and obtain information about the rights of, 109483  
and the benefits and services available to, veterans and their 109484

dependents;	109485
(O) Advertising, in print, on radio and television, and	109486
otherwise, the rights of, and the benefits and services available	109487
to, veterans and their dependents;	109488
(P) Developing and advocating improved benefits and services	109489
for, and improved delivery of benefits and services to, veterans	109490
and their dependents;	109491
(Q) Searching for, identifying, and reviewing statutory and	109492
administrative policies that relate to veterans and their	109493
dependents and reporting to the general assembly statutory and	109494
administrative policies that should be consolidated in whole or in	109495
part within the organization of the department of veterans	109496
services to unify funding, delivery, and accounting of statutory	109497
and administrative policy expressions that relate particularly to	109498
veterans and their dependents;	109499
(R) Encouraging veterans service commissions to innovate and	109500
otherwise to improve efficiency in delivering benefits and	109501
services to veterans and their dependents and to report successful	109502
innovations and efficiencies to the director of veterans services;	109503
(S) Publishing and encouraging adoption of successful	109504
innovations and efficiencies veterans service commissions have	109505
achieved in delivering benefits and services to veterans and their	109506
dependents;	109507
(T) Establishing advisory committees, in addition to the	109508
veterans advisory committee established under division (K) of this	109509
section, on veterans issues;	109510
(U) Developing and maintaining a relationship with the United	109511
States department of veterans affairs, seeking optimal federal	109512
benefits and services for Ohio veterans and their dependents, and	109513
encouraging veterans service commissions to maximize the federal	109514
benefits and services to which veterans and their dependents are	109515

entitled; 109516

(V) Developing and maintaining relationships with the several 109517  
veterans organizations, encouraging the organizations in their 109518  
efforts at assisting veterans and their dependents, and advocating 109519  
for adequate state subsidization of the organizations; 109520

(W) Requiring the several veterans organizations that receive 109521  
funding from the state annually, not later than the thirtieth day 109522  
of July, to report to the director of veterans services and 109523  
prescribing the form and content of the report; 109524

(X) Reviewing the reports submitted to the director under 109525  
division (W) of this section within thirty days of receipt and 109526  
informing the veterans organization of any deficiencies that exist 109527  
in the organization's report and that funding will not be released 109528  
until the deficiencies have been corrected and a satisfactory 109529  
report submitted; 109530

(Y) Advising the director of budget and management when a 109531  
report submitted to the director under division (W) of this 109532  
section has been reviewed and determined to be satisfactory; 109533

(Z) Furnishing copies of all reports that the director of 109534  
veterans services has determined have been submitted 109535  
satisfactorily under division (W) of this section to the 109536  
chairperson of the finance committees of the general assembly; 109537

(AA) Investigating complaints against county veterans 109538  
services commissioners and county veterans service officers if the 109539  
director reasonably believes the investigation to be appropriate 109540  
and necessary; 109541

(BB) Developing and maintaining a web site that is accessible 109542  
by veterans and their dependents and provides a link to the web 109543  
site of each state agency that issues a license, certificate, or 109544  
other authorization permitting an individual to engage in an 109545  
occupation or occupational activity; 109546

(CC) Encouraging state agencies to conduct outreach efforts through which veterans and their dependents can learn about available job and education benefits;

(DD) Informing state agencies about changes in statutes and rules that affect veterans and their dependents;

(EE) Assisting licensing agencies in adopting rules under section 5903.03 of the Revised Code;

(FF) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code;

(GG) Taking any other actions required by this chapter.

**Sec. ~~5101.98~~ 5902.05.** (A) There is hereby created in the state treasury the military injury relief fund, which shall consist of money contributed to it under sections 4503.535 and 5747.113 of the Revised Code, ~~of incentive grants authorized by the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of contributions made directly to it. Any person or entity may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code.

(B) Upon application, the director of ~~job and family~~ veterans services shall grant money in the fund to individuals injured while in active service as a member of the armed forces of the United States while serving ~~under operation Iraqi freedom,~~ operation new dawn, or operation enduring freedom after October 7, 2001, and to individuals diagnosed with post-traumatic stress disorder while serving, or after having served, ~~in operation Iraqi freedom, operation new dawn, or operation enduring freedom after~~ October 7, 2001.

(C) An individual who receives a grant under this section is precluded from receiving additional grants under this section

during the same state fiscal year but is not precluded from being 109577  
considered for or receiving other assistance offered by the 109578  
department of ~~job and family~~ veterans services. 109579

(D) The director shall adopt rules under Chapter 119. of the 109580  
Revised Code establishing: 109581

(1) Forms and procedures by which individuals may apply for a 109582  
grant under this section; 109583

(2) Criteria for reviewing, evaluating, and approving or 109584  
denying grant applications; 109585

(3) Criteria for determining the amount of grants awarded 109586  
under this section; 109587

(4) Definitions and standards applicable to determining 109588  
whether an individual meets the requirements established in 109589  
division (B) of this section; 109590

(5) The process for appealing eligibility determinations; and 109591

(6) Any other rules necessary to administer the grant program 109592  
established in this section. 109593

(E) An eligibility determination, a grant approval, or a 109594  
grant denial made under this section may not be appealed under 109595  
Chapter 119., ~~section 5101.35~~, or any other provision of the 109596  
Revised Code. 109597

**Sec. 5903.12.** (A) As used in this section: 109598

"Continuing education" means continuing education required of 109599  
a licensee by law and includes, but is not limited to, the 109600  
continuing education required of licensees under sections 109601  
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 109602  
4725.16, 4725.51, 4730.14, 4730.49, ~~4731.281~~ 4731.155, 4731.282, 109603  
4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 109604  
4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code. 109605

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

**Sec. 5904.01.** (A) There is hereby created the Ohio veterans hall of fame. The department of veterans services shall serve as the veterans hall of fame's administrative agent. The veterans hall of fame shall recognize the post-military achievements of outstanding veterans and spotlight all veterans' contributions to the civilian workplace.

(B) The Ohio veterans hall of fame shall have an executive committee composed of thirteen members, all of whom shall be veterans. The director of veterans services shall be an ex officio member. The department of veterans services' veterans advisory committee, the advisory committee on women veterans, the Ohio veterans hall of fame foundation, the Veterans of Foreign Wars, the Disabled American Veterans, the AMVETS, the Vietnam Veterans of America, and the American Legion shall each appoint one member.

The Ohio veterans hall of fame executive committee shall appoint its final four members, one of whom shall be from any

veterans organization that is incorporated in this state and that 109637  
is not otherwise represented on the executive committee, one of 109638  
whom was inducted into the veterans hall of fame three years 109639  
before the current fiscal year, one of whom was inducted into the 109640  
veterans hall of fame two years before the current fiscal year, 109641  
and one of whom was inducted into the veterans hall of fame one 109642  
year before the current fiscal year. 109643

(C) Terms of office of the members of the Ohio veterans hall 109644  
of fame executive committee shall be for three years. Each member 109645  
shall serve subsequent to the expiration of the member's term 109646  
until the member's successor is appointed, or until sixty days has 109647  
elapsed, whichever occurs first. No member shall serve more than 109648  
two consecutive terms. 109649

(D) All vacancies in the membership of the Ohio veterans hall 109650  
of fame executive committee shall be filled in the same manner as 109651  
prescribed for original appointments, and the terms of the 109652  
appointees shall be limited to the unexpired terms. 109653

(E) The members of the Ohio veterans hall of fame executive 109654  
committee shall serve without compensation, but shall be 109655  
reimbursed for their actual and necessary expenses incurred in the 109656  
performance of their official duties. 109657

(F) The Ohio veterans hall of fame executive committee shall 109658  
elect a chairperson and vice-chairperson from its membership. It 109659  
shall meet annually to select inductees for the veterans hall of 109660  
fame from the persons nominated in a manner prescribed by the 109661  
executive committee. The names of selected inductees shall be 109662  
submitted to the governor for final approval. The governor shall 109663  
provide any final approval within thirty days after the executive 109664  
committee submits the names of the selected inductees. The 109665  
governor may reject any of the selected inductees for cause, but 109666  
shall not make any additions to the list of those inductees. 109667

(G) ~~Except as otherwise provided in this division, all~~ All 109668  
state elected officials, members of the general assembly, members 109669  
of the Ohio veterans hall of fame foundation, members of the 109670  
veterans hall of fame executive committee, members of the 109671  
governor's staff, members of the veterans hall of fame staff, and 109672  
members of any county veterans service commission, and the 109673  
director of veterans services, shall not be eligible for induction 109674  
into the veterans hall of fame until two years after ~~they have~~ 109675  
~~left their~~ having vacated that position. The executive committee 109676  
may waive the ~~two-years requirement~~ two-year moratorium for 109677  
~~nominees~~ such a person who is over the age of seventy years of age 109678  
and who currently holds such a position or has vacated such a 109679  
position. 109680

(H) The Ohio veterans hall of fame executive committee is not 109681  
subject to sections 101.82 to 101.87 of the Revised Code. 109682

**Sec. 5910.08.** There is hereby created in the state treasury 109683  
the war orphans scholarship reserve fund. ~~Not later than the first~~ 109684  
~~day of July~~ As soon as possible following the end of each fiscal 109685  
year, the chancellor of ~~the Ohio board of regents~~ higher education 109686  
shall certify to the director of budget and management the 109687  
unencumbered balance of the general revenue fund appropriations 109688  
made in the immediately preceding fiscal year for purposes of the 109689  
war orphans scholarship program created in Chapter 5910. of the 109690  
Revised Code. Upon receipt of the certification, the director of 109691  
budget and management may transfer an amount not exceeding the 109692  
certified amount from the general revenue fund to the war orphans 109693  
scholarship reserve fund. Moneys in the war orphans scholarship 109694  
reserve fund shall be used to pay scholarship obligations in 109695  
excess of the general revenue fund appropriations made for that 109696  
purpose. 109697

The director of budget and management may transfer any 109698



unencumbered balance from the war orphans scholarship reserve fund 109699  
to the general revenue fund. 109700

If it is determined that general revenue fund appropriations 109701  
are insufficient to meet the obligations of the war orphans 109702  
scholarship in a fiscal year, the director of budget and 109703  
management may transfer funds from the war orphans scholarship 109704  
reserve fund to the general revenue fund in order to meet those 109705  
obligations. The amount transferred is hereby appropriated. If the 109706  
funds transferred from the war orphans scholarship reserve fund 109707  
are not needed, the director of budget and management may transfer 109708  
the unexpended balance from the general revenue fund back to the 109709  
war orphans scholarship reserve fund. 109710

**Sec. 5913.12.** (A) As used in sections 5913.12 to 5913.14 of 109711  
the Revised Code, "infrastructure capital improvement" includes 109712  
projects involving buildings, utilities, roadways, runways, 109713  
railways, ramps, gates, fencing, and facilities other than 109714  
buildings, including new construction, renovations, energy 109715  
conservation measures, security upgrades, site preparation, land 109716  
acquisition, clearance, demolition, removal, furnishings, 109717  
equipment, design, engineering, and planning studies. 109718

(B) There is hereby created under the adjutant general the 109719  
Ohio military facilities commission for the purpose of developing 109720  
and implementing a program to finance or assist in the financing 109721  
of infrastructure capital improvements on military and defense 109722  
installations in the state, including but not limited to those 109723  
facilities operated by the national aeronautics and space 109724  
administration, and the Ohio national guard. 109725

**Sec. 5913.13.** (A) The Ohio military facilities commission 109726  
shall consist of the following members: 109727

(1) Three members appointed by the speaker of the house of 109728

<u>representatives;</u>	109729
<u>(2) Three members appointed by the president of the senate;</u>	109730
<u>(3) Three members appointed by the governor.</u>	109731
<u>(B)(1) Initial appointments to the commission shall be made</u>	109732
<u>not later than December 31, 2015. The appointed members shall</u>	109733
<u>serve four-year terms.</u>	109734
<u>(2) Members may be reappointed to the commission.</u>	109735
<u>(3) Vacancies on the commission shall be filled in the same</u>	109736
<u>manner as the original appointments.</u>	109737
<u>(4) Members serve at the pleasure of, and may be removed for</u>	109738
<u>just cause by, the member's appointing authority.</u>	109739
<u>(C) The adjutant general shall provide administrative</u>	109740
<u>assistance to the commission.</u>	109741
<b>Sec. 5913.14.</b> <u>(A) The Ohio military facilities commission</u>	109742
<u>shall accept applications for financial assistance under the</u>	109743
<u>program. The financial assistance may be in the form of grants,</u>	109744
<u>loans, and loan guarantees. It may also be provided for rental or</u>	109745
<u>lease payments that enable new construction in support of the</u>	109746
<u>purposes of sections 5913.12 to 5913.14 of the Revised Code.</u>	109747
<u>(B) Upon receipt of an application, the commission shall</u>	109748
<u>examine the proposed infrastructure capital improvement to</u>	109749
<u>determine if it will support the military value of the</u>	109750
<u>installation as described in section 2913 of the "Defense Base</u>	109751
<u>Closure and Realignment Act of 1990," Public Law Number 101-510,</u>	109752
<u>as amended. Only those improvements that meet this condition are</u>	109753
<u>eligible to receive financial assistance under the program.</u>	109754
<b>Sec. 5919.341.</b> <u>There is hereby created in the state treasury</u>	109755
<u>the national guard scholarship reserve fund. <del>Not later than the</del></u>	109756
<u><del>first day of July</del> <u>As soon as possible following the end</u> of each</u>	109757

fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 109758  
education shall certify to the director of budget and management 109759  
the unencumbered balance of the general revenue fund 109760  
appropriations made in the immediately preceding fiscal year for 109761  
purposes of the Ohio national guard scholarship program created 109762  
under division (B) of section 5919.34 of the Revised Code. Upon 109763  
receipt of the certification, the director of budget and 109764  
management may transfer an amount not exceeding the certified 109765  
amount from the general revenue fund to the national guard 109766  
scholarship reserve fund. Moneys in the national guard scholarship 109767  
reserve fund shall be used to pay scholarship obligations in 109768  
excess of the general revenue fund appropriations made for that 109769  
purpose. ~~Upon request of the chancellor, the director may seek~~ 109770  
~~controlling board approval to establish appropriations as~~ 109771  
~~necessary.~~ 109772

The director of budget and management may transfer any 109773  
unencumbered balance from the national guard scholarship reserve 109774  
fund to the general revenue fund. 109775

If it is determined that general revenue fund appropriations 109776  
are insufficient to meet the obligations of the national guard 109777  
scholarship in a fiscal year, the director of budget and 109778  
management may transfer funds from the national guard scholarship 109779  
reserve fund to the general revenue fund in order to meet those 109780  
obligations. The amount transferred is hereby appropriated. If the 109781  
funds transferred from the national guard scholarship reserve fund 109782  
are not needed, the director of budget and management may transfer 109783  
the unexpended balance from the general revenue fund back to the 109784  
national guard scholarship reserve fund. 109785

**Sec. 6101.16.** When it is determined to let the work relating 109786  
to the improvements for which a conservancy district was 109787  
established by contract, contracts in amounts to exceed 109788

~~twenty-five~~ fifty thousand dollars shall be advertised after 109789  
notice calling for bids has been published once a week for two 109790  
consecutive weeks or as provided in section 7.16 of the Revised 109791  
Code, with the last publication to occur at least eight days prior 109792  
to the date on which bids will be accepted, in a newspaper of 109793  
general circulation within the conservancy district where the work 109794  
is to be done. If the bids are for a contract for the 109795  
construction, demolition, alteration, repair, or reconstruction of 109796  
an improvement, the board of directors of the conservancy district 109797  
may let the contract to the lowest responsive and most responsible 109798  
bidder who meets the requirements of section 153.54 of the Revised 109799  
Code. If the bids are for a contract for any other work relating 109800  
to the improvements for which a conservancy district was 109801  
established, the board of directors of the district may let the 109802  
contract to the lowest responsive and most responsible bidder who 109803  
gives a good and approved bond, with ample security, conditioned 109804  
on the carrying out of the contract. The contract shall be in 109805  
writing and shall be accompanied by or refer to plans and 109806  
specifications for the work to be done prepared by the chief 109807  
engineer. The plans and specifications shall at all times be made 109808  
and considered a part of the contract. The contract shall be 109809  
approved by the board and signed by the president of the board and 109810  
by the contractor and shall be executed in duplicate. In case of 109811  
sudden emergency when it is necessary in order to protect the 109812  
district, the advertising of contracts may be waived upon the 109813  
consent of the board, with the approval of the court or a judge of 109814  
the court of common pleas of the county in which the office of the 109815  
district is located. 109816

**Sec. 6109.21.** (A) Except as provided in divisions (I) and (J) 109817  
of this section, no person shall operate a public water system in 109818  
this state without a license issued by the director of 109819  
environmental protection. 109820

(B) A person who proposes to operate a new public water system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system.

(C) A license shall expire on the thirtieth day of January in the year following its issuance.

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license.

(E) Each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code. However, an applicant for an initial license who is proposing to operate a new public water system shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license 109852  
or license renewal issued under this section at any time if the 109853  
director finds that the public water system was not or will not be 109854  
operated in substantial compliance with this chapter and rules 109855  
adopted under it. 109856

(H) The director shall adopt rules in accordance with Chapter 109857  
119. of the Revised Code establishing procedures and requirements 109858  
governing both of the following: 109859

(1) Information to be included on applications for licenses 109860  
and license renewals issued under this section; 109861

(2) The issuance, conditioning, suspension, revocation, and 109862  
denial of licenses and license renewals under this section. 109863

(I)(1) As used in division (I) of this section, "church" 109864  
means a fellowship of believers, congregation, society, 109865  
corporation, convention, or association that is formed primarily 109866  
or exclusively for religious purposes and that is not formed or 109867  
operated for the private profit of any person. 109868

(2) This section does not apply to a church that operates or 109869  
maintains a public water system solely to provide water for that 109870  
church or for a campground that is owned by the church and 109871  
operated primarily or exclusively for members of the church and 109872  
their families. 109873

(J) This section does not apply to any public or nonpublic 109874  
school that meets minimum standards of the state board of 109875  
education that operates or maintains a public water system solely 109876  
to provide water for that school. 109877

(K) The environmental protection agency shall collect well 109878  
log filing fees on behalf of the division of ~~soil and~~ water 109879  
resources in the department of natural resources in accordance 109880  
with section 1521.05 of the Revised Code and rules adopted under 109881  
it. The fees shall be submitted to the division quarterly as 109882

provided in those rules. 109883

**Sec. 6109.30.** (A) There is hereby created in the state 109884  
treasury the drinking water protection fund, which shall be 109885  
administered by the director of environmental protection. The fund 109886  
shall consist of moneys distributed to it and shall be used for 109887  
all of the following purposes: 109888

(1) Administration of this chapter and rules adopted under 109889  
it; 109890

(2) Administration in this state of the "Safe Drinking Water 109891  
Act"; 109892

(3) Provision of technical assistance to public water systems 109893  
in this state for the purposes of this chapter and rules adopted 109894  
under it; 109895

(4) Special studies conducted by the director for the 109896  
monitoring and testing of drinking water quality in this state; 109897

(5) Support of programs for the prevention of contamination 109898  
of surface and ground water supplies in this state that are 109899  
sources of drinking water. 109900

~~Moneys in the fund shall not be used to meet any state 109901  
matching requirements that are necessary to obtain federal grants.~~ 109902

(B) The director may expend not more than two hundred 109903  
thousand dollars from the fund in each fiscal year for the purpose 109904  
of making loans to owners and operators of public water systems 109905  
for emergency remediation of threats of contamination to public 109906  
water supplies. The director shall not loan more than twenty-five 109907  
thousand dollars to the owner or operator of any single public 109908  
water system. The director shall adopt, and may amend and rescind, 109909  
rules in accordance with Chapter 119. of the Revised Code 109910  
establishing application procedures and requirements for those 109911  
loans. The rules shall require that an owner or operator receiving 109912

a loan under this division repay the loan to the fund not later than twelve months after receiving it.

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**Sec. 6111.01.** As used in this chapter:

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(A) "Pollution" means the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state.

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(B) "Sewage" means any liquid waste containing sludge, sludge materials, or animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities.

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(C) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present.

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(D) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, and other wood debris, lime, sand, ashes, offal, night soil, oil, tar, coal dust, dredged or fill material, or silt, other substances that are not sewage, sludge, sludge materials, or industrial waste, and any other "pollutants" or "toxic pollutants" as defined in the Federal Water Pollution Control Act that are not sewage, sludge, sludge materials, or industrial waste.

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(E) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting water-borne sewage, industrial waste, or other wastes to a point of disposal or treatment, but does not include plumbing fixtures, building drains and subdrains, building sewers, and building storm

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sewers. 109943

(F) "Treatment works" means any plant, disposal field, 109944  
lagoon, dam, pumping station, building sewer connected directly to 109945  
treatment works, incinerator, or other works used for the purpose 109946  
of treating, stabilizing, blending, composting, or holding sewage, 109947  
sludge, sludge materials, industrial waste, or other wastes, 109948  
except as otherwise defined. 109949

(G) "Disposal system" means a system for disposing of sewage, 109950  
sludge, sludge materials, industrial waste, or other wastes and 109951  
includes sewerage systems and treatment works. 109952

(H) "Waters of the state" means all streams, lakes, ponds, 109953  
marshes, watercourses, waterways, wells, springs, irrigation 109954  
systems, drainage systems, and other bodies or accumulations of 109955  
water, surface and underground, natural or artificial, regardless 109956  
of the depth of the strata in which underground water is located, 109957  
that are situated wholly or partly within, or border upon, this 109958  
state, or are within its jurisdiction, except those private waters 109959  
that do not combine or effect a junction with natural surface or 109960  
underground waters. 109961

(I) "Person" means the state, any municipal corporation, any 109962  
other political subdivision of the state, any person as defined in 109963  
section 1.59 of the Revised Code, any interstate body created by 109964  
compact, or the federal government or any department, agency, or 109965  
instrumentality thereof. 109966

(J) "Industrial water pollution control facility" means any 109967  
disposal system or any treatment works, pretreatment works, 109968  
appliance, equipment, machinery, pipeline or conduit, pumping 109969  
station, force main, or installation constructed, used, or placed 109970  
in operation primarily for the purpose of collecting or conducting 109971  
industrial waste to a point of disposal or treatment; reducing, 109972  
controlling, or eliminating water pollution caused by industrial 109973

waste; or reducing, controlling, or eliminating the discharge into 109974  
a disposal system of industrial waste or what would be industrial 109975  
waste if discharged into the waters of the state. 109976

(K) "Schedule of compliance" means a schedule of remedial 109977  
measures including an enforceable sequence of actions or 109978  
operations leading to compliance with standards and rules adopted 109979  
under sections 6111.041 and 6111.042 of the Revised Code or 109980  
compliance with terms and conditions of permits set under division 109981  
(J) of section 6111.03 of the Revised Code. 109982

(L) "Federal Water Pollution Control Act" means the "Federal 109983  
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 109984  
U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 109985  
Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that 109986  
act. 109987

(M) "Historically channelized watercourse" means the portion 109988  
of a watercourse on which an improvement, as defined in divisions 109989  
(C)(2) to (4) of section 6131.01 of the Revised Code, was 109990  
constructed pursuant to Chapter ~~1515.~~ 940., 6131., or 6133. of the 109991  
Revised Code or a similar state law that preceded any of those 109992  
chapters and authorized such an improvement. 109993

(N) "Sludge" means sewage sludge and a solid, semi-solid, or 109994  
liquid residue that is generated from an industrial wastewater 109995  
treatment process and that is applied to land for agronomic 109996  
benefit. "Sludge" does not include ash generated during the firing 109997  
of sludge in a sludge incinerator, grit and screening generated 109998  
during preliminary treatment of sewage in a treatment works, 109999  
animal manure, residue generated during treatment of animal 110000  
manure, or domestic septage. 110001

(O) "Sludge materials" means solid, semi-solid, or liquid 110002  
materials derived from sludge and includes products from a 110003  
treatment works that result from the treatment, blending, or 110004

composting of sludge. 110005

(P) "Storage of sludge" means the placement of sludge on land 110006  
on which the sludge remains for not longer than two years, but 110007  
does not include the placement of sludge on land for treatment. 110008

(Q) "Sludge disposal program" means any program used by an 110009  
entity that begins with the generation of sludge and includes 110010  
treatment or disposal of the sludge, as "treatment" and "disposal" 110011  
are defined in division (Y) of section 3745.11 of the Revised 110012  
Code. 110013

(R) "Agronomic benefit" means any process that promotes or 110014  
enhances plant growth and includes, but is not limited to, a 110015  
process that increases soil fertility and moisture retention. 110016

(S) "Sludge management" means the use, storage, treatment, or 110017  
disposal of, and management practices related to, sludge and 110018  
sludge materials. 110019

(T) "Sludge management permit" means a permit for sludge 110020  
management that is issued under division (J) of section 6111.03 of 110021  
the Revised Code. 110022

(U) "Sewage sludge" has the same meaning as in division (Y) 110023  
of section 3745.11 of the Revised Code. 110024

**Sec. 6111.02.** As used in this section and sections 6111.021 110025  
to 6111.028 of the Revised Code: 110026

(A) "Category 1 wetland," "category 2 wetland," or "category 110027  
3 wetland" means a category 1 wetland, category 2 wetland, or 110028  
category 3 wetland, respectively, as described in rule 3745-1-54 110029  
of the Administrative Code, as that rule existed on July 17, 2001, 110030  
and as determined to be a category 1, category 2, or category 3 110031  
wetland, respectively, through application of the "Ohio rapid 110032  
assessment method for wetlands version 5.0," including the Ohio 110033  
rapid assessment method for wetlands version 5.0 quantitative 110034

score calibration dated August 15, 2000, unless an application for 110035  
a section 401 water quality certification was submitted prior to 110036  
February 28, 2001, in which case the applicant for the permit may 110037  
elect to proceed in accordance with Ohio rapid assessment method 110038  
for wetlands version 4.1. 110039

(B) "Creation" means the establishment of a wetland where one 110040  
did not formerly exist and that involves wetland construction on 110041  
nonhydryic soils. 110042

(C) "Enhancement" means activities conducted in an existing 110043  
wetland to improve or repair existing or natural wetland functions 110044  
and values of that wetland. 110045

(D) "Fill material" means any material that is used to fill 110046  
an aquatic area, to replace an aquatic area with dry land, or to 110047  
change the bottom elevation of a wetland for any purpose and that 110048  
consists of suitable material that is free from toxic contaminants 110049  
in other than trace quantities. "Fill material" does not include 110050  
either of the following: 110051

(1) Material resulting from normal farming, silviculture, and 110052  
ranching activities, such as plowing, cultivating, seeding, and 110053  
harvesting, for the production of food, fiber, and forest 110054  
products; 110055

(2) Material placed for the purpose of maintenance of 110056  
existing structures, including emergency reconstruction of 110057  
recently damaged parts of currently serviceable structures such as 110058  
dikes, dams, levees, groins, riprap, breakwaters, causeways, and 110059  
bridge abutments or approaches, and transportation structures. 110060

(E) "Filling" means the addition of fill material into a 110061  
wetland for the purpose of creating upland, changing the bottom 110062  
elevation of the wetland, or creating impoundments of water. 110063  
"Filling" includes, without limitation, the placement of the 110064  
following in wetlands: fill material that is necessary for the 110065

construction of any structure; structures or impoundments 110066  
requiring rock, sand, dirt, or other material for its 110067  
construction; site-development fills for recreational, industrial, 110068  
commercial, residential, or other uses; causeways or road fills; 110069  
dams and dikes; artificial islands, property protection, or 110070  
reclamation devices such as riprap, groins, seawalls, breakwalls, 110071  
and bulkheads and fills; beach nourishment; levees; sanitary 110072  
landfills; fill material for structures such as sewage treatment 110073  
facilities, intake and outfall pipes associated with power plants, 110074  
and underwater utility lines; and artificial reefs. 110075

(F) "Isolated wetland" means a wetland that is not subject to 110076  
regulation under the Federal Water Pollution Control Act. 110077

(G) "Mitigation" means the restoration, creation, 110078  
enhancement, or, in exceptional circumstances, preservation of 110079  
wetlands expressly for the purpose of compensating for wetland 110080  
impacts. 110081

(H) "Mitigation bank service area" means the designated area 110082  
where a mitigation bank can reasonably be expected to provide 110083  
appropriate compensation for impacts to wetlands and other aquatic 110084  
resources and that is designated as such in accordance with the 110085  
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 110086

(I) "Off-site mitigation" means wetland restoration, 110087  
creation, enhancement, or preservation occurring farther than one 110088  
mile from a project boundary, but within the same watershed. 110089

(J) "On-site mitigation" means wetland restoration, creation, 110090  
enhancement, or preservation occurring within and not more than 110091  
one mile from the project boundary and within the same watershed. 110092

(K) "Practicable" means available and capable of being 110093  
executed with existing technology and without significant adverse 110094  
effect on the economic feasibility of the project in light of the 110095  
overall project purposes and in consideration of the relative 110096

environmental benefit. 110097

(L) "Preservation" means the long-term protection of 110098  
ecologically important wetlands ~~in perpetuity~~ through the 110099  
implementation of appropriate legal mechanisms to prevent harm to 110100  
the wetlands. "Preservation" may include protection of adjacent 110101  
upland areas as necessary to ensure protection of a wetland. 110102

(M) "Restoration" means the reestablishment of a previously 110103  
existing wetland at a site where it has ceased to exist. 110104

(N) "State isolated wetland permit" means a permit issued in 110105  
accordance with sections 6111.02 to 6111.027 of the Revised Code 110106  
authorizing the filling of an isolated wetland. 110107

(O) "Watershed" means an eight-digit hydrologic unit. 110108

(P) "Wetlands" means those areas that are inundated or 110109  
saturated by surface or ground water at a frequency and duration 110110  
that are sufficient to support, and that under normal 110111  
circumstances do support, a prevalence of vegetation typically 110112  
adapted for life in saturated soil conditions. "Wetlands" includes 110113  
swamps, marshes, bogs, and similar areas that are delineated in 110114  
accordance with the 1987 United States army corps of engineers 110115  
wetland delineation manual and any other procedures and 110116  
requirements adopted by the United States army corps of engineers 110117  
for delineating wetlands. 110118

(Q) "Wetland mitigation bank" means a site where wetlands 110119  
have been restored, created, enhanced, or, in exceptional 110120  
circumstances, preserved expressly for the purpose of providing 110121  
mitigation for impacts to wetlands and that has been approved in 110122  
accordance with the process established in 33 C.F.R. 332.8 and 40 110123  
C.F.R. 230.98. 110124

(R) "Eight-digit hydrologic unit" means a common surface 110125  
drainage area corresponding to one from the list of thirty-seven 110126  
adapted from the forty-four cataloging units as depicted on the 110127

hydrologic unit map of Ohio, United States geological survey, 110128  
1988, and as described in division (F)(2) of rule 3745-1-54 of the 110129  
Administrative Code or as otherwise shown on map number 1 found in 110130  
rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic 110131  
unit" is limited to those parts of the cataloging units that 110132  
geographically lie within the borders of this state. 110133

(S) "In-lieu fee mitigation" means a payment made by an 110134  
applicant to satisfy a wetland mitigation requirement established 110135  
in sections 6111.02 to 6111.027 of the Revised Code. 110136

**Sec. 6111.027.** (A) Mitigation for impacts to isolated 110137  
wetlands under sections 6111.02 to 6111.027 shall be conducted in 110138  
accordance with the following ratios: 110139

(1) For category 1 and category 2 isolated wetlands, other 110140  
than forested category 2 isolated wetlands, mitigation located at 110141  
an approved wetland mitigation bank shall be conducted, or 110142  
mitigation shall be paid for under an in-lieu fee mitigation 110143  
program, at a rate of two times the size of the area of isolated 110144  
wetland that is being impacted. 110145

(2) For forested category 2 isolated wetlands, mitigation 110146  
located at an approved wetland mitigation bank shall be conducted, 110147  
or mitigation shall be paid for under an in-lieu fee mitigation 110148  
program, at a rate of two and one-half times the size of the area 110149  
of isolated wetland that is being impacted. 110150

(3) All other mitigation shall be subject to mitigation 110151  
ratios established in division (F) of rule 3745-1-54 of the 110152  
Administrative Code. 110153

(B) Mitigation that involves the enhancement or preservation 110154  
of isolated wetlands shall be calculated and performed in 110155  
accordance with rule 3745-1-54 of the Administrative Code. 110156

(C) An applicant for coverage under a general state isolated 110157

wetland permit or for an individual state isolated wetland permit 110158  
under sections 6111.022 to 6111.024 of the Revised Code shall 110159  
demonstrate that the mitigation site will be protected ~~in~~ 110160  
~~perpetuity~~ long term and that appropriate practicable management 110161  
measures are, or will be, in place to restrict harmful activities 110162  
that jeopardize the mitigation. 110163

**Sec. 6111.03.** The director of environmental protection may do 110164  
any of the following: 110165

(A) Develop plans and programs for the prevention, control, 110166  
and abatement of new or existing pollution of the waters of the 110167  
state; 110168

(B) Advise, consult, and cooperate with other agencies of the 110169  
state, the federal government, other states, and interstate 110170  
agencies and with affected groups, political subdivisions, and 110171  
industries in furtherance of the purposes of this chapter. Before 110172  
adopting, amending, or rescinding a standard or rule pursuant to 110173  
division (G) of this section or section 6111.041 or 6111.042 of 110174  
the Revised Code, the director shall do all of the following: 110175

(1) Mail notice to each statewide organization that the 110176  
director determines represents persons who would be affected by 110177  
the proposed standard or rule, amendment thereto, or rescission 110178  
thereof at least thirty-five days before any public hearing 110179  
thereon; 110180

(2) Mail a copy of each proposed standard or rule, amendment 110181  
thereto, or rescission thereof to any person who requests a copy, 110182  
within five days after receipt of the request therefor; 110183

(3) Consult with appropriate state and local government 110184  
agencies or their representatives, including statewide 110185  
organizations of local government officials, industrial 110186  
representatives, and other interested persons. 110187



Although the director is expected to discharge these duties 110188  
diligently, failure to mail any such notice or copy or to so 110189  
consult with any person shall not invalidate any proceeding or 110190  
action of the director. 110191

(C) Administer grants from the federal government and from 110192  
other sources, public or private, for carrying out any of its 110193  
functions, all such moneys to be deposited in the state treasury 110194  
and kept by the treasurer of state in a separate fund subject to 110195  
the lawful orders of the director; 110196

(D) Administer state grants for the construction of sewage 110197  
and waste collection and treatment works; 110198

(E) Encourage, participate in, or conduct studies, 110199  
investigations, research, and demonstrations relating to water 110200  
pollution, and the causes, prevention, control, and abatement 110201  
thereof, that are advisable and necessary for the discharge of the 110202  
director's duties under this chapter; 110203

(F) Collect and disseminate information relating to water 110204  
pollution and prevention, control, and abatement thereof; 110205

(G) Adopt, amend, and rescind rules in accordance with 110206  
Chapter 119. of the Revised Code governing the procedure for 110207  
hearings, the filing of reports, the issuance of permits, the 110208  
issuance of industrial water pollution control certificates, and 110209  
all other matters relating to procedure; 110210

(H) Issue, modify, or revoke orders to prevent, control, or 110211  
abate water pollution by such means as the following: 110212

(1) Prohibiting or abating discharges of sewage, industrial 110213  
waste, or other wastes into the waters of the state; 110214

(2) Requiring the construction of new disposal systems or any 110215  
parts thereof, or the modification, extension, or alteration of 110216  
existing disposal systems or any parts thereof; 110217

(3) Prohibiting additional connections to or extensions of a sewerage system when the connections or extensions would result in an increase in the polluting properties of the effluent from the system when discharged into any waters of the state;

(4) Requiring compliance with any standard or rule adopted under sections 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.

In the making of those orders, wherever compliance with a rule adopted under section 6111.042 of the Revised Code is not involved, consistent with the Federal Water Pollution Control Act, the director shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of complying with those orders and to evidence relating to conditions calculated to result from compliance with those orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of this chapter.

(I) Review plans, specifications, or other data relative to disposal systems or any part thereof in connection with the issuance of orders, permits, and industrial water pollution control certificates under this chapter;

(J)(1) Issue, revoke, modify, or deny sludge management permits and permits for the discharge of sewage, industrial waste, or other wastes into the waters of the state, and for the installation or modification of disposal systems or any parts thereof in compliance with all requirements of the Federal Water Pollution Control Act and mandatory regulations adopted thereunder, including regulations adopted under section 405 of the Federal Water Pollution Control Act, and set terms and conditions of permits, including schedules of compliance, where necessary. In issuing permits for sludge management, the director shall not allow the placement of sewage sludge on frozen ground in conflict

with rules adopted under this chapter. Any person who discharges, 110250  
transports, or handles storm water from an animal feeding 110251  
facility, as defined in section 903.01 of the Revised Code, or 110252  
pollutants from a concentrated animal feeding operation, as both 110253  
terms are defined in that section, is not required to obtain a 110254  
permit under division (J)(1) of this section for the installation 110255  
or modification of a disposal system involving pollutants or storm 110256  
water or any parts of such a system on and after the date on which 110257  
the director of agriculture has finalized the program required 110258  
under division (A)(1) of section 903.02 of the Revised Code. In 110259  
addition, any person who discharges, transports, or handles storm 110260  
water from an animal feeding facility, as defined in section 110261  
903.01 of the Revised Code, or pollutants from a concentrated 110262  
animal feeding operation, as both terms are defined in that 110263  
section, is not required to obtain a permit under division (J)(1) 110264  
of this section for the discharge of storm water from an animal 110265  
feeding facility or pollutants from a concentrated animal feeding 110266  
operation on and after the date on which the United States 110267  
environmental protection agency approves the NPDES program 110268  
submitted by the director of agriculture under section 903.08 of 110269  
the Revised Code. 110270

Any permit terms and conditions set by the director shall be 110271  
designed to achieve and maintain full compliance with the national 110272  
effluent limitations, national standards of performance for new 110273  
sources, and national toxic and pretreatment effluent standards 110274  
set under that act, and any other mandatory requirements of that 110275  
act that are imposed by regulation of the administrator of the 110276  
United States environmental protection agency. If an applicant for 110277  
a sludge management permit also applies for a related permit for 110278  
the discharge of sewage, industrial waste, or other wastes into 110279  
the waters of the state, the director may combine the two permits 110280  
and issue one permit to the applicant. 110281

A sludge management permit is not required for an entity that  
treats or transports sewage sludge or for a sanitary landfill when  
all of the following apply:

(a) The entity or sanitary landfill does not generate the  
sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has  
ensured that the sewage sludge meets the requirements established  
in rules adopted by the director under section 3734.02 of the  
Revised Code concerning disposal of municipal solid waste in a  
sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary  
landfill that complies with rules adopted by the director under  
section 3734.02 of the Revised Code.

As used in division (J)(1) of this section, "sanitary  
landfill" means a sanitary landfill facility, as defined in rules  
adopted under section 3734.02 of the Revised Code, that is  
licensed as a solid waste facility under section 3734.05 of the  
Revised Code.

(2) An application for a permit or renewal thereof shall be  
denied if any of the following applies:

(a) The secretary of the army determines in writing that  
anchorage or navigation would be substantially impaired thereby;

(b) The director determines that the proposed discharge or  
source would conflict with an areawide waste treatment management  
plan adopted in accordance with section 208 of the Federal Water  
Pollution Control Act;

(c) The administrator of the United States environmental  
protection agency objects in writing to the issuance or renewal of  
the permit in accordance with section 402 (d) of the Federal Water  
Pollution Control Act;

(d) The application is for the discharge of any radiological, 110312  
chemical, or biological warfare agent or high-level radioactive 110313  
waste into the waters of the United States. 110314

(3) To achieve and maintain applicable standards of quality 110315  
for the waters of the state adopted pursuant to section 6111.041 110316  
of the Revised Code, the director shall impose, where necessary 110317  
and appropriate, as conditions of each permit, water quality 110318  
related effluent limitations in accordance with sections 301, 302, 110319  
306, 307, and 405 of the Federal Water Pollution Control Act and, 110320  
to the extent consistent with that act, shall give consideration 110321  
to, and base the determination on, evidence relating to the 110322  
technical feasibility and economic reasonableness of removing the 110323  
polluting properties from those wastes and to evidence relating to 110324  
conditions calculated to result from that action and their 110325  
relation to benefits to the people of the state and to 110326  
accomplishment of the purposes of this chapter. 110327

(4) Where a discharge having a thermal component from a 110328  
source that is constructed or modified on or after October 18, 110329  
1972, meets national or state effluent limitations or more 110330  
stringent permit conditions designed to achieve and maintain 110331  
compliance with applicable standards of quality for the waters of 110332  
the state, which limitations or conditions will ensure protection 110333  
and propagation of a balanced, indigenous population of shellfish, 110334  
fish, and wildlife in or on the body of water into which the 110335  
discharge is made, taking into account the interaction of the 110336  
thermal component with sewage, industrial waste, or other wastes, 110337  
the director shall not impose any more stringent limitation on the 110338  
thermal component of the discharge, as a condition of a permit or 110339  
renewal thereof for the discharge, during a ten-year period 110340  
beginning on the date of completion of the construction or 110341  
modification of the source, or during the period of depreciation 110342  
or amortization of the source for the purpose of section 167 or 110343

169 of the Internal Revenue Code of 1954, whichever period ends 110344  
first. 110345

(5) The director shall specify in permits for the discharge 110346  
of sewage, industrial waste, and other wastes, the net volume, net 110347  
weight, duration, frequency, and, where necessary, concentration 110348  
of the sewage, industrial waste, and other wastes that may be 110349  
discharged into the waters of the state. The director shall 110350  
specify in those permits and in sludge management permits that the 110351  
permit is conditioned upon payment of applicable fees as required 110352  
by section 3745.11 of the Revised Code and upon the right of the 110353  
director's authorized representatives to enter upon the premises 110354  
of the person to whom the permit has been issued for the purpose 110355  
of determining compliance with this chapter, rules adopted 110356  
thereunder, or the terms and conditions of a permit, order, or 110357  
other determination. The director shall issue or deny an 110358  
application for a sludge management permit or a permit for a new 110359  
discharge, for the installation or modification of a disposal 110360  
system, or for the renewal of a permit, within one hundred eighty 110361  
days of the date on which a complete application with all plans, 110362  
specifications, construction schedules, and other pertinent 110363  
information required by the director is received. 110364

(6) The director may condition permits upon the installation 110365  
of discharge or water quality monitoring equipment or devices and 110366  
the filing of periodic reports on the amounts and contents of 110367  
discharges and the quality of receiving waters that the director 110368  
prescribes. The director shall condition each permit for a 110369  
government-owned disposal system or any other "treatment works" as 110370  
defined in the Federal Water Pollution Control Act upon the 110371  
reporting of new introductions of industrial waste or other wastes 110372  
and substantial changes in volume or character thereof being 110373  
introduced into those systems or works from "industrial users" as 110374  
defined in section 502 of that act, as necessary to comply with 110375

section 402(b)(8) of that act; upon the identification of the 110376  
character and volume of pollutants subject to pretreatment 110377  
standards being introduced into the system or works; and upon the 110378  
existence of a program to ensure compliance with pretreatment 110379  
standards by "industrial users" of the system or works. In 110380  
requiring monitoring devices and reports, the director, to the 110381  
extent consistent with the Federal Water Pollution Control Act, 110382  
shall give consideration to technical feasibility and economic 110383  
reasonableness and shall allow reasonable time for compliance. 110384

(7) A permit may be issued for a period not to exceed five 110385  
years and may be renewed upon application for renewal. In renewing 110386  
a permit, the director shall consider the compliance history of 110387  
the permit holder and may deny the renewal if the director 110388  
determines that the permit holder has not complied with the terms 110389  
and conditions of the existing permit. A permit may be modified, 110390  
suspended, or revoked for cause, including, but not limited to, 110391  
violation of any condition of the permit, obtaining a permit by 110392  
misrepresentation or failure to disclose fully all relevant facts 110393  
of the permitted discharge or of the sludge use, storage, 110394  
treatment, or disposal practice, or changes in any condition that 110395  
requires either a temporary or permanent reduction or elimination 110396  
of the permitted activity. No application shall be denied or 110397  
permit revoked or modified without a written order stating the 110398  
findings upon which the denial, revocation, or modification is 110399  
based. A copy of the order shall be sent to the applicant or 110400  
permit holder by certified mail. 110401

(K) Institute or cause to be instituted in any court of 110402  
competent jurisdiction proceedings to compel compliance with this 110403  
chapter or with the orders of the director issued under this 110404  
chapter, or to ensure compliance with sections 204(b), 307, 308, 110405  
and 405 of the Federal Water Pollution Control Act; 110406

(L) Issue, deny, revoke, or modify industrial water pollution 110407

control certificates; 110408

(M) Certify to the government of the United States or any 110409  
agency thereof that an industrial water pollution control facility 110410  
is in conformity with the state program or requirements for the 110411  
control of water pollution whenever the certification may be 110412  
required for a taxpayer under the Internal Revenue Code of the 110413  
United States, as amended; 110414

(N) Issue, modify, and revoke orders requiring any 110415  
"industrial user" of any publicly owned "treatment works" as 110416  
defined in sections 212(2) and 502(18) of the Federal Water 110417  
Pollution Control Act to comply with pretreatment standards; 110418  
establish and maintain records; make reports; install, use, and 110419  
maintain monitoring equipment or methods, including, where 110420  
appropriate, biological monitoring methods; sample discharges in 110421  
accordance with methods, at locations, at intervals, and in a 110422  
manner that the director determines; and provide other information 110423  
that is necessary to ascertain whether or not there is compliance 110424  
with toxic and pretreatment effluent standards. In issuing, 110425  
modifying, and revoking those orders, the director, to the extent 110426  
consistent with the Federal Water Pollution Control Act, shall 110427  
give consideration to technical feasibility and economic 110428  
reasonableness and shall allow reasonable time for compliance. 110429

(O) Exercise all incidental powers necessary to carry out the 110430  
purposes of this chapter; 110431

(P) Certify or deny certification to any applicant for a 110432  
federal license or permit to conduct any activity that may result 110433  
in any discharge into the waters of the state that the discharge 110434  
will comply with the Federal Water Pollution Control Act; 110435

(Q) Administer and enforce the publicly owned treatment works 110436  
pretreatment program in accordance with the Federal Water 110437  
Pollution Control Act. In the administration of that program, the 110438



director may do any of the following: 110439

(1) Apply and enforce pretreatment standards; 110440

(2) Approve and deny requests for approval of publicly owned 110441  
treatment works pretreatment programs, oversee those programs, and 110442  
implement, in whole or in part, those programs under any of the 110443  
following conditions: 110444

(a) The director has denied a request for approval of the 110445  
publicly owned treatment works pretreatment program; 110446

(b) The director has revoked the publicly owned treatment 110447  
works pretreatment program; 110448

(c) There is no pretreatment program currently being 110449  
implemented by the publicly owned treatment works; 110450

(d) The publicly owned treatment works has requested the 110451  
director to implement, in whole or in part, the pretreatment 110452  
program. 110453

(3) Require that a publicly owned treatment works 110454  
pretreatment program be incorporated in a permit issued to a 110455  
publicly owned treatment works as required by the Federal Water 110456  
Pollution Control Act, require compliance by publicly owned 110457  
treatment works with those programs, and require compliance by 110458  
industrial users with pretreatment standards; 110459

(4) Approve and deny requests for authority to modify 110460  
categorical pretreatment standards to reflect removal of 110461  
pollutants achieved by publicly owned treatment works; 110462

(5) Deny and recommend approval of requests for fundamentally 110463  
different factors variances submitted by industrial users; 110464

(6) Make determinations on categorization of industrial 110465  
users; 110466

(7) Adopt, amend, or rescind rules and issue, modify, or 110467  
revoke orders necessary for the administration and enforcement of 110468

the publicly owned treatment works pretreatment program. 110469

Any approval of a publicly owned treatment works pretreatment 110470  
program may contain any terms and conditions, including schedules 110471  
of compliance, that are necessary to achieve compliance with this 110472  
chapter. 110473

(R) Except as otherwise provided in this division, adopt 110474  
rules in accordance with Chapter 119. of the Revised Code 110475  
establishing procedures, methods, and equipment and other 110476  
requirements for equipment to prevent and contain discharges of 110477  
oil and hazardous substances into the waters of the state. The 110478  
rules shall be consistent with and equivalent in scope, content, 110479  
and coverage to section 311(j)(1)(c) of the Federal Water 110480  
Pollution Control Act and regulations adopted under it. The 110481  
director shall not adopt rules under this division relating to 110482  
discharges of oil from oil production facilities and oil drilling 110483  
and workover facilities as those terms are defined in that act and 110484  
regulations adopted under it. 110485

(S)(1) Administer and enforce a program for the regulation of 110486  
sludge management in this state. In administering the program, the 110487  
director, in addition to exercising the authority provided in any 110488  
other applicable sections of this chapter, may do any of the 110489  
following: 110490

(a) Develop plans and programs for the disposal and 110491  
utilization of sludge and sludge materials; 110492

(b) Encourage, participate in, or conduct studies, 110493  
investigations, research, and demonstrations relating to the 110494  
disposal and use of sludge and sludge materials and the impact of 110495  
sludge and sludge materials on land located in the state and on 110496  
the air and waters of the state; 110497

(c) Collect and disseminate information relating to the 110498  
disposal and use of sludge and sludge materials and the impact of 110499

sludge and sludge materials on land located in the state and on 110500  
the air and waters of the state; 110501

(d) Issue, modify, or revoke orders to prevent, control, or 110502  
abate the use and disposal of sludge and sludge materials or the 110503  
effects of the use of sludge and sludge materials on land located 110504  
in the state and on the air and waters of the state; 110505

(e) Adopt and enforce, modify, or rescind rules necessary for 110506  
the implementation of division (S) of this section. The rules 110507  
reasonably shall protect public health and the environment, 110508  
encourage the beneficial reuse of sludge and sludge materials, and 110509  
minimize the creation of nuisance odors. 110510

The director may specify in sludge management permits the net 110511  
volume, net weight, quality, and pollutant concentration of the 110512  
sludge or sludge materials that may be used, stored, treated, or 110513  
disposed of, and the manner and frequency of the use, storage, 110514  
treatment, or disposal, to protect public health and the 110515  
environment from adverse effects relating to those activities. The 110516  
director shall impose other terms and conditions to protect public 110517  
health and the environment, minimize the creation of nuisance 110518  
odors, and achieve compliance with this chapter and rules adopted 110519  
under it and, in doing so, shall consider whether the terms and 110520  
conditions are consistent with the goal of encouraging the 110521  
beneficial reuse of sludge and sludge materials. 110522

The director may condition permits on the implementation of 110523  
treatment, storage, disposal, distribution, or application 110524  
management methods and the filing of periodic reports on the 110525  
amounts, composition, and quality of sludge and sludge materials 110526  
that are disposed of, used, treated, or stored. 110527

An approval of a treatment works sludge disposal program may 110528  
contain any terms and conditions, including schedules of 110529  
compliance, necessary to achieve compliance with this chapter and 110530

rules adopted under it. 110531

(2) As a part of the program established under division 110532  
(S)(1) of this section, the director has exclusive authority to 110533  
regulate sewage sludge management in this state. For purposes of 110534  
division (S)(2) of this section, that program shall be consistent 110535  
with section 405 of the Federal Water Pollution Control Act and 110536  
regulations adopted under it and with this section, except that 110537  
the director may adopt rules under division (S) of this section 110538  
that establish requirements that are more stringent than section 110539  
405 of the Federal Water Pollution Control Act and regulations 110540  
adopted under it with regard to monitoring sewage sludge and 110541  
sewage sludge materials and establishing acceptable sewage sludge 110542  
management practices and pollutant levels in sewage sludge and 110543  
sewage sludge materials. 110544

This chapter authorizes the state to participate in any 110545  
national sludge management program and the national pollutant 110546  
discharge elimination system, to administer and enforce the 110547  
publicly owned treatment works pretreatment program, and to issue 110548  
permits for the discharge of dredged or fill materials, in 110549  
accordance with the Federal Water Pollution Control Act. This 110550  
chapter shall be administered, consistent with the laws of this 110551  
state and federal law, in the same manner that the Federal Water 110552  
Pollution Control Act is required to be administered. 110553

(T) Develop technical guidance and offer technical 110554  
assistance, upon request, for the purpose of minimizing wind or 110555  
water erosion of soil, and assist in compliance with permits for 110556  
storm water management issued under this chapter and rules adopted 110557  
under it. 110558

(U) Study, examine, and calculate nutrient loading from point 110559  
and nonpoint sources in order to determine comparative 110560  
contributions by those sources and to utilize the information 110561  
derived from those calculations to determine the most 110562

environmentally beneficial and cost-effective mechanisms to reduce nutrient loading to watersheds in the Lake Erie basin and the Ohio river basin. In order to evaluate nutrient loading contributions, the director or the director's designee shall conduct a study of the nutrient mass balance for both point and nonpoint sources in watersheds in the Lake Erie basin and the Ohio river basin using available data, including both of the following:

(1) Data on water quality and stream flow;

(2) Data on point source discharges into those watersheds.

The director or the director's designee shall report and update the results of the study to coincide with the release of the Ohio integrated water quality monitoring and assessment report prepared by the director.

This section does not apply to residual farm products and manure disposal systems and related management and conservation practices subject to rules adopted pursuant to division (E)(1) of section ~~1511.02~~ 939.02 of the Revised Code. For purposes of this exclusion, "residual farm products" and "manure" have the same meanings as in section ~~1511.01~~ 939.01 of the Revised Code. However, until the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this exclusion does not apply to animal waste treatment works having a controlled direct discharge to the waters of the state or any concentrated animal feeding operation, as defined in 40 C.F.R. 122.23(b)(2). On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this section does not apply to storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or to pollutants discharged from a concentrated animal feeding operation, as both terms are defined in that

section. Neither of these exclusions applies to the discharge of  
animal waste into a publicly owned treatment works.

Not later than December 1, 2016, a publicly owned treatment  
works with a design flow of one million gallons per day or more,  
or designated as a major discharger by the director, shall be  
required to begin monthly monitoring of total and dissolved  
reactive phosphorus pursuant to a new NPDES permit, an NPDES  
permit renewal, or a director-initiated modification. The director  
shall include in each applicable new NPDES permit, NPDES permit  
renewal, or director-initiated modification a requirement that  
such monitoring be conducted. A director-initiated modification  
for that purpose shall be considered and processed as a minor  
modification pursuant to ~~O.A.C.~~ Ohio Administrative Code  
3745-33-04. In addition, not later than December 1, 2017, a  
publicly owned treatment works with a design flow of one million  
gallons per day or more that, on ~~the effective date of this~~  
~~amendment~~ July 3, 2015, is not subject to a phosphorus limit shall  
complete and submit to the director a study that evaluates the  
technical and financial capability of the existing treatment  
facility to reduce the final effluent discharge of phosphorus to  
one milligram per liter using possible source reduction measures,  
operational procedures, and unit process configurations.

**Sec. 6111.04.** (A) Both of the following apply except as  
otherwise provided in division (A) or (F) of this section:

(1) No person shall cause pollution or place or cause to be  
placed any sewage, sludge, sludge materials, industrial waste, or  
other wastes in a location where they cause pollution of any  
waters of the state.

(2) Such an action prohibited under division (A)(1) of this  
section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the

person causing pollution or placing or causing to be placed wastes 110626  
in a location in which they cause pollution of any waters of the 110627  
state holds a valid, unexpired permit, or renewal of a permit, 110628  
governing the causing or placement as provided in sections 6111.01 110629  
to 6111.08 of the Revised Code or if the person's application for 110630  
renewal of such a permit is pending. 110631

(B) If the director of environmental protection administers a 110632  
sludge management program pursuant to division (S) of section 110633  
6111.03 of the Revised Code, both of the following apply except as 110634  
otherwise provided in division (B) or (F) of this section: 110635

(1) No person, in the course of sludge management, shall 110636  
place on land located in the state or release into the air of the 110637  
state any sludge or sludge materials. 110638

(2) An action prohibited under division (B)(1) of this 110639  
section is hereby declared to be a public nuisance. 110640

Divisions (B)(1) and (2) of this section do not apply if the 110641  
person placing or releasing the sludge or sludge materials holds a 110642  
valid, unexpired permit, or renewal of a permit, governing the 110643  
placement or release as provided in sections 6111.01 to 6111.08 of 110644  
the Revised Code or if the person's application for renewal of 110645  
such a permit is pending. 110646

(C) No person to whom a permit has been issued shall place or 110647  
discharge, or cause to be placed or discharged, in any waters of 110648  
the state any sewage, sludge, sludge materials, industrial waste, 110649  
or other wastes in excess of the permissive discharges specified 110650  
under an existing permit without first receiving a permit from the 110651  
director to do so. 110652

(D) No person to whom a sludge management permit has been 110653  
issued shall place on the land or release into the air of the 110654  
state any sludge or sludge materials in excess of the permissive 110655  
amounts specified under the existing sludge management permit 110656

without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.

(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.

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

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division

(F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by residual farm products, manure, or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307.



or ~~1511. 939.~~ of the Revised Code. Division (F)(3) of this section 110688  
does not authorize, without a permit, any discharge that is 110689  
prohibited by, or for which a permit is required by, the Federal 110690  
Water Pollution Control Act or regulations adopted under it. As 110691  
used in division (F)(3) of this section, "residual farm products" 110692  
and "manure" have the same meanings as in section ~~1511.01~~ 939.01 110693  
of the Revised Code. 110694

(4) The excrement of domestic and farm animals defecated on 110695  
land or runoff therefrom into any waters of the state. Division 110696  
(F)(4) of this section does not authorize, without a permit, any 110697  
discharge that is prohibited by, or for which a permit is required 110698  
by, the Federal Water Pollution Control Act or regulations adopted 110699  
under it. 110700

(5) On and after the date on which the United States 110701  
environmental protection agency approves the NPDES program 110702  
submitted by the director of agriculture under section 903.08 of 110703  
the Revised Code, any discharge that is within the scope of the 110704  
approved NPDES program submitted by the director of agriculture; 110705

(6) The discharge of sewage, industrial waste, or other 110706  
wastes into a sewerage system tributary to a treatment works. 110707  
Division (F)(6) of this section does not authorize any discharge 110708  
into a publicly owned treatment works in violation of a 110709  
pretreatment program applicable to the publicly owned treatment 110710  
works. 110711

(7) A household sewage treatment system or a small flow 110712  
on-site sewage treatment system, as applicable, as defined in 110713  
section 3718.01 of the Revised Code that is installed in 110714  
compliance with Chapter 3718. of the Revised Code and rules 110715  
adopted under it. Division (F)(7) of this section does not 110716  
authorize, without a permit, any discharge that is prohibited by, 110717  
or for which a permit is required by, regulation of the United 110718  
States environmental protection agency. 110719

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture.

**Sec. 6111.044.** Upon receipt of an application for an injection well drilling permit, an injection well operating permit, a renewal of an injection well operating permit, or a modification of an injection well drilling permit, operating permit, or renewal of an operating permit, the director of environmental protection shall determine whether the application is complete and demonstrates that the activities for which the permit, renewal permit, or modification is requested will comply with the Federal Water Pollution Control Act and regulations adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted under it; and this chapter and the rules adopted under it. If the application demonstrates that the proposed activities will not

comply or will pose an unreasonable risk of inducing seismic 110752  
activity, inducing geologic fracturing, or contamination of an 110753  
underground source of drinking water, the director shall deny the 110754  
application. If the application does not make the required 110755  
demonstrations, the director shall return it to the applicant with 110756  
an indication of those matters about which a required 110757  
demonstration was not made. If the director determines that the 110758  
application makes the required demonstrations, the director shall 110759  
transmit copies of the application and all of the accompanying 110760  
maps, data, samples, and information to the chief of the division 110761  
of oil and gas resources management, the chief of the division of 110762  
geological survey, the chief of the division of ~~soil and~~ water 110763  
resources, and, if the well is or is to be located in a coal 110764  
bearing township designated under section 1561.06 of the Revised 110765  
Code, the chief of the division of mineral resources management in 110766  
the department of natural resources. 110767

The chief of the division of geological survey shall comment 110768  
upon the application if the chief determines that the proposed 110769  
well or injection will present an unreasonable risk of loss or 110770  
damage to valuable mineral resources. If the chief submits 110771  
comments on the application, those comments shall be accompanied 110772  
by an evaluation of the geological factors upon which the comments 110773  
are based, including fractures, faults, earthquake potential, and 110774  
the porosity and permeability of the injection zone and confining 110775  
zone, and by the documentation supporting the evaluation. The 110776  
director shall take into consideration the chief's comments, and 110777  
the accompanying evaluation of geologic factors and supporting 110778  
documentation, when considering the application. The director 110779  
shall provide written notice to the chief of the director's 110780  
decision on the application and, if the chief's comments are not 110781  
included in the permit, renewal permit, or modification, of the 110782  
director's rationale for not including them. 110783

The chief of the division of oil and gas resources management 110784  
shall comment upon the application if the chief determines that 110785  
the proposed well or injection will present an unreasonable risk 110786  
that waste or contamination of recoverable oil or gas in the earth 110787  
will occur. If the chief submits comments on the application, 110788  
those comments shall be accompanied by an evaluation of the oil or 110789  
gas reserves that, in the best professional judgment of the chief, 110790  
are recoverable and will be adversely affected by the proposed 110791  
well or injection, and by the documentation supporting the 110792  
evaluation. The director shall take into consideration the chief's 110793  
comments, and the accompanying evaluation and supporting 110794  
documentation, when considering the application. The director 110795  
shall provide written notice to the chief of the director's 110796  
decision on the application and, if the chief's comments are not 110797  
included in the permit, renewal permit, or modification, of the 110798  
director's rationale for not including them. 110799

The chief of the division of ~~soil and~~ water resources shall 110800  
assist the director in determining whether all underground sources 110801  
of drinking water in the area of review of the proposed well or 110802  
injection have been identified and correctly delineated in the 110803  
application. If the application fails to identify or correctly 110804  
delineate an underground source of drinking water, the chief shall 110805  
provide written notice of that fact to the director. 110806

The chief of the division of mineral resources management 110807  
shall review the application as follows: 110808

If the application concerns the drilling or conversion of a 110809  
well or the injection into a well that is not or is not to be 110810  
located within five thousand feet of the excavation and workings 110811  
of a mine, the chief of the division of mineral resources 110812  
management shall note upon the application that it has been 110813  
examined by the division of mineral resources management, retain a 110814  
copy of the application and map, and immediately return a copy of 110815

the application to the director. 110816

If the application concerns the drilling or conversion of a 110817  
well or the injection into a well that is or is to be located 110818  
within five thousand feet, but more than five hundred feet from 110819  
the surface excavations and workings of a mine, the chief of the 110820  
division of mineral resources management immediately shall notify 110821  
the owner or lessee of the mine that the application has been 110822  
filed and send to the owner or lessee a copy of the map 110823  
accompanying the application setting forth the location of the 110824  
well. The chief of the division of mineral resources management 110825  
shall note on the application that the notice has been sent to the 110826  
owner or lessee of the mine, retain a copy of the application and 110827  
map, and immediately return a copy of the application to the 110828  
director with the chief's notation on it. 110829

If the application concerns the drilling or conversion of a 110830  
well or the injection into a well that is or is to be located 110831  
within five thousand feet of the underground excavations and 110832  
workings of a mine or within five hundred feet of the surface 110833  
excavations and workings of a mine, the chief of the division of 110834  
mineral resources management immediately shall notify the owner or 110835  
lessee of the mine that the application has been filed and send to 110836  
the owner or lessee a copy of the map accompanying the application 110837  
setting forth the location of the well. If the owner or lessee 110838  
objects to the application, the owner or lessee shall notify the 110839  
chief of the division of mineral resources management of the 110840  
objection, giving the reasons, within six days after the receipt 110841  
of the notice. If the chief of the division of mineral resources 110842  
management receives no objections from the owner or lessee of the 110843  
mine within ten days after the receipt of the notice by the owner 110844  
or lessee, or if in the opinion of the chief of the division of 110845  
mineral resources management the objections offered by the owner 110846  
or lessee are not sufficiently well founded, the chief shall 110847

retain a copy of the application and map and return a copy of the 110848  
application to the director with any applicable notes concerning 110849  
it. 110850

If the chief of the division of mineral resources management 110851  
receives an objection from the owner or lessee of the mine as to 110852  
the application, within ten days after receipt of the notice by 110853  
the owner or lessee, and if in the opinion of the chief the 110854  
objection is well founded, the chief shall disapprove the 110855  
application and immediately return it to the director together 110856  
with the chief's reasons for the disapproval. The director 110857  
promptly shall notify the applicant for the permit, renewal 110858  
permit, or modification of the disapproval. The applicant may 110859  
appeal the disapproval of the application by the chief of the 110860  
division of mineral resources management to the reclamation 110861  
commission created under section 1513.05 of the Revised Code, and 110862  
the commission shall hear the appeal in accordance with section 110863  
1513.13 of the Revised Code. The appeal shall be filed within 110864  
thirty days from the date the applicant receives notice of the 110865  
disapproval. No comments concerning or disapproval of an 110866  
application shall be delayed by the chief of the division of 110867  
mineral resources management for more than fifteen days from the 110868  
date of sending of notice to the mine owner or lessee as required 110869  
by this section. 110870

The director shall not approve an application for an 110871  
injection well drilling permit, an injection well operating 110872  
permit, a renewal of an injection well operating permit, or a 110873  
modification of an injection well drilling permit, operating 110874  
permit, or renewal of an operating permit for a well that is or is 110875  
to be located within three hundred feet of any opening of any mine 110876  
used as a means of ingress, egress, or ventilation for persons 110877  
employed in the mine, nor within one hundred feet of any building 110878  
or flammable structure connected with the mine and actually used 110879

as a part of the operating equipment of the mine, unless the chief 110880  
of the division of mineral resources management determines that 110881  
life or property will not be endangered by drilling and operating 110882  
the well in that location. 110883

Upon review by the chief of the division of oil and gas 110884  
resources management, the chief of the division of geological 110885  
survey, and the chief of the division of ~~soil and~~ water resources, 110886  
and if the chief of the division of mineral resources management 110887  
has not disapproved the application, the director shall issue a 110888  
permit, renewal permit, or modification with any terms and 110889  
conditions that may be necessary to comply with the Federal Water 110890  
Pollution Control Act and regulations adopted under it; the "Safe 110891  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 110892  
amended, and regulations adopted under it; and this chapter and 110893  
the rules adopted under it. The director shall not issue a permit, 110894  
renewal permit, or modification to an applicant if the applicant 110895  
or persons associated with the applicant have engaged in or are 110896  
engaging in a substantial violation of this chapter that is 110897  
endangering or may endanger human health or the environment or if, 110898  
in the case of an applicant for an injection well drilling permit, 110899  
the applicant, at the time of applying for the permit, did not 110900  
hold an injection well operating permit or renewal of an injection 110901  
well drilling permit and failed to demonstrate sufficient 110902  
expertise and competency to operate the well in compliance with 110903  
the applicable provisions of this chapter. 110904

If the director receives a disapproval from the chief of the 110905  
division of mineral resources management regarding an application 110906  
for an injection well drilling or operating permit, renewal 110907  
permit, or modification, if required, the director shall issue an 110908  
order denying the application. 110909

The director need not issue a proposed action under section 110910  
3745.07 of the Revised Code or hold an adjudication hearing under 110911

that section and Chapter 119. of the Revised Code before issuing 110912  
or denying a permit, renewal permit, or modification of a permit 110913  
or renewal permit. Before issuing or renewing a permit to drill or 110914  
operate a class I injection well or a modification of it, the 110915  
director shall propose the permit, renewal permit, or modification 110916  
in draft form and shall hold a public hearing to receive public 110917  
comment on the draft permit, renewal permit, or modification. At 110918  
least fifteen days before the public hearing on a draft permit, 110919  
renewal permit, or modification, the director shall publish notice 110920  
of the date, time, and location of the public hearing in at least 110921  
one newspaper of general circulation serving the area where the 110922  
well is or is to be located. The proposing of such a draft permit, 110923  
renewal permit, or modification does not constitute the issuance 110924  
of a proposed action under section 3745.07 of the Revised Code, 110925  
and the holding of the public hearing on such a draft permit, 110926  
renewal permit, or modification does not constitute the holding of 110927  
an adjudication hearing under that section and Chapter 119. of the 110928  
Revised Code. Appeals of orders other than orders of the chief of 110929  
the division of mineral resources management shall be taken under 110930  
sections 3745.04 to 3745.08 of the Revised Code. 110931

The director may order that an injection well drilling permit 110932  
or an injection well operating permit or renewal permit be 110933  
suspended and that activities under it cease after determining 110934  
that those activities are occurring in violation of law, rule, 110935  
order, or term or condition of the permit. Upon service of a copy 110936  
of the order upon the permit holder or the permit holder's 110937  
authorized agent or assignee, the permit and activities under it 110938  
shall be suspended immediately without prior hearing and shall 110939  
remain suspended until the violation is corrected and the order of 110940  
suspension is lifted. If a violation is the second within a 110941  
one-year period, the director, after a hearing, may revoke the 110942  
permit. 110943



The director may order that an injection well drilling permit 110944  
or an injection well operating permit or renewal permit be 110945  
suspended and that activities under it cease if the director has 110946  
reasonable cause to believe that the permit would not have been 110947  
issued if the information available at the time of suspension had 110948  
been available at the time a determination was made by one of the 110949  
agencies acting under authority of this section. Upon service of a 110950  
copy of the order upon the permit holder or the permit holder's 110951  
authorized agent or assignee, the permit and activities under it 110952  
shall be suspended immediately without prior hearing, but a permit 110953  
may not be suspended for that reason without prior hearing unless 110954  
immediate suspension is necessary to prevent waste or 110955  
contamination of oil or gas, comply with the Federal Water 110956  
Pollution Control Act and regulations adopted under it; the "Safe 110957  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 110958  
amended, and regulations adopted under it; and this chapter and 110959  
the rules adopted under it, or prevent damage to valuable mineral 110960  
resources, prevent contamination of an underground source of 110961  
drinking water, or prevent danger to human life or health. If 110962  
after a hearing the director determines that the permit would not 110963  
have been issued if the information available at the time of the 110964  
hearing had been available at the time a determination was made by 110965  
one of the agencies acting under authority of this section, the 110966  
director shall revoke the permit. 110967

When a permit has been revoked, the permit holder or other 110968  
person responsible for it immediately shall plug the well in the 110969  
manner required by the director. 110970

The director may issue orders to prevent or require cessation 110971  
of violations of this section, section 6111.043, 6111.045, 110972  
6111.046, or 6111.047 of the Revised Code, rules adopted under any 110973  
of those sections, and terms or conditions of permits issued under 110974  
any of them. The orders may require the elimination of conditions 110975

caused by the violation. 110976

Sec. 6111.051. (A) As used in this section, "structural products" means products that are created from clay, shale, or a combination of clay and shale, are generated as a result of a manufacturing process that is designed to create products intended to form part of a building or other structure, and are no longer wanted for that originally intended use. "Structural products" includes floor tiles, bricks, paving bricks, terra-cotta facing tiles, roofing tiles, clay pipes, chimney pipes, flue liners, and drainage tiles and pipes. 110977  
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(B) No person shall use, manage, or dispose of structural products in a manner that results in any of the following: 110986  
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(1) A nuisance; 110988

(2) An exceedance of a water quality standard adopted under section 6111.041 of the Revised Code; 110989  
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(3) An exceedance of a primary or secondary maximum contaminant level established in rules adopted under section 6109.04 of the Revised Code; 110991  
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(4) An emission of an air contaminant as defined in section 3704.01 of the Revised Code; 110994  
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(5) A threat to public health or safety or the environment. 110996

(C) No person shall place, accumulate, or store for further processing structural products in any of the following locations: 110997  
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(1) Within the boundaries of a sole source aquifer designated under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C. 300f, as amended, and regulations adopted under it; 110999  
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(2) Within the boundaries of a source water protection area; 111002

(3) Above an unconsolidated aquifer capable of yielding at least one hundred gallons per minute. 111003  
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Division (C) of this section does not apply to structural products that have been sold and distributed in the stream of commerce as desired commodities.

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(D) The director of environmental protection or the director's authorized representative may enter private or public property at reasonable times to inspect and investigate conditions or examine records relating to alleged noncompliance with this section and may apply to the court of common pleas having jurisdiction for a warrant permitting the entrance and inspection or examination.

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(E) The director may adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements that are necessary to administer this section.

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**Sec. 6111.12.** (A) The director of environmental protection shall establish an antidegradation policy applicable to surface waters of the state pursuant to applicable federal laws and regulations. The purpose of the policy shall be to maintain levels of water quality that are currently better than prescribed by applicable standards except in situations when a need to allow a lower level of water quality is demonstrated based on technical, social, and economic criteria. Not later than March 31, 1994, the director shall revise the existing antidegradation policy established in rules adopted under section 6111.041 of the Revised Code and revise any necessary implementation procedures to conform them to the following principles and any mandatory regulations adopted under the Federal Water Pollution Control Act:

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(1) The use of existing effluent quality as a method of calculating antidegradation-based limits shall be imposed only to the extent that the use is explicitly required by federal law or regulation as the only means available to implement antidegradation.

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(2) No degradation shall be allowed in waters for any 111036  
pollutant that currently does not meet applicable standards. For 111037  
all remaining waters, there shall be provisions requiring federal 111038  
antidegradation requirements to be met and provisions ensuring 111039  
that waters of exceptional recreational or ecological value are 111040  
maintained as high quality resources for future generations. There 111041  
shall be at least two categories of surface waters identified in 111042  
the state for that purpose and for the purpose of establishing 111043  
priorities for the administrative and technical resources expended 111044  
on antidegradation reviews. 111045

(3) Whenever current ambient water quality is determined to 111046  
be of a higher quality than prescribed in the standards, on a 111047  
pollutant-by-pollutant basis, and the water body lacks exceptional 111048  
recreational or ecological value, the director may allocate to 111049  
existing sources eighty per cent of the pollutant assimilative 111050  
capacity as determined by appropriate total maximum daily load 111051  
procedures without further antidegradation review. The permittee 111052  
for any existing source may receive an effluent limitation based 111053  
on not more than one hundred per cent of the mass or concentration 111054  
levels necessary to meet applicable water quality in the receiving 111055  
water body as determined by appropriate total maximum daily load 111056  
procedures, provided that there has been a satisfactory 111057  
demonstration of the need to allow lower water quality based on 111058  
technical, social, and economic criteria and the action is 111059  
preceded by a public notice. Sources other than existing sources 111060  
that result in ten per cent or greater change, that is, 111061  
degradation, of ambient chemical water quality shall require a 111062  
demonstration of technical, social, and economic need and shall be 111063  
the subject of a public notice. 111064

(4) Degradation of waters identified as possessing 111065  
exceptional recreational or ecological value shall be determined 111066  
through an analysis of the expected perceptible change in ambient 111067

concentrations of pollutant or alternatively through an analysis 111068  
of the expected change in the biological condition of the water 111069  
body. Either determination shall constitute a lowering of water 111070  
quality and shall require an antidegradation review. The director 111071  
shall establish, by rules adopted in accordance with Chapter 119. 111072  
of the Revised Code, a definition of perceptible change that shall 111073  
be applicable to those waters identified in rule as possessing 111074  
exceptional recreational or ecological value. Antidegradation 111075  
reviews shall be required for any activity resulting in a 111076  
perceptible change in ambient chemical or biological quality on 111077  
waters identified as possessing exceptional recreational or 111078  
ecological value. Allowances shall be made for existing sources to 111079  
retain their current permit limits with no requirement to 111080  
demonstrate technical, social, and economic need. 111081

(5) The director shall establish reasonable protocols for 111082  
completing technical, social, and economic need demonstrations 111083  
based on existing federal guidance and on input from the 111084  
department of development, the regulated community, and the 111085  
general public. 111086

(B) Effluent limitations established by the director for any 111087  
existing source in any permit issued under division (J) of section 111088  
6111.03 of the Revised Code prior to July 1, 1993, shall continue 111089  
in effect unless the permit is modified by the director. A 111090  
discharger seeking modification of antidegradation-based 111091  
limitations that were based on existing quality of discharge when 111092  
the permit was issued shall apply to the director for modification 111093  
of the permit, consistent with rules adopted under division (A) of 111094  
this section, not later than one hundred eighty days after July 1, 111095  
1993. If the permittee has filed such a timely application for 111096  
modification, the director shall not pursue administrative or 111097  
judicial enforcement actions for violations of 111098  
antidegradation-based limitations based on the existing quality of 111099

effluent that occur after July 1, 1993. 111100

(C) A historically channelized watercourse provides 111101  
technical, social, and economic benefits. Therefore, with regard 111102  
to a historically channelized watercourse, the director shall not 111103  
require further antidegradation review during the review of an 111104  
application for and the issuance or denial of a permit under this 111105  
chapter or a water quality certification under section 401 of the 111106  
Federal Water Pollution Control Act if the director finds, after 111107  
public notice and opportunity for comment, and a public hearing if 111108  
significant public interest is shown, that all of the following 111109  
apply: 111110

(1) Work is necessary to restore or maintain a drainage or 111111  
other improvement provided by a historically channelized 111112  
watercourse. 111113

(2) The work is performed pursuant to section ~~1515.08~~ 940.06 111114  
of the Revised Code or a petition filed under section 6131.04 or 111115  
6133.02 of the Revised Code. 111116

(3) Without the work, flooding threatens public health and 111117  
safety or may result in significant damage to public or private 111118  
property. 111119

(4) The work will not result in the loss of designated or 111120  
existing beneficial uses as those uses are described in rules 111121  
adopted under section 6111.041 of the Revised Code. 111122

(5) The work will not harm or interfere with the protection 111123  
of federal or state designated endangered or threatened species. 111124

(6) The historically channelized watercourse is not 111125  
designated as coldwater habitat, exceptional warmwater habitat, or 111126  
a state resource water in rules adopted under section 6111.041 of 111127  
the Revised Code. 111128

(7) If information is available concerning resident fishery 111129

or macroinvertebrate communities, or both, in the historically 111130  
channelized watercourse, the historically channelized watercourse 111131  
does not support a particularly diverse or unique warmwater 111132  
habitat as that term is defined in rules adopted under section 111133  
6111.041 of the Revised Code. 111134

(8) Plans for the work have been submitted to the applicable 111135  
soil and water conservation district organized under Chapter ~~1515~~. 111136  
940. of the Revised Code. 111137

(9) A storm water runoff plan has been developed for the 111138  
watershed prior to or during planning and design of the work and 111139  
the work is consistent with the plan. 111140

(D) As used in this section: 111141

(1) "Existing sources" means any treatment works that were 111142  
built and operational under the terms of an NPDES permit prior to 111143  
July 1, 1993, but does not include expansions or upgrades of 111144  
existing treatment works authorized in rules adopted under section 111145  
6111.03 of the Revised Code after that date. 111146

(2) "Appropriate total maximum daily load procedures" means 111147  
the procedures, policies, and guidelines used by the director 111148  
prior to July 1, 1993, or subsequent revisions to those procedures 111149  
established in rules adopted in accordance with Chapter 119. of 111150  
the Revised Code. 111151

(3) "Antidegradation review" means the consideration by the 111152  
director of the technical, social, and economic need demonstration 111153  
completed by any person requesting to lower water quality as 111154  
provided in this section, including the public notice of the 111155  
application and, at the discretion of the director, a public 111156  
hearing on it. 111157

**Sec. 6111.30.** (A) Applications for a section 401 water 111158  
quality certification required under division (P) of section 111159

6111.03 of the Revised Code shall be submitted on forms provided 111160  
by the director of environmental protection and shall include all 111161  
information required on those forms as well as all of the 111162  
following: 111163

(1) A copy of a letter from the United States army corps of 111164  
engineers documenting its jurisdiction over the wetlands, streams, 111165  
or other waters of the state that are the subject of the section 111166  
401 water quality certification application; 111167

(2) If the project involves impacts to a wetland, a wetland 111168  
characterization analysis consistent with the Ohio rapid 111169  
assessment method; 111170

(3) If the project involves a stream for which a specific 111171  
aquatic life use designation has not been made, ~~a use~~ 111172  
~~attainability analysis~~ data sufficient to determine the existing 111173  
aquatic life use; 111174

(4) A specific and detailed mitigation proposal, including 111175  
the location and proposed ~~legal~~ real estate instrument or other 111176  
available mechanism for protecting the property ~~in perpetuity~~ long 111177  
term; 111178

(5) Applicable fees; 111179

(6) Site photographs; 111180

(7) Adequate documentation confirming that the applicant has 111181  
requested comments from the department of natural resources and 111182  
the United States fish and wildlife service regarding threatened 111183  
and endangered species, including the presence or absence of 111184  
critical habitat; 111185

(8) Descriptions, schematics, and appropriate economic 111186  
information concerning the applicant's preferred alternative, 111187  
nondegradation alternatives, and minimum degradation alternatives 111188  
for the design and operation of the project; 111189



(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of the complete application in a newspaper of general circulation in the county in which the project that is the subject of the application is located. The public notice shall be in a form acceptable to the director. The applicant shall promptly provide

the director with proof of publication. The applicant may choose, 111222  
subject to review by and approval of the director, to include in 111223  
the public notice an advertisement for an antidegradation public 111224  
hearing on the application pursuant to section 6111.12 of the 111225  
Revised Code. There shall be a public comment period of thirty 111226  
days following the publication of the public notice. 111227

(D) If the director determines that there is significant 111228  
public interest in a public hearing as evidenced by the public 111229  
comments received concerning the application and by other requests 111230  
for a public hearing on the application, the director or the 111231  
director's representative shall conduct a public hearing 111232  
concerning the application. Notice of the public hearing shall be 111233  
published by the applicant, subject to review and approval by the 111234  
director, at least thirty days prior to the date of the hearing in 111235  
a newspaper of general circulation in the county in which the 111236  
project that is the subject of the application is to take place. 111237  
If a public hearing is requested concerning an application, the 111238  
director shall accept comments concerning the application until 111239  
five business days after the public hearing. A public hearing 111240  
conducted under this division shall take place not later than one 111241  
hundred days after the application is determined to be complete. 111242

(E) The director shall forward all public comments concerning 111243  
an application submitted under this section that are received 111244  
through the public involvement process required by rules adopted 111245  
under this chapter to the applicant not later than five business 111246  
days after receipt of the comments by the director. 111247

(F) The applicant shall respond in writing to written 111248  
comments or to deficiencies identified by the director during the 111249  
course of reviewing the application not later than fifteen days 111250  
after receiving or being notified of them. 111251

(G) The director shall issue or deny a section 401 water 111252  
quality certification not later than one hundred eighty days after 111253

the complete application for the certification is received. The 111254  
director shall provide an applicant for a section 401 water 111255  
quality certification with an opportunity to review the 111256  
certification prior to its issuance. 111257

(H) The director shall maintain an accessible database that 111258  
includes environmentally beneficial water restoration and 111259  
protection projects that may serve as potential mitigation 111260  
projects for projects in the state for which a section 401 water 111261  
quality certification is required. A project's inclusion in the 111262  
database does not constitute an approval of the project. 111263

(I) Mitigation required by a section 401 water quality 111264  
certification may be accomplished by any of the following: 111265

(1) Purchasing credits at a mitigation bank approved in 111266  
accordance with 33 C.F.R. 332.8; 111267

(2) Participating in an in-lieu fee mitigation program 111268  
approved in accordance with 33 C.F.R. 332.8; 111269

(3) Constructing individual mitigation projects. 111270

Notwithstanding the mitigation hierarchy specified in section 111271  
3745-1-54 of the Administrative Code, mitigation projects shall be 111272  
approved in accordance with the hierarchy specified in 33 C.F.R. 111273  
332.3 unless the director determines that the size or quality of 111274  
the impacted resource necessitates reasonably identifiable, 111275  
available, and practicable mitigation conducted by the applicant. 111276  
The director shall adopt rules in accordance with Chapter 119. of 111277  
the Revised Code consistent with the mitigation hierarchy 111278  
specified in 33 C.F.R. 332.3. 111279

(J) The director may establish a program and adopt rules in 111280  
accordance with Chapter 119. of the Revised Code for the purpose 111281  
of certifying water quality professionals to assess streams to 111282  
determine existing aquatic life use and to categorize wetlands in 111283  
support of applications for section 401 water quality 111284

certification under divisions (A)(2) and (3) of this section and 111285  
isolated wetland permits under sections 6111.022 to 6111.024 of 111286  
the Revised Code. The director shall use information submitted by 111287  
certified water quality professionals in the review of those 111288  
applications. 111289

Rules adopted under this division shall do all of the 111290  
following: 111291

(1) Provide for the certification of water quality 111292  
professionals to conduct activities in support of applications for 111293  
section 401 water quality certification and isolated wetland 111294  
permits, including work necessary to determine existing aquatic 111295  
life use of streams and categorize wetlands. Rules adopted under 111296  
division (J)(1) of this section shall do at least all of the 111297  
following: 111298

(a) Authorize the director to require an applicant for water 111299  
quality professional certification to submit information 111300  
considered necessary by the director to assess a water quality 111301  
professional's experience in conducting stream assessments and 111302  
wetlands categorizations; 111303

(b) Authorize the director to establish experience 111304  
requirements and to use tests to determine the competency of 111305  
applicants for water quality professional certification; 111306

(c) Authorize the director to approve applicants for water 111307  
quality professional certification who comply with the 111308  
requirements established in rules and deny applicants that do not 111309  
comply with those requirements; 111310

(d) Require the director to revoke the certification of a 111311  
water quality professional if the director finds that the 111312  
professional falsified any information on the professional's 111313  
application for certification regarding the professional's 111314  
credentials; 111315

<u>(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.</u>	111316
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<u>(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications;</u>	111319
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<u>(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section;</u>	111325
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<u>(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;</u>	111331
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<u>(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director;</u>	111335
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<u>(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;</u>	111339
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<u>(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.</u>	111343
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	111345
<u>(K) As used in this section and section 6111.31 of the</u>	111346

Revised Code, "section 401 water quality certification" means 111347  
certification pursuant to section 401 of the Federal Water 111348  
Pollution Control Act and this chapter and rules adopted under it 111349  
that any discharge, as set forth in section 401, will comply with 111350  
sections 301, 302, 303, 306, and 307 of the Federal Water 111351  
Pollution Control Act. 111352

**Sec. 6111.44.** (A) Except as otherwise provided in division 111353  
(B) of this section, in section 6111.14 of the Revised Code, or in 111354  
rules adopted under division (G) of section 6111.03 of the Revised 111355  
Code, no municipal corporation, county, public institution, 111356  
corporation, or officer or employee thereof or other person shall 111357  
provide or install sewerage or treatment works for sewage, sludge, 111358  
or sludge materials disposal or treatment or make a change in any 111359  
sewerage or treatment works until the plans therefor have been 111360  
submitted to and approved by the director of environmental 111361  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 111362  
to sewerage and treatment works of a municipal corporation or part 111363  
thereof, an unincorporated community, a county sewer district, or 111364  
other land outside of a municipal corporation or any publicly or 111365  
privately owned building or group of buildings or place, used for 111366  
the assemblage, entertainment, recreation, education, correction, 111367  
hospitalization, housing, or employment of persons. 111368

In granting an approval, the director may stipulate 111369  
modifications, conditions, and rules that the public health and 111370  
prevention of pollution may require. Any action taken by the 111371  
director shall be a matter of public record and shall be entered 111372  
in the director's journal. Each period of thirty days that a 111373  
violation of this section continues, after a conviction for the 111374  
violation, constitutes a separate offense. 111375

(B) Sections 6111.45 and 6111.46 of the Revised Code and 111376  
division (A) of this section do not apply to any of the following: 111377

(1) Sewerage or treatment works for sewage installed or to be installed for the use of a private residence or dwelling;

(2) Sewerage systems, treatment works, or disposal systems for storm water from an animal feeding facility or manure, as "animal feeding facility" and "manure" are defined in section 903.01 of the Revised Code;

(3) Residual farm products and manure treatment or disposal works and related management and conservation practices that are subject to rules adopted under division (E)(1) of section ~~1511.02~~ 939.02 of the Revised Code. As used in division (B)(3) of this section, "residual farm products" and "manure" have the same meanings as in section ~~1511.01~~ 939.01 of the Revised Code.

(4) Sewerage or treatment works for the on-lot disposal or treatment of sewage from a small flow on-site sewage treatment system, as defined in section 3718.01 of the Revised Code, if the board of health of a city or general health district has notified the director of health and the director of environmental protection under section 3718.021 of the Revised Code that the board has chosen to regulate the system, provided that the board remains in compliance with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code.

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

**Sec. 6111.99.** (A) Whoever purposely violates section 6111.04, 6111.042, 6111.05, or division (A) or (C) of section 6111.07 of the Revised Code is guilty of a felony and shall be fined not more

than twenty-five thousand dollars or imprisoned not more than ~~one~~ 111409  
~~year~~ four years, or both. Each day of violation is a separate 111410  
offense. 111411

(B) Whoever knowingly violates section 6111.04, 6111.042, 111412  
6111.045 ~~or~~, 6111.047, 6111.05, 6111.45, or division (A) or (C) of 111413  
section 6111.07 of the Revised Code is guilty of a misdemeanor and 111414  
shall be fined not more than ten thousand dollars or imprisoned 111415  
not more than one year, or both. Each day of violation is a 111416  
separate offense. 111417

(C) Whoever violates section ~~6111.45~~ ~~or~~ 6111.46 of the 111418  
Revised Code shall be fined not more than five hundred dollars. 111419

(D) ~~Whoever violates division (C) of section 6111.07 of the~~ 111420  
~~Revised Code shall be fined not more than twenty five thousand~~ 111421  
~~dollars.~~ 111422

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 111423  
shall be fined not more than one hundred dollars for a first 111424  
offense; for each subsequent offense, the person shall be fined 111425  
not more than one hundred fifty dollars. 111426

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 111427  
shall be fined not more than ~~one hundred~~ ten thousand dollars. 111428  
Each day of violation is a separate offense. 111429

(F) If a person is convicted of or pleads guilty to a 111430  
violation of any section of this chapter, in addition to the 111431  
financial sanctions authorized by this chapter or section 2929.18 111432  
or 2929.28 or any other section of the Revised Code, the court 111433  
imposing the sentence on the person may order the person to 111434  
reimburse the state agency or a political subdivision for any 111435  
actual costs that it incurred in responding to the violation, 111436  
including the cost of restoring affected aquatic resources or 111437  
otherwise compensating for adverse impact to aquatic resources 111438  
directly caused by the violation, but not including the costs of 111439



prosecution. 111440

Sec. 6117.021. At any time after the formation of a county 111441  
sewer district, the board of county commissioners may enter into a 111442  
contract, on terms and for the period of time that are mutually 111443  
agreed on, with any other public agency under which the public 111444  
agency will conduct projects and activities for the purpose of 111445  
complying with the requirements of phase II of the storm water 111446  
program of the national pollutant discharge elimination system 111447  
established in 40 C.F.R. part 122. 111448

**Sec. 6131.23.** The assessments estimated in accordance with 111449  
section 6131.14 of the Revised Code shall be payable in not less 111450  
than two semiannual installments. At the time of the final 111451  
hearing, in the order approving the levying of the assessments, 111452  
the board of county commissioners shall determine how long a 111453  
period of time, in semiannual installments, as taxes are paid, 111454  
shall be given the owners of land benefited to pay the assessments 111455  
that are made for an improvement and whether or not bonds or notes 111456  
shall be issued and sold in anticipation of such payments. If 111457  
bonds or notes are to be issued, the interest shall be added to 111458  
the assessments. If the estimated cost of the improvement does not 111459  
exceed five hundred dollars, not more than two semiannual 111460  
installments, as taxes are paid, shall be given to owners of lands 111461  
benefited to pay the assessments that are made for the 111462  
improvement. If the estimated cost of the improvement exceeds five 111463  
hundred dollars, the board may determine the number of 111464  
installments in which the assessments are to be paid. If any such 111465  
assessment is twenty-five dollars or less, or whenever the unpaid 111466  
balance of any such assessment is twenty-five dollars or less, the 111467  
same shall be paid in full, and not in installments, at the time 111468  
the first or next installment would otherwise become due. 111469

When assessments are payable in installments and county 111470

general funds are used to pay for the improvement, the assessment 111471  
shall not exceed thirty semiannual installments, as computed by 111472  
the county auditor pursuant to section 6131.49 of the Revised 111473  
Code, and shall be payable upon completion of the contract. 111474

When assessments are made payable in installments and bonds 111475  
or notes have been sold to pay for the improvement, interest shall 111476  
be added to the installments of assessments at the same rate as is 111477  
drawn by the bonds or notes issued to pay for the improvements. 111478  
Any owner may pay the estimated assessments on the owner's land in 111479  
cash within thirty days after the final hearing without paying any 111480  
interest thereon. If the legislative authority of a political 111481  
subdivision chooses to pay the assessments on all parcels within 111482  
the subdivision, both public and private, in one installment, it 111483  
shall pass a resolution so stating and shall send the resolution, 111484  
or a copy thereof, to the board of county commissioners before 111485  
making the payment. The legislative authority shall pay all 111486  
subsequent maintenance assessments levied under section 6137.03 of 111487  
the Revised Code if it chooses to pay the construction assessments 111488  
on all parcels within the subdivision. 111489

Bonds may be sold for any repayment period that the board of 111490  
county commissioners may determine proper, not to exceed thirty 111491  
semiannual installments, except that for bonds sold by a board of 111492  
county commissioners for soil and water conservation district 111493  
improvements pursuant to section ~~1515.24~~ 940.33 of the Revised 111494  
Code, the repayment period shall not exceed thirty semiannual 111495  
installments. 111496

Sec. 6301.16. (A) Beginning January 1, 2016, each participant 111497  
in an adult training or education program funded under the 111498  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall 111499  
create an account with OhioMeansJobs at the time of enrollment in 111500  
the program. 111501

(B) Division (A) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available.

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Sec. 6301.17. There is hereby created in the state treasury the workforce development projects fund. The fund may consist of intrastate agency transfers, nonfederal grants, and other similar revenue sources. The department of job and family services shall use the fund to support program and administrative expenses related to the implementation of workforce development initiatives within the department.

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**Section 101.02.** That existing sections 1.05, 9.312, 9.333, 9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 105.41, 109.57, 109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 119.12, 121.03, 121.04, 121.22, 121.36, 121.372, 121.40, 122.17, 122.171, 122.174, 122.175, 122.177, 122.64, 122.68, 122.85, 122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 124.11, 124.14, 124.15, 124.152, 124.181, 124.34, 124.382, 124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 125.609, 125.76, 125.901, 126.32, 128.021, 128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, 131.35, 131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 135.01, 135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.114, 145.116, 145.56, 145.571, 149.04, 149.43, 153.08, 153.70, 156.01, 156.02, 156.04, 167.06, 173.47, 173.48, 173.522, 173.523, 173.543, 173.544, 173.545, 174.02, 187.03, 191.04, 191.06, 305.31, 306.35, 319.63, 321.24, 323.13, 325.03, 325.04, 325.06, 325.08, 325.09,

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349.04, 349.06, 349.07, 349.14, 355.02, 355.03, 355.04, 505.101, 111535  
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955.27, 991.03, 1306.20, 1309.528, 1332.25, 1347.08, 1349.04, 111542  
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1515.191, 1515.192, 1515.193, 1515.21, 1515.211, 1515.22, 1515.23, 111551  
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1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 1521.10, 111553  
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1561.04, 1707.01, 1707.14, 1711.15, 1711.16, 1713.02, 1713.03, 111560  
1713.031, 1713.04, 1713.05, 1713.06, 1713.09, 1713.25, 1724.04, 111561  
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1739.21, 1751.18, 1751.65, 1776.82, 2106.19, 2109.301, 2113.35, 111563  
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3307.154, 3307.371, 3307.41, 3309.157, 3309.159, 3309.66, 111571  
3309.671, 3310.03, 3310.09, 3310.14, 3310.41, 3310.522, 3310.56, 111572  
3311.19, 3313.375, 3313.41, 3313.411, 3313.603, 3313.608, 111573  
3313.6010, 3313.612, 3313.614, 3313.615, 3313.617, 3313.674, 111574  
3313.68, 3313.72, 3313.902, 3313.975, 3313.976, 3313.981, 3314.02, 111575  
3314.03, 3314.05, 3314.06, 3314.08, 3314.091, 3314.38, 3315.08, 111576  
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3333.17, 3333.171, 3333.18, 3333.19, 3333.20, 3333.21, 3333.22, 111589  
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3333.373, 3333.374, 3333.375, 3333.39, 3333.391, 3333.392, 111592  
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5747.53, 5747.71, 5747.98, 5751.01, 5751.02, 5751.20, 5751.21, 111660

5751.22, 5751.50, 5902.02, 5903.12, 5904.01, 5910.08, 5919.341, 111661  
6101.16, 6109.21, 6109.30, 6111.01, 6111.02, 6111.027, 6111.03, 111662  
6111.04, 6111.044, 6111.12, 6111.30, 6111.44, 6111.99, and 6131.23 111663  
of the Revised Code are hereby repealed. 111664

**Section 105.01.** That sections 103.132, 111.181, 122.26, 111665  
122.952, 124.183, 125.021, 125.022, 125.023, 125.03, 125.051, 111666  
125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 111667  
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3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 111674  
3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 111675  
3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 111676  
3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 111677  
3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 111678  
3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 111679  
3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, 111680  
3115.59, 3301.92, 3301.921, 3313.473, 3318.33, 3326.29, 3337.11, 111681  
3734.51, 3736.04, 3769.086, 3770.061, 4731.283, 4741.09, 5104.012, 111682  
5104.037, 5119.411, 5163.08, 5165.25, 5165.26, 5168.12, and 111683  
5739.212 of the Revised Code are hereby repealed. 111684

**Section 106.01.** That section 125.833 of the Revised Code is 111685  
hereby repealed, effectively January 1, 2016. 111686

**Section 110.10.** That the versions of sections 340.01, 340.03, 111687  
340.15, and 5119.21 of the Revised Code that are scheduled to take 111688  
effect September 15, 2016, be amended to read as follows: 111689



Sec. 340.01. (A) As used in this chapter: 111690

(1) "Addiction," "addiction services," "alcohol and drug 111691  
addiction services," "alcoholism," "community addiction services 111692  
provider," "community mental health services provider," "drug 111693  
addiction," "gambling addiction services," "mental health 111694  
services," and "mental illness" have the same meanings as in 111695  
section 5119.01 of the Revised Code. 111696

(2) "Medication-assisted treatment" means alcohol and drug 111697  
addiction services that are accompanied by medication approved by 111698  
the United States food and drug administration for the treatment 111699  
of drug addiction, prevention of relapse of drug addiction, or 111700  
both. 111701

(3) "Recovery housing" means housing for individuals 111702  
recovering from alcoholism or drug addiction that provides an 111703  
alcohol and drug-free living environment, peer support, assistance 111704  
with obtaining alcohol and drug addiction services, and other 111705  
alcoholism and drug addiction recovery assistance. 111706

(B) An alcohol, drug addiction, and mental health service 111707  
district shall be established in any county or combination of 111708  
counties having a population of at least fifty thousand to provide 111709  
addiction services and mental health services. With the approval 111710  
of the director of mental health and addiction services, any 111711  
county or combination of counties having a population of less than 111712  
fifty thousand may establish such a district. Districts comprising 111713  
more than one county shall be known as joint-county districts. 111714

The board of county commissioners of any county participating 111715  
in a joint-county district may submit a resolution requesting 111716  
withdrawal from the district together with a comprehensive plan or 111717  
plans that are in compliance with rules adopted by the director of 111718  
mental health and addiction services under section 5119.22 of the 111719  
Revised Code, and that provide for the equitable adjustment and 111720

division of all services, assets, property, debts, and 111721  
obligations, if any, of the joint-county district to the board of 111722  
alcohol, drug addiction, and mental health services, to the boards 111723  
of county commissioners of each county in the district, and to the 111724  
director. No county participating in a joint-county service 111725  
district may withdraw from the district without the consent of the 111726  
director of mental health and addiction services nor earlier than 111727  
one year after the submission of such resolution unless all of the 111728  
participating counties agree to an earlier withdrawal. Any county 111729  
withdrawing from a joint-county district shall continue to have 111730  
levied against its tax list and duplicate any tax levied by the 111731  
district during the period in which the county was a member of the 111732  
district until such time as the levy expires or is renewed or 111733  
replaced. 111734

**Sec. 340.03.** (A) Subject to rules issued by the director of 111735  
mental health and addiction services after consultation with 111736  
relevant constituencies as required by division (A)(10) of section 111737  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 111738  
and mental health services shall: 111739

(1) Serve as the community addiction and mental health 111740  
services planning agency for the county or counties under its 111741  
jurisdiction, and in so doing it shall: 111742

(a) Evaluate the need for facilities and community addiction 111743  
and mental health services; 111744

(b) In cooperation with other local and regional planning and 111745  
funding bodies and with relevant ethnic organizations, assess the 111746  
community addiction and mental health needs, evaluate strengths 111747  
and challenges, and set priorities for community addiction and 111748  
mental health services, including treatment and prevention. When 111749  
the board sets priorities for the operation of addiction services, 111750  
the board shall consult with the county commissioners of the 111751

counties in the board's service district regarding the services 111752  
described in section 340.15 of the Revised Code and shall give 111753  
priority to those services, except that those services shall not 111754  
have a priority over services provided to pregnant women under 111755  
programs developed in relation to the mandate established in 111756  
section 5119.17 of the Revised Code; 111757

(c) In accordance with guidelines issued by the director of 111758  
mental health and addiction services after consultation with board 111759  
representatives, annually develop and submit to the department of 111760  
mental health and addiction services a community addiction and 111761  
mental health services plan listing community addiction and mental 111762  
health services needs, including the needs of all residents of the 111763  
district currently receiving inpatient services in state-operated 111764  
hospitals, the needs of other populations as required by state or 111765  
federal law or programs, and the needs of all children subject to 111766  
a determination made pursuant to section 121.38 of the Revised 111767  
Code, and priorities for facilities and community addiction and 111768  
mental health services during the period for which the plan will 111769  
be in effect. 111770

In alcohol, drug addiction, and mental health service 111771  
districts that have separate alcohol and drug addiction services 111772  
and community mental health boards, the alcohol and drug addiction 111773  
services board shall submit a community addiction services plan 111774  
and the community mental health board shall submit a community 111775  
mental health services plan. Each board shall consult with its 111776  
counterpart in developing its plan and address the interaction 111777  
between the local addiction services and mental health services 111778  
systems and populations with regard to needs and priorities in 111779  
developing its plan. 111780

The department shall approve or disapprove the plan, in whole 111781  
or in part, according to the criteria developed pursuant to 111782  
section 5119.22 of the Revised Code. Eligibility for state and 111783

federal funding shall be contingent upon an approved plan or 111784  
relevant part of a plan. 111785

If a board determines that it is necessary to amend a plan 111786  
that has been approved under this division, the board shall submit 111787  
a proposed amendment to the director. The director may approve or 111788  
disapprove all or part of the amendment. The director shall inform 111789  
the board of the reasons for disapproval of all or part of an 111790  
amendment and of the criteria that must be met before the 111791  
amendment may be approved. The director shall provide the board an 111792  
opportunity to present its case on behalf of the amendment. The 111793  
director shall give the board a reasonable time in which to meet 111794  
the criteria, and shall offer the board technical assistance to 111795  
help it meet the criteria. 111796

The board shall operate in accordance with the plan approved 111797  
by the department. 111798

(d) Promote, arrange, and implement working agreements with 111799  
social agencies, both public and private, and with judicial 111800  
agencies. 111801

(2) Investigate, or request another agency to investigate, 111802  
any complaint alleging abuse or neglect of any person receiving 111803  
services from a community addiction or mental health services 111804  
provider ~~certified under section 5119.36 of the Revised Code~~ or 111805  
alleging abuse or neglect of a resident receiving addiction 111806  
services or with mental illness or severe mental disability 111807  
residing in a residential facility licensed under section 5119.34 111808  
of the Revised Code. If the investigation substantiates the charge 111809  
of abuse or neglect, the board shall take whatever action it 111810  
determines is necessary to correct the situation, including 111811  
notification of the appropriate authorities. Upon request, the 111812  
board shall provide information about such investigations to the 111813  
department. 111814

(3) For the purpose of section 5119.36 of the Revised Code, 111815  
cooperate with the director of mental health and addiction 111816  
services in visiting and evaluating whether the addiction or 111817  
mental health services of a community addiction or mental health 111818  
services provider satisfy the certification standards established 111819  
by rules adopted under that section; 111820

(4) In accordance with criteria established under division 111821  
(E) of section 5119.22 of the Revised Code, conduct program audits 111822  
that review and evaluate the quality, effectiveness, and 111823  
efficiency of addiction and mental health services provided 111824  
through its community addiction and mental health ~~contracted~~ 111825  
services providers and submit its findings and recommendations to 111826  
the department of mental health and addiction services; 111827

(5) In accordance with section 5119.34 of the Revised Code, 111828  
review an application for a residential facility license and 111829  
provide to the department of mental health and addiction services 111830  
any information about the applicant or facility that the board 111831  
would like the department to consider in reviewing the 111832  
application; 111833

(6) Audit, in accordance with rules adopted by the auditor of 111834  
state pursuant to section 117.20 of the Revised Code, at least 111835  
annually all programs and services provided under contract with 111836  
the board. In so doing, the board may contract for or employ the 111837  
services of private auditors. A copy of the fiscal audit report 111838  
shall be provided to the director of mental health and addiction 111839  
services, the auditor of state, and the county auditor of each 111840  
county in the board's district. 111841

(7) Recruit and promote local financial support for addiction 111842  
and mental health services from private and public sources; 111843

(8)(a) Enter into contracts with public and private 111844  
facilities for the operation of facility services and enter into 111845

contracts with public and private community addiction and mental health ~~service~~ services providers for the provision of ~~community~~ addiction and mental health services. The board may not contract with a residential facility subject to section 5119.34 of the Revised Code unless the facility is licensed by the director of mental health and addiction services ~~and~~. The board may not contract with a community addiction or mental health services provider to provide ~~community~~ addiction or mental health services unless the services are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community addiction or mental health services provider, a board shall consider the cost effectiveness of addiction or mental health services provided by that provider and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process may be established as part of the contract for services entered into between a board and a community addiction or mental health services provider. The board may establish this process in a way that is most effective and efficient in meeting local needs.

If either the board or a facility or community addiction or mental health services provider with which the board contracts under this division proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health and addiction services of the

unresolved dispute. The director may require both parties to 111879  
submit the dispute to a third party with the cost to be shared by 111880  
the board and the facility or provider. The third party shall 111881  
issue to the board, the facility or provider, and the department 111882  
recommendations on how the dispute may be resolved twenty days 111883  
prior to the expiration date of the contract, unless both parties 111884  
agree to a time extension. The director shall adopt rules 111885  
establishing the procedures of this dispute resolution process. 111886

(b) With the prior approval of the director of mental health 111887  
and addiction services, a board may operate a facility or provide 111888  
~~a community~~ an addiction or mental health service as follows, if 111889  
there is no other qualified private or public facility or 111890  
community addiction or mental health services provider that is 111891  
immediately available and willing to operate such a facility or 111892  
provide the service: 111893

(i) In an emergency situation, any board may operate a 111894  
facility or provide ~~a community~~ an addiction or mental health 111895  
service in order to provide essential services for the duration of 111896  
the emergency~~+~~. 111897

(ii) In a service district with a population of at least one 111898  
hundred thousand but less than five hundred thousand, a board may 111899  
operate a facility or provide ~~a community~~ an addiction or mental 111900  
health service for no longer than one year~~+~~. 111901

(iii) In a service district with a population of less than 111902  
one hundred thousand, a board may operate a facility or provide ~~a~~ 111903  
~~community~~ an addiction or mental health service for no longer than 111904  
one year, except that such a board may operate a facility or 111905  
provide ~~a community~~ an addiction or mental health service for more 111906  
than one year with the prior approval of the director and the 111907  
prior approval of the board of county commissioners, or of a 111908  
majority of the boards of county commissioners if the district is 111909  
a joint-county district. 111910

The director shall not give a board approval to operate a facility or provide a ~~community~~ an addiction or mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide a ~~community~~ an addiction or mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or community addiction or mental health services provider.

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a ~~community~~ an addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of ~~community~~ addiction or mental health ~~service~~ services under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a



facility or provider may contract with a board to receive 111943  
administrative services or staff direction from the board under 111944  
the direction of the governing body of the facility or provider. 111945

(9) Approve fee schedules and related charges or adopt a unit 111946  
cost schedule or other methods of payment for contract services 111947  
provided by community addiction or mental health services 111948  
providers in accordance with guidelines issued by the department 111949  
as necessary to comply with state and federal laws pertaining to 111950  
financial assistance; 111951

(10) Submit to the director and the county commissioners of 111952  
the county or counties served by the board, and make available to 111953  
the public, an annual report of the services under the 111954  
jurisdiction of the board, including a fiscal accounting; 111955

(11) Establish, to the extent resources are available, a 111956  
continuum of care that provides for prevention, treatment, 111957  
support, and rehabilitation services and opportunities. The 111958  
essential elements of the continuum of care shall include the 111959  
following components: 111960

(a) To locate persons in need of addiction or mental health 111961  
services to inform them of available services and benefits; 111962

(b) Assistance for persons receiving addiction or mental 111963  
health services to obtain services necessary to meet basic human 111964  
needs for food, clothing, shelter, medical care, personal safety, 111965  
and income; 111966

(c) Addiction and mental health services, including all of 111967  
the following: 111968

(i) Outpatient; 111969

(ii) Residential; 111970

(iii) Partial hospitalization; 111971

(iv) Where appropriate, inpatient care; 111972

(v) Sub-acute detoxification;	111973
(vi) Intensive and other supports;	111974
(vii) Recovery support;	111975
(viii) Prevention and wellness management;	111976
(ix) In accordance with section 340.033 of the Revised Code,	111977
an array of treatment and support services for all levels of	111978
opioid and co-occurring drug addiction.	111979
(d) Emergency services and crisis intervention;	111980
(e) Assistance for persons receiving services to obtain	111981
vocational services and opportunities for jobs;	111982
(f) The provision of services designed to develop social,	111983
community, and personal living skills;	111984
(g) Access to a wide range of housing and the provision of	111985
residential treatment and support;	111986
(h) Support, assistance, consultation, and education for	111987
families, friends, persons receiving addiction or mental health	111988
services, and others;	111989
(i) Recognition and encouragement of families, friends,	111990
neighborhood networks, especially networks that include racial and	111991
ethnic minorities, churches, community organizations, and	111992
community employment as natural supports for persons receiving	111993
addiction or mental health services;	111994
(j) Grievance procedures and protection of the rights of	111995
persons receiving addiction or mental health services;	111996
(k) Community psychiatric supportive treatment services,	111997
which includes continual individualized assistance and advocacy to	111998
ensure that needed services are offered and procured;	111999
(l) Any additional component the department, pursuant to	112000
section 5119.21 of the Revised Code, determines is necessary to	112001

establish the continuum of care. 112002

(12) Establish a method for evaluating referrals for 112003  
~~involuntary commitment~~ court-ordered treatment and affidavits 112004  
filed pursuant to section 5122.11 of the Revised Code in order to 112005  
assist the probate division of the court of common pleas in 112006  
determining whether there is probable cause that a respondent is 112007  
subject to ~~involuntary hospitalization~~ court-ordered treatment and 112008  
~~what alternative treatment is~~ whether alternatives to 112009  
hospitalization are available and appropriate, ~~if any;~~ 112010

(13) Designate the treatment services, provider, facility, or 112011  
other placement for each person involuntarily committed to the 112012  
board pursuant to Chapter 5122. of the Revised Code. The board 112013  
shall provide the least restrictive and most appropriate 112014  
alternative that is available for any person involuntarily 112015  
committed to it and shall assure that the listed services 112016  
submitted and approved in accordance with division (B) of section 112017  
340.08 of the Revised Code are available to severely mentally 112018  
disabled persons residing within its service district. The board 112019  
shall establish the procedure for authorizing payment for 112020  
services, which may include prior authorization in appropriate 112021  
circumstances. The In accordance with division (A)(8)(b) of this 112022  
section, the board may provide for services directly to a severely 112023  
mentally disabled person when life or safety is endangered and 112024  
when no community mental health services provider is available to 112025  
provide the service. 112026

(14) Ensure that ~~apartments or rooms~~ housing built, 112027  
subsidized, renovated, rented, owned, or leased by the board or a 112028  
community addiction or mental health services provider ~~have~~ has 112029  
been approved as meeting minimum fire safety standards and that 112030  
persons residing in the ~~rooms or apartments are receiving~~ housing 112031  
have access to appropriate and necessary services, including 112032  
culturally relevant services, from a community addiction or mental 112033

health services provider. This division does not apply to 112034  
residential facilities licensed pursuant to section 5119.34 of the 112035  
Revised Code. 112036

(15) Establish a mechanism for obtaining advice and 112037  
involvement of persons receiving ~~publicly funded~~ addiction or 112038  
mental health services on matters pertaining to addiction and 112039  
mental health services in the alcohol, drug addiction, and mental 112040  
health service district; 112041

(16) Perform the duties required by rules adopted under 112042  
section 5119.22 of the Revised Code regarding referrals by the 112043  
board or mental health services providers under contract with the 112044  
board of individuals with mental illness or severe mental 112045  
disability to residential facilities ~~as defined in division~~ 112046  
~~(A)(9)(b)(iii) of licensed under~~ section 5119.34 of the Revised 112047  
Code and effective arrangements for ongoing mental health services 112048  
for the individuals. The board is accountable in the manner 112049  
specified in the rules for ensuring that the ongoing mental health 112050  
services are effectively arranged for the individuals. 112051

(B) The board shall establish such rules, operating 112052  
procedures, standards, and bylaws, and perform such other duties 112053  
as may be necessary or proper to carry out the purposes of this 112054  
chapter. 112055

(C) A board of alcohol, drug addiction, and mental health 112056  
services may receive by gift, grant, devise, or bequest any 112057  
moneys, lands, or property for the benefit of the purposes for 112058  
which the board is established, and may hold and apply it 112059  
according to the terms of the gift, grant, or bequest. All money 112060  
received, including accrued interest, by gift, grant, or bequest 112061  
shall be deposited in the treasury of the county, the treasurer of 112062  
which is custodian of the alcohol, drug addiction, and mental 112063  
health services funds to the credit of the board and shall be 112064  
available for use by the board for purposes stated by the donor or 112065

grantor. 112066

(D) No board member or employee of a board of alcohol, drug 112067  
addiction, and mental health services shall be liable for injury 112068  
or damages caused by any action or inaction taken within the scope 112069  
of the board member's official duties or the employee's 112070  
employment, whether or not such action or inaction is expressly 112071  
authorized by this section or any other section of the Revised 112072  
Code, unless such action or inaction constitutes willful or wanton 112073  
misconduct. Chapter 2744. of the Revised Code applies to any 112074  
action or inaction by a board member or employee of a board taken 112075  
within the scope of the board member's official duties or 112076  
employee's employment. For the purposes of this division, the 112077  
conduct of a board member or employee shall not be considered 112078  
willful or wanton misconduct if the board member or employee acted 112079  
in good faith and in a manner that the board member or employee 112080  
reasonably believed was in or was not opposed to the best 112081  
interests of the board and, with respect to any criminal action or 112082  
proceeding, had no reasonable cause to believe the conduct was 112083  
unlawful. 112084

(E) The meetings held by any committee established by a board 112085  
of alcohol, drug addiction, and mental health services shall be 112086  
considered to be meetings of a public body subject to section 112087  
121.22 of the Revised Code. 112088

**Sec. 340.15.** (A) A public children services agency that 112089  
identifies a child by a risk assessment conducted pursuant to 112090  
section 5153.16 of the Revised Code as being at imminent risk of 112091  
being abused or neglected because of an addiction of a parent, 112092  
guardian, or custodian of the child to a drug of abuse or alcohol 112093  
shall refer the child's addicted parent, guardian, or custodian 112094  
and, if the agency determines that the child needs alcohol or 112095  
other drug addiction services, the child to a community addiction 112096

services provider ~~certified by the department of mental health and~~ 112097  
~~addiction services under section 5119.36 of the Revised Code.~~ A 112098  
public children services agency that is sent a court order issued 112099  
pursuant to division (B) of section 2151.3514 of the Revised Code 112100  
shall refer the addicted parent or other caregiver of the child 112101  
identified in the court order to a community addiction services 112102  
provider ~~certified by the department of mental health and~~ 112103  
~~addiction services under section 5119.36 of the Revised Code.~~ On 112104  
receipt of a referral under this division and to the extent 112105  
funding identified under division (A)(2) of section 340.08 of the 112106  
Revised Code is available, the provider shall provide the 112107  
following services to the addicted parent, guardian, custodian, or 112108  
caregiver and child in need of addiction services: 112109

(1) If it is determined pursuant to an initial screening to 112110  
be needed, assessment and appropriate treatment; 112111

(2) Documentation of progress in accordance with a treatment 112112  
plan developed for the addicted parent, guardian, custodian, 112113  
caregiver, or child; 112114

(3) If the referral is based on a court order issued pursuant 112115  
to division (B) of section 2151.3514 of the Revised Code and the 112116  
order requires the specified parent or other caregiver of the 112117  
child to submit to alcohol or other drug testing during, after, or 112118  
both during and after, treatment, testing in accordance with the 112119  
court order. 112120

(B) The services described in division (A) of this section 112121  
shall have a priority as provided in the addiction and mental 112122  
health services plan and budget established pursuant to sections 112123  
340.03 and 340.08 of the Revised Code. Once a referral has been 112124  
received pursuant to this section, the public children services 112125  
agency and the addiction services provider shall, in accordance 112126  
with 42 C.F.R. Part 2, share with each other any information 112127  
concerning the persons and services described in that division 112128

that the agency and provider determine are necessary to share. If 112129  
the referral is based on a court order issued pursuant to division 112130  
(B) of section 2151.3514 of the Revised Code, the results and 112131  
recommendations of the addiction services provider also shall be 112132  
provided and used as described in division (D) of that section. 112133  
Information obtained or maintained by the agency or provider 112134  
pursuant to this section that could enable the identification of 112135  
any person described in division (A) of this section is not a 112136  
public record subject to inspection or copying under section 112137  
149.43 of the Revised Code. 112138

**Sec. 5119.21.** (A) The department of mental health and 112139  
addiction services shall: 112140

(1) To the extent the department has available resources and 112141  
in consultation with boards of alcohol, drug addiction, and mental 112142  
health services, support the continuum of care that the boards are 112143  
required by division (A)(11) of section 340.03 of the Revised Code 112144  
to establish. The department shall provide the support on a 112145  
district or multi-district basis. The department shall assist in 112146  
identifying resources, and may prioritize support, for one or more 112147  
of the elements of the continuum of care. For the purpose of 112148  
division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to 112149  
the extent the department determines is necessary, the department 112150  
shall define additional components to be included in the essential 112151  
elements of the continuum of care. 112152

(2) Provide training, consultation, and technical assistance 112153  
regarding ~~mental health and~~ addiction and mental health services 112154  
and appropriate prevention, recovery, and mental health promotion 112155  
activities, including those that are culturally competent, to 112156  
employees of the department, community mental health and addiction 112157  
services providers, boards of alcohol, drug addiction, and mental 112158  
health services, and other agencies providing ~~mental health and~~ 112159

addiction and mental health services; 112160

(3) To the extent the department has available resources, 112161  
promote and support a full range of ~~mental health and~~ addiction 112162  
and mental health services that are available and accessible to 112163  
all residents of this state, especially for severely ~~mentally~~ 112164  
~~disabled~~ emotionally disturbed children, and adolescents, severely 112165  
mentally disabled adults, pregnant women, parents, guardians or 112166  
custodians of children at risk of abuse or neglect, and other 112167  
special target populations, including racial and ethnic 112168  
minorities, as determined by the department; 112169

(4) Develop standards and measures for evaluating the 112170  
effectiveness of ~~mental health and~~ addiction and mental health 112171  
services, including services that use methadone treatment, of 112172  
gambling addiction services, and for increasing the accountability 112173  
of community mental health and ~~alcohol and~~ addiction services 112174  
providers ~~and of gambling addiction services providers~~; 112175

(5) Design and set criteria for the determination of priority 112176  
populations; 112177

(6) Promote, direct, conduct, and coordinate scientific 112178  
research, taking ethnic and racial differences into consideration, 112179  
concerning the causes and prevention of mental illness and 112180  
addiction, methods of providing effective services and treatment, 112181  
and means of enhancing the mental health of and recovery from 112182  
addiction of all residents of this state; 112183

(7) Foster the establishment and availability of vocational 112184  
rehabilitation services and the creation of employment 112185  
opportunities for ~~consumers of mental health and~~ individuals with 112186  
addiction ~~services~~ and mental health needs, including members of 112187  
racial and ethnic minorities; 112188

(8) Establish a program to protect and promote the rights of 112189  
persons receiving ~~mental health and~~ addiction and mental health 112190



services, including the issuance of guidelines on informed consent 112191  
and other rights; 112192

(9) Promote the involvement of persons who are receiving or 112193  
have received ~~mental health and addiction~~ and mental health 112194  
services, including families and other persons having a close 112195  
relationship to a person receiving those services, in the 112196  
planning, evaluation, delivery, and operation of ~~mental health and~~ 112197  
addiction and mental health services; 112198

(10) Notify and consult with the relevant constituencies that 112199  
may be affected by rules, standards, and guidelines issued by the 112200  
department of mental health and addiction services. These 112201  
constituencies shall include consumers of ~~mental health and~~ 112202  
addiction and mental health services and their families, and may 112203  
include public and private providers, employee organizations, and 112204  
others when appropriate. Whenever the department proposes the 112205  
adoption, amendment, or rescission of rules under Chapter 119. of 112206  
the Revised Code, the notification and consultation required by 112207  
this division shall occur prior to the commencement of proceedings 112208  
under Chapter 119. The department shall adopt rules under Chapter 112209  
119. of the Revised Code that establish procedures for the 112210  
notification and consultation required by this division. 112211

(11) Provide consultation to the department of rehabilitation 112212  
and correction concerning the delivery of ~~mental health and~~ 112213  
addiction and mental health services in state correctional 112214  
institutions-; 112215

(12) Promote and coordinate efforts in the provision of 112216  
alcohol and drug addiction services and of gambling addiction 112217  
services by other state agencies, as defined in section 1.60 of 112218  
the Revised Code; courts; hospitals; clinics; physicians in 112219  
private practice; public health authorities; boards of alcohol, 112220  
drug addiction, and mental health services; ~~alcohol and drug~~ 112221  
community addiction services providers; law enforcement agencies; 112222

~~gambling addiction services providers;~~ and related groups; 112223

(13) Provide to each court of record, and biennially update, 112224  
a list of the treatment and education programs within that court's 112225  
jurisdiction that the court may require an offender, sentenced 112226  
pursuant to section 4511.19 of the Revised Code, to attend; 112227

(14) Make the warning sign described in sections 3313.752, 112228  
3345.41, and 3707.50 of the Revised Code available on the 112229  
department's internet web site; 112230

(15) Provide a program of gambling addiction services on 112231  
behalf of the state lottery commission, pursuant to an agreement 112232  
entered into with the director of the commission under division 112233  
(K) of section 3770.02 of the Revised Code, and provide a program 112234  
of gambling addiction services on behalf of the Ohio casino 112235  
control commission, under an agreement entered into with the 112236  
executive director of the commission under section 3772.062 of the 112237  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 112238  
Constitution, the department may enter into agreements with boards 112239  
of alcohol, drug addiction, and mental health services, including 112240  
boards with districts in which a casino facility is not located, 112241  
and nonprofit organizations to provide gambling addiction services 112242  
and ~~substance abuse~~ alcohol and drug addiction services, and with 112243  
state institutions of higher education or private nonprofit 112244  
institutions that possess a certificate of authorization issued 112245  
under Chapter 1713. of the Revised Code to perform related 112246  
research. 112247

(B) The department may accept and administer grants from 112248  
public or private sources for carrying out any of the duties 112249  
enumerated in this section. 112250

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 112251  
~~department shall adopt a rule defining the term "intervention" as~~ 112252  
~~it is used in this chapter in connection with alcohol and drug~~ 112253

~~addiction services and in connection with gambling addiction~~ 112254  
~~services.~~ The department may adopt ~~other~~ rules in accordance with 112255  
Chapter 119. of the Revised Code as necessary to implement the 112256  
requirements of this chapter. 112257

**Section 110.11.** That the existing versions of sections 112258  
340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are 112259  
scheduled to take effect September 15, 2016, are hereby repealed. 112260

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 112261  
take effect September 15, 2016. 112262

**Section 110.20.** That the version of section 4501.01 of the 112263  
Revised Code that is scheduled to take effect January 1, 2017, be 112264  
amended to read as follows: 112265

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 112266  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 112267  
Revised Code, and in the penal laws, except as otherwise provided: 112268

(A) "Vehicles" means everything on wheels or runners, 112269  
including motorized bicycles, but does not mean electric personal 112270  
assistive mobility devices, vehicles that are operated exclusively 112271  
on rails or tracks or from overhead electric trolley wires, and 112272  
vehicles that belong to any police department, municipal fire 112273  
department, or volunteer fire department, or that are used by such 112274  
a department in the discharge of its functions. 112275

(B) "Motor vehicle" means any vehicle, including mobile homes 112276  
and recreational vehicles, that is propelled or drawn by power 112277  
other than muscular power or power collected from overhead 112278  
electric trolley wires. "Motor vehicle" does not include utility 112279  
vehicles as defined in division (VV) of this section, under-speed 112280  
vehicles as defined in division (XX) of this section, mini-trucks 112281  
as defined in division (BBB) of this section, motorized bicycles, 112282

road rollers, traction engines, power shovels, power cranes, and 112283  
other equipment used in construction work and not designed for or 112284  
employed in general highway transportation, well-drilling 112285  
machinery, ditch-digging machinery, farm machinery, and trailers 112286  
that are designed and used exclusively to transport a boat between 112287  
a place of storage and a marina, or in and around a marina, when 112288  
drawn or towed on a public road or highway for a distance of no 112289  
more than ten miles and at a speed of twenty-five miles per hour 112290  
or less. 112291

(C) "Agricultural tractor" and "traction engine" mean any 112292  
self-propelling vehicle that is designed or used for drawing other 112293  
vehicles or wheeled machinery, but has no provisions for carrying 112294  
loads independently of such other vehicles, and that is used 112295  
principally for agricultural purposes. 112296

(D) "Commercial tractor," except as defined in division (C) 112297  
of this section, means any motor vehicle that has motive power and 112298  
either is designed or used for drawing other motor vehicles, or is 112299  
designed or used for drawing another motor vehicle while carrying 112300  
a portion of the other motor vehicle or its load, or both. 112301

(E) "Passenger car" means any motor vehicle that is designed 112302  
and used for carrying not more than nine persons and includes any 112303  
motor vehicle that is designed and used for carrying not more than 112304  
fifteen persons in a ridesharing arrangement. 112305

(F) "Collector's vehicle" means any motor vehicle or 112306  
agricultural tractor or traction engine that is of special 112307  
interest, that has a fair market value of one hundred dollars or 112308  
more, whether operable or not, and that is owned, operated, 112309  
collected, preserved, restored, maintained, or used essentially as 112310  
a collector's item, leisure pursuit, or investment, but not as the 112311  
owner's principal means of transportation. "Licensed collector's 112312  
vehicle" means a collector's vehicle, other than an agricultural 112313  
tractor or traction engine, that displays current, valid license 112314

tags issued under section 4503.45 of the Revised Code, or a 112315  
similar type of motor vehicle that displays current, valid license 112316  
tags issued under substantially equivalent provisions in the laws 112317  
of other states. 112318

(G) "Historical motor vehicle" means any motor vehicle that 112319  
is over twenty-five years old and is owned solely as a collector's 112320  
item and for participation in club activities, exhibitions, tours, 112321  
parades, and similar uses, but that in no event is used for 112322  
general transportation. 112323

(H) "Noncommercial motor vehicle" means any motor vehicle, 112324  
including a farm truck as defined in section 4503.04 of the 112325  
Revised Code, that is designed by the manufacturer to carry a load 112326  
of no more than one ton and is used exclusively for purposes other 112327  
than engaging in business for profit. 112328

(I) "Bus" means any motor vehicle that has motor power and is 112329  
designed and used for carrying more than nine passengers, except 112330  
any motor vehicle that is designed and used for carrying not more 112331  
than fifteen passengers in a ridesharing arrangement. 112332

(J) "Commercial car" or "truck" means any motor vehicle that 112333  
has motor power and is designed and used for carrying merchandise 112334  
or freight, or that is used as a commercial tractor. 112335

(K) "Bicycle" means every device, other than a device that is 112336  
designed solely for use as a play vehicle by a child, that is 112337  
propelled solely by human power upon which a person may ride, and 112338  
that has two or more wheels, any of which is more than fourteen 112339  
inches in diameter. 112340

(L) "Motorized bicycle" or "moped" means any vehicle that 112341  
either has two tandem wheels or one wheel in the front and two 112342  
wheels in the rear, that may be pedaled, and that is equipped with 112343  
a helper motor of not more than fifty cubic centimeters piston 112344  
displacement that produces no more than one brake horsepower and 112345

is capable of propelling the vehicle at a speed of no greater than 112346  
twenty miles per hour on a level surface. 112347

(M) "Trailer" means any vehicle without motive power that is 112348  
designed or used for carrying property or persons wholly on its 112349  
own structure and for being drawn by a motor vehicle, and includes 112350  
any such vehicle that is formed by or operated as a combination of 112351  
a semitrailer and a vehicle of the dolly type such as that 112352  
commonly known as a trailer dolly, a vehicle used to transport 112353  
agricultural produce or agricultural production materials between 112354  
a local place of storage or supply and the farm when drawn or 112355  
towed on a public road or highway at a speed greater than 112356  
twenty-five miles per hour, and a vehicle that is designed and 112357  
used exclusively to transport a boat between a place of storage 112358  
and a marina, or in and around a marina, when drawn or towed on a 112359  
public road or highway for a distance of more than ten miles or at 112360  
a speed of more than twenty-five miles per hour. "Trailer" does 112361  
not include a manufactured home or travel trailer. 112362

(N) "Noncommercial trailer" means any trailer, except a 112363  
travel trailer or trailer that is used to transport a boat as 112364  
described in division (B) of this section, but, where applicable, 112365  
includes a vehicle that is used to transport a boat as described 112366  
in division (M) of this section, that has a gross weight of no 112367  
more than ten thousand pounds, and that is used exclusively for 112368  
purposes other than engaging in business for a profit, such as the 112369  
transportation of personal items for personal or recreational 112370  
purposes. 112371

(O) "Mobile home" means a building unit or assembly of closed 112372  
construction that is fabricated in an off-site facility, is more 112373  
than thirty-five body feet in length or, when erected on site, is 112374  
three hundred twenty or more square feet, is built on a permanent 112375  
chassis, is transportable in one or more sections, and does not 112376  
qualify as a manufactured home as defined in division (C)(4) of 112377

section 3781.06 of the Revised Code or as an industrialized unit 112378  
as defined in division (C)(3) of section 3781.06 of the Revised 112379  
Code. 112380

(P) "Semitrailer" means any vehicle of the trailer type that 112381  
does not have motive power and is so designed or used with another 112382  
and separate motor vehicle that in operation a part of its own 112383  
weight or that of its load, or both, rests upon and is carried by 112384  
the other vehicle furnishing the motive power for propelling 112385  
itself and the vehicle referred to in this division, and includes, 112386  
for the purpose only of registration and taxation under those 112387  
chapters, any vehicle of the dolly type, such as a trailer dolly, 112388  
that is designed or used for the conversion of a semitrailer into 112389  
a trailer. 112390

(Q) "Recreational vehicle" means a vehicular portable 112391  
structure that meets all of the following conditions: 112392

(1) It is designed for the sole purpose of recreational 112393  
travel. 112394

(2) It is not used for the purpose of engaging in business 112395  
for profit. 112396

(3) It is not used for the purpose of engaging in intrastate 112397  
commerce. 112398

(4) It is not used for the purpose of commerce as defined in 112399  
49 C.F.R. 383.5, as amended. 112400

(5) It is not regulated by the public utilities commission 112401  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 112402

(6) It is classed as one of the following: 112403

(a) "Travel trailer" or "house vehicle" means a 112404  
nonself-propelled recreational vehicle that does not exceed an 112405  
overall length of forty feet, exclusive of bumper and tongue or 112406  
coupling. "Travel trailer" includes a tent-type fold-out camping 112407

trailer as defined in section 4517.01 of the Revised Code. 112408

(b) "Motor home" means a self-propelled recreational vehicle 112409  
that has no fifth wheel and is constructed with permanently 112410  
installed facilities for cold storage, cooking and consuming of 112411  
food, and for sleeping. 112412

(c) "Truck camper" means a nonself-propelled recreational 112413  
vehicle that does not have wheels for road use and is designed to 112414  
be placed upon and attached to a motor vehicle. "Truck camper" 112415  
does not include truck covers that consist of walls and a roof, 112416  
but do not have floors and facilities enabling them to be used as 112417  
a dwelling. 112418

(d) "Fifth wheel trailer" means a vehicle that is of such 112419  
size and weight as to be movable without a special highway permit, 112420  
that is constructed with a raised forward section that allows a 112421  
bi-level floor plan, and that is designed to be towed by a vehicle 112422  
equipped with a fifth-wheel hitch ordinarily installed in the bed 112423  
of a truck. 112424

(e) "Park trailer" means a vehicle that is commonly known as 112425  
a park model recreational vehicle, meets the American national 112426  
standard institute standard A119.5 (1988) for park trailers, is 112427  
built on a single chassis, has a gross trailer area of four 112428  
hundred square feet or less when set up, is designed for seasonal 112429  
or temporary living quarters, and may be connected to utilities 112430  
necessary for the operation of installed features and appliances. 112431

(R) "Pneumatic tires" means tires of rubber and fabric or 112432  
tires of similar material, that are inflated with air. 112433

(S) "Solid tires" means tires of rubber or similar elastic 112434  
material that are not dependent upon confined air for support of 112435  
the load. 112436

(T) "Solid tire vehicle" means any vehicle that is equipped 112437  
with two or more solid tires. 112438



(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers.

(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles by means of used parts, if such departments are operated for the purpose of furthering and assisting in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. Places of business or departments in a place of

business used to dismantle, salvage, or rebuild motor vehicles by 112471  
means of using used parts are not considered as being maintained 112472  
for the purpose of assisting or furthering the manufacturing, 112473  
selling, displaying, and offering for sale or dealing in motor 112474  
vehicles. 112475

(X) "Operator" includes any person who drives or operates a 112476  
motor vehicle upon the public highways. 112477

(Y) "Chauffeur" means any operator who operates a motor 112478  
vehicle, other than a taxicab, as an employee for hire; or any 112479  
operator whether or not the owner of a motor vehicle, other than a 112480  
taxicab, who operates such vehicle for transporting, for gain, 112481  
compensation, or profit, either persons or property owned by 112482  
another. Any operator of a motor vehicle who is voluntarily 112483  
involved in a ridesharing arrangement is not considered an 112484  
employee for hire or operating such vehicle for gain, 112485  
compensation, or profit. 112486

(Z) "State" includes the territories and federal districts of 112487  
the United States, and the provinces of Canada. 112488

(AA) "Public roads and highways" for vehicles includes all 112489  
public thoroughfares, bridges, and culverts. 112490

(BB) "Manufacturer's number" means the manufacturer's 112491  
original serial number that is affixed to or imprinted upon the 112492  
chassis or other part of the motor vehicle. 112493

(CC) "Motor number" means the manufacturer's original number 112494  
that is affixed to or imprinted upon the engine or motor of the 112495  
vehicle. 112496

(DD) "Distributor" means any person who is authorized by a 112497  
motor vehicle manufacturer to distribute new motor vehicles to 112498  
licensed motor vehicle dealers at an established place of business 112499  
that is used exclusively for the purpose of distributing new motor 112500  
vehicles to licensed motor vehicle dealers, except when the 112501

distributor also is a new motor vehicle dealer, in which case the 112502  
distributor may distribute at the location of the distributor's 112503  
licensed dealership. 112504

(EE) "Ridesharing arrangement" means the transportation of 112505  
persons in a motor vehicle where the transportation is incidental 112506  
to another purpose of a volunteer driver and includes ridesharing 112507  
arrangements known as carpools, vanpools, and buspools. 112508

(FF) "Apportionable vehicle" means any vehicle that is used 112509  
or intended for use in two or more international registration plan 112510  
member jurisdictions that allocate or proportionally register 112511  
vehicles, that is used for the transportation of persons for hire 112512  
or designed, used, or maintained primarily for the transportation 112513  
of property, and that meets any of the following qualifications: 112514

(1) Is a power unit having a gross vehicle weight in excess 112515  
of twenty-six thousand pounds; 112516

(2) Is a power unit having three or more axles, regardless of 112517  
the gross vehicle weight; 112518

(3) Is a combination vehicle with a gross vehicle weight in 112519  
excess of twenty-six thousand pounds. 112520

"Apportionable vehicle" does not include recreational 112521  
vehicles, vehicles displaying restricted plates, city pick-up and 112522  
delivery vehicles, ~~buses used for the transportation of chartered~~ 112523  
~~parties~~, or vehicles owned and operated by the United States, this 112524  
state, or any political subdivisions thereof. 112525

(GG) "Chartered party" means a group of persons who contract 112526  
as a group to acquire the exclusive use of a passenger-carrying 112527  
motor vehicle at a fixed charge for the vehicle in accordance with 112528  
the carrier's tariff, lawfully on file with the United States 112529  
department of transportation, for the purpose of group travel to a 112530  
specified destination or for a particular itinerary, either agreed 112531  
upon in advance or modified by the chartered group after having 112532

left the place of origin. 112533

(HH) "International registration plan" means a reciprocal 112534  
agreement of member jurisdictions that is endorsed by the American 112535  
association of motor vehicle administrators, and that promotes and 112536  
encourages the fullest possible use of the highway system by 112537  
authorizing apportioned registration of fleets of vehicles and 112538  
recognizing registration of vehicles apportioned in member 112539  
jurisdictions. 112540

(II) "Restricted plate" means a license plate that has a 112541  
restriction of time, geographic area, mileage, or commodity, and 112542  
includes license plates issued to farm trucks under division (J) 112543  
of section 4503.04 of the Revised Code. 112544

(JJ) "Gross vehicle weight," with regard to any commercial 112545  
car, trailer, semitrailer, or bus that is taxed at the rates 112546  
established under section 4503.042 or 4503.65 of the Revised Code, 112547  
means the unladen weight of the vehicle fully equipped plus the 112548  
maximum weight of the load to be carried on the vehicle. 112549

(KK) "Combined gross vehicle weight" with regard to any 112550  
combination of a commercial car, trailer, and semitrailer, that is 112551  
taxed at the rates established under section 4503.042 or 4503.65 112552  
of the Revised Code, means the total unladen weight of the 112553  
combination of vehicles fully equipped plus the maximum weight of 112554  
the load to be carried on that combination of vehicles. 112555

(LL) "Chauffeured limousine" means a motor vehicle that is 112556  
designed to carry nine or fewer passengers and is operated for 112557  
hire pursuant to a prearranged contract for the transportation of 112558  
passengers on public roads and highways along a route under the 112559  
control of the person hiring the vehicle and not over a defined 112560  
and regular route. "Prearranged contract" means an agreement, made 112561  
in advance of boarding, to provide transportation from a specific 112562  
location in a chauffeured limousine. "Chauffeured limousine" does 112563

not include any vehicle that is used exclusively in the business of funeral directing.

(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic motor vehicle dealers and designates as an electronic motor vehicle dealer under that section.

(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to

transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

(WW) "Low-speed vehicle" means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(XX) "Under-speed vehicle" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(YY) "Motor-driven cycle or motor scooter" means any vehicle designed to travel on not more than three wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet, and is equipped with a motor with a piston displacement between fifty and one hundred fifty cubic centimeters piston displacement that produces not more than five brake horsepower and is capable of propelling the vehicle at a speed

greater than twenty miles per hour on a level surface. 112625

(ZZ) "Motorcycle" means a motor vehicle with motive power 112626  
having a seat or saddle for the use of the operator, designed to 112627  
travel on not more than three wheels in contact with the ground, 112628  
and having no occupant compartment top or occupant compartment top 112629  
that can be installed or removed by the user. 112630

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 112631  
motive power having a seat or saddle for the use of the operator, 112632  
designed to travel on not more than three wheels in contact with 112633  
the ground, and having an occupant compartment top or an occupant 112634  
compartment top that can be installed or removed by the user. 112635

(BBB) "Mini-truck" means a vehicle that has four wheels, is 112636  
propelled by an electric motor with a rated power of seven 112637  
thousand five hundred watts or less or an internal combustion 112638  
engine with a piston displacement capacity of six hundred sixty 112639  
cubic centimeters or less, has a total dry weight of nine hundred 112640  
to two thousand two hundred pounds, contains an enclosed cabin and 112641  
a seat for the vehicle operator, resembles a pickup truck or van 112642  
with a cargo area or bed located at the rear of the vehicle, and 112643  
was not originally manufactured to meet federal motor vehicle 112644  
safety standards. 112645

**Section 110.21.** That the existing version of section 4501.01 112646  
of the Revised Code that is scheduled to take effect January 1, 112647  
2017, is hereby repealed. 112648

**Section 110.22.** Sections 110.20 and 110.21 of this act shall 112649  
take effect January 1, 2017. 112650

**Section 115.10.** That section 118.023 of the Revised Code as 112651  
it results from Section 101.01 of this act be amended to read as 112652  
follows: 112653

Sec. 118.023. (A) Upon determining that one or more of the 112654  
conditions described in section 118.022 of the Revised Code are 112655  
present, the auditor of state shall issue a written declaration of 112656  
the existence of a fiscal watch to the municipal corporation, 112657  
county, or township and the county budget commission. The fiscal 112658  
watch shall be in effect until the auditor of state determines 112659  
that none of the conditions are any longer present and cancels the 112660  
watch, or until the auditor of state determines that a state of 112661  
fiscal emergency exists. The auditor of state, or a designee, 112662  
shall provide such technical and support services to the municipal 112663  
corporation, county, or township after a fiscal watch has been 112664  
declared to exist as the auditor of state considers necessary. 112665

(B) Within ninety days after the day a written declaration of 112666  
the existence of a fiscal watch is issued under division (A) of 112667  
this section, the mayor of the municipal corporation, the board of 112668  
county commissioners of the county, or the board of township 112669  
trustees of the township for which a fiscal watch was declared 112670  
shall submit to the auditor of state a financial recovery plan 112671  
that shall identify actions to be taken to eliminate all of the 112672  
conditions described in section 118.022 of the Revised Code, and 112673  
shall include a schedule detailing the approximate dates for 112674  
beginning and completing the actions and a five-year forecast 112675  
reflecting the effects of the actions. The financial recovery plan 112676  
also shall evaluate the feasibility of entering into shared 112677  
services agreements with other political subdivisions for the 112678  
joint exercise of any power, performance of any function, or 112679  
rendering of any service, if so authorized by statute. The 112680  
financial recovery plan is subject to review and approval by the 112681  
auditor of state. The auditor of state may extend the amount of 112682  
time by which a financial recovery plan is required to be filed, 112683  
for good cause shown. 112684

(C) ~~The~~ If a feasible financial recovery plan for a municipal 112685



~~corporation, county, or township for which a fiscal watch was  
declared is not submitted within the time period prescribed by  
division (B) of this section, or within any extension of time  
thereof, the auditor of state shall declare that a fiscal  
emergency condition exists under section 118.04 of the Revised  
Code in the municipal corporation, county, or township if either  
of the following applies:~~

~~(1) A feasible financial recovery plan for a municipal  
corporation, county, or township for which a fiscal watch was  
declared is not submitted within the time period prescribed by  
division (B) of this section, or within any extension of time  
thereof; or~~

~~(2) The auditor of state finds that a municipal corporation,  
county, or township for which a fiscal watch has been declared has  
not made reasonable proposals or otherwise taken action to  
discontinue or correct the fiscal practices or budgetary  
conditions that prompted the declaration of fiscal watch, and the  
auditor determines a fiscal emergency declaration is necessary to  
prevent further decline.~~

**Section 115.11.** That existing section 118.023 of the Revised  
Code as it results from Section 101.01 of this act is hereby  
repealed.

**Section 115.12.** That Sections 115.10 and 115.11 of this act  
take effect two years after the effective date of the amendment to  
section 118.023 of the Revised Code by Section 101.01 of this act.

**Section 125.10.** That section 102.01 of the Revised Code be  
amended to read as follows:

**Sec. 102.01.** As used in this chapter:

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

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

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

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

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as

amended, interest and dividends on obligations or securities of 112746  
any state or of any political subdivision or authority of any 112747  
state or political subdivision, and interest or dividends on 112748  
obligations of any authority, commission, or instrumentality of 112749  
the United States. 112750

(F) Except as otherwise provided in division (A) of section 112751  
102.08 of the Revised Code, "appropriate ethics commission" means: 112752

(1) For matters relating to members of the general assembly, 112753  
employees of the general assembly, employees of the legislative 112754  
service commission, and candidates for the office of member of the 112755  
general assembly, ~~and public members appointed to the Ohio~~ 112756  
~~constitutional modernization commission under section 103.63 of~~ 112757  
~~the Revised Code~~, the joint legislative ethics committee; 112758

(2) For matters relating to judicial officers and employees, 112759  
and candidates for judicial office, the board of commissioners on 112760  
grievances and discipline of the supreme court; 112761

(3) For matters relating to all other persons, the Ohio 112762  
ethics commission. 112763

(G) "Anything of value" has the same meaning as provided in 112764  
section 1.03 of the Revised Code and includes, but is not limited 112765  
to, a contribution as defined in section 3517.01 of the Revised 112766  
Code. 112767

(H) "Honorarium" means any payment made in consideration for 112768  
any speech given, article published, or attendance at any public 112769  
or private conference, convention, meeting, social event, meal, or 112770  
similar gathering. "Honorarium" does not include ceremonial gifts 112771  
or awards that have insignificant monetary value; unsolicited 112772  
gifts of nominal value or trivial items of informational value; or 112773  
earned income from any person, other than a legislative agent, for 112774  
personal services that are customarily provided in connection with 112775  
the practice of a bona fide business, if that business initially 112776

began before the public official or employee conducting that 112777  
business was elected or appointed to the public official's or 112778  
employee's office or position of employment. 112779

(I) "Employer" means any person who, directly or indirectly, 112780  
engages an executive agency lobbyist or legislative agent. 112781

(J) "Executive agency decision," "executive agency lobbyist," 112782  
and "executive agency lobbying activity" have the same meanings as 112783  
in section 121.60 of the Revised Code. 112784

(K) "Legislation," "legislative agent," "financial 112785  
transaction," and "actively advocate" have the same meanings as in 112786  
section 101.70 of the Revised Code. 112787

(L) "Expenditure" has the same meaning as in section 101.70 112788  
of the Revised Code when used in relation to activities of a 112789  
legislative agent, and the same meaning as in section 121.60 of 112790  
the Revised Code when used in relation to activities of an 112791  
executive agency lobbyist. 112792

**Section 125.11.** That existing section 102.01 of the Revised 112793  
Code is hereby repealed. 112794

**Section 125.12.** That sections 103.61, 103.62, 103.63, 103.64, 112795  
103.65, 103.66, and 103.67 of the Revised Code are hereby 112796  
repealed. 112797

**Section 125.13.** Sections 125.10, 125.11, and 125.12 of this 112798  
act take effect January 1, 2018. 112799

**Section 201.10.** Except as otherwise provided in this act, all 112800  
appropriation items in this act are appropriated out of any moneys 112801  
in the state treasury to the credit of the designated fund that 112802  
are not otherwise appropriated. For all appropriations made in 112803  
this act, the amounts in the first column are for fiscal year 2016 112804

and the amounts in the second column are for fiscal year 2017. 112805  
112806

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 112807

Dedicated Purpose Fund Group 112808

4J80 889601 CPA Education \$ 325,000 \$ 325,000 112809  
Assistance

4K90 889609 Operating Expenses \$ 1,052,714 \$ 1,074,173 112810

TOTAL DPF Dedicated Purpose Fund 112811

Group \$ 1,377,714 \$ 1,399,173 112812

TOTAL ALL BUDGET FUND GROUPS \$ 1,377,714 \$ 1,399,173 112813

**Section 205.10.** ADJ ADJUTANT GENERAL 112815

General Revenue Fund 112816

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 112817

GRF 745404 Air National Guard \$ 3,095,606 \$ 3,095,606 112818

GRF 745407 National Guard \$ 400,000 \$ 400,000 112819  
Benefits

GRF 745409 Central \$ 2,682,098 \$ 2,682,098 112820  
Administration

GRF 745499 Army National Guard \$ 3,689,871 \$ 3,689,871 112821

TOTAL GRF General Revenue Fund \$ 9,879,883 \$ 9,879,883 112822

Dedicated Purpose Fund Group 112823

5340 745612 Property Operations \$ 534,304 \$ 534,304 112824  
Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 112825  
Activities

5360 745620 Camp Perry and \$ 978,846 \$ 978,846 112826  
Buckeye Inn  
Operations

5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 112827  
Facilities

		Maintenance					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	112828
		Distinction					
5QP0	745629	Patriot Inn Lodging	\$	200,000	\$	200,000	112829
		Operations					
5RV0	745630	Ohio Military	\$	2,500,000	\$	2,500,000	112830
		Facilities Support					
5U80	745613	Community Match	\$	350,000	\$	350,000	112831
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	4,758,750	\$	4,758,750	112832
		Group					
		Federal Fund Group					112833
3420	745616	Army National Guard	\$	26,000,000	\$	26,000,000	112834
		Service Agreement					
3E80	745628	Air National Guard	\$	15,642,000	\$	15,642,000	112835
		Operations and					
		Maintenance					
3R80	745603	Counter Drug	\$	15,000	\$	15,000	112836
		Operations					
TOTAL FED		Federal Fund Group	\$	41,657,000	\$	41,657,000	112837
TOTAL ALL BUDGET FUND GROUPS			\$	56,295,633	\$	56,295,633	112838

NATIONAL GUARD BENEFITS 112839

The foregoing appropriation item 745407, National Guard 112840  
 Benefits, shall be used for purposes of sections 5919.31 and 112841  
 5919.33 of the Revised Code, and for administrative costs of the 112842  
 associated programs. 112843

If necessary, in order to pay benefits in a timely manner 112844  
 pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 112845  
 Adjutant General may request the Director of Budget and Management 112846  
 transfer appropriation from any appropriation item used by the 112847  
 Adjutant General to appropriation item 745407, National Guard 112848  
 Benefits. The Adjutant General may subsequently seek Controlling 112849

Board approval to restore the appropriation in the appropriation	112850
item from which such a transfer was made.	112851
For active duty members of the Ohio National Guard who died	112852
after October 7, 2001, while performing active duty, the death	112853
benefit, pursuant to section 5919.33 of the Revised Code, shall be	112854
paid to the beneficiary or beneficiaries designated on the	112855
member's Servicemembers' Group Life Insurance Policy.	112856
STATE ACTIVE DUTY COSTS	112857
Of the foregoing appropriation item 745409, Central	112858
Administration, \$50,000 in each fiscal year shall be used for the	112859
purpose of paying expenses related to state active duty of members	112860
of the Ohio organized militia, in accordance with a proclamation	112861
of the Governor. Expenses include, but are not limited to, the	112862
cost of equipment, supplies, and services, as determined by the	112863
Adjutant General's Department.	112864
OHIO MILITARY FACILITIES SUPPORT	112865
The foregoing appropriation item 745630, Ohio Military	112866
Facilities Support, shall be used by the Ohio Military Facilities	112867
Commission for the purposes described in sections 5913.12 to	112868
5913.14 of the Revised Code.	112869
<b>Section 207.10.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	112870
General Revenue Fund	112871
GRF 100413 Enterprise Data Center \$ 4,252,900 \$ 4,256,500	112872
Solutions Lease Rental	
Payments	
GRF 100414 MARCS Lease Rental \$ 6,769,700 \$ 6,764,600	112873
Payments	
GRF 100415 OAKS Lease Rental \$ 22,244,800 \$ 22,223,800	112874
Payments	
GRF 100416 STARS Lease Rental \$ 5,393,700 \$ 7,437,400	112875

		Payments					
GRF	100447	Administrative	\$	97,581,900	\$	96,716,600	112876
		Buildings Lease Rental					
		Bond Payments					
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624	112877
GRF	100456	State IT Services	\$	1,772,416	\$	1,772,416	112878
GRF	100457	Equal Opportunity	\$	2,174,661	\$	2,174,661	112879
		Services					
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	112880
GRF	130321	State Agency Support	\$	18,768,016	\$	18,878,171	112881
		Services					
TOTAL GRF	General Revenue Fund		\$	164,066,811	\$	165,332,866	112882
	Dedicated Purpose Fund Group						112883
5L70	100610	Professional	\$	2,100,000	\$	2,100,000	112884
		Development					
5MV0	100662	Theater Equipment	\$	80,891	\$	80,891	112885
		Maintenance					
5NM0	100663	911 Program	\$	290,000	\$	290,000	112886
5RT0	100668	Electronic Pollbooks	\$	12,750,000	\$	0	112887
5V60	100619	Employee Educational	\$	800,000	\$	800,000	112888
		Development					
TOTAL DPF	Dedicated Purpose Fund		\$	16,020,891	\$	3,270,891	112889
	Group						
	Internal Service Activity Fund Group						112890
1120	100616	DAS Administration	\$	7,388,356	\$	7,071,978	112891
1150	100632	Central Service Agency	\$	1,096,906	\$	1,111,099	112892
1170	100644	General Services	\$	12,493,870	\$	12,493,870	112893
		Division - Operating					
1220	100637	Fleet Management	\$	5,182,000	\$	5,182,000	112894
1250	100622	Human Resources	\$	17,249,839	\$	17,249,839	112895
		Division - Operating					
1250	100657	Benefits Communication	\$	612,316	\$	612,316	112896



1280	100620	Office of Collective Bargaining	\$	3,479,507	\$	3,379,507	112897
1300	100606	Risk Management Reserve	\$	6,635,784	\$	12,741,616	112898
1320	100631	DAS Building Management	\$	51,157,818	\$	51,157,818	112899
1330	100607	IT Services Delivery	\$	121,336,868	\$	121,336,868	112900
1880	100649	Equal Opportunity Division - Operating	\$	991,613	\$	953,613	112901
2100	100612	State Printing	\$	21,568,075	\$	21,688,106	112902
2290	100630	IT Governance	\$	28,212,195	\$	29,134,695	112903
2290	100640	Consolidated IT Purchases	\$	6,565,639	\$	6,565,639	112904
4270	100602	Investment Recovery	\$	1,638,515	\$	1,638,515	112905
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	112906
5C20	100605	MARCS Administration	\$	14,940,712	\$	14,953,307	112907
5C30	100608	Minor Construction Project Management	\$	4,004,375	\$	4,004,375	112908
5EB0	100635	OAKS Support Organization	\$	19,813,077	\$	19,813,077	112909
5EB0	100656	OAKS Updates and Developments	\$	10,400,000	\$	6,300,000	112910
5JQ0	100658	Professionals Licensing System	\$	990,000	\$	990,000	112911
5KZ0	100659	Building Improvement	\$	6,148,000	\$	1,289,000	112912
5LJ0	100661	IT Development	\$	13,200,000	\$	13,200,000	112913
5PC0	100665	Ohio Benefits Operations	\$	80,475,949	\$	80,475,949	112914
TOTAL ISA Internal Service Activity							112915
Fund Group			\$	492,470,049	\$	490,231,822	112916
Federal Fund Group							112917
3AJ0	100623	Information Technology Grants	\$	1,237,909	\$	1,237,909	112918

TOTAL FED Federal Fund Group	\$	1,237,909	\$	1,237,909	112919
TOTAL ALL BUDGET FUND GROUPS	\$	673,795,660	\$	660,073,488	112920

**Section 207.20.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 112922  
RENTAL PAYMENTS 112923

The foregoing appropriation item 100415, OAKS Lease Rental 112924  
Payments, shall be used for payments during the period from July 112925  
1, 2015, through June 30, 2017, pursuant to leases and agreements 112926  
entered into under Chapter 125. of the Revised Code, as 112927  
supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 112928  
General Assembly and other prior acts of the General Assembly, 112929  
with respect to financing the costs associated with the 112930  
acquisition, development, installation, and implementation of the 112931  
Ohio Administrative Knowledge System. If it is determined that 112932  
additional appropriations are necessary for this purpose, the 112933  
amounts are hereby appropriated. 112934

**Section 207.30.** STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 112935  
LEASE RENTAL PAYMENTS 112936

The foregoing appropriation item 100416, STARS Lease Rental 112937  
Payments, shall be used for payments during the period from July 112938  
1, 2015, through June 30, 2017, pursuant to leases and agreements 112939  
entered into under Chapter 125. of the Revised Code, as 112940  
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 112941  
General Assembly and other prior acts of the General Assembly, 112942  
with respect to financing the cost for the acquisition, 112943  
development, installation, and implementation of the State 112944  
Taxation Accounting and Revenue System (STARS). If it is 112945  
determined that additional appropriations are necessary for this 112946  
purpose, the amounts are hereby appropriated. 112947

**Section 207.40.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 112948  
RENTAL PAYMENTS 112949

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used for payments during the period from July 1, 2015, through June 30, 2017, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly, with respect to financing the cost for the acquisition, development, installation, and implementation of the Multi-Agency Radio Communications System (MARCS) upgrade. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**Section 207.50. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL PAYMENTS**

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used for payments during the period from July 1, 2015, through June 30, 2017, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Enterprise Data Center Solutions initiative. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**Section 207.60. ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS**

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for

bond service charges on related obligations issued under Chapters 112980  
152. and 154. of the Revised Code. 112981

**Section 207.63. ELECTRONIC POLLBOOKS** 112982

The foregoing appropriation item 100668, Electronic 112983  
Pollbooks, shall be used by the Office of Procurement Services 112984  
within the Department of Administrative Services to pay 112985  
eighty-five per cent of the calculated allocation cost of 112986  
acquiring electronic pollbooks for each county, as defined in 112987  
section 3506.05 of the Revised Code, for county boards of 112988  
elections in accordance with this section. The source of funding 112989  
for these acquisitions shall be a cash transfer from the General 112990  
Revenue Fund under Section 512.30 of this act into the Electronic 112991  
Pollbook Fund (Fund 5RT0), which is hereby created. 112992

The Director of Administrative Services, in consultation with 112993  
the Secretary of State, shall calculate a portion of appropriation 112994  
item 100668, Electronic Pollbooks, to be allocated to each county 112995  
board of elections in proportion to the number of registered 112996  
voters in each county as recorded in the statewide voter 112997  
registration database as of July 1, 2015. The Office of 112998  
Procurement Services shall use the funding allocated to each board 112999  
for the purchase of electronic pollbooks in accordance with either 113000  
of the following: 113001

(A) For electronic pollbooks to be purchased after the 113002  
effective date of this section, upon request by a county board of 113003  
elections, the Secretary of State shall provide a list of the 113004  
vendors and electronic pollbooks certified in accordance with 113005  
section 3506.05 of the Revised Code. The board shall select 113006  
electronic pollbooks from this list and notify the Office of 113007  
Procurement Services of its selection. The Office shall purchase 113008  
the selected electronic pollbooks and any other necessary 113009  
equipment on behalf of the board and shall transfer those 113010

pollbooks and equipment to the board. The board shall enter into a memorandum of understanding with the county commissioners and the Department of Administrative Services concerning those purchases and is responsible for fifteen per cent of the purchase costs of those pollbooks as determined by the Director of Administrative Services and Secretary of State under this section.

(B) If, prior to the effective date of this section, a county board of elections purchased electronic pollbooks, the Office of Procurement Services shall reimburse the board for eighty-five per cent of that purchase up to the amount of the allocation as determined by the Director of Administrative Services and Secretary of State under division (A) of this section. Reimbursement shall be paid to the county's general fund.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 100668, Electronic Pollbooks, at the end of fiscal year 2016 is hereby reappropriated for the same purpose in fiscal year 2017.

**Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND**

Following the Director of Budget and Management's approval of FY 2016 rental rates for buildings managed by the Department of Administrative Services, the Director of Budget and Management may adjust FY 2016 and FY 2017 General Revenue Fund appropriations of the Department of Administrative Services and other state agencies to reflect accurately the rental amounts agencies will pay for occupied, vacant, or other space that is supported by the General Revenue Fund. Total General Revenue Fund appropriations may decrease but may not increase as a result of the appropriation adjustments made under this section. The foregoing appropriation item 130321, State Agency Support Services, shall be used to pay the rent expenses of veterans organizations pursuant to section

123.024 of the Revised Code in fiscal years 2016 and 2017. 113042

The foregoing appropriation item, 130321, State Agency 113043  
Support Services, also may be used to provide funding for the cost 113044  
of property appraisals or building studies that the Department of 113045  
Administrative Services may be required to obtain for property 113046  
that is being sold by the state or property under consideration to 113047  
be renovated or purchased by the state. 113048

Notwithstanding section 125.28 of the Revised Code, the 113049  
foregoing appropriation item 130321, State Agency Support 113050  
Services, also may be used to pay the operating expenses of state 113051  
facilities maintained by the Department of Administrative Services 113052  
that are not billed to building tenants, or other costs associated 113053  
with the Voinovich Center in Youngstown, Ohio. These expenses may 113054  
include, but are not limited to, the costs for vacant space and 113055  
space undergoing renovation, and the rent expenses of tenants that 113056  
are relocated because of building renovations. These payments may 113057  
be processed by the Department of Administrative Services through 113058  
intrastate transfer vouchers and placed into the Building 113059  
Management Fund (Fund 1320). 113060

At least once per year, the portion of appropriation item 113061  
130321, State Agency Support Services, that is not used for the 113062  
regular expenses of the appropriation item shall be processed by 113063  
the Department of Administrative Services through intrastate 113064  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 113065

**Section 207.80. PROFESSIONAL DEVELOPMENT FUND** 113066

The foregoing appropriation item 100610, Professional 113067  
Development, shall be used to make payments from the Professional 113068  
Development Fund (Fund 5L70) under section 124.182 of the Revised 113069  
Code. If it is determined by the Director of Administrative 113070  
Services that additional amounts are necessary, the Director of 113071  
Administrative Services may request that the Director of Budget 113072

and Management approve additional amounts. Such approved 113073  
additional amounts are hereby appropriated. 113074

**Section 207.90.** 911 PROGRAM 113075

The foregoing appropriation item 100663, 911 Program, shall 113076  
be used by the Department of Administrative Services to pay the 113077  
administrative costs of the Statewide Emergency Services Internet 113078  
Protocol Network Steering Committee. 113079

**Section 207.100.** EMPLOYEE EDUCATIONAL DEVELOPMENT 113080

The foregoing appropriation item 100619, Employee Educational 113081  
Development, shall be used to make payments from the Employee 113082  
Educational Development Fund (Fund 5V60) under section 124.86 of 113083  
the Revised Code. The fund shall be used to pay the costs of 113084  
administering educational programs under existing collective 113085  
bargaining agreements with District 1199, the Health Care and 113086  
Social Service Union; State Council of Professional Educators; 113087  
Ohio Education Association and National Education Association; the 113088  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 113089  
State Troopers Association, Units 1 and 15. 113090

If it is determined by the Director of Administrative 113091  
Services that additional amounts are necessary, the Director of 113092  
Administrative Services may request that the Director of Budget 113093  
and Management approve additional amounts. Such approved 113094  
additional amounts are hereby appropriated. 113095

**Section 207.110.** CENTRAL SERVICE AGENCY FUND 113096

The foregoing appropriation item 100632, Central Service 113097  
Agency, shall be used to purchase the equipment, products, and 113098  
services that are needed to maintain existing automated 113099  
applications for the professional licensing boards and the Casino 113100  
Control Commission to support board licensing functions in fiscal 113101

years 2016 and 2017 until these functions are replaced by the Ohio Professionals Licensing System. The Department of Administrative Services shall establish charges for recovering the costs of carrying out these functions. The charges shall be billed to the professional licensing boards and the Casino Control Commission, and deposited via intrastate transfer vouchers to the credit of the Central Service Agency Fund (Fund 1150).

Upon implementation of the replacement Ohio Professionals Licensing System and the decommissioning of the existing automated applications, the Director of Budget and Management may transfer any cash balances that remain in the Central Service Agency Fund (Fund 1150) and that are attributable to the operation of the existing automated applications to the Professions Licensing System Fund (Fund 5JQ0).

**Section 207.120. GENERAL SERVICE CHARGES**

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100). The charges may be used to recover the cost of paying a vendor to establish reduced pricing for contracted supplies or services.

If the Director of Administrative Services determines that additional amounts are necessary to pay for consulting and administrative costs related to securing lower pricing, the Director of Administrative Services may request that the Director of Budget and Management approve additional expenditures. Such approved additional amounts are appropriated to appropriation item 100644, General Services Division-Operating.

**Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES**



With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).

**Section 207.140. EQUAL OPPORTUNITY PROGRAM**

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the State EEO Fund (Fund 1880). These charges shall be deposited to the credit of Fund 1880 upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

**Section 207.150. CONSOLIDATED IT PURCHASES**

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase. If the Director of Administrative Services determines that additional amounts are necessary to pay for pass-through information technology purchases that will be billed to one or more state agencies, the Director shall seek Controlling Board approval for an increase in appropriation sufficient to pay for the requested purchase.

**Section 207.160.** INVESTMENT RECOVERY FUND 113162

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 113163  
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The Director of Administrative Services shall use the foregoing appropriation item 100602, Investment Recovery, to pay the operating expenses of the State Surplus Property Program and the Surplus Federal Property Program, under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 113168  
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The Director of Administrative Services shall transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. 113176  
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**Section 207.170.** MAJOR IT PURCHASES CHARGES 113180

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60). 113181  
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**Section 207.180.** CASH TRANSFER TO THE MARCS ADMINISTRATION FUND FROM THE GRF 113188  
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Upon the request of the Director of Administrative Services, 113190

the Director of Budget and Management shall transfer up to 113191  
\$2,000,000 in cash in each fiscal year from the General Revenue 113192  
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 113193  
eliminate MARCS subscriber fees paid by villages, townships, 113194  
municipal corporations, counties, and regional public safety and 113195  
first response agencies classified as Tier 1 subscribers by the 113196  
MARCS Steering Committee. 113197

**Section 207.190. PROFESSIONS LICENSING SYSTEM** 113198

The foregoing appropriation item, 100658, Ohio Professionals 113199  
Licensing System, shall be used to purchase the equipment, 113200  
products, and services necessary to develop and maintain a 113201  
replacement automated licensing system for the professional 113202  
licensing boards. 113203

Upon request by the Director of Administrative Services, the 113204  
Director of Budget and Management may transfer up to \$6,037,000 in 113205  
cash during the FY 2016-FY 2017 biennium from the Occupational 113206  
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 113207  
Operating Fund (Fund 5C60), and the Casino Control Commission - 113208  
Operating Fund (Fund 5HS0), to the Professions Licensing System 113209  
Fund (Fund 5JQ0). The amount transferred from each fund shall be 113210  
in proportion to the number of current licenses issued by the 113211  
licensing boards and commissions that use each fund, and for the 113212  
Casino Control Commission, the number of current and anticipated 113213  
licenses. The transferred amounts shall be used by the Director of 113214  
Administrative Services for the initial acquisition and 113215  
development of the Professions Licensing System. The transferred 113216  
amounts are hereby appropriated to appropriation item 100658, 113217  
Professionals Licensing System. The unobligated, unexpended amount 113218  
of the cash transferred in FY 2016 is hereby reappropriated for 113219  
the same purpose in FY 2017. 113220

Effective with the implementation of the replacement 113221

licensing system, the Department of Administrative Services shall 113222  
establish charges for recovering the costs of ongoing maintenance 113223  
of the system. The charges shall be billed to the professional 113224  
licensing boards and the Casino Control Commission, and deposited 113225  
via intrastate transfer vouchers to the credit of the Professions 113226  
Licensing System Fund (Fund 5JQ0), which is hereby created in the 113227  
state treasury. 113228

**Section 207.200.** BUILDING IMPROVEMENT FUND 113229

The foregoing appropriation item 100659, Building 113230  
Improvement, shall be used to make payments from the Building 113231  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 113232  
required in facilities maintained by the Department of 113233  
Administrative Services. The Department of Administrative Services 113234  
shall conduct or contract for regular assessments of these 113235  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 113236  
the cost of the repairs and improvements that are recommended to 113237  
occur within the next five years, with the following exception 113238  
described below. 113239

Upon request of the Director of Administrative Services, the 113240  
Director of Budget and Management may permit a cash transfer from 113241  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 113242  
of operating and maintaining facilities managed by the Department 113243  
of Administrative Services that are not charged to tenants during 113244  
the same fiscal year. 113245

Should the cash balance in Fund 1320 be determined to be 113246  
sufficient, the Director of Administrative Services may request 113247  
that the Director of Budget and Management transfer cash from Fund 113248  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 113249  
under this section plus applicable interest. 113250

On July 1, 2015, or as soon as possible thereafter, the 113251  
Director of Budget and Management shall transfer \$1,000,000 cash 113252

from the General Revenue Fund to Fund 5KZ0. The cash transferred 113253  
is hereby appropriated for use under appropriation item 100659, 113254  
Building Improvement. 113255

**Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT** 113256

The foregoing appropriation item 100661, IT Development, 113257  
shall be used by the Department of Administrative Services to pay 113258  
the costs of modernizing the state's information technology 113259  
management and investment practices away from a limited, 113260  
agency-specific focus in favor of a statewide methodology 113261  
supporting development of enterprise solutions. 113262

The Department of Administrative Services, with the approval 113263  
of the Director of Budget and Management, may charge state 113264  
agencies an information technology development assessment based on 113265  
state agencies' information technology expenditures or other 113266  
methodology. The revenue from this assessment shall be deposited 113267  
in the Information Technology Development Fund (Fund 5LJ0), which 113268  
is hereby created. 113269

**Section 207.220. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT** 113270  
**SERVICE PAYMENTS** 113271

The Director of Administrative Services, in consultation with 113272  
the Multi-Agency Radio Communication System (MARCS) Steering 113273  
Committee and the Director of Budget and Management, shall 113274  
determine the share of debt service payments attributable to 113275  
spending for MARCS components that are not specific to any one 113276  
agency and that shall be charged to the Highway Safety Fund (Fund 113277  
7036). Such share of debt service payments shall be calculated for 113278  
MARCS capital disbursements made beginning July 1, 1997. Within 113279  
thirty days of any payment made from appropriation item 100447, 113280  
Administrative Buildings Lease Rental Bond Payments, the Director 113281  
of Administrative Services shall certify to the Director of Budget 113282

and Management the amount of this share. The Director of Budget 113283  
and Management shall transfer such amounts to the General Revenue 113284  
Fund from the State Highway Safety Fund (Fund 7036) established in 113285  
section 4501.06 of the Revised Code. 113286

The Director of Administrative Services shall consider 113287  
renting or leasing existing tower sites at reasonable or current 113288  
market rates, so long as these existing sites are equipped with 113289  
the technical capabilities to support the MARCS project. 113290

**Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION** 113291

The Director of Administrative Services shall determine and 113292  
implement strategies that benefit the enterprise by improving 113293  
efficiency, reducing costs or enhancing capacity of information 113294  
technology (IT) services. Such improvements and efficiencies may 113295  
result in the consolidation and transfer of such services. As 113296  
determined to be necessary for successful implementation of this 113297  
section and notwithstanding any provision of law to the contrary, 113298  
the Director of Administrative Services may request the Director 113299  
of Budget and Management to consolidate or transfer IT-specific 113300  
budget authority between agencies or within an agency as necessary 113301  
to implement enterprise IT cost containment strategies and related 113302  
efficiencies. Once the Director of Budget and Management is 113303  
satisfied that the proposed initiative is cost advantageous to the 113304  
enterprise, the Director of Budget and Management may transfer 113305  
appropriations, funds and cash as needed to implement the proposed 113306  
initiative. The establishment of any new fund or additional 113307  
appropriation as a result of this section will be subject to 113308  
Controlling Board approval. 113309

The Director of Budget and Management and the Director of 113310  
Administrative Services may transfer any employees, assets, and 113311  
liabilities, including, but not limited to, records, contracts, 113312  
and agreements in order to facilitate the improvements determined 113313

in accordance with this section.				113314
<b>Section 209.10. AGE DEPARTMENT OF AGING</b>				113315
General Revenue Fund				113316
GRF	490321	Operating Expenses	\$ 1,487,418 \$	1,487,418 113317
GRF	490410	Long-Term Care	\$ 477,448 \$	477,448 113318
Ombudsman				
GRF	490411	Senior Community	\$ 7,310,844 \$	7,310,844 113319
Services				
GRF	490414	Alzheimer's Respite	\$ 2,495,245 \$	2,495,245 113320
GRF	490506	National Senior	\$ 241,413 \$	241,413 113321
Service Corps				
GRF	656423	Long-Term Care	\$ 3,385,057 \$	3,385,057 113322
Program Support -				
State				
TOTAL GRF	General Revenue Fund		\$ 15,397,425 \$	15,397,425 113323
Dedicated Purpose Fund Group				113324
4800	490606	Senior Community	\$ 372,523 \$	372,523 113325
Outreach and				
Education				
4C40	490609	Regional Long-Term	\$ 935,000 \$	935,000 113326
Care Ombudsman				
Program				
5BA0	490620	Ombudsman Support	\$ 1,250,000 \$	1,250,000 113327
5K90	490613	Long-Term Care	\$ 1,059,400 \$	1,059,400 113328
Consumers Guide				
5MT0	490627	Board of Executives	\$ 800,000 \$	800,000 113329
of LTSS				
5W10	490616	Resident Services	\$ 344,700 \$	344,700 113330
Coordinator Program				
TOTAL DPF	Dedicated Purpose			113331
Fund Group			\$ 4,761,623 \$	4,761,623 113332

Federal Fund Group					113333	
3220 490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	113334
3C40 656623	Long-Term Care	\$	3,385,057	\$	3,385,057	113335
	Program Support -					
	Federal					
3M40 490612	Federal Independence	\$	58,655,080	\$	58,655,080	113336
	Services					
TOTAL FED	Federal Fund Group	\$	70,740,137	\$	70,740,137	113337
TOTAL ALL BUDGET	FUND GROUPS	\$	90,899,185	\$	90,899,185	113338

**Section 209.20. LONG-TERM CARE** 113340

Pursuant to an interagency agreement, the Department of 113341  
Medicaid may designate the Department of Aging to perform 113342  
assessments under section 5165.04 of the Revised Code. The 113343  
Department of Aging shall provide long-term care consultations 113344  
under section 173.42 of the Revised Code to assist individuals in 113345  
planning for their long-term health care needs. 113346

The Department of Aging shall administer the Medicaid 113347  
waiver-funded PASSPORT Home Care Program, the Assisted Living 113348  
Program, and PACE as delegated by the Department of Medicaid in an 113349  
interagency agreement. The foregoing appropriation items 656423, 113350  
Long-Term Care Program Support - State, and 656623, Long-Term Care 113351  
Program Support - Federal, may be used to support the Department 113352  
of Aging's administrative costs associated with operating the 113353  
PASSPORT, Assisted Living, and PACE programs. 113354

**PERFORMANCE-BASED REIMBURSEMENT** 113355

The Department of Aging may design and utilize a payment 113356  
method for PASSPORT administrative agency operations that includes 113357  
a pay-for-performance incentive component that is earned by a 113358  
PASSPORT administrative agency when defined consumer and policy 113359  
outcomes are achieved. 113360



<b>Section 209.30. LONG-TERM CARE OMBUDSMAN</b>	113361
The State Ombudsman may explore the design of a payment	113362
method for the Ombudsman Program that includes a	113363
pay-for-performance incentive component that is earned by	113364
designated regional long-term care ombudsman programs.	113365
<b>MYCARE OHIO</b>	113366
The foregoing appropriation items 490410, Long-Term Care	113367
Ombudsman, 490618, Federal Aging Grants, 490612, Federal	113368
Independence Services, 490609, Regional Long-Term Care Ombudsman	113369
Program, and 490620, Ombudsman Support, may be used by the Office	113370
of the State Long-Term Care Ombudsman to provide ombudsman program	113371
activities as described in sections 173.14 to 173.27 and section	113372
173.99 of the Revised Code to consumers participating in MyCare	113373
Ohio.	113374
<b>SENIOR COMMUNITY SERVICES</b>	113375
Of the foregoing appropriation item 490411, Senior Community	113376
Services, \$7,060,844 in each fiscal year shall be used for	113377
services designated by the Department of Aging, including, but not	113378
limited to, home-delivered and congregate meals, transportation	113379
services, personal care services, respite services, adult day	113380
services, home repair, care coordination, prevention and disease	113381
self-management, and decision support systems. Service priority	113382
shall be given to low income, frail, and cognitively impaired	113383
persons 60 years of age and over. The department shall promote	113384
cost sharing by service recipients for those services funded with	113385
senior community services funds, including, when possible,	113386
sliding-fee scale payment systems based on the income of service	113387
recipients.	113388
Of the foregoing appropriation item 490411, Senior Community	113389
Services, \$250,000 in each fiscal year shall be allocated to the	113390

Warrensville Senior Center.	113391
NATIONAL SENIOR SERVICE CORPS	113392
The foregoing appropriation item 490506, National Senior	113393
Service Corps, shall be used by the Department of Aging to fund	113394
grants for three Corporation for National and Community	113395
Service/Senior Corps programs: the Foster Grandparents Program,	113396
the Senior Companion Program, and the Retired Senior Volunteer	113397
Program. A recipient of these grant funds shall use the funds to	113398
support priorities established by the Department and the Ohio	113399
State Office of the Corporation for National and Community	113400
Service. The expenditure of these funds by any grant recipient	113401
shall be in accordance with Senior Corps policies and procedures,	113402
as stated in the Domestic Volunteer Service Act of 1973, as	113403
amended. Neither the Department nor any area agencies on aging	113404
that are involved in the distribution of these funds to	113405
lower-tiered grant recipients may use any portion of these funds	113406
to cover administrative costs.	113407
TRANSFER OF RESIDENT PROTECTION FUNDS	113408
In each fiscal year, the Director of Budget and Management	113409
may transfer up to \$1,250,000 cash from the Resident Protection	113410
Fund (Fund 4E30), which is used by the Department of Medicaid, to	113411
the Ombudsman Support Fund (Fund 5BA0), which is used by the	113412
Department of Aging.	113413
The Director of Aging and the Office of the State Long-Term	113414
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund	113415
5BA0) to implement a nursing home quality initiative as specified	113416
in section 173.60 of the Revised Code.	113417
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES	113418
AND FEDERAL AGING GRANTS	113419
At the request of the Director of Aging, the Director of	113420
Budget and Management may transfer appropriation between	113421

appropriation items 490612, Federal Independence Services, and 113422  
490618, Federal Aging Grants. The amounts transferred shall not 113423  
exceed 30 per cent of the appropriation from which the transfer is 113424  
made. Any transfers shall be reported by the Department of Aging 113425  
to the Controlling Board at the next scheduled meeting of the 113426  
board. 113427

**Section 209.40.** UPDATING AUTHORIZING STATUTE CITATIONS 113428

As used in this section, "authorizing statute" means a 113429  
Revised Code section or provision of a Revised Code section that 113430  
is cited in the Ohio Administrative Code as the statute that 113431  
authorizes the adoption of a rule. 113432

The Director of Aging is not required to amend any rule for 113433  
the sole purpose of updating the citation in the Ohio 113434  
Administrative Code to the rule's authorizing statute to reflect 113435  
that this act renumbers the authorizing statute or relocates it to 113436  
another Revised Code section. Such citations shall be updated as 113437  
the Director amends the rules for other purposes. 113438

**Section 209.50.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 113439  
SUPPORTS 113440

The Board of Executives of Long-Term Services and Supports 113441  
may develop and conduct, or contract with a government or private 113442  
entity to develop and conduct, opportunities for education, 113443  
training, and credentialing of nursing home administrators, 113444  
including persons interested in becoming licensed as nursing home 113445  
administrators, and others in leadership positions who practice in 113446  
long-term services and supports settings or who direct the 113447  
practices of others in those settings. 113448

All fees paid to the Board of Executives of Long-Term 113449  
Services and Support by an applicant for education or training 113450  
shall be used solely for the administration of the training 113451

program in division (A)(10) of section 4751.04 of the Revised Code. The fees may be used to support the education and training programs by paying for items including, but not limited to, instructor fees, venues where the education or training is conducted, books, materials and printing.

Training or education programs may be conducted in person or through electronic media. If the Board contracts with a government or private entity to administer the education or training programs, the contract may authorize the entity to pay any or all costs associated with the education or training programs and to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for education or training pays to take the education or training program.

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE**

General Revenue Fund					113466	
GRF 700401	Animal Health Programs	\$	3,686,687	\$	3,686,687	113467
GRF 700403	Dairy Division	\$	1,163,115	\$	1,163,115	113468
GRF 700404	Ohio Proud	\$	50,000	\$	50,000	113469
GRF 700406	Consumer Protection	\$	1,287,556	\$	1,287,556	113470
	Lab					
GRF 700407	Food Safety	\$	1,287,556	\$	1,287,556	113471
GRF 700409	Farmland Preservation	\$	72,750	\$	72,750	113472
GRF 700410	Plant Industry	\$	150,000	\$	150,000	113473
GRF 700412	Weights and Measures	\$	600,000	\$	600,000	113474
GRF 700415	Poultry Inspection	\$	592,978	\$	592,978	113475
GRF 700418	Livestock Regulation	\$	1,108,071	\$	1,108,071	113476
	Program					
GRF 700424	Livestock Testing and	\$	92,493	\$	92,493	113477
	Inspections					
GRF 700426	Dangerous and	\$	800,000	\$	800,000	113478
	Restricted Animals					

GRF 700427	High Volume Breeder Kennel Control	\$ 350,000	\$ 350,000	113479
GRF 700428	Soil and Water Division	\$ 1,807,700	\$ 3,619,000	113480
GRF 700499	Meat Inspection Program - State Share	\$ 4,425,097	\$ 4,425,097	113481
GRF 700501	County Agricultural Societies	\$ 391,415	\$ 391,415	113482
GRF 700509	Soil and Water District Support	\$ 0	\$ 3,250,000	113483
TOTAL GRF	General Revenue Fund	\$ 17,865,418	\$ 22,926,718	113484
Dedicated Purpose Fund Group				113485
4900 700651	License Plates - Sustainable Agriculture	\$ 7,000	\$ 7,000	113486
4940 700612	Agricultural Commodity Marketing Program	\$ 213,000	\$ 213,000	113487
4960 700626	Ohio Grape Industries	\$ 970,000	\$ 970,000	113488
4970 700627	Grain Warehouse Program	\$ 332,672	\$ 332,672	113489
4C90 700605	Commercial Feed and Seed	\$ 1,760,000	\$ 1,760,000	113490
4D20 700609	Auction Education	\$ 35,000	\$ 35,000	113491
4E40 700606	Utility Radiological Safety	\$ 125,000	\$ 125,000	113492
4P70 700610	Food Safety Inspection	\$ 957,328	\$ 957,328	113493
4R00 700636	Ohio Proud Marketing	\$ 35,500	\$ 35,500	113494
4R20 700637	Dairy Industry Inspection	\$ 1,658,247	\$ 1,658,247	113495
4T60 700611	Poultry and Meat Inspection	\$ 120,000	\$ 120,000	113496

5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142	113497
5880	700633	Brand Registration	\$	5,000	\$	5,000	113498
5B80	700629	Auctioneers	\$	340,000	\$	340,000	113499
5BV0	700660	Heidelberg Water Quality Lab	\$	125,000	\$	250,000	113500
5BV0	700661	Soil and Water Districts	\$	4,000,000	\$	8,000,000	113501
5CP0	700652	License Plate Scholarships	\$	10,000	\$	10,000	113502
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	113503
5H20	700608	Metrology Lab and Scale Certification	\$	552,000	\$	552,000	113504
5L80	700604	Livestock Management Program	\$	135,000	\$	135,000	113505
5MA0	700657	Dangerous and Restricted Animals	\$	50,000	\$	50,000	113506
5MR0	700658	High Volume Breeders and Kennels	\$	174,000	\$	174,000	113507
5QW0	700653	Watershed Assistance	\$	557,500	\$	515,000	113508
6520	700634	Animal, Consumer, and ATL Labs	\$	4,966,383	\$	4,966,383	113509
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,418,041	\$	4,418,041	113510
TOTAL DPF Dedicated Purpose							113511
Fund Group			\$	23,951,813	\$	28,034,313	113512
Internal Service Activity Fund Group							113513
5DA0	700644	Laboratory Administration Support	\$	1,164,000	\$	1,164,000	113514
5GH0	700655	Administrative Support	\$	4,404,073	\$	4,404,073	113515
TOTAL ISA Internal Service Activity							113516

Fund Group		\$	5,568,073		5,568,073	113517
Capital Projects Fund Group						113518
7057 700632	Clean Ohio	\$	310,000	\$	310,000	113519
	Agricultural Easement					
	Operating					
TOTAL CPF Capital Projects Fund		\$	310,000	\$	310,000	113520
Group						
Federal Fund Group						113521
3260 700618	Meat Inspection	\$	4,450,000	\$	4,450,000	113522
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	101,000	\$	101,000	113523
	Revolving					
3820 700601	Federal Cooperative	\$	4,827,900	\$	5,131,500	113524
	Contracts					
3AB0 700641	Agricultural Easement	\$	150,000	\$	150,000	113525
3J40 700607	Federal	\$	1,200,000	\$	1,200,000	113526
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	6,000,000	\$	6,000,000	113527
	Industry					
TOTAL FED Federal Fund Group		\$	16,728,900	\$	17,032,500	113528
TOTAL ALL BUDGET FUND GROUPS		\$	64,424,204	\$	73,871,604	113529
	DANGEROUS AND RESTRICTED WILD ANIMALS					113530
	The foregoing appropriation item 700426, Dangerous and					113531
	Restricted Animals, shall be used to administer the Dangerous and					113532
	Restricted Wild Animal Permitting Program.					113533
	COUNTY AGRICULTURAL SOCIETIES					113534
	The foregoing appropriation item 700501, County Agricultural					113535
	Societies, shall be used to reimburse county and independent					113536
	agricultural societies for expenses related to Junior Fair					113537

activities. 113538

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 113539  
BASIN 113540

Of the foregoing appropriation item 700509, Soil and Water 113541  
District Support, \$350,000 in fiscal year 2017 shall be used by 113542  
the Department of Agriculture for a program to support soil and 113543  
water conservation districts in the Western Lake Erie Basin to 113544  
comply with provisions of Sub. S.B. 1 of the 131st General 113545  
Assembly. The Department shall approve a soil and water district's 113546  
application for funding under the program if the application 113547  
demonstrates that funding will be used for, but not limited to, 113548  
providing technical assistance, developing applicable nutrient or 113549  
manure management plans, hiring and training of soil and water 113550  
conservation district staff on best conservation practices, or 113551  
other activities the Director determines is appropriate to assist 113552  
farmers in the Western Lake Erie Basin in complying with the 113553  
provisions of Sub. S.B. 1 of the 131st General Assembly. 113554

SOIL AND WATER DISTRICTS 113555

In addition to state payments to soil and water conservation 113556  
districts authorized by section 940.08 of the Revised Code, the 113557  
Department of Agriculture may use appropriation item 700661, Soil 113558  
and Water Districts, to pay any soil and water conservation 113559  
district an annual amount not to exceed \$40,000 upon receipt of a 113560  
request and justification from the district and approval by the 113561  
Ohio Soil and Water Conservation Commission. The county auditor 113562  
shall credit the payments to the special fund established under 113563  
section 940.08 of the Revised Code for the local soil and water 113564  
conservation district. Moneys received by each district shall be 113565  
expended for the purposes of the district. 113566

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 113567

The foregoing appropriation item 700632, Clean Ohio 113568



Agricultural Easement Operating, shall be used by the Department 113569  
of Agriculture in administering Ohio Agricultural Easement Fund 113570  
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 113571  
5301.67 to 5301.70 of the Revised Code. 113572

**Section 211.20.** TRANSFER OF SOIL AND WATER CONSERVATION 113573  
PROGRAM 113574

On January 1, 2016, or as soon as possible thereafter, the 113575  
Director of Budget and Management shall cancel any existing 113576  
encumbrances against appropriation item 725502, Soil and Water 113577  
Districts, used by the Department of Natural Resources, and 113578  
reestablish them against appropriation item 700509, Soil and Water 113579  
District Support, used by the Department of Agriculture. The 113580  
reestablished encumbrance amounts are hereby appropriated. 113581

On January 1, 2016, or as soon as possible thereafter, the 113582  
Director of Budget and Management shall cancel any existing 113583  
encumbrances against appropriation item 725658, Heidelberg Water 113584  
Quality Lab, used by the Department of Natural Resources, and 113585  
reestablish them against appropriation item 700660, Heidelberg 113586  
Water Quality Lab, used by the Department of Agriculture. The 113587  
reestablished encumbrance amounts are hereby appropriated. 113588

On January 1, 2016, or as soon as possible thereafter, the 113589  
Director of Budget and Management shall cancel any existing 113590  
encumbrances against appropriation item 725683, Soil and Water 113591  
Districts, used by the Department of Natural Resources, and 113592  
reestablish them against appropriation item 700661, Soil and Water 113593  
Districts, used by the Department of Agriculture. The 113594  
reestablished encumbrance amounts are hereby appropriated. 113595

On January 1, 2016, or as soon as possible thereafter, the 113596  
Director of Budget and Management shall cancel any existing 113597  
encumbrances against appropriation item 725699, Healthy Lake Erie 113598  
Fund, used by the Department of Natural Resources, and reestablish 113599

them against appropriation item 700653, Watershed Assistance, used 113600  
by the Department of Agriculture. The reestablished encumbrance 113601  
amounts are hereby appropriated. 113602

**Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY** 113603

Dedicated Purpose Fund Group 113604

4Z90 898602 Small Business \$ 288,232 \$ 288,232 113605  
Ombudsman

5700 898601 Operating Expenses \$ 186,568 \$ 189,590 113606

5A00 898603 Small Business \$ 450,000 \$ 450,000 113607  
Assistance

5EG0 898608 Energy Strategy \$ 193,184 \$ 176,394 113608  
Development

TOTAL DPF Dedicated Purpose Fund \$ 1,117,984 \$ 1,104,216 113609  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,117,984 \$ 1,104,216 113610

**Section 213.20. ENERGY STRATEGY DEVELOPMENT** 113612

(A) There is hereby created in the state treasury the Energy 113613  
Strategy Development Fund (Fund 5EG0). The fund shall consist of 113614  
money credited to it and money obtained for advanced energy 113615  
projects from federal or private grants, loans, or other sources. 113616  
Money in the fund shall be used to carry out the purposes of the 113617  
Energy Strategy Development Program. Interest earned on the money 113618  
in the fund shall be credited to the General Revenue Fund. 113619

(B) The Energy Strategy Development Program shall develop 113620  
energy initiatives, projects, and policy that align with the 113621  
energy policy for the state. Issues addressed by such initiatives, 113622  
projects, and policy shall not be limited to those governed by 113623  
Chapter 3706. of the Revised Code. The program also pays for costs 113624  
associated with the administration of the outstanding loans and 113625  
working with the outside parties associated with the loans. The 113626

Ohio Air Quality Development Authority shall be responsible for 113627  
the monitoring of the program. 113628

(C) On July 1 of each fiscal year, or as soon as possible 113629  
thereafter, the Director of Budget and Management may transfer 113630  
cash from the funds specified below, up to the amounts specified 113631  
below, to the Energy Strategy Development Fund. Fund 5EG0 may 113632  
accept contributions and transfers made to the fund. On July 1, 113633  
2017, or as soon as possible thereafter, the Director shall 113634  
transfer to the General Revenue Fund all cash credited to Fund 113635  
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 113636

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	113637
	Construction	Construction			113638
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	113639
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	113640
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	113641
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	113642
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	113643
		Transportation			

**Section 213.30.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 113644  
AUTHORITY TRUST ACCOUNT 113645

Notwithstanding any other provision of law to the contrary, 113646  
the Air Quality Development Authority may reimburse the Air 113647  
Quality Development Authority trust account established under 113648  
section 3706.10 of the Revised Code from all operating funds of 113649

the agency for expenses pertaining to the administration and 113650  
shared costs incurred by the Air Quality Development Authority in 113651  
the execution of responsibilities as prescribed in Chapter 3706. 113652  
of the Revised Code. The reimbursement shall be made by voucher 113653  
and completed in accordance with the administrative indirect costs 113654  
allocation plan approved by the Office of Budget and Management. 113655

**Section 215.10. ARC ARCHITECTS BOARDS** 113656

Dedicated Purpose Fund Group 113657  
4K90 891609 Operating \$ 507,614 \$ 517,912 113658  
TOTAL DPF Dedicated Purpose Fund 113659  
Group \$ 507,614 \$ 517,912 113660  
TOTAL ALL BUDGET FUND GROUPS \$ 507,614 \$ 517,912 113661

**Section 217.10. ART OHIO ARTS COUNCIL** 113663

General Revenue Fund 113664  
GRF 370321 Operating Expenses \$ 1,772,050 \$ 1,772,050 113665  
GRF 370502 State Program \$ 12,450,000 \$ 12,950,000 113666  
Subsidies  
TOTAL GRF General Revenue Fund \$ 14,222,050 \$ 14,722,050 113667  
Dedicated Purpose Fund Group 113668  
4600 370602 Management Expenses \$ 300,000 \$ 300,000 113669  
and Donations  
4B70 370603 Percent for Art \$ 225,000 \$ 225,000 113670  
Acquisitions  
TOTAL DPF Dedicated Purpose Fund \$ 525,000 \$ 525,000 113671  
Group  
Federal Fund Group 113672  
3140 370601 Federal Support \$ 1,000,000 \$ 1,000,000 113673  
TOTAL FED Federal Fund Group \$ 1,000,000 \$ 1,000,000 113674  
TOTAL ALL BUDGET FUND GROUPS \$ 15,747,050 \$ 16,247,050 113675

**FEDERAL SUPPORT** 113676

Notwithstanding any provision of law to the contrary, the  
foregoing appropriation item 370601, Federal Support, shall be  
used by the Ohio Arts Council for subsidies only, and not for its  
administrative costs, unless the Council is required to use a  
portion of the funds for administrative costs under conditions of  
the federal grant.

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**Section 219.10. ATH ATHLETIC COMMISSION**

113683

Dedicated Purpose Fund Group

113684

4K90 175609 Operating Expenses \$ 320,000 \$ 320,000 113685

TOTAL DPF Dedicated Purpose Fund \$ 320,000 \$ 320,000 113686

Group

TOTAL ALL BUDGET FUND GROUPS \$ 320,000 \$ 320,000 113687

**Section 221.10. AGO ATTORNEY GENERAL**

113689

General Revenue Fund

113690

GRF 055321 Operating Expenses \$ 43,114,169 \$ 43,114,169 113691

GRF 055405 Law-Related Education \$ 70,000 \$ 70,000 113692

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 801,808 113693

Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 893,378 113694

Pay Supplement

GRF 055501 Rape Crisis Centers \$ 1,500,000 \$ 1,500,000 113695

TOTAL GRF General Revenue Fund \$ 46,273,589 \$ 46,379,355 113696

Dedicated Purpose Fund Group

113697

1060 055612 Attorney General \$ 64,008,182 \$ 64,818,182 113698

Operating

4020 055616 Victims of Crime \$ 20,301,769 \$ 20,301,769 113699

4180 055615 Charitable \$ 8,286,000 \$ 8,286,000 113700

Foundations

4190 055623 Claims Section \$ 58,437,133 \$ 59,439,892 113701

4200 055603 Attorney General \$ 2,392,074 \$ 2,392,074 113702

		Antitrust				
4210	055617	Police Officers' Training Academy Fee	\$	4,201,545	\$	4,201,545 113703
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209 113704
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000 113705
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000 113706
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325 113707
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000 113708
5L50	055619	Law Enforcement Assistance Program	\$	7,800,000	\$	12,800,000 113709
5LR0	055655	Peace Officer Training - Casino	\$	4,629,409	\$	4,629,409 113710
5MP0	055657	Peace Officer Training Commission	\$	250,000	\$	325,000 113711
6310	055637	Consumer Protection Enforcement	\$	8,834,000	\$	8,976,000 113712
6590	055641	Solid and Hazardous Waste Background Investigations	\$	310,730	\$	310,730 113713
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,550,000	\$	2,650,000 113714
TOTAL DPF		Dedicated Purpose Fund Group				113715
			\$	187,517,376	\$	194,647,135 113716
		Internal Service Activity Fund Group				113717
1950	055660	Workers' Compensation Section	\$	8,415,504	\$	8,415,504 113718
TOTAL ISA		Internal Service Activity	\$	8,415,504	\$	8,415,504 113719

Fund Group							
Holding Account Fund Group							113720
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	113721
		Account					
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	113722
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	113723
R042	055601	Organized Crime	\$	25,025	\$	25,025	113724
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	113725
		Redistribution					
TOTAL HLD Holding Account							113726
Fund Group				\$	6,276,025	\$	6,276,025
Federal Fund Group							113728
3060	055620	Medicaid Fraud	\$	8,461,419	\$	8,961,419	113729
		Control					
3830	055634	Crime Victims	\$	16,500,000	\$	16,500,000	113730
		Assistance					
3E50	055638	Attorney General	\$	2,320,999	\$	2,320,999	113731
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	3,155,000	\$	3,155,000	113732
		Compensation					
3R60	055613	Attorney General	\$	2,799,999	\$	2,799,999	113733
		Federal Funds					
TOTAL FED Federal Fund Group				\$	33,237,417	\$	33,737,417
TOTAL ALL BUDGET FUND GROUPS				\$	281,719,911	\$	289,455,436
OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE							113736
Of the foregoing appropriation item 055321, Operating							113737
Expenses, \$600,000 in each fiscal year shall be used for the Ohio							113738
Center for the Future of Forensic Science at Bowling Green State							113739
University. The purpose of the Center shall be to foster forensic							113740
science research techniques (BCI Eminent Scholar) and to create							113741

professional training opportunities to students (BCI Scholars) in 113742  
the forensic science fields. 113743

COUNTY SHERIFFS' PAY SUPPLEMENT 113744

The foregoing appropriation item 055411, County Sheriffs' Pay 113745  
Supplement, shall be used for the purpose of supplementing the 113746  
annual compensation of county sheriffs as required by section 113747  
325.06 of the Revised Code. 113748

At the request of the Attorney General, the Director of 113749  
Budget and Management may transfer appropriation from 113750  
appropriation item 055321, Operating Expenses, to appropriation 113751  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 113752  
transferred shall be used to supplement the annual compensation of 113753  
county sheriffs as required by section 325.06 of the Revised Code. 113754

COUNTY PROSECUTORS' PAY SUPPLEMENT 113755

The foregoing appropriation item 055415, County Prosecutors' 113756  
Pay Supplement, shall be used for the purpose of supplementing the 113757  
annual compensation of certain county prosecutors as required by 113758  
section 325.111 of the Revised Code. 113759

At the request of the Attorney General, the Director of 113760  
Budget and Management may transfer appropriation from 113761  
appropriation item 055321, Operating Expenses, to appropriation 113762  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 113763  
so transferred shall be used to supplement the annual compensation 113764  
of county prosecutors as required by section 325.111 of the 113765  
Revised Code. 113766

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE OHIO PEACE 113767  
OFFICER TRAINING ACADEMY FUND 113768

On July 1 of each fiscal year, or as soon as possible 113769  
thereafter, the Director of Budget and Management shall transfer 113770  
\$2,500,000 cash from the General Revenue Fund to the Ohio Peace 113771



Officer Training Academy Fund (Fund 4210). 113772

WORKERS' COMPENSATION SECTION 113773

The Workers' Compensation Fund (Fund 1950) is entitled to 113774  
receive payments from the Bureau of Workers' Compensation and the 113775  
Ohio Industrial Commission at the beginning of each quarter of 113776  
each fiscal year to fund legal services to be provided to the 113777  
Bureau of Workers' Compensation and the Ohio Industrial Commission 113778  
during the ensuing quarter. The advance payment shall be subject 113779  
to adjustment. 113780

In addition, the Bureau of Workers' Compensation shall 113781  
transfer payments at the beginning of each quarter for the support 113782  
of the Workers' Compensation Fraud Unit. 113783

All amounts shall be mutually agreed upon by the Attorney 113784  
General, the Bureau of Workers' Compensation, and the Ohio 113785  
Industrial Commission. 113786

LAW ENFORCEMENT ASSISTANCE FUND 113787

Notwithstanding the requirement in division (C) of section 113788  
5747.50 of the Revised Code that the Tax Commissioner provide for 113789  
payment from the Local Government Fund to each municipal 113790  
corporation of an amount calculated using the total amount 113791  
available for distribution to municipal corporations during the 113792  
current month, as defined in that division, the Tax Commissioner 113793  
shall reduce the total amount available for distribution to 113794  
municipal corporations during the current month by \$416,666.67 in 113795  
each month of fiscal year 2016 and by \$833,333.33 in each month of 113796  
fiscal year 2017, before calculating the amount to be distributed 113797  
to each municipal corporation. The amounts not distributed to 113798  
municipal corporations, \$416,666.67 in each month of fiscal year 113799  
2016 and \$833,333.33 in each month of fiscal year 2017, shall be 113800  
deposited in the state treasury to the credit of the Law 113801  
Enforcement Assistance Fund (Fund 5L50). 113802

In accordance with the provisions of section 109.803 of the Revised Code, the Ohio Peace Officer Training Commission shall direct every appointing authority to require each of its appointed peace officers and troopers to complete a total of eleven hours of continuing professional training in calendar year 2016, and a total of twenty hours of continuing professional training in calendar year 2017.

Notwithstanding any provision of section 109.802 of the Revised Code, in fiscal year 2017 each public appointing authority entitled to reimbursement for the cost of continuing professional training shall receive one hundred per cent reimbursement from the state for eleven of the required twenty hours of training. Of the remaining nine hours of required training, each eligible public appointing authority shall receive state reimbursement at the rate of: (a) one hundred per cent for the first fifty full-time officers or troopers trained, and (b) eighty per cent for any full-time officers or troopers trained after the first fifty full-time officers or troopers are trained.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are

necessary for this purpose, the amounts are hereby appropriated. 113834

CONSUMER FRAUDS 113835

The foregoing appropriation item 055630, Consumer Frauds, 113836  
shall be used for distribution of moneys from court-ordered 113837  
judgments against sellers in actions brought by the Office of the 113838  
Attorney General under sections 1334.08 and 4549.48 and division 113839  
(B) of section 1345.07 of the Revised Code. These moneys shall be 113840  
used to provide restitution to consumers victimized by the fraud 113841  
that generated the court-ordered judgments. If it is determined 113842  
that additional amounts are necessary for this purpose, the 113843  
amounts are hereby appropriated. 113844

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 113845

The foregoing appropriation item 055601, Organized Crime 113846  
Commission Distributions, shall be used by the Organized Crime 113847  
Investigations Commission, as provided by section 177.011 of the 113848  
Revised Code, to reimburse political subdivisions for the expenses 113849  
the political subdivisions incur when their law enforcement 113850  
officers participate in an organized crime task force. If it is 113851  
determined that additional amounts are necessary for this purpose, 113852  
the amounts are hereby appropriated. 113853

COLLECTION PAYMENT REDISTRIBUTION 113854

The foregoing appropriation item 055650, Collection Payment 113855  
Redistribution, shall be used for the purpose of allocating the 113856  
revenue where debtors mistakenly paid the client agencies instead 113857  
of the Attorney General's Collections Enforcement Section. If it 113858  
is determined that additional amounts are necessary for this 113859  
purpose, the amounts are hereby appropriated. 113860

ATTORNEY GENERAL PASS-THROUGH FUNDS 113861

The foregoing appropriation item 055638, Attorney General 113862  
Pass-Through Funds, shall be used to receive federal grant funds 113863

provided to the Attorney General by other state agencies, 113864  
including, but not limited to, the Department of Youth Services 113865  
and the Department of Public Safety. 113866

**Section 223.10. AUD AUDITOR OF STATE** 113867

General Revenue Fund 113868

GRF 070321 Operating Expenses \$ 28,751,872 \$ 28,751,872 113869

GRF 070403 Fiscal \$ 800,000 \$ 800,000 113870

Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund \$ 29,551,872 \$ 29,551,872 113871

Dedicated Purpose Fund Group 113872

1090 070601 Public Audit Expense \$ 9,600,181 \$ 9,600,181 113873

- Intra-State

4220 070602 Public Audit Expense \$ 33,509,944 \$ 33,715,944 113874

- Local Government

5840 070603 Training Program \$ 403,750 \$ 403,750 113875

5JZ0 070606 LEAP Revolving Loans \$ 400,000 \$ 400,000 113876

6750 070605 Uniform Accounting \$ 3,187,637 \$ 3,187,637 113877

Network

TOTAL DPF Dedicated Purpose Fund 113878

Group \$ 47,101,512 \$ 47,307,512 113879

TOTAL ALL BUDGET FUND GROUPS \$ 76,653,384 \$ 76,859,384 113880

**Section 225.10. BRB BOARD OF BARBER EXAMINERS** 113882

Dedicated Purpose Fund Group 113883

4K90 877609 Operating Expenses \$ 674,272 \$ 688,272 113884

TOTAL DPF Dedicated Purpose Fund \$ 674,272 \$ 688,272 113885

Group

TOTAL ALL BUDGET FUND GROUPS \$ 674,272 \$ 688,272 113886

**Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT** 113888

General Revenue Fund					113889	
GRF 042321	Budget Development	\$	2,981,898	\$	2,933,175	113890
	and Implementation					
GRF 042416	Office of Health	\$	430,000	\$	438,723	113891
	Transformation					
GRF 042425	Shared Services	\$	1,385,000	\$	1,425,000	113892
	Development					
TOTAL GRF	General Revenue Fund	\$	4,796,898	\$	4,796,898	113893
Internal Service Activity Fund Group						113894
1050 042603	Financial Management	\$	14,676,746	\$	14,593,851	113895
1050 042620	Shared Services	\$	8,699,170	\$	8,782,065	113896
	Operating					
TOTAL ISA	Internal Service Activity					113897
Fund Group		\$	23,375,916	\$	23,375,916	113898
Fiduciary Fund Group						113899
5EH0 042604	Forgery Recovery	\$	40,000	\$	40,000	113900
TOTAL FID	Fiduciary Fund Group	\$	40,000	\$	40,000	113901
Federal Fund Group						113902
3CM0 042606	Office of Health	\$	430,000	\$	438,723	113903
	Transformation -					
	Federal					
TOTAL FED	Federal Fund Group	\$	430,000	\$	438,723	113904
TOTAL ALL BUDGET FUND GROUPS		\$	28,642,814	\$	28,651,537	113905
AUDIT COSTS AND DUES						113906
All centralized audit costs associated with either Single						113907
Audit Schedules or financial statements prepared in conformance						113908
with generally accepted accounting principles for the state shall						113909
be paid from the foregoing appropriation item 042603, Financial						113910
Management.						113911
Costs associated with the audit of the Auditor of State and						113912
national association dues shall be paid from the foregoing						113913

appropriation item 042321, Budget Development and Implementation. 113914

SHARED SERVICES CENTER 113915

The foregoing appropriation items 042425, Shared Services 113916  
Development, and 042620, Shared Services Operating, shall be used 113917  
by the Director of Budget and Management to support a Shared 113918  
Services Center within the Office of Budget and Management for the 113919  
purpose of consolidating statewide business functions and common 113920  
transactional processes. 113921

The Director of Budget and Management shall include the 113922  
recovery of costs to operate the Shared Services Center in the 113923  
accounting and budgeting services payroll rate and through direct 113924  
charges using intrastate transfer vouchers to agencies for 113925  
services rendered. The Director of Budget and Management shall 113926  
determine the cost recovery methodology. Such cost recovery 113927  
revenues shall be deposited to the credit of the Accounting and 113928  
Budgeting Fund (Fund 1050). 113929

INTERNAL AUDIT 113930

The Director of Budget and Management shall include the 113931  
recovery of costs to operate the Internal Audit Program in the 113932  
accounting and budgeting services payroll rate and through direct 113933  
charges using intrastate transfer vouchers to agencies reviewed by 113934  
the program. The Director of Budget and Management, with advice 113935  
from the Internal Audit Advisory Council, shall determine the cost 113936  
recovery methodology. Such cost recovery revenues shall be 113937  
deposited to the credit of Fund 1050. 113938

FORGERY RECOVERY 113939

The foregoing appropriation item 042604, Forgery Recovery, 113940  
shall be used to reissue warrants that have been certified as 113941  
forgeries by the rightful recipient as determined by the Bureau of 113942  
Criminal Identification and Investigation and the Treasurer of 113943  
State. Upon receipt of funds to cover the reissuance of the 113944

warrant, the Director of Budget and Management shall reissue a 113945  
state warrant of the same amount. Any additional amounts needed to 113946  
reissue warrants backed by the receipt of funds are hereby 113947  
appropriated. 113948

**Section 227.20. HEALTH SERVICES PROVIDERS COST ESTIMATES 113949**

There is hereby established under the Office of Health 113950  
Transformation, the Health Services Cost Estimate Study Committee. 113951  
The Committee shall study the impact and feasibility of requiring 113952  
health services providers to provide, upon request by a consumer, 113953  
estimates of the consumer's out-of-pocket cost, including an 113954  
estimate of the total charge to be billed, for common products, 113955  
procedures, and services offered by the provider for the purpose 113956  
of cost comparison on the part of the consumer. Not later than 113957  
December 31, 2015, the Health Services Cost Estimate Study 113958  
Committee shall make a report of its findings and shall deliver 113959  
that report to the Governor, the President and Minority Leader of 113960  
the Senate, and the Speaker and Minority Leader of the House of 113961  
Representatives. If the report views the implementation of such a 113962  
requirement favorably, the report shall include recommendations 113963  
regarding legislation and associated rules for enactment and 113964  
adoption. 113965

**Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 113966**

General Revenue Fund				113967
GRF	874100	Personal Services	\$ 2,417,467 \$ 2,417,467	113968
GRF	874320	Maintenance and	\$ 1,161,098 \$ 1,161,098	113969
Equipment				
TOTAL GRF	General Revenue Fund		\$ 3,578,565 \$ 3,578,565	113970
Dedicated Purpose Fund Group				113971
2080	874601	Underground Parking	\$ 3,496,740 \$ 3,496,740	113972
Garage Operations				

4G50 874603	Capitol Square	\$	6,000	\$	6,000	113973
	Education Center and					
	Arts					
TOTAL DPF Dedicated Purpose						113974
Fund Group		\$	3,502,740	\$	3,502,740	113975
Internal Service Activity Fund Group						113976
4S70 874602	Statehouse Gift	\$	700,000	\$	700,000	113977
	Shop/Events					
TOTAL ISA Internal Service Activity						113978
Fund Group		\$	700,000	\$	700,000	113979
TOTAL ALL BUDGET FUND GROUPS						113980
UNDERGROUND PARKING GARAGE FUND						113981
Notwithstanding division (G) of section 105.41 of the Revised						113982
Code and any other provision to the contrary, moneys in the						113983
Underground Parking Garage Fund (Fund 2080) may be used for						113984
personnel and operating costs related to the operations of the						113985
Statehouse and the Statehouse Underground Parking Garage.						113986
HOUSE AND SENATE PARKING REIMBURSEMENT						113987
On July 1 of each fiscal year, or as soon as possible						113988
thereafter, the Director of Budget and Management shall transfer						113989
\$500,000 cash from the General Revenue Fund to the Underground						113990
Parking Garage Fund (Fund 2080). The amounts transferred under						113991
this section shall be used to reimburse the Capitol Square Review						113992
and Advisory Board for legislative parking costs.						113993
<b>Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND</b>						113994
SCHOOLS						113995
Dedicated Purpose Fund Group						113996
4K90 233601	Operating Expenses	\$	579,328	\$	579,328	113997
TOTAL DPF Dedicated Purpose Fund						113998
Group						



TOTAL ALL BUDGET FUND GROUPS                   \$           579,328 \$           579,328 113999

**Section 233.10.** CAC CASINO CONTROL COMMISSION 114001

Dedicated Purpose Fund Group 114002

5HS0 955321 Operating Expenses           \$    12,415,000 \$    12,415,000 114003

5KT0 955501 Racetrack Host               \$    1,500,000 \$    1,500,000 114004

Supplement

5NU0 955601 Casino Commission           \$       50,000 \$       50,000 114005

Enforcement

TOTAL DPF Dedicated Purpose Fund       \$    13,965,000 \$    13,965,000 114006

Group

TOTAL ALL BUDGET FUND GROUPS           \$    13,965,000 \$    13,965,000 114007

RACETRACK HOST SUPPLEMENT 114008

Of the foregoing appropriation item 955501, Racetrack Host 114009

Supplement, to the extent that sufficient cash is available, the 114010

Casino Control Commission shall make two payments of two hundred 114011

fifty thousand dollars, one in fiscal year 2016 and one in fiscal 114012

year 2017, to each eligible entity. Any payments made in fiscal 114013

year 2016 shall not be made later than December 31, 2015, and any 114014

payments made in fiscal year 2017 shall not be made later than 114015

December 31, 2016. For the purposes of this section, "eligible 114016

entity" means a municipal corporation or township that received 114017

moneys from the Casino Operator Settlement Fund under Section 10 114018

of Am. Sub. H.B. 386 of the 129th General Assembly, as 114019

subsequently amended. 114020

**Section 235.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 114021

Dedicated Purpose Fund Group 114022

4K90 930609 Operating Expenses           \$    490,644 \$    489,666 114023

TOTAL DPF Dedicated Purpose Fund       \$    490,644 \$    489,666 114024

Group

TOTAL ALL BUDGET FUND GROUPS           \$    490,644 \$    489,666 114025

<b>Section 237.10. CHR STATE CHIROPRACTIC BOARD</b>				114027
Dedicated Purpose Fund Group				114028
4K90 878609	Operating Expenses	\$ 648,734	\$ 663,521	114029
TOTAL DPF Dedicated Purpose Fund				114030
Group				
TOTAL ALL BUDGET FUND GROUPS				114031
 <b>Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION</b>				114033
General Revenue Fund				114034
GRF 876321	Operating Expenses	\$ 5,406,444	\$ 5,406,444	114035
TOTAL GRF General Revenue Fund				114036
Internal Service Activity Fund Group				114037
2170 876604	Operations Support	\$ 4,000	\$ 4,000	114038
TOTAL ISA Internal Service Activity				114039
Fund Group				114040
Federal Fund Group				114041
3340 876601	Federal Programs	\$ 2,802,760	\$ 2,947,982	114042
TOTAL FED Federal Special Revenue				114043
Fund Group				114044
TOTAL ALL BUDGET FUND GROUPS				114045
 <b>Section 241.10. COM DEPARTMENT OF COMMERCE</b>				114047
Dedicated Purpose Fund Group				114048
4B20 800631	Real Estate Appraisal	\$ 35,000	\$ 35,000	114049
Recovery				
4H90 800608	Cemeteries	\$ 274,080	\$ 278,352	114050
4X20 800619	Financial Institutions	\$ 1,854,298	\$ 1,854,298	114051
5430 800602	Unclaimed	\$ 7,764,160	\$ 7,779,076	114052
Funds-Operating				
5430 800625	Unclaimed Funds-Claims	\$ 64,000,000	\$ 64,000,000	114053
5440 800612	Banks	\$ 6,867,039	\$ 6,885,074	114054

5450	800613	Savings Institutions	\$	2,464,495	\$	2,533,005	114055
5460	800610	Fire Marshal	\$	17,153,766	\$	16,746,648	114056
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	114057
5470	800603	Real Estate	\$	69,655	\$	69,655	114058
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	114059
5490	800614	Real Estate	\$	3,374,714	\$	3,409,090	114060
5500	800617	Securities	\$	4,421,403	\$	4,577,915	114061
5520	800604	Credit Union	\$	3,343,696	\$	3,374,104	114062
5530	800607	Consumer Finance	\$	3,946,050	\$	4,138,634	114063
5560	800615	Industrial Compliance	\$	27,882,765	\$	28,318,049	114064
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	114065
		Departments					
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	114066
		Education					
5GK0	800609	Securities Investor	\$	432,150	\$	432,150	114067
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	70,000	\$	70,000	114068
5LC0	800644	Liquor JobsOhio	\$	288,818	\$	276,817	114069
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	7,220,460	\$	6,920,435	114070
		Services					
5LP0	800646	Liquor Regulatory	\$	9,565,654	\$	8,664,644	114071
		Operating Expenses					
5PA0	800647	BUSTR Revolving Loan	\$	1,500,000	\$	1,500,000	114072
		Program					
5X60	800623	Video Service	\$	383,792	\$	389,110	114073
6530	800629	UST Registration/Permit	\$	2,201,943	\$	2,245,208	114074
		Fee					
6A40	800630	Real Estate	\$	684,978	\$	692,170	114075
		Appraiser-Operating					
TOTAL	DPF	Dedicated Purpose					114076
Fund Group			\$	171,538,916	\$	170,929,434	114077

Internal Service Activity Fund Group					114078
1630 800620 Division of Administration	\$	7,700,000	\$	7,700,000	114079
1630 800637 Information Technology	\$	7,792,763	\$	9,493,259	114080
TOTAL ISA Internal Service Activity Fund Group					114081
	\$	15,492,763	\$	17,193,259	114082
Federal Fund Group					114083
3480 800622 Underground Storage Tanks	\$	1,129,518	\$	1,129,518	114084
3480 800624 Leaking Underground Storage Tanks	\$	1,795,481	\$	1,795,481	114085
TOTAL FED Federal Fund Group	\$	2,924,999	\$	2,924,999	114086
TOTAL ALL BUDGET FUND GROUPS	\$	189,956,678	\$	191,047,692	114087
UNCLAIMED FUNDS PAYMENTS					114088
The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.					114089 114090 114091 114092 114093 114094 114095
DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING					114096
The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.					114097 114098 114099 114100 114101 114102 114103 114104
The foregoing appropriation item 800611, Real Estate					114105

Recovery, shall be used to pay settlements, judgments, and court 114106  
orders under section 4735.12 of the Revised Code. If it is 114107  
determined by the Director of Commerce that additional 114108  
appropriation amounts are necessary to make such payments, the 114109  
Director of Commerce may request that the Director of Budget and 114110  
Management increase such amounts. Such amounts are hereby 114111  
appropriated. 114112

FIRE DEPARTMENT GRANTS 114113

Of the foregoing appropriation item 800639, Fire Department 114114  
Grants, \$500,000 in fiscal year 2016 shall be awarded to Jefferson 114115  
Township in Clinton County to build a new firehouse. 114116

Of the foregoing appropriation item 800639, Fire Department 114117  
Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in 114118  
fiscal year 2017 shall be used to make annual grants to the 114119  
following eligible recipients: volunteer fire departments, fire 114120  
departments that serve one or more small municipalities or small 114121  
townships, joint fire districts comprised of fire departments that 114122  
primarily serve small municipalities or small townships, local 114123  
units of government responsible for such fire departments, and 114124  
local units of government responsible for the provision of fire 114125  
protection services for small municipalities or small townships. 114126  
For the purposes of these grants, a private fire company, as that 114127  
phrase is defined in section 9.60 of the Revised Code, that is 114128  
providing fire protection services under a contract to a political 114129  
subdivision of the state, is an additional eligible recipient for 114130  
a training grant. 114131

Eligible recipients that consist of small municipalities or 114132  
small townships that all intend to contract with the same fire 114133  
department or private fire company for fire protection services 114134  
may jointly apply and be considered for a grant. If a joint 114135  
applicant is awarded a grant, the State Fire Marshal shall, if 114136  
feasible, proportionately award the grant and any equipment 114137

purchased with grant funds to each of the joint applicants based 114138  
upon each applicant's contribution to and demonstrated need for 114139  
fire protection services. 114140

If the grant awarded to joint applicants is an equipment 114141  
grant and the equipment to be purchased cannot be readily 114142  
distributed or possessed by multiple recipients, each of the joint 114143  
applicants shall be awarded by the State Fire Marshal an ownership 114144  
interest in the equipment so purchased in proportion to each 114145  
applicant's contribution to and demonstrated need for fire 114146  
protection services. The joint applicants shall then mutually 114147  
agree on how the equipment is to be maintained, operated, stored, 114148  
or disposed of. If, for any reason, the joint applicants cannot 114149  
agree as to how jointly owned equipment is to be maintained, 114150  
operated, stored, or disposed of or any of the joint applicants no 114151  
longer maintain a contract with the same fire protection service 114152  
provider as the other applicants, then the joint applicants shall, 114153  
with the assistance of the State Fire Marshal, mutually agree as 114154  
to how the jointly owned equipment is to be maintained, operated, 114155  
stored, disposed of, or owned. If the joint applicants cannot 114156  
agree how the grant equipment is to be maintained, operated, 114157  
stored, disposed of, or owned, the State Fire Marshal may, in its 114158  
discretion, require all of the equipment acquired by the joint 114159  
applicants with grant funds to be returned to the State Fire 114160  
Marshal. The State Fire Marshal may then award the returned 114161  
equipment to any eligible recipients. For this paragraph only, an 114162  
"equipment grant" also includes a MARCS Grant. 114163

Except as otherwise provided in this section, the grants 114164  
shall be used by recipients to purchase firefighting or rescue 114165  
equipment or gear or similar items, to provide full or partial 114166  
reimbursement for the documented costs of firefighter training, 114167  
or, at the discretion of the State Fire Marshal, to cover fire 114168  
department costs for providing fire protection services in that 114169

grant recipient's jurisdiction. 114170

Of the foregoing appropriation item 800639, Fire Department 114171  
Grants, up to \$500,000 per fiscal year may be used to pay for the 114172  
State Fire Marshal's costs of providing firefighter I 114173  
certification classes or other firefighter classes approved by the 114174  
Department of Public Safety in accordance with section 4765.55 of 114175  
the Revised Code at no cost to selected students attending the 114176  
Ohio Fire Academy or other class providers approved by the State 114177  
Fire Marshal. The State Fire Marshal may establish the 114178  
qualifications and selection processes for students to attend such 114179  
classes by written policy, and such students shall be considered 114180  
eligible recipients of fire department grants for the purposes of 114181  
this portion of the grant program. 114182

For purposes of this section, a MARCS Grant is a grant for 114183  
systems, equipment, or services that are a part of, integrated 114184  
into, or otherwise interoperable with the Multi-Agency Radio 114185  
Communication System (MARCS) operated by the state. 114186

Of the foregoing appropriation item 800639, Fire Department 114187  
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 114188  
Grants. MARCS Grants may be used for the payment of user access 114189  
fees by the eligible recipient to access MARCS. 114190

MARCS Grant awards may be up to \$50,000 in each fiscal year 114191  
per eligible recipient. Each eligible recipient may only apply, as 114192  
a separate entity or as a part of a joint application, for one 114193  
MARCS Grant per fiscal year. The State Fire Marshal may give a 114194  
preference in the awarding of MARCS Grants to grants that will 114195  
enhance the overall interoperability and effectiveness of 114196  
emergency communication networks in the geographic region that 114197  
includes and that is adjacent to the applicant. Eligible 114198  
recipients that are or were awarded fire department grants that 114199  
are not MARCS Grants may also apply for and receive MARCS Grants 114200  
in accordance with criteria for the awarding of grant funds 114201

established by the State Fire Marshal. 114202

Grant awards for firefighting or rescue equipment or gear or 114203  
for fire department costs of providing fire protection services 114204  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 114205  
fiscal year if an eligible entity serves a jurisdiction in which 114206  
the Governor declared a natural disaster during the preceding or 114207  
current fiscal year in which the grant was awarded. In addition to 114208  
any grant funds awarded for rescue equipment or gear, or for fire 114209  
department costs associated with the provision of fire protection 114210  
services, an eligible entity may receive a grant for up to \$15,000 114211  
per fiscal year for full or partial reimbursement of the 114212  
documented costs of firefighter training. For each fiscal year, 114213  
the State Fire Marshal shall determine the total amounts to be 114214  
allocated for each eligible purpose. 114215

The grant program shall be administered by the State Fire 114216  
Marshal in accordance with rules the State Fire Marshal adopts as 114217  
part of the state fire code adopted pursuant to section 3737.82 of 114218  
the Revised Code that are necessary for the administration and 114219  
operation of the grant program. The rules may further define the 114220  
entities eligible to receive grants and establish criteria for the 114221  
awarding and expenditure of grant funds, including methods the 114222  
State Fire Marshal may use to verify the proper use of grant funds 114223  
or to obtain reimbursement for or the return of equipment for 114224  
improperly used grant funds. To the extent consistent with this 114225  
section and until such time as the rules are updated, the existing 114226  
rules in the state fire code adopted pursuant to section 3737.82 114227  
of the Revised Code for fire department grants under this section 114228  
apply to MARCS Grants. Any amounts in appropriation item 800639, 114229  
Fire Department Grants, in excess of the amount allocated for 114230  
these grants may be used for the administration of the grant 114231  
program. 114232

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 114233



Upon the written request of the Director of Commerce, the 114234  
 Director of Budget and Management may transfer up to \$500,000 in 114235  
 cash from the Real Estate Recovery Fund (Fund 5480) and up to 114236  
 \$250,000 in cash from the Real Estate Appraiser Recovery Fund 114237  
 (Fund 4B20) to the Division of Real Estate Operating Fund (Fund 114238  
 5490) during the biennium ending June 30, 2017. 114239

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 114240  
 REVOLVING LOAN FUND 114241

Upon the written request of the Director of Commerce, the 114242  
 Director of Budget and Management may transfer up to \$300,000 in 114243  
 cash from the State Fire Marshal Fund (Fund 5460) to the Small 114244  
 Government Fire Department Services Revolving Loan Fund (Fund 114245  
 5F10) during the biennium ending June 30, 2017. 114246

ADMINISTRATIVE ASSESSMENTS 114247

Notwithstanding any other provision of law to the contrary, 114248  
 the Division of Administration Fund (Fund 1630) is entitled to 114249  
 receive assessments from all operating funds of the Department in 114250  
 accordance with procedures prescribed by the Director of Commerce 114251  
 and approved by the Director of Budget and Management. 114252

**Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 114253**

Dedicated Purpose Fund Group 114254  
 5F50 053601 Operating Expenses \$ 5,641,093 \$ 5,641,093 114255  
 TOTAL DPF Dedicated Purpose Fund \$ 5,641,093 \$ 5,641,093 114256  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 5,641,093 114257

**Section 245.10. CEB CONTROLLING BOARD 114259**

General Revenue Fund 114260  
 GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 114261  
 Costs

TOTAL GRF General Revenue Fund	\$	475,000	\$	475,000	114262
Dedicated Purpose Fund Group					114263
5RU0 911617 Absent Voter's Ballot	\$	0	\$	1,250,000	114264
Mailings					
TOTAL DPF Dedicated Purpose Fund	\$	0	\$	1,250,000	114265
Group					
Internal Service Activity Fund Group					114266
5KM0 911614 CB Emergency Purposes	\$	10,000,000	\$	10,000,000	114267
TOTAL ISA Internal Service Activity					114268
Fund Group	\$	10,000,000	\$	10,000,000	114269
TOTAL ALL BUDGET FUND GROUPS	\$	10,475,000	\$	11,725,000	114270
FEDERAL SHARE					114271
In transferring appropriations to or from appropriation items					114272
that have federal shares identified in this act, the Controlling					114273
Board shall add or subtract corresponding amounts of federal					114274
matching funds at the percentages indicated by the state and					114275
federal division of the appropriations in this act. Such changes					114276
are hereby appropriated.					114277
ABSENT VOTER'S BALLOT APPLICATION MAILING					114278
Pursuant to section 111.31 of the Revised Code and upon the					114279
request of the Secretary of State, the Controlling Board shall					114280
approve cash transfers from the Absent Voter's Ballot Fund (Fund					114281
5RU0), which is hereby created, under the foregoing appropriation					114282
item 911617, Absent Voter's Ballot Mailings, to the Absent Voter's					114283
Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary					114284
of State to pay the cost of printing and mailing unsolicited					114285
applications for absent voters' ballots for the general election					114286
to be held on November 8, 2016.					114287
BALLOT ADVERTISING COSTS					114288
Pursuant to section 3501.17 of the Revised Code, and upon					114289
requests submitted by the Secretary of State, the Controlling					114290

Board shall approve transfers from the foregoing appropriation 114291  
item 911441, Ballot Advertising Costs, to appropriation item 114292  
050621, Statewide Ballot Advertising, in order to pay for the cost 114293  
of public notices associated with statewide ballot initiatives. 114294

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 114295  
ELIGIBILITY 114296

A state agency director shall request that the Controlling 114297  
Board increase the amount of the agency's capital appropriations 114298  
if the director determines such an increase is necessary for the 114299  
agency to receive and use funds under the federal American 114300  
Recovery and Reinvestment Act of 2009. The Controlling Board may 114301  
increase the capital appropriations pursuant to the request up to 114302  
the exact amount necessary under the federal act if the Board 114303  
determines it is necessary for the agency to receive and use those 114304  
federal funds. 114305

DISASTER SERVICES 114306

Pursuant to requests submitted by the Department of Public 114307  
Safety, the Controlling Board may approve transfers from the 114308  
Disaster Services Fund (Fund 5E20) to a fund and appropriation 114309  
item used by the Department of Public Safety to provide for 114310  
assistance to political subdivisions made necessary by natural 114311  
disasters or emergencies. These transfers may be requested and 114312  
approved prior to the occurrence of any specific natural disasters 114313  
or emergencies in order to facilitate the provision of timely 114314  
assistance. The Emergency Management Agency of the Department of 114315  
Public Safety shall use the funding to fund the State Disaster 114316  
Relief Program for disasters that have a written Governor's 114317  
authorization, and the State Individual Assistance Program for 114318  
disasters that have a written Governor's authorization and is 114319  
declared by the federal Small Business Administration. The Ohio 114320  
Emergency Management Agency shall publish and make available 114321  
application packets outlining procedures for the State Disaster 114322

Relief Program and the State Individual Assistance Program. 114323

Fund 5E20 shall be used by the Controlling Board, pursuant to 114324  
requests submitted by state agencies, to transfer cash and 114325  
appropriations to any fund and appropriation item for the payment 114326  
of state agency disaster relief program expenses for disasters 114327  
that have a written Governor's authorization, if the Director of 114328  
Budget and Management determines that sufficient funds exist. 114329

**Section 247.10. COS STATE BOARD OF COSMETOLOGY 114330**

Dedicated Purpose Fund Group 114331  
4K90 879609 Operating Expenses \$ 3,758,000 \$ 3,818,530 114332  
TOTAL DPF Dedicated Purpose Fund 114333  
Group \$ 3,758,000 \$ 3,818,530 114334  
TOTAL ALL BUDGET FUND GROUPS \$ 3,758,000 \$ 3,818,530 114335

**Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 114337**

AND FAMILY THERAPIST BOARD 114338  
Dedicated Purpose Fund Group 114339  
4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462 114340  
TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462 114341  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462 114342

**Section 251.10. CLA COURT OF CLAIMS 114344**

General Revenue Fund 114345  
GRF 015321 Operating Expenses \$ 2,562,959 \$ 2,536,419 114346  
TOTAL GRF General Revenue Fund \$ 2,562,959 \$ 2,536,419 114347  
Dedicated Purpose Fund Group 114348  
5K20 015603 CLA Victims of Crime \$ 427,184 \$ 434,019 114349  
TOTAL DPF Dedicated Purpose 114350  
Fund Group \$ 427,184 \$ 434,019 114351

TOTAL ALL BUDGET FUND GROUPS                   \$       2,990,143 \$       2,970,438 114352

**Section 253.10. DEN STATE DENTAL BOARD** 114354

Dedicated Purpose Fund Group 114355

4K90 880609 Operating Expenses           \$       1,591,884 \$       1,591,884 114356

TOTAL DPF Dedicated Purpose 114357

Fund Group                                   \$       1,591,884 \$       1,591,884 114358

TOTAL ALL BUDGET FUND GROUPS           \$       1,591,884 \$       1,591,884 114359

**Section 255.10. BDP BOARD OF DEPOSIT** 114361

Dedicated Purpose Fund Group 114362

4M20 974601 Board of Deposit           \$       1,876,000 \$       1,876,000 114363

TOTAL DPF Dedicated Purpose Fund 114364

Group                                       \$       1,876,000 \$       1,876,000 114365

TOTAL ALL BUDGET FUND GROUPS           \$       1,876,000 \$       1,876,000 114366

**BOARD OF DEPOSIT EXPENSE FUND** 114367

Upon receiving certification of expenses from the Treasurer 114368

of State, the Director of Budget and Management shall transfer 114369

cash from the Investment Earnings Redistribution Fund (Fund 6080) 114370

to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 114371

shall be used pursuant to section 135.02 of the Revised Code to 114372

pay for any and all necessary expenses of the Board of Deposit or 114373

for banking charges and fees required for the operation of the 114374

State of Ohio Regular Account. 114375

**Section 257.10. DEV DEVELOPMENT SERVICES AGENCY** 114376

General Revenue Fund 114377

GRF 195402 Coal Research and           \$       234,400 \$       234,400 114378

Development Program

GRF 195405 Minority Business           \$       1,822,191 \$       1,722,191 114379

Development

GRF 195407 Travel and Tourism           \$       1,250,000 \$       1,250,000 114380

GRF	195415	Business Development Services	\$	2,483,187	\$	2,483,187	114381
GRF	195426	Redevelopment Assistance	\$	525,000	\$	525,000	114382
GRF	195453	Technology Programs and Grants	\$	14,577,641	\$	14,577,641	114383
GRF	195454	Business Assistance	\$	3,506,474	\$	3,256,474	114384
GRF	195455	Appalachia Assistance	\$	5,748,749	\$	5,748,749	114385
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	114386
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	114387
GRF	195540	Port Authority Assistance	\$	2,500,000	\$	0	114388
GRF	195542	The Wilds	\$	250,000	\$	0	114389
GRF	195544	Dayton Regional Workforce Network	\$	350,000	\$	350,000	114390
GRF	195547	Saint Luke's Manor	\$	200,000	\$	0	114391
GRF	195549	Pathway Pilot Project	\$	86,727	\$	86,727	114392
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700	114393
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt Service	\$	76,591,400	\$	96,212,000	114394
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	18,634,000	\$	15,235,900	114395
TOTAL GRF		General Revenue Fund	\$	136,004,369	\$	147,974,169	114396

		Dedicated Purpose Fund Group				114397	
4500	195624	Minority Business	\$	74,905	\$	74,905	114398
		Bonding Program					
		Administration					
4510	195649	Business Assistance	\$	5,000,000	\$	5,000,000	114399
		Programs					
4F20	195639	State Special Projects	\$	102,104	\$	102,104	114400
4F20	195699	Utility Community	\$	500,000	\$	500,000	114401
		Assistance					
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	114402
		Enterprise Loan					
5CG0	195679	Alternative Fuel	\$	3,000,000	\$	3,000,000	114403
		Transportation					
5HR0	195622	Defense Development	\$	3,500,000	\$	3,500,000	114404
		Assistance					
5HR0	195662	Incumbent Workforce	\$	7,500,000	\$	7,500,000	114405
		Training Vouchers					
5JR0	195635	Redevelopment Program	\$	100,000	\$	100,000	114406
		Support					
5KN0	195640	Local Government	\$	11,922,500	\$	11,922,500	114407
		Innovation					
5KP0	195645	Historic Rehab	\$	900,000	\$	1,000,000	114408
		Operating					
5M40	195659	Low Income Energy	\$	370,000,000	\$	370,000,000	114409
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	12,000,000	\$	12,000,000	114410
		Programs					
5MH0	195644	SiteOhio	\$	100,000	\$	100,000	114411
		Administration					
5MJ0	195683	TourismOhio	\$	9,000,000	\$	10,000,000	114412
		Administration					
5NS0	195616	Career Exploration	\$	500,000	\$	0	114413
		Internship					

5RD0	195666	Local Government Safety Capital Grant Program	\$	10,000,000	\$	10,000,000	114414
5RQ0	195546	Lakes in Economic Distress Revolving Loan Program	\$	500,000	\$	0	114415
5SA3	195678	Local Public Enhancement	\$	250,000	\$	0	114416
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	114417
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	114418
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	114419
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	114420
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	114421
TOTAL DPF Group		Dedicated Purpose Fund	\$	492,650,071	\$	492,500,071	114422
Internal Service Activity Fund Group							114423
1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000	114424
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	114425
TOTAL ISA Fund Group		Internal Service Activity	\$	11,500,000	\$	11,500,000	114426
Facilities Establishment Fund Group							114428
5S90	195628	Capital Access Loan	\$	3,000,000	\$	3,000,000	114429



		Program					
7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000	114430
7010	195665	Research and	\$	10,000,000	\$	10,000,000	114431
		Development					
7037	195615	Facilities	\$	35,000,000	\$	35,000,000	114432
		Establishment					
TOTAL FCE Facilities							114433
Establishment Fund Group			\$	58,000,000	\$	58,000,000	114434
Bond Research & Development Fund Group							114435
7011	195617	Third Frontier	\$	2,788,755	\$	2,788,755	114436
		Internship Program					
7011	195686	Third Frontier Tax	\$	1,140,000	\$	1,140,000	114437
		Exempt - Operating					
7011	195687	Third Frontier	\$	68,904,946	\$	63,904,946	114438
		Research &					
		Development Projects					
7014	195620	Third Frontier	\$	1,710,000	\$	1,710,000	114439
		Taxable - Operating					
7014	195692	Research &	\$	90,850,250	\$	90,850,250	114440
		Development Taxable					
		Bond Projects					
TOTAL BRD Bond Research &			\$	165,393,951	\$	160,393,951	114441
Development Fund Group							
Capital Projects Fund Group							114442
7003	195663	Clean Ohio	\$	600,000	\$	600,000	114443
		Revitalization					
		Operating					
7012	195688	Job Ready Site	\$	300,000	\$	300,000	114444
		Development Operating					
TOTAL CPF Capital Projects Fund			\$	900,000	\$	900,000	114445
Group							
Federal Fund Group							114446

3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	114447
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	114448
3080	195618	Energy Grants	\$	4,100,000	\$	4,100,000	114449
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	114450
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	114451
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	114452
3080	195675	Procurement Technical Assistance	\$	1,250,000	\$	750,000	114453
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	114454
3080	195696	State Trade and Export Promotion	\$	486,000	\$	486,000	114455
3350	195610	Energy Programs	\$	200,000	\$	200,000	114456
3AE0	195643	Workforce Development Initiatives	\$	1,500,000	\$	1,500,000	114457
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	114458
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	114459
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	114460
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000	114461
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000	114462
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000	114463

Block Grant

3V10 195601 HOME Program	\$ 25,000,000	\$ 25,000,000	114464
TOTAL FED Federal Fund Group	\$ 378,372,084	\$ 377,872,084	114465
TOTAL ALL BUDGET FUND GROUPS	\$ 1,242,820,475	\$ 1,249,140,275	114466

**Section 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM** 114468

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. 114469  
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MINORITY BUSINESS DEVELOPMENT 114473

Of the foregoing appropriation item 195405, Minority Business Development, \$100,000 in fiscal year 2016 shall be for a Minority Business Enterprise (MBE)/Encouraging Diversity, Growth and Equity (EDGE) Connectivity Study. 114474  
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TRAVEL AND TOURISM 114478

Of the foregoing appropriation item 195407, Travel and Tourism, \$1,000,000 in each fiscal year shall be used to make grants under section 122.121 of the Revised Code. 114479  
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114481

Of the foregoing appropriation item 195407, Travel and Tourism, \$250,000 in each fiscal year shall be used to award grants to assist businesses and other entities that are adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the Director of Natural Resources pursuant to section 122.641 of the Revised Code. 114482  
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BUSINESS DEVELOPMENT SERVICES 114489

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures. 114490  
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REDEVELOPMENT ASSISTANCE 114494

The foregoing appropriation item 195426, Redevelopment 114495  
Assistance, shall be used to fund the costs of administering the 114496  
energy, redevelopment, and other urban revitalization programs 114497  
that may be implemented by the Development Services Agency. 114498

TECHNOLOGY PROGRAMS AND GRANTS 114499

Of the foregoing appropriation item 195453, Technology 114500  
Programs and Grants, up to \$547,341 in each fiscal year shall be 114501  
used for operating expenses incurred in administering the Ohio 114502  
Third Frontier pursuant to sections 184.10 to 184.20 of the 114503  
Revised Code; and up to \$13,000,000 in each fiscal year shall be 114504  
used for the Thomas Edison Program pursuant to sections 122.28 to 114505  
122.38 of the Revised Code, of which not more than ten per cent 114506  
shall be used for operating expenses incurred in administering the 114507  
program; and up to \$1,000,000 in each fiscal year shall be used 114508  
for the Thomas Edison Program to support small- and mid-sized 114509  
manufacturers, specifically as follows: up to \$225,000 in each 114510  
fiscal year to assist in accelerating the development and adoption 114511  
of technology for small- and mid-sized manufacturers; up to 114512  
\$225,000 in each fiscal year to assist small- and mid-sized 114513  
manufacturers in adopting emerging digital technologies; up to 114514  
\$212,500 in each fiscal year to develop and manage an accessible 114515  
online inventory of technological resources to support small- and 114516  
mid-sized manufacturers; and up to \$337,500 in each fiscal year to 114517  
administer the Applied Research Grant Program, which is hereby 114518  
created, to award direct cash grant assistance. A grant awarded 114519  
under the Applied Research Grant Program shall not exceed the 114520  
amount matched by the recipient. The Director of Development 114521  
Services shall determine other eligibility criteria and the 114522  
allocation of awards in implementing and administering the Applied 114523  
Research Grant Program. 114524

BUSINESS ASSISTANCE 114525

The foregoing appropriation item 195454, Business Assistance, 114526  
may be used to provide a range of business assistance, including 114527  
grants to local organizations to support economic development 114528  
activities that promote minority business development, small 114529  
business development, entrepreneurship, and exports of Ohio's 114530  
goods and services. This appropriation item shall also be used as 114531  
matching funds for grants from the United States Small Business 114532  
Administration and other federal agencies, pursuant to Public Law 114533  
No. 96-302 as amended by Public Law No. 98-395, and regulations 114534  
and policy guidelines for the programs pursuant thereto. 114535

APPALACHIA ASSISTANCE 114536

The foregoing appropriation item 195455, Appalachia 114537  
Assistance, may be used for the administrative costs of planning 114538  
and liaison activities for the Governor's Office of Appalachia, to 114539  
provide financial assistance to projects in Ohio's Appalachian 114540  
counties, to support four local development districts, and to pay 114541  
dues for the Appalachian Regional Commission. These funds may be 114542  
used to match federal funds from the Appalachian Regional 114543  
Commission. Programs funded through the foregoing appropriation 114544  
item shall be identified and recommended by the local development 114545  
districts and approved by the Governor's Office of Appalachia. The 114546  
Development Services Agency shall conduct compliance and 114547  
regulatory review of the programs recommended by the local 114548  
development districts. Moneys allocated under the foregoing 114549  
appropriation item may be used to fund projects including, but not 114550  
limited to, those designated by the local development districts as 114551  
community investment and rapid response projects. 114552

Of the foregoing appropriation item 195455, Appalachia 114553  
Assistance, in each fiscal year, \$170,000 shall be allocated to 114554  
the Ohio Valley Regional Development Commission, \$170,000 shall be 114555  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 114556  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 114557

Development District, and \$70,000 shall be allocated to the 114558  
Eastgate Regional Council of Governments. Local development 114559  
districts receiving funding under this section shall use the funds 114560  
for the implementation and administration of programs and duties 114561  
under section 107.21 of the Revised Code. 114562

CDBG OPERATING MATCH 114563

The foregoing appropriation item 195497, CDBG Operating 114564  
Match, shall be used as matching funds for grants from the United 114565  
States Department of Housing and Urban Development pursuant to the 114566  
Housing and Community Development Act of 1974 and regulations and 114567  
policy guidelines for the programs pursuant thereto. 114568

OHIO-ISRAEL AGRICULTURAL INITIATIVE 114569

The foregoing appropriation item 195537, Ohio-Israel 114570  
Agricultural Initiative, shall be used for the Ohio-Israel 114571  
Agricultural Initiative. 114572

PORT AUTHORITY ASSISTANCE 114573

The foregoing appropriation item 195540, Port Authority 114574  
Assistance, shall be used to distribute a grant to the Montgomery 114575  
County Port Authority for the Midtown Redevelopment Initiative. 114576

THE WILDS 114577

The foregoing appropriation item 195542, The Wilds, shall be 114578  
used to distribute a grant to The Wilds, a nonprofit conservation 114579  
center in Muskingum County, for the development of a public water 114580  
connection. 114581

DAYTON REGIONAL WORKFORCE NETWORK 114582

The foregoing appropriation item 195544, Dayton Regional 114583  
Workforce Network, shall be used to support the Montgomery County 114584  
Workforce Study Committee as described in Section 763.10 of this 114585  
act. 114586

SAINT LUKE'S MANOR 114587

The foregoing appropriation item 195547, Saint Luke's Manor,	114588
shall be allocated to Cleveland Neighborhood Progress to support	114589
the completion of the Saint Luke's Manor project.	114590
 PATHWAY PILOT PROJECT	 114591
The foregoing appropriation item 195549, Pathway Pilot	114592
Project, shall be allocated to Pathway, a Community Action Agency	114593
in Lucas County, for a pilot program to connect individuals with	114594
sustainable employment opportunities.	114595
 COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT	 114596
SERVICE	114597
The foregoing appropriation line item 195901, Coal Research	114598
and Development General Obligation Bond Debt Service, shall be	114599
used to pay all debt service and related financing costs during	114600
the period July 1, 2015, through June 30, 2017, on obligations	114601
issued under sections 151.01 and 151.07 of the Revised Code.	114602
 THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND	 114603
DEBT SERVICE	114604
The foregoing appropriation item 195905, Third Frontier	114605
Research & Development General Obligation Bond Debt Service, shall	114606
be used to pay all debt service and related financing costs during	114607
the period from July 1, 2015, through June 30, 2017, on	114608
obligations issued under sections 151.01 and 151.10 of the Revised	114609
Code.	114610
 JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	 114611
SERVICE	114612
The foregoing appropriation item 195912, Job Ready Site	114613
Development General Obligation Bond Debt Service, shall be used to	114614
pay all debt service and related financing costs during the period	114615
from July 1, 2015, through June 30, 2017, on obligations issued	114616
under sections 151.01 and 151.11 of the Revised Code.	114617

**Section 257.30. BUSINESS ASSISTANCE PROGRAMS** 114618

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments. 114619  
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**STATE SPECIAL PROJECTS** 114624

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal housing grants for the homeless. 114625  
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**MINORITY BUSINESS ENTERPRISE LOAN** 114630

All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10). 114631  
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**MINORITY BUSINESS BONDING FUND** 114635

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal year 2017 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. 114636  
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If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under 114643  
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section 169.05 of the Revised Code to the Minority Bonding Fund 114648  
(Fund 4490). The transfer of unclaimed funds shall only occur 114649  
after proceeds of the initial transfer of \$2,700,000 by the 114650  
Controlling Board to the Minority Business Bonding Program have 114651  
been used for that purpose. If expenditures are required for 114652  
payment of losses arising from the Minority Business Bonding 114653  
Program, such expenditures shall be made from appropriation item 114654  
195658, Minority Business Bonding Contingency in the Minority 114655  
Business Bonding Fund, and such amounts are hereby appropriated. 114656

DEFENSE DEVELOPMENT ASSISTANCE 114657

The Director of Budget and Management shall transfer 114658  
\$3,500,000 in cash in each fiscal year from the Economic 114659  
Development Programs Fund (Fund 5JC0) used by the Department of 114660  
Higher Education to the Ohio Incumbent Workforce Job Training Fund 114661  
(Fund 5HR0) used by the Development Services Agency. The 114662  
transferred funds shall be used for appropriation item 195622, 114663  
Defense Development Assistance, to be allocated to Development 114664  
Projects, Inc., for economic development programs and the creation 114665  
of new jobs to leverage and support mission gains at Department of 114666  
Defense and related facilities in Ohio by working with future base 114667  
realignment and closure activities and ongoing Department of 114668  
Defense efficiency and partnership initiatives, assisting efforts 114669  
to secure Department of Defense support contracts for Ohio 114670  
companies, assessing and supporting regional job training and 114671  
workforce development needs generated by the Department of Defense 114672  
and the Ohio aerospace industry, promoting technology transfer to 114673  
Ohio businesses, and for expanding job training and economic 114674  
development programs in human performance and cyber security 114675  
related initiatives. 114676

On July 1, 2016, or as soon as possible thereafter, the 114677  
Director of Development Services may request that the Director of 114678  
Budget and Management reappropriate any unexpended, unencumbered 114679

balance of the prior fiscal year's appropriation to the foregoing 114680  
appropriation item 195622, Defense Development Assistance, for 114681  
fiscal year 2017. The Director of Budget and Management may 114682  
request additional information necessary for evaluating the 114683  
request, and the Director of Development Services shall provide 114684  
the requested information to the Director of Budget and 114685  
Management. Based on the information provided by the Director of 114686  
Development Services, the Director of Budget and Management shall 114687  
determine the amount to be reappropriated, and those amounts are 114688  
hereby reappropriated for fiscal year 2017. 114689

INCUMBENT WORKFORCE TRAINING VOUCHERS 114690

(A) The Director of Budget and Management may transfer up to 114691  
\$7,500,000 cash in each fiscal year from the Economic Development 114692  
Programs Fund (Fund 5JC0) used by the Department of Higher 114693  
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 114694  
5HR0) used by the Development Services Agency. 114695

(B) The foregoing appropriation item 195662, Incumbent 114696  
Workforce Training Vouchers, shall be used to support the Ohio 114697  
Incumbent Workforce Training Voucher Program. 114698

(C) The Ohio Incumbent Workforce Training Voucher Program 114699  
shall conform to guidelines for the operation of the program, 114700  
including, but not limited to, the following: 114701

(1) A requirement that a training voucher under the program 114702  
shall not exceed \$6,000 per worker per year; 114703

(2) A provision for an employer of an eligible employee to 114704  
apply for a voucher on behalf of the eligible employee; 114705

(3) A provision for an eligible employee to apply directly 114706  
for a training voucher with the pre-approval of the employee's 114707  
employer; and 114708

(4) A requirement that an employee participating in the 114709

program, or the employee's employer, shall pay for not less than 114710  
thirty-three per cent of the training costs under the program. 114711

On July 1, 2016, or as soon as possible thereafter, the 114712  
Director of Development Services may request that the Director of 114713  
Budget and Management reappropriate any unexpended, unencumbered 114714  
balance of the prior fiscal year's appropriation to the foregoing 114715  
appropriation item 195662, Incumbent Workforce Training Vouchers, 114716  
for fiscal year 2017. The Director of Budget and Management may 114717  
request additional information necessary for evaluating the 114718  
request, and the Director of Development Services shall provide 114719  
the requested information to the Director of Budget and 114720  
Management. Based on the information provided by the Director of 114721  
Development Services, the Director of Budget and Management shall 114722  
determine the amount to be reappropriated, and those amounts are 114723  
hereby reappropriated for fiscal year 2017. 114724

LOCAL GOVERNMENT INNOVATION FUND 114725

The foregoing appropriation item 195640, Local Government 114726  
Innovation, shall be used for the purposes of making loans and 114727  
grants to political subdivisions under the Local Government 114728  
Innovation Program in accordance with sections 189.01 to 189.10 of 114729  
the Revised Code, and for the purposes of making loans and grants 114730  
to political subdivisions and grants to the Department of 114731  
Administrative Services under the Local Government Efficiency 114732  
Program. Of the foregoing appropriation item 195640, Local 114733  
Government Innovation, up to \$200,000 in each fiscal year shall be 114734  
used for administrative costs incurred by the Development Services 114735  
Agency, of which up to \$25,000 in each fiscal year may be used for 114736  
the costs of preparing a report involving the local government 114737  
information exchange. Of the foregoing appropriation item 195640, 114738  
Local Government Innovation, up to \$75,000 in each fiscal year may 114739  
be used to administer and provide technical assistance in 114740  
providing the grants or loans involving the local government 114741

information exchange. In administering and providing this 114742  
technical assistance, the Director of Development Services may 114743  
enter into agreements with the Director of Administrative Services 114744  
or other entities. 114745

ADVANCED ENERGY LOAN PROGRAMS 114746

The foregoing appropriation item 195660, Advanced Energy Loan 114747  
Programs, shall be used to provide financial assistance to 114748  
customers for eligible advanced energy projects for residential, 114749  
commercial, and industrial business, local government, educational 114750  
institution, nonprofit, and agriculture customers, and to pay for 114751  
the program's administrative costs as provided in sections 4928.61 114752  
to 4928.63 of the Revised Code and rules adopted by the Director 114753  
of Development Services. 114754

CAREER EXPLORATION INTERNSHIP 114755

On July 1, 2015, or as soon as possible thereafter, the 114756  
Director of Budget and Management shall transfer \$500,000 cash 114757  
from the Economic Development Programs Fund (Fund 5JC0) used by 114758  
the Board of Regents to the Career Exploration Internship Fund 114759  
(Fund 5NS0) used by the Development Services Agency. 114760

The foregoing appropriation item 195616, Career Exploration 114761  
Internship, shall be used for the Career Exploration Internship 114762  
Program as described in section 122.177 of the Revised Code. 114763

LOCAL GOVERNMENT SAFETY CAPITAL GRANT PROGRAM 114764

The foregoing appropriation item 195666, Local Government 114765  
Safety Capital Grant Program, shall be used for the Local 114766  
Government Safety Capital Grant Program as described in Section 114767  
701.120 of this act. 114768

Notwithstanding the application and funding requirements 114769  
under division (A) of Section 701.120 of this act, \$500,000 in 114770  
fiscal year 2016 shall be distributed to Jefferson Township in 114771

Clinton County to build a new firehouse. 114772

LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM 114773

On July 1, 2015, or as soon as possible thereafter, the 114774  
Director of Budget and Management shall transfer \$500,000 cash 114775  
from the General Revenue Fund to the Lakes in Economic Distress 114776  
Revolving Loan Fund (Fund 5RQ0). 114777

The foregoing appropriation item 195546, Lakes in Economic 114778  
Distress Revolving Loan Program, shall be used for the purposes 114779  
described under section 122.641 of the Revised Code. 114780

On July 1, 2016, or as soon as possible thereafter, the 114781  
Director of Development Services shall certify to the Director of 114782  
Budget and Management the amount of the unexpended, unencumbered 114783  
balance of the foregoing appropriation item 195546, Lakes in 114784  
Economic Distress Revolving Loan Program, to be reappropriated in 114785  
fiscal year 2017. The amount certified is hereby reappropriated to 114786  
the foregoing appropriation item in FY 2017 for the same purpose. 114787

LOCAL PUBLIC ENHANCEMENT 114788

The foregoing appropriation item 195678, Local Public 114789  
Enhancement, shall be allocated to the Highland County 114790  
Commissioners for local public enhancements. 114791

TRAVEL AND TOURISM COOPERATIVE PROJECTS 114792

The foregoing appropriation item 195690, Travel and Tourism 114793  
Cooperative Projects, shall be used for the marketing and 114794  
promotion of travel and tourism in Ohio. The Travel and Tourism 114795  
Cooperative Projects Fund (Fund 5W50) shall consist solely of 114796  
leveraged private sector paid advertising dollars received in 114797  
tourism marketing assistance and co-op programs. 114798

VOLUME CAP ADMINISTRATION 114799

The foregoing appropriation item 195654, Volume Cap 114800  
Administration, shall be used for expenses related to the 114801

administration of the Volume Cap Program. Revenues received by the 114802  
Volume Cap Administration Fund (Fund 6170) shall consist of 114803  
application fees, forfeited deposits, and interest earned from the 114804  
custodial account held by the Treasurer of State. 114805

**Section 257.40.** DEVELOPMENT SERVICES OPERATIONS 114806

The Director of Development Services may assess offices of 114807  
the agency for the cost of central service operations. An 114808  
assessment shall contain the characteristics of administrative 114809  
ease and uniform application. A division's payments shall be 114810  
credited to the Supportive Services Fund (Fund 1350) using an 114811  
intrastate transfer voucher. 114812

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 114813

The foregoing appropriation item 195636, Development Services 114814  
Reimbursable Expenditures, shall be used for reimbursable costs 114815  
incurred by the agency. Revenues to the General Reimbursement Fund 114816  
(Fund 6850) shall consist of moneys charged for administrative 114817  
costs that are not central service costs. 114818

**Section 257.50.** CAPITAL ACCESS LOAN PROGRAM 114819

The foregoing appropriation item 195628, Capital Access Loan 114820  
Program, shall be used for operating, program, and administrative 114821  
expenses of the program. Funds of the Capital Access Loan Program 114822  
shall be used to assist participating financial institutions in 114823  
making program loans to eligible businesses that face barriers in 114824  
accessing working capital and obtaining fixed-asset financing. 114825

INNOVATION OHIO LOAN FUND 114826

The foregoing appropriation item 195664, Innovation Ohio, 114827  
shall be used to provide for Innovation Ohio purposes, including 114828  
loan guarantees and loans under Chapter 166. and particularly 114829  
sections 166.12 to 166.16 of the Revised Code. 114830

RESEARCH AND DEVELOPMENT 114831

The foregoing appropriation item 195665, Research and 114832  
Development, shall be used to provide for research and development 114833  
purposes, including loans, under Chapter 166. and particularly 114834  
sections 166.17 to 166.21 of the Revised Code. 114835

FACILITIES ESTABLISHMENT 114836

The foregoing appropriation item 195615, Facilities 114837  
Establishment, shall be used for the purposes of the Facilities 114838  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 114839  
Code. 114840

Notwithstanding Chapter 166. of the Revised Code, an amount 114841  
not to exceed \$3,500,000 in cash in each fiscal year may be 114842  
transferred from the Facilities Establishment Fund (Fund 7037) to 114843  
the Business Assistance Fund (Fund 4510). The transfer is subject 114844  
to Controlling Board approval under division (B) of section 166.03 114845  
of the Revised Code. 114846

Notwithstanding Chapter 166. of the Revised Code, the 114847  
Director of Budget and Management may transfer an amount not to 114848  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 114849  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 114850  
Loan Fund (Fund 4W10). 114851

Notwithstanding Chapter 166. of the Revised Code, the 114852  
Director of Budget and Management may transfer an amount not to 114853  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 114854  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 114855  
(Fund 5S90). 114856

**Section 257.60.** THIRD FRONTIER INTERNSHIP PROGRAM 114857

The foregoing appropriation item 195617, Third Frontier 114858  
Internship Program, shall be used for the Third Frontier 114859  
Internship Program described in Section 701.90 of this act. 114860

THIRD FRONTIER OPERATING COSTS	114861
The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred by the Development Services Agency in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).	114862 114863 114864 114865 114866 114867 114868 114869 114870 114871 114872
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS	114873 114874
The foregoing appropriation items 195687, Third Frontier Research & Development Projects, 195692, Research & Development Taxable Bond Projects, and 195620, Third Frontier Taxable - Operating, shall be used by the Development Services Agency to fund selected projects. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.	114875 114876 114877 114878 114879 114880 114881 114882 114883
TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	114884
The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.	114885 114886 114887 114888 114889 114890
In fiscal year 2017, the Director of Development Services may	114891



request that the Director of Budget and Management reappropriate 114892  
any unexpended, unencumbered balances of the prior fiscal year's 114893  
appropriation to the foregoing appropriation items 195687, Third 114894  
Frontier Research & Development Projects, and 195692, Research & 114895  
Development Taxable Bond Projects, for fiscal year 2017. The 114896  
Director of Budget and Management may request additional 114897  
information necessary for evaluating these requests, and the 114898  
Director of Development Services shall provide the requested 114899  
information to the Director of Budget and Management. Based on the 114900  
information provided by the Director of Development Services, the 114901  
Director of Budget and Management shall determine the amounts to 114902  
be reappropriated, and those amounts are hereby reappropriated for 114903  
fiscal year 2017. 114904

**Section 257.70. CLEAN OHIO REVITALIZATION OPERATING** 114905

The foregoing appropriation item 195663, Clean Ohio 114906  
Revitalization Operating, shall be used by the Development 114907  
Services Agency in administering Clean Ohio Revitalization Fund 114908  
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 114909  
Revised Code. 114910

**JOB READY SITE DEVELOPMENT OPERATING** 114911

The foregoing appropriation item 195688, Job Ready Site 114912  
Development Operating, shall be used for operating expenses 114913  
incurred by the Development Services Agency in administering Job 114914  
Ready Site Development Fund (Fund 7012) projects pursuant to 114915  
sections 122.085 to 122.0820 of the Revised Code. Operating 114916  
expenses include, but are not limited to, certain qualified 114917  
expenses of the District Public Works Integrating Committees, as 114918  
applicable, engineering review of submitted applications by the 114919  
State Architect or a third-party engineering firm, audit and 114920  
accountability activities, and costs associated with formal 114921  
certifications verifying that site infrastructure is in place and 114922

is functional. 114923

**Section 257.80.** HEAP WEATHERIZATION 114924

Up to twenty-five per cent of the federal funds deposited to 114925  
the credit of the Home Energy Assistance Block Grant Fund (Fund 114926  
3K90) may be expended from appropriation item 195614, HEAP 114927  
Weatherization, to provide home weatherization services in the 114928  
state as determined by the Director of Development Services. Any 114929  
transfers or increases in appropriation for the foregoing 114930  
appropriation items 195614, HEAP Weatherization, or 195611, Home 114931  
Energy Assistance Block Grant, shall be subject to approval by the 114932  
Controlling Board. 114933

**Section 257.90.** REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS 114934

114935

(A) For the purposes of this section, "entrepreneurial 114936  
business incubator" is defined as an entity supporting startup 114937  
companies, offering a collaborative environment, and providing 114938  
access to support services, technical expertise, and business 114939  
assistance resources to help innovators grow their business ideas 114940  
into independent job-creating companies. 114941

(B) By December 31, 2015, the Development Services Agency 114942  
shall produce a report and make it publicly available on the 114943  
agency's web site. The report shall map and review entrepreneurial 114944  
business incubators in the state of Ohio, and specifically: 114945

(1) Identify locations and available support services, unmet 114946  
service areas, and duplication of service at entrepreneurial 114947  
business incubators; 114948

(2) Classify the industry of member entrepreneurs receiving 114949  
services by the following categories: advanced manufacturing, 114950  
aerospace and aviation, agribusiness, food processing, automotive 114951  
supply chain, biohealth, energy, information technology, polymers, 114952

chemicals, and additional industry sectors, as determined by the	114953
Development Services Agency	114954
(3) Gather data on member entrepreneurs based on jobs,	114955
capital investment, and sales; and	114956
(4) Describe characteristics of incubators that successfully	114957
graduate companies to be independent job creators for Ohio.	114958
<b>Section 259.10.</b> DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES	114959
General Revenue Fund	114960
GRF 320321 Central	\$ 164,750 \$ 164,750 114961
Administration	
GRF 320412 Protective Services	\$ 2,418,196 \$ 2,418,196 114962
GRF 320415 Developmental	\$ 20,817,900 \$ 19,902,200 114963
Disabilities	
Facilities Lease	
Rental Bond Payments	
GRF 322420 Screening and Early	\$ 808,500 \$ 808,500 114964
Intervention	
GRF 322451 Family Support	\$ 5,982,758 \$ 5,982,758 114965
Services	
GRF 322501 County Boards	\$ 44,149,280 \$ 44,149,280 114966
Subsidies	
GRF 322503 Tax Equity	\$ 14,000,000 \$ 14,000,000 114967
GRF 322507 County Board Case	\$ 2,500,000 \$ 2,500,000 114968
Management	
GRF 322508 Employment First	\$ 5,800,000 \$ 5,800,000 114969
Initiative	
GRF 322509 Community Supports &	\$ 750,000 \$ 750,000 114970
Rental Assistance	
GRF 653321 Medicaid Program	\$ 6,186,694 \$ 6,186,694 114971
Support - State	
GRF 653407 Medicaid Services	\$ 482,137,300 \$ 543,467,830 114972

TOTAL GRF General Revenue Fund	\$	585,715,378	\$	646,130,208	114973
Dedicated Purpose Fund Group					114974
5GE0 320606 Operating and Services	\$	10,107,297	\$	10,107,297	114975
5QM0 320607 System Transformation Supports	\$	4,500,000	\$	3,000,000	114976
2210 322620 Supplement Service Trust	\$	150,000	\$	150,000	114977
5DJ0 322625 Targeted Case Management Match	\$	38,000,000	\$	43,000,000	114978
5DK0 322629 Capital Replacement Facilities	\$	750,000	\$	750,000	114979
5H00 322619 Medicaid Repayment	\$	160,000	\$	160,000	114980
5JX0 322651 Interagency Workgroup - Autism	\$	25,000		25,000	114981
4890 653632 DC Direct Care Services	\$	10,050,000	\$	10,050,000	114982
5CT0 653607 Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	114983
5DJ0 653626 Targeted Case Management Services	\$	101,000,000	\$	113,000,000	114984
5EV0 653627 Medicaid Program Support	\$	1,500,000	\$	1,500,000	114985
5GE0 653606 ICF/IID and Waiver Match	\$	37,682,901	\$	37,575,865	114986
5S20 653622 Medicaid Admin and Oversight	\$	19,032,154	\$	19,032,154	114987
5Z10 653624 County Board Waiver Match	\$	382,814,610	\$	426,207,065	114988
TOTAL DPF Dedicated Purpose Fund Group	\$	606,771,962	\$	665,557,381	114989
Internal Service Activity Fund Group					114990

1520	653609	DC and Residential	\$	11,000,000	\$	11,000,000	114991
		Operating Services					
		TOTAL ISA Internal Service Activity					114992
		Fund Group	\$	11,000,000	\$	11,000,000	114993
		Federal Fund Group					114994
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	114995
3250	322612	Community Social	\$	10,604,896	\$	10,604,896	114996
		Service Programs					
3A40	653604	DC & ICF/IID Program	\$	8,013,611	\$	8,013,611	114997
		Support					
3A40	653605	DC and Residential	\$	118,423,968	\$	110,604,417	114998
		Services and Support					
3A40	653653	ICF/IID	\$	357,362,616	\$	356,283,407	114999
3G60	653639	Medicaid Waiver	\$	1,019,289,925	\$	1,180,039,348	115000
		Services					
3G60	653640	Medicaid Waiver	\$	46,525,638	\$	47,225,486	115001
		Program Support					
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	115002
		TOTAL FED Federal Fund Group	\$	1,566,544,841	\$	1,719,095,352	115003
		TOTAL ALL BUDGET FUND GROUPS	\$	2,770,032,181	\$	3,041,782,941	115004

**Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES** 115006

LEASE-RENTAL BOND PAYMENTS 115007

The foregoing appropriation item 320415, Developmental 115008  
Disabilities Facilities Lease Rental Bond Payments, shall be used 115009  
to meet all payments during the period from July 1, 2015, through 115010  
June 30, 2017, by the Department of Developmental Disabilities 115011  
under leases and agreements made under section 154.20 of the 115012  
Revised Code. These appropriations are the source of funds pledged 115013  
for bond service charges on related obligations issued under 115014  
Chapter 154. of the Revised Code. 115015

**Section 259.30. SCREENING AND EARLY INTERVENTION** 115016

At the discretion of the Director of Developmental 115017  
Disabilities, the foregoing appropriation item 322420, Screening 115018  
and Early Intervention, shall be used for professional and program 115019  
development related to early identification/screening and 115020  
intervention for children with autism and other complex 115021  
developmental disabilities and their families. 115022

Of the foregoing appropriation item 322420, Screening and 115023  
Early Intervention, \$500,000 in each fiscal year shall be provided 115024  
to the Childhood League Center to pilot and spread in Franklin 115025  
County the Play and Language for Autistic Youngsters Project 115026  
curriculum for autism training services and to increase capacity 115027  
for developmentally delayed children in Franklin County. 115028

Of the foregoing appropriation item 322420, Screening and 115029  
Early Intervention, \$8,500 in each fiscal year shall be provided 115030  
to the Preble County Board of Developmental Disabilities for the 115031  
Play and Language for Autistic Youngsters Project. 115032

**Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY** 115033

The foregoing appropriation item 322451, Family Support 115034  
Services, may be used as follows in fiscal year 2016 and fiscal 115035  
year 2017: 115036

(A) The appropriation item may be used to provide a subsidy 115037  
to county boards of developmental disabilities for family support 115038  
services provided under section 5126.11 of the Revised Code. The 115039  
subsidy shall be paid in quarterly installments and allocated to 115040  
county boards according to a formula the Director of Developmental 115041  
Disabilities shall develop in consultation with representatives of 115042  
county boards. A county board shall use not more than seven per 115043  
cent of its subsidy for administrative costs. 115044

(B) The appropriation item may be used to distribute funds to 115045  
county boards for the purpose of addressing economic hardships and 115046

to promote efficiency of operations. In consultation with 115047  
representatives of county boards, the Director shall determine the 115048  
amount of funds to distribute for these purposes and the criteria 115049  
for distributing the funds. 115050

(C) Of the foregoing appropriation item 322451, Family 115051  
Support Services, \$50,000 in each fiscal year shall be provided to 115052  
the Beck Center for the Performing Arts. 115053

**Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS** 115054

(A) Except as provided in the section of this act titled 115055  
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 115056  
appropriation item 322501, County Boards Subsidies, shall be used 115057  
for the following purposes: 115058

(1) To provide a subsidy to county boards of developmental 115059  
disabilities in quarterly installments and allocated according to 115060  
a formula developed by the Director of Developmental Disabilities 115061  
in consultation with representatives of county boards. Except as 115062  
provided in section 5126.0511 of the Revised Code or in division 115063  
(B) of this section, county boards shall use the subsidy for early 115064  
childhood services and adult services provided under section 115065  
5126.05 of the Revised Code, service and support administration 115066  
provided under section 5126.15 of the Revised Code, or supported 115067  
living as defined in section 5126.01 of the Revised Code. 115068

(2) To provide funding, as determined necessary by the 115069  
Director, for residential services, including room and board, and 115070  
support service programs that enable individuals with 115071  
developmental disabilities to live in the community. 115072

(3) To distribute funds to county boards of developmental 115073  
disabilities to address economic hardships and promote efficiency 115074  
of operations. The Director shall determine, in consultation with 115075  
representatives of county boards, the amount of funds to 115076

distribute for these purposes and the criteria for distributing 115077  
the funds. 115078

(B) In collaboration with the county's family and children 115079  
first council, a county board of developmental disabilities may 115080  
transfer portions of funds received under this section, to a 115081  
flexible funding pool in accordance with the section of this act 115082  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 115083

**Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES** 115084

As used in this section, "home and community-based services" 115085  
has the same meaning as in section 5123.01 of the Revised Code. 115086

The Director of Developmental Disabilities shall establish a 115087  
methodology to be used in fiscal year 2016 and fiscal year 2017 to 115088  
estimate the quarterly amount each county board of developmental 115089  
disabilities is to pay of the nonfederal share of home and 115090  
community-based services that section 5126.0510 of the Revised 115091  
Code requires county boards to pay. Each quarter, the Director 115092  
shall submit to a county board written notice of the amount the 115093  
county board is to pay for that quarter. The notice shall specify 115094  
when the payment is due. 115095

**Section 259.70. TAX EQUITY** 115096

Notwithstanding section 5126.18 of the Revised Code, the 115097  
foregoing appropriation item 322503, Tax Equity, may be used to 115098  
distribute funds to county boards of developmental disabilities to 115099  
address economic hardships and promote efficiency of operations. 115100  
The Director of Developmental Disabilities shall determine, in 115101  
consultation with representatives of county boards, the amount of 115102  
funds to distribute for these purposes and the criteria for 115103  
distributing the funds. 115104

**Section 259.80. MEDICAID SERVICES** 115105



(A) As used in this section "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code and "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in *Sermak v. Manuel*, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in the *Martin v. Strickland*, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;

(4) ICF/IID services;

(5) Other programs as identified by the Director of Developmental Disabilities; and

(6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal year 2017 shall be distributed to county boards of developmental disabilities to be used to maintain current Medicaid waiver levels.

**Section 259.90. EMPLOYMENT FIRST INITIATIVE**

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

**Section 259.100. OPERATING AND SERVICES**

Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan

autism hub to support families and professionals. 115166

**Section 259.110.** TARGETED CASE MANAGEMENT SERVICES 115167

County boards of developmental disabilities shall pay the 115168  
nonfederal portion of targeted case management costs to the 115169  
Department of Developmental Disabilities. 115170

The Director of Developmental Disabilities and the Medicaid 115171  
Director may enter into an interagency agreement under which the 115172  
Department of Developmental Disabilities shall transfer cash from 115173  
the Targeted Case Management Fund (Fund 5DJ0) to the Health 115174  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 115175  
Department of Medicaid in an amount equal to the nonfederal 115176  
portion of the cost of targeted case management services paid by 115177  
county boards. Under the agreement, the Department of Medicaid 115178  
shall pay the total cost of targeted case management claims. The 115179  
transfer shall be made using an intrastate transfer voucher. 115180

**Section 259.120.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 115181

If a county board of developmental disabilities does not 115182  
fully pay any amount owed to the Department of Developmental 115183  
Disabilities by the due date established by the Department, the 115184  
Director of Developmental Disabilities may withhold the amount the 115185  
county board did not pay from any amounts due to the county board. 115186  
The Director may use any appropriation item or fund used by the 115187  
Department to transfer cash to any other fund used by the 115188  
Department in an amount equal to the amount owed the Department 115189  
that the county board did not pay. Transfers under this section 115190  
shall be made using an intrastate transfer voucher. 115191

**Section 259.130.** DEVELOPMENTAL CENTER BILLING FOR SERVICES 115192

Developmental centers of the Department of Developmental 115193  
Disabilities may provide services to persons with mental 115194

retardation or developmental disabilities living in the community 115195  
or to providers of services to these persons. The Department may 115196  
develop a method for recovery of all costs associated with the 115197  
provision of these services. 115198

**Section 259.140.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 115199  
SERVICES 115200

Any county funds received by the Department of Developmental 115201  
Disabilities from county boards of developmental disabilities for 115202  
active treatment shall be deposited in the Developmental 115203  
Disabilities Operating Fund (Fund 4890). 115204

**Section 259.150.** ODODD INNOVATIVE PILOT PROJECTS 115205

(A) In fiscal year 2016 and fiscal year 2017, the Director of 115206  
Developmental Disabilities may authorize the continuation or 115207  
implementation of one or more innovative pilot projects that, in 115208  
the judgment of the Director, are likely to assist in promoting 115209  
the objectives of Chapter 5123. or 5126. of the Revised Code. 115210  
Subject to division (B) of this section and notwithstanding any 115211  
provision of Chapters 5123. and 5126. of the Revised Code and any 115212  
rule adopted under either chapter, a pilot project authorized by 115213  
the Director may be continued or implemented in a manner 115214  
inconsistent with one or more provisions of either chapter or one 115215  
or more rules adopted under either chapter. Before authorizing a 115216  
pilot program, the Director shall consult with entities interested 115217  
in the issue of developmental disabilities, including the Ohio 115218  
Provider Resource Association, Ohio Association of County Boards 115219  
of Developmental Disabilities, Ohio Health Care Association/Ohio 115220  
Centers for Intellectual Disabilities, the Values and Faith 115221  
Alliance, and ARC of Ohio. 115222

(B) The Director may not authorize a pilot project to be 115223  
implemented in a manner that would cause the state to be out of 115224

compliance with any requirements for a program funded in whole or 115225  
in part with federal funds. 115226

**Section 259.160.** FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 115227  
ICFs/IID IN PEER GROUPS 1 AND 2 115228

(A) As used in this section: 115229

(1) "Change of operator," "entering operator," "exiting 115230  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 115231  
group 1," "peer group 2," "peer group 3," "provider," and 115232  
"provider agreement" have the same meanings as in section 5124.01 115233  
of the Revised Code. 115234

(2) "Franchise permit fee" means the fee imposed by sections 115235  
5168.60 to 5168.71 of the Revised Code. 115236

(B)(1) This section applies to each ICF/IID that is in peer 115237  
group 1 or peer group 2 and to which any of the following applies: 115238

(a) The provider of the ICF/IID has a valid Medicaid provider 115239  
agreement for the ICF/IID on June 30, 2015, and a valid Medicaid 115240  
provider agreement for the ICF/IID during fiscal year 2016. 115241

(b) The ICF/IID undergoes a change of operator that takes 115242  
effect during fiscal year 2016, the exiting operator has a valid 115243  
Medicaid provider agreement for the ICF/IID on the day immediately 115244  
preceding the effective date of the change of operator, and the 115245  
entering operator has a valid Medicaid provider agreement for the 115246  
ICF/IID during fiscal year 2016. 115247

(c) The ICF/IID is a new ICF/IID for which the provider 115248  
obtains an initial provider agreement during fiscal year 2016. 115249

(2) This section does not apply to an ICF/IID in peer group 115250  
3. 115251

(3) The Department of Developmental Disabilities shall follow 115252  
this section in determining the rate to be paid for ICF/IID 115253

services provided during fiscal year 2016 by ICFs/IID subject to 115254  
this section notwithstanding anything to the contrary in Chapter 115255  
5124. of the Revised Code. 115256

(C)(1) Except as otherwise provided in this section, the 115257  
provider of an ICF/IID to which this section applies shall be 115258  
paid, for ICF/IID services the ICF/IID provides during fiscal year 115259  
2016, the total per Medicaid day rate determined for the ICF/IID 115260  
under division (C)(2) or (3) of this section. 115261

(2) Except in the case of a new ICF/IID, the fiscal year 2016 115262  
total per Medicaid day rate for an ICF/IID to which this section 115263  
applies shall be the ICF/IID's total per Medicaid day rate 115264  
determined for the ICF/IID in accordance with Chapter 5124. of the 115265  
Revised Code for fiscal year 2016 with the following 115266  
modifications: 115267

(a) The ICF/IID's efficiency incentive for capital costs, as 115268  
determined under division (F) of section 5124.17 of the Revised 115269  
Code, shall be reduced by 50 per cent. 115270

(b) In place of the maximum cost per case-mix unit 115271  
established for the ICF/IID's peer group under division (C) of 115272  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 115273  
per case-mix unit shall be an amount the Department shall 115274  
determine in accordance with division (E) of this section. 115275

(c) In place of the inflation adjustment otherwise calculated 115276  
under division (D) of section 5124.19 of the Revised Code for the 115277  
purpose of division (A)(1)(b) of that section, an inflation 115278  
adjustment of 1.014 shall be used. 115279

(d) In place of the efficiency incentive otherwise calculated 115280  
under division (B)(2) of section 5124.21 of the Revised Code, the 115281  
ICF/IID's efficiency incentive for indirect care costs shall be 115282  
the following: 115283

(i) In the case of an ICF/IID in peer group 1, \$3.69; 115284

(ii) In the case of an ICF/IID in peer group 2, \$3.19.	115285
(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:	115286 115287 115288 115289
(i) In the case of an ICF/IID in peer group 1, \$68.98;	115290
(ii) In the case of an ICF/IID in peer group 2, \$59.60.	115291
(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.	115292 115293 115294 115295
(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2014 shall be multiplied by 1.014.	115296 115297 115298 115299 115300
(3) The fiscal year 2016 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2016 with the following modifications:	115301 115302 115303 115304 115305
(a) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:	115306 115307 115308 115309 115310
(i) Determine the median of the costs per case-mix units of each peer group;	115311 115312
(ii) Multiply the median determined under division (C)(3)(a)(i) of this section by the median annual average case-mix	115313 115314

score for the new ICF/IID's peer group for calendar year 2014; 115315

(iii) Multiply the product determined under division 115316  
(C)(3)(a)(ii) of this section by 1.014. 115317

(b) In place of the amount determined under division (B)(3) 115318  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115319  
per Medicaid day rate for indirect care costs shall be the 115320  
following: 115321

(i) If the new ICF/IID is in peer group 1, \$68.98; 115322

(ii) If the new ICF/IID is in peer group 2, \$59.60. 115323

(c) In place of the amount determined under division (B)(4) 115324  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115325  
per Medicaid day rate for other protected costs shall be 115 per 115326  
cent of the median rate for ICFs/IID determined under section 115327  
5124.23 of the Revised Code with the modification made under 115328  
division (C)(2)(g) of this section. 115329

(D) The total per Medicaid day rate for ICF/IID services an 115330  
ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid 115331  
recipient who is admitted as a resident to the ICF/IID on or after 115332  
July 1, 2015, and is placed in the chronic behaviors and typical 115333  
adaptive needs classification or the typical adaptive needs and 115334  
non-significant behaviors classification established for the 115335  
group methodology prescribed in rules authorized by section 115336  
5124.192 of the Revised Code shall be the lesser of the following: 115337

(1) The rate determined for the ICF/IID under division (C)(2) 115338  
or (3) of this section; 115339

(2) The following rate: 115340

(a) \$206.90 for ICF/IID services the ICF/IID provides to a 115341  
Medicaid recipient in the chronic behaviors and typical adaptive 115342  
needs classification; 115343

(b) \$174.88 for ICF/IID services the ICF/IID provides to a 115344



Medicaid recipient in the typical adaptive needs and 115345  
non-significant behaviors classification. 115346

(E) In determining, for the purpose of division (C)(2)(b) of 115347  
this section, the maximum costs per case-mix unit for ICFs/IID, 115348  
the Department shall, strive to the greatest extent possible, do 115349  
both of the following: 115350

(1) Avoid rate reductions under division (G) of this section; 115351

(2) Have the amount so determined result in payment of all 115352  
desk-reviewed, actual, allowable direct care costs for the same 115353  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 115354  
ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 115355  
Medicaid days. 115356

(F) A new ICF/IID's initial total modified per Medicaid day 115357  
rate for fiscal year 2016 as determined under division (C)(3) of 115358  
this section shall be adjusted at the applicable time specified in 115359  
division (D) of section 5124.151 of the Revised Code. If the 115360  
adjustment affects the ICF/IID's rate for ICF/IID services 115361  
provided during fiscal year 2016, the modifications specified in 115362  
divisions (C)(2) and (D) of this section apply to the adjustment. 115363

(G) If the mean total per Medicaid day rate for all ICFs/IID 115364  
to which this section applies, weighted by May 2015 Medicaid days 115365  
and determined under divisions (C) and (D) of this section as of 115366  
July 1, 2015, is other than \$283.32, the Department shall adjust, 115367  
for fiscal year 2016, the total per Medicaid day rate for each 115368  
ICF/IID to which this section applies by a percentage that is 115369  
equal to the percentage by which the mean total per Medicaid day 115370  
rate is greater or less than \$283.32. 115371

(H) If the United States Centers for Medicare and Medicaid 115372  
Services requires that the franchise permit fee be reduced or 115373  
eliminated, the Department shall reduce the amount it pays ICF/IID 115374  
providers under this section as necessary to reflect the loss to 115375

the state of the revenue and federal financial participation 115376  
generated from the franchise permit fee. 115377

(I) Of the foregoing appropriation items 653407, Medicaid 115378  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 115379  
portions shall be used to pay the Medicaid payment rates 115380  
determined in accordance with this section for ICF/IID services 115381  
provided during fiscal year 2016. 115382

**Section 259.170.** FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR 115383  
ICFs/IID IN PEER GROUPS 1 AND 2 115384

(A) As used in this section: 115385

(1) "Change of operator," "entering operator," "exiting 115386  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 115387  
group 1," "peer group 2," "peer group 3," "provider," and 115388  
"provider agreement" have the same meanings as in section 5124.01 115389  
of the Revised Code. 115390

(2) "Franchise permit fee" means the fee imposed by sections 115391  
5168.60 to 5168.71 of the Revised Code. 115392

(B)(1) This section applies to each ICF/IID that is in peer 115393  
group 1 or peer group 2 and to which any of the following applies: 115394

(a) The provider of the ICF/IID has a valid Medicaid provider 115395  
agreement for the ICF/IID on June 30, 2016, and a valid Medicaid 115396  
provider agreement for the ICF/IID during fiscal year 2017. 115397

(b) The ICF/IID undergoes a change of operator that takes 115398  
effect during fiscal year 2017, the exiting operator has a valid 115399  
Medicaid provider agreement for the ICF/IID on the day immediately 115400  
preceding the effective date of the change of operator, and the 115401  
entering operator has a valid Medicaid provider agreement for the 115402  
ICF/IID during fiscal year 2017. 115403

(c) The ICF/IID is a new ICF/IID for which the provider 115404  
obtains an initial provider agreement during fiscal year 2017. 115405

(2) This section does not apply to an ICF/IID in peer group 115406  
3. 115407

(3) The Department of Developmental Disabilities shall follow 115408  
this section in determining the rate to be paid for ICF/IID 115409  
services provided during fiscal year 2017 by ICFs/IID subject to 115410  
this section notwithstanding anything to the contrary in Chapter 115411  
5124. of the Revised Code. 115412

(C)(1) Except as otherwise provided in this section, the 115413  
provider of an ICF/IID to which this section applies shall be 115414  
paid, for ICF/IID services the ICF/IID provides during fiscal year 115415  
2017, the total per Medicaid day rate determined for the ICF/IID 115416  
under division (C)(2) or (3) of this section. 115417

(2) Except in the case of a new ICF/IID, the fiscal year 2017 115418  
total per Medicaid day rate for an ICF/IID to which this section 115419  
applies shall be the ICF/IID's total per Medicaid day rate 115420  
determined for the ICF/IID in accordance with Chapter 5124. of the 115421  
Revised Code for fiscal year 2017 with the following 115422  
modifications: 115423

(a) The ICF/IID's efficiency incentive for capital costs, as 115424  
determined under division (F) of section 5124.17 of the Revised 115425  
Code, shall be reduced by 50 per cent. 115426

(b) In place of the maximum cost per case-mix unit 115427  
established for the ICF/IID's peer group under division (C) of 115428  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 115429  
per case-mix unit shall be the amount the Department determined 115430  
for the ICF/IID's peer group for fiscal year 2016 in accordance 115431  
with division (E) of Section 259.160 of this act. 115432

(c) In place of the inflation adjustment otherwise calculated 115433  
under division (D) of section 5124.19 of the Revised Code for the 115434  
purpose of division (A)(1)(b) of that section, an inflation 115435  
adjustment of 1.014 shall be used. 115436

(d) In place of the efficiency incentive otherwise calculated 115437  
under division (B)(2) of section 5124.21 of the Revised Code, the 115438  
ICF/IID's efficiency incentive for indirect care costs shall be 115439  
the following: 115440

(i) In the case of an ICF/IID in peer group 1, \$3.69; 115441

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 115442

(e) In place of the maximum rate for indirect care costs 115443  
established for the ICF/IID's peer group under division (C) of 115444  
section 5124.21 of the Revised Code, the maximum rate for indirect 115445  
care costs for the ICF/IID's peer group shall be the following: 115446

(i) In the case of an ICF/IID in peer group 1, \$68.98; 115447

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 115448

(f) In place of the inflation adjustment otherwise calculated 115449  
under division (D)(1) of section 5124.21 of the Revised Code for 115450  
the purpose of division (B)(1) of that section only, an inflation 115451  
adjustment of 1.014 shall be used. 115452

(g) In place of the inflation adjustment otherwise made under 115453  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 115454  
actual, allowable, per Medicaid day other protected costs, 115455  
excluding the franchise permit fee, from calendar year 2015 shall 115456  
be multiplied by 1.014. 115457

(h) After all of the modifications specified in divisions 115458  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 115459  
total per Medicaid day rate shall be increased by the direct 115460  
support personnel payment determined in accordance with division 115461  
(D) of this section. 115462

(3) The fiscal year 2017 initial total per Medicaid day rate 115463  
for a new ICF/IID to which this section applies shall be the 115464  
ICF/IID's initial total per Medicaid day rate determined for the 115465  
ICF/IID in accordance with section 5124.151 of the Revised Code 115466

for fiscal year 2017 with the following modifications: 115467

(a) In place of the amount determined under division 115468  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 115469  
cost or resident assessment data for the new ICF/IID, the new 115470  
ICF/IID's initial per Medicaid day rate for direct care costs 115471  
shall be determined as follows: 115472

(i) Determine the median of the costs per case-mix units of 115473  
each peer group; 115474

(ii) Multiply the median determined under division 115475  
(C)(3)(a)(i) of this section by the median annual average case-mix 115476  
score for the new ICF/IID's peer group for calendar year 2015; 115477

(iii) Multiply the product determined under division 115478  
(C)(3)(a)(ii) of this section by 1.014. 115479

(b) In place of the amount determined under division (B)(3) 115480  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115481  
per Medicaid day rate for indirect care costs shall be the 115482  
following: 115483

(i) If the new ICF/IID is in peer group 1, \$68.98; 115484

(ii) If the new ICF/IID is in peer group 2, \$59.60. 115485

(c) In place of the amount determined under division (B)(4) 115486  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115487  
per Medicaid day rate for other protected costs shall be 115 per 115488  
cent of the median rate for ICFs/IID determined under section 115489  
5124.23 of the Revised Code with the modification made under 115490  
division (C)(2)(g) of this section. 115491

(d) After all of the modifications specified in divisions 115492  
(C)(3)(a) to (c) of this section have been made, the new ICF/IID's 115493  
initial total per Medicaid day rate shall be increased by the 115494  
median direct support personnel payment determined under division 115495  
(D) of this section for all ICFs/IID to which this section 115496

applies. 115497

(D) An ICF/IID's direct support personnel payment for the 115498  
purpose of division (C)(2)(h) of this section shall be a 115499  
percentage, as determined by the Department, of the ICF/IID's per 115500  
diem, desk-reviewed, actual, allowable direct care costs. In 115501  
determining the percentage, the Department shall, to the greatest 115502  
extent possible, do both of the following: 115503

(1) Avoid rate reductions under division (F) of this section; 115504

(2) Use the same percentage for all ICFs/IID to which this 115505  
section applies. 115506

(E) A new ICF/IID's initial total modified per Medicaid day 115507  
rate for fiscal year 2017 as determined under division (C)(3) of 115508  
this section shall be adjusted at the applicable time specified in 115509  
division (D) of section 5124.151 of the Revised Code. If the 115510  
adjustment affects the ICF/IID's rate for ICF/IID services 115511  
provided during fiscal year 2017, the modifications specified in 115512  
division (C)(2) of this section apply to the adjustment. 115513

(F)(1) If the mean total per Medicaid day rate for all 115514  
ICFs/IID to which this section applies, weighted by May 2016 115515  
Medicaid days and determined under division (C) of this section as 115516  
of July 1, 2016, is other than the amount determined under 115517  
division (F)(2) of this section, the Department shall adjust, for 115518  
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 115519  
to which this section applies by a percentage that is equal to the 115520  
percentage by which the mean total per Medicaid day rate is 115521  
greater or less than the amount determined under division (F)(2) 115522  
of this section. 115523

(2) The amount to be used for the purpose of division (F)(1) 115524  
of this section shall be not less than \$288.27. The department, in 115525  
its sole discretion, may use a larger amount for the purpose of 115526  
that division. In determining whether to use a larger amount, the 115527

department may consider any of the following: 115528

(a) The reduction in the total Medicaid-certified capacity of 115529  
all ICFs/IID that occurs in fiscal year 2016, and the reduction 115530  
that is projected to occur in fiscal year 2017, as a result of 115531  
either of the following: 115532

(i) A downsizing pursuant to a plan approved by the 115533  
Department under section 5123.042 of the Revised Code; 115534

(ii) A conversion of beds to providing home and 115535  
community-based services under the Individual Options waiver 115536  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 115537

(b) The increase in Medicaid payments made for ICF/IID 115538  
services provided during fiscal year 2016, and the increase that 115539  
is projected to occur in fiscal year 2017, as a result of the 115540  
modifications to the payment rates made under section 5124.101 of 115541  
the Revised Code; 115542

(c) The total reduction in the number of ICF/IID beds that 115543  
occurs pursuant to section 5124.67 of the Revised Code; 115544

(d) Other factors the Department determines to be relevant. 115545

(G) If the United States Centers for Medicare and Medicaid 115546  
Services requires that the franchise permit fee be reduced or 115547  
eliminated, the Department shall reduce the amount it pays ICF/IID 115548  
providers under this section as necessary to reflect the loss to 115549  
the state of the revenue and federal financial participation 115550  
generated from the franchise permit fee. 115551

(H) Of the foregoing appropriation items 653407, Medicaid 115552  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 115553  
portions shall be used to pay the Medicaid payment rates 115554  
determined in accordance with this section for ICF/IID services 115555  
provided during fiscal year 2017. 115556

**Section 259.180. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR** 115557

ICFs/IID IN PEER GROUP 3 115558

(A) As used in this section: 115559

(1) "ICF/IID," "ICF/IID services," "peer group 3," 115560  
"provider," and "provider agreement" have the same meanings as in 115561  
section 5124.01 of the Revised Code. 115562

(2) "Franchise permit fee" means the fee imposed by sections 115563  
5168.60 to 5168.71 of the Revised Code. 115564

(B)(1) This section applies to each ICF/IID that is in peer 115565  
group 3 and for which the provider obtained an initial provider 115566  
agreement during fiscal year 2015. 115567

(2) The Department of Developmental Disabilities shall follow 115568  
this section in determining the rate to be paid for ICF/IID 115569  
services provided during fiscal year 2016 by ICFs/IID subject to 115570  
this section notwithstanding anything to the contrary in Chapter 115571  
5124. of the Revised Code. 115572

(C) Except as otherwise provided in this section, the 115573  
provider of an ICF/IID to which this section applies shall 115574  
continue to be paid, for ICF/IID services the ICF/IID provides 115575  
during fiscal year 2016, the ICF/IID's total per Medicaid day rate 115576  
in effect on June 30, 2015. 115577

(D) If the United States Centers for Medicare and Medicaid 115578  
Services requires that the franchise permit fee be reduced or 115579  
eliminated, the Department shall reduce the amount it pays ICF/IID 115580  
providers under this section as necessary to reflect the loss to 115581  
the state of the revenue and federal financial participation 115582  
generated from the franchise permit fee. 115583

**Section 259.190. TRANSFER OF FUNDS FOR OUTLIER SERVICES** 115584  
**PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS** 115585

As used in this section, "ICF/IID" and "ICF/IID services" 115586



have the same meanings as in section 5124.01 of the Revised Code. 115587

Each quarter during fiscal year 2016 and fiscal year 2017, 115588  
the Director of Developmental Disabilities shall certify to the 115589  
Director of Budget and Management the amount needed to pay the 115590  
nonfederal share of the costs of the Medicaid rate add-on paid to 115591  
ICFs/IID pursuant to section 5124.25 of the Revised Code for 115592  
providing outlier ICF/IID services to residents who qualify for 115593  
the services and are transferred to ICFs/IID from hospitals at 115594  
which they receive ventilator services at the time of their 115595  
transfer to the ICFs/IID. 115596

On receipt of a certification, the Director of Budget and 115597  
Management shall transfer appropriations equaling the certified 115598  
amount from appropriation item 651525, Medicaid/Health Care 115599  
Services, to appropriation item 653407, Medicaid Services, and, in 115600  
addition, shall reduce the appropriation in 651525, 115601  
Medicaid/Health Care Services, by the corresponding federal share. 115602

If receipts credited to the Developmental Center and 115603  
Residential Facility Services and Support Fund (Fund 3A40), used 115604  
by the Department of Developmental Disabilities, exceed the 115605  
amounts appropriated in appropriation item 653653, ICF/IID, the 115606  
Director of Developmental Disabilities may request the Director of 115607  
Budget and Management to authorize expenditures from the fund in 115608  
excess of the amounts appropriated. Upon approval of the Director 115609  
of Budget and Management, the additional amounts are hereby 115610  
appropriated. 115611

**Section 259.200.** ICF/IID MEDICAID RATE WORKGROUP 115612

As used in this section, "ICF/IID," "ICF/IID services," and 115613  
"Medicaid-certified capacity" have the same meanings as in section 115614  
5124.01 of the Revised Code. 115615

For the purpose of assisting the Department of Developmental 115616

Disabilities during fiscal year 2016 and fiscal year 2017 with an 115617  
evaluation of revisions to the formula used to determine Medicaid 115618  
payment rates for ICF/IID services, the Department shall retain 115619  
the workgroup that was created to assist with the study required 115620  
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 115621  
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of 115622  
the 130th General Assembly. In conducting the evaluation, the 115623  
Department and workgroup shall do both of the following: 115624

(A) Focus primarily on the service needs of individuals with 115625  
complex challenges that ICFs/IID are able to meet; 115626

(B) Pursue the goal of reducing the Medicaid-certified 115627  
capacity of individual ICFs/IID and the total number of ICF/IID 115628  
beds in the state for the purpose of increasing the service 115629  
choices and community integration of individuals eligible for 115630  
ICF/IID services. 115631

**Section 259.210. NONFEDERAL SHARE OF ICF/IID SERVICES** 115632

(A) As used in this section, "ICF/IID," "ICF/IID services," 115633  
and "Medicaid-certified capacity" have the same meanings as in 115634  
section 5124.01 of the Revised Code. 115635

(B) The Director of Developmental Disabilities shall pay the 115636  
nonfederal share of a claim for ICF/IID services using funds 115637  
specified in division (C) of this section if all of the following 115638  
apply: 115639

(1) Medicaid covers the ICF/IID services. 115640

(2) The ICF/IID services are provided to a Medicaid recipient 115641  
to whom both of the following apply: 115642

(a) The Medicaid recipient is eligible for the ICF/IID 115643  
services; 115644

(b) The Medicaid recipient does not occupy a bed in the 115645  
ICF/IID that used to be included in the Medicaid-certified 115646

capacity of another ICF/IID certified by the Director of Health 115647  
before June 1, 2003. 115648

(3) The ICF/IID services are provided by an ICF/IID whose 115649  
Medicaid certification by the Director of Health was initiated or 115650  
supported by a county board of developmental disabilities. 115651

(4) The provider of the ICF/IID services has a valid Medicaid 115652  
provider agreement for the services for the time that the services 115653  
are provided. 115654

(C) When required by division (B) of this section to pay the 115655  
nonfederal share of a claim, the Director of Developmental 115656  
Disabilities shall use the following funds to pay the claim: 115657

(1) Funds available from appropriation item 322501, County 115658  
Boards Subsidies, that the Director allocates to the county board 115659  
that initiated or supported the Medicaid certification of the 115660  
ICF/IID that provided the ICF/IID services for which the claim is 115661  
made; 115662

(2) If the amount of funds used pursuant to division (C)(1) 115663  
of this section is insufficient to pay the claim in full, an 115664  
amount of funds that are needed to make up the difference and 115665  
available from amounts the Director allocates to other county 115666  
boards from appropriation item 322501, County Boards Subsidies. 115667

**Section 259.213. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 115668**  
SERVICES 115669

(A) As used in this section, "home and community-based 115670  
services" has the same meaning as in section 5123.01 of the 115671  
Revised Code. 115672

(B) Subject to divisions (C) and (D) of this section, the 115673  
total Medicaid payment rate for routine homemaker/personal care 115674  
services that are included in home and community-based services 115675  
and provided during the period beginning January 1, 2016, and 115676

ending June 30, 2017, may be six per cent higher than the total 115677  
Medicaid payment rate for the services in effect on June 30, 2015. 115678

(C) The rate increase authorized by this section is subject 115679  
to the availability of funds. 115680

(D) The Medicaid payment rate increase for routine 115681  
homemaker/personal care services under the section of this act 115682  
titled "PAYMENT RATES FOR HOME MAKER/PERSONAL CARE SERVICES 115683  
PROVIDED TO QUALIFYING IO ENROLLEES" is in addition to the rate 115684  
increase, if any, for routine homemaker/personal care services 115685  
under this section. 115686

**Section 259.220.** PAYMENT RATES FOR HOME MAKER/PERSONAL CARE 115687  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 115688

(A) As used in this section: 115689

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 115690  
that converted some or all of its beds to providing home and 115691  
community-based services under the IO Waiver pursuant to section 115692  
5124.60 of the Revised Code. 115693

(2) "Developmental center" and "ICF/IID" have the same 115694  
meanings as in section 5124.01 of the Revised Code. 115695

(3) "IO Waiver" means the Medicaid waiver component, as 115696  
defined in section 5166.01 of the Revised Code, known as 115697  
Individual Options. 115698

(4) "Medicaid provider" has the same meaning as in section 115699  
5164.01 of the Revised Code. 115700

(5) "Public hospital" has the same meaning as in section 115701  
5122.01 of the Revised Code. 115702

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 115703  
whom all of the following apply: 115704

(a) The enrollee resided in a developmental center, converted 115705

facility, or public hospital immediately before enrolling in the 115706  
IO Wavier. 115707

(b) The enrollee did not receive before July 1, 2011, routine 115708  
homemaker/personal care services from the Medicaid provider that 115709  
is to be paid the Medicaid rate authorized by this section for 115710  
providing such services to the enrollee during the period 115711  
specified in division (C) of this section. 115712

(c) The Director of Developmental Disabilities has determined 115713  
that the enrollee's special circumstances (including the 115714  
enrollee's diagnosis, service needs, or length of stay at the 115715  
developmental center, converted facility, or public hospital) 115716  
warrants paying the Medicaid rate authorized by this section. 115717

(B) The total Medicaid payment rate for each fifteen minutes 115718  
of routine homemaker/personal care services that a Medicaid 115719  
provider provides to a qualifying IO enrollee during the period 115720  
specified in division (C) of this section shall be fifty-two cents 115721  
higher than the Medicaid payment rate in effect on the day the 115722  
services are provided for each fifteen minutes of routine 115723  
homemaker/personal care services that a Medicaid provider provides 115724  
to an IO enrollee who is not a qualifying IO enrollee. 115725

(C) Division (B) of this section applies to the first twelve 115726  
months, consecutive or otherwise, that a Medicaid provider, during 115727  
the period beginning July 1, 2015, and ending June 30, 2017, 115728  
provides routine homemaker/personal care services to a qualifying 115729  
IO enrollee. 115730

(D) Of the foregoing appropriation items 653407, Medicaid 115731  
Services, and 653639, Medicaid Waiver Services, portions shall be 115732  
used to pay the Medicaid payment rate determined in accordance 115733  
with this section for routine homemaker/personal care services 115734  
provided to qualifying IO enrollees. 115735

**Section 259.230.** UPDATING AUTHORIZING STATUTE CITATIONS 115736

As used in this section, "authorizing statute" means a 115737  
Revised Code section or provision of a Revised Code section that 115738  
is cited in the Ohio Administrative Code as the statute that 115739  
authorizes the adoption of a rule. 115740

The Director of Developmental Disabilities is not required to 115741  
amend any rule for the sole purpose of updating the citation in 115742  
the Ohio Administrative Code to the rule's authorizing statute to 115743  
reflect that this act renumbers the authorizing statute or 115744  
relocates it to another Revised Code section. Such citations shall 115745  
be updated as the Director amends the rules for other purposes. 115746

**Section 259.250.** SYSTEM TRANSFORMATION SUPPORTS 115747

The foregoing appropriation item 320607 (Fund 5QM0), System 115748  
Transformation Supports, may be used by the Director of 115749  
Developmental Disabilities as follows: 115750

(A) To purchase one or more residential facility beds for the 115751  
purpose of reducing the number of beds that are certified for 115752  
participation in Medicaid as ICF/IID beds in Ohio. The director 115753  
shall establish priorities for the purchase of beds which may 115754  
include beds located in a building in which a nursing facility is 115755  
also located and beds which are in a residential facility of 115756  
sixteen beds or greater. The purchase price of a bed shall be the 115757  
price the director determines is reasonable based on the 115758  
established priorities. Division (B) of section 127.16 of the 115759  
Revised Code shall not apply to a purchase made under this 115760  
section. 115761

(B) To fund other system transformation initiatives 115762  
identified by the director. 115763

**Section 259.260.** ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 115764

As used in this section, "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

Not later than July 31, 2015, the Department of Developmental Disabilities shall issue a request for proposals for an entity, pursuant to a contract with the Department, to develop a plan to transform the formula used to determine Medicaid payment rates for ICF/IID services. Any such contract the Department enters into shall require all of the following:

(A) That the plan do all of the following:

(1) Include quality incentive measures;

(2) Have payments be based on health outcomes;

(3) Promote ICF/IID services that are provided in the most integrated setting appropriate to the needs of each Medicaid recipient receiving the services;

(4) Recommend specific changes to the resident assessment instrument specified in rules authorized by section 5124.191 of the Revised Code and the grouper methodology prescribed in rules authorized by section 5124.192 of the Revised Code.

(B) That the entity developing the plan consider the recommendations of both of the following:

(1) The ICF/IID Medicaid Rate Workgroup that was created to assist with the study required by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly and retained pursuant to Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly;

(2) The ICF/IID Quality Incentive Workgroup created pursuant to the section of this act titled "ICF/IID QUALITY INCENTIVE WORKGROUP."

(C) That the plan be developed with the goal of beginning implementation of the transformation on July 1, 2017.

<b>Section 259.270.</b> ICF/IID QUALITY INCENTIVE WORKGROUP	115794
(A) As used in this section, "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	115795 115796
(B) The Director of Developmental Disabilities shall create the ICF/IID Quality Incentive Workgroup to study the issue of establishing, as part of the Medicaid payment formula for ICF/IID services, accountability measures that act as quality incentives for ICFs/IID. The Director or the Director's designee shall be the Workgroup's chairperson. The Director may appoint one or more staff members of the Department of Developmental Disabilities to also serve on the Workgroup. The Director shall appoint the following to serve on the Workgroup:	115797 115798 115799 115800 115801 115802 115803 115804 115805
(1) Representatives of all of the following:	115806
(a) The Ohio Centers for Intellectual Disabilities formed by the Ohio Health Care Association;	115807 115808
(b) The Values and Faith Alliance;	115809
(c) The Ohio Association of County Boards Serving People with Developmental Disabilities;	115810 115811
(d) The Ohio SIBS;	115812
(e) The Arc of Ohio;	115813
(f) The Ohio Provider Resource Association.	115814
(2) One or more persons with developmental disabilities who advocate for such persons.	115815 115816
(C) Members of the Workgroup shall serve without compensation or reimbursement, except to the extent that serving on the Workgroup is considered part of their usual job duties.	115817 115818 115819
(D) The Workgroup shall complete its study, and complete a report with recommendations regarding accountability measures for ICFs/IID, not later than November 4, 2015. The Workgroup shall	115820 115821 115822



submit copies of the report to the Governor and, in accordance 115823  
with section 101.68 of the Revised Code, the General Assembly. 115824

**Section 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE** 115825

The foregoing appropriation item 322509, Community Support 115826  
and Rental Assistance, may be used by the Director of 115827  
Developmental Disabilities to provide funding to county boards of 115828  
developmental disabilities for rental assistance to individuals 115829  
with developmental disabilities receiving home and community-based 115830  
services as defined in section 5123.01 of the Revised Code 115831  
pursuant to section 5124.60 of the Revised Code or section 5124.69 115832  
of the Revised Code and to former residents of a developmental 115833  
center. The director shall establish the methodology for 115834  
determining the amount and distribution of such funding. 115835

**Section 259.290. MEDICAID RATES FOR SHELTERED WORKSHOP 115836  
SERVICES** 115837

The Medicaid payment rates for adult day services provided by 115838  
sheltered workshops during the period beginning July 1, 2015, and 115839  
ending June 30, 2017, under a Medicaid waiver component 115840  
administered by the Department of Developmental Disabilities shall 115841  
be not less than Medicaid payment rates for those services in 115842  
effect on June 30, 2015. 115843

**Section 261.10. OBD OHIO BOARD OF DIETETICS** 115844

Dedicated Purpose Fund Group				115845
4K90 860609 Operating Expenses	\$	362,872	\$ 371,779	115846
TOTAL DPF Dedicated Purpose Fund				115847
Group	\$	362,872	\$ 371,779	115848
TOTAL ALL BUDGET FUND GROUPS	\$	362,872	\$ 371,779	115849

**Section 263.10. EDU DEPARTMENT OF EDUCATION** 115851

General Revenue Fund					115852	
GRF 200321	Operating Expenses	\$	13,967,708	\$	14,267,708	115853
GRF 200408	Early Childhood Education	\$	60,268,341	\$	70,268,341	115854
GRF 200420	Information Technology Development and Support	\$	3,841,296	\$	3,841,296	115855
GRF 200421	Alternative Education Programs	\$	10,753,998	\$	10,753,998	115856
GRF 200422	School Management Assistance	\$	3,000,000	\$	3,000,000	115857
GRF 200424	Policy Analysis	\$	428,558	\$	428,558	115858
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542	115859
GRF 200426	Ohio Educational Computer Network	\$	16,200,000	\$	16,200,000	115860
GRF 200427	Academic Standards	\$	3,800,000	\$	3,800,000	115861
GRF 200437	Student Assessment	\$	60,241,438	\$	59,830,050	115862
GRF 200439	Accountability/Report Cards	\$	4,897,310	\$	4,897,310	115863
GRF 200442	Child Care Licensing	\$	1,822,500	\$	1,822,500	115864
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	115865
GRF 200447	GED Testing	\$	324,000	\$	324,000	115866
GRF 200448	Educator Preparation	\$	1,689,237	\$	1,689,237	115867
GRF 200455	Community Schools and Choice Programs	\$	3,651,395	\$	3,731,395	115868
GRF 200457	STEM Initiatives	\$	150,000	\$	0	115869
GRF 200465	Education Technology Resources	\$	3,170,976	\$	3,170,976	115870
GRF 200502	Pupil Transportation	\$	567,723,920	\$	603,486,409	115871
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	115872
GRF 200511	Auxiliary Services	\$	144,254,342	\$	149,909,112	115873

GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 65,165,374	\$ 67,719,856	115874
GRF 200540	Special Education Enhancements	\$ 162,871,292	\$ 162,871,292	115875
GRF 200545	Career-Technical Education Enhancements	\$ 11,922,418	\$ 11,947,418	115876
GRF 200550	Foundation Funding	\$ 6,398,844,920	\$ 6,655,755,799	115877
GRF 200566	Literacy Improvement	\$ 750,000	\$ 750,000	115878
GRF 200572	Adult Diploma	\$ 3,750,000	\$ 5,000,000	115879
GRF 200573	EdChoice Expansion	\$ 23,500,000	\$ 31,500,000	115880
GRF 200574	Half-Mill Maintenance Equalization	\$ 18,750,000	\$ 19,250,000	115881
GRF 200576	Adaptive Sports Program	\$ 50,000	\$ 50,000	115882
GRF 200588	Competency Based Education Pilot	\$ 1,000,000	\$ 1,000,000	115883
GRF 200597	Education Program Support	\$ 2,250,000	\$ 2,000,000	115884
TOTAL GRF	General Revenue Fund	\$ 7,605,232,635	\$ 7,925,458,867	115885
	Dedicated Purpose Fund Group			115886
4520 200638	Fees and Refunds	\$ 1,000,000	\$ 1,000,000	115887
4540 200610	GED Testing	\$ 250,000	\$ 250,000	115888
4550 200608	Commodity Foods	\$ 24,000,000	\$ 24,000,000	115889
4L20 200681	Teacher Certification and Licensure	\$ 14,150,000	\$ 14,250,000	115890
5980 200659	Auxiliary Services Reimbursement	\$ 1,328,910	\$ 1,328,910	115891
5H30 200687	School District Solvency Assistance	\$ 10,000,000	\$ 10,000,000	115892
5KX0 200691	Ohio School Sponsorship Program	\$ 487,419	\$ 528,600	115893
5MM0 200677	Child Nutrition	\$ 550,000	\$ 550,000	115894

		Refunds				
5RB0	200644	Straight A Fund	\$	27,250,000	\$	15,000,000 115895
5RE0	200697	School District TPP	\$	50,600,000	\$	78,300,000 115896
		Supplement				
5U20	200685	National Education	\$	300,000	\$	300,000 115897
		Statistics				
6200	200615	Educational	\$	175,000	\$	175,000 115898
		Improvement Grants				
TOTAL DPF		Dedicated Purpose Fund	\$	130,091,329	\$	145,682,510 115899
Group						
Internal Service Activity Fund Group						115900
1380	200606	Information	\$	6,850,090	\$	6,850,090 115901
		Technology				
		Development and				
		Support				
4R70	200695	Indirect Operational	\$	7,600,000	\$	7,600,000 115902
		Support				
4V70	200633	Interagency Program	\$	500,000	\$	500,000 115903
		Support				
TOTAL ISA		Internal Service Activity				115904
Fund Group			\$	14,950,090	\$	14,950,090 115905
State Lottery Fund Group						115906
7017	200612	Foundation Funding	\$	987,650,000	\$	1,042,700,000 115907
7017	200629	Community Connectors	\$	10,000,000	\$	10,000,000 115908
7017	200684	Community School	\$	14,900,000	\$	20,700,000 115909
		Facilities				
TOTAL SLF		State Lottery				115910
Fund Group			\$	1,012,550,000	\$	1,073,400,000 115911
Federal Fund Group						115912
3090	200601	Neglected and	\$	1,600,000	\$	1,600,000 115913
		Delinquent Education				
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517 115914

3700	200624	Education of Exceptional Children	\$	1,702,040	\$	1,274,040	115915
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	115916
3AN0	200671	School Improvement Grants	\$	32,400,000	\$	32,400,000	115917
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	115918
3CG0	200646	Teacher Incentive	\$	12,500,000	\$	200,000	115919
3D10	200664	Drug Free Schools	\$	521,000	\$	282,000	115920
3D20	200667	Math Science Partnerships	\$	7,500,000	\$	7,500,000	115921
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	115922
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	115923
3EK0	200637	Advanced Placement	\$	432,444	\$	498,484	115924
3FD0	200665	Race to the Top	\$	12,000,000	\$	0	115925
3FN0	200672	Early Learning Challenge - Race to the Top	\$	8,000,000	\$	3,400,000	115926
3GE0	200674	Summer Food Service Program	\$	14,423,915	\$	14,856,635	115927
3GF0	200675	Miscellaneous Nutrition Grants	\$	3,000,000	\$	3,000,000	115928
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,026,545	\$	5,177,340	115929
3GP0	200600	School Climate Transformation	\$	252,420	\$	252,420	115930
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423	115931
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	115932
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860	115933
3L70	200618	Federal School	\$	117,332,605	\$	122,025,909	115934

		Breakfast				
3L80	200619	Child/Adult Food	\$	113,508,500	\$	116,913,755 115935
		Programs				
3L90	200621	Career-Technical	\$	44,663,900	\$	44,663,900 115936
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	590,000,000	\$	600,000,000 115937
3M20	200680	Individuals with	\$	444,000,000	\$	445,000,000 115938
		Disabilities				
		Education Act				
3Y20	200688	21st Century	\$	50,000,000	\$	50,000,000 115939
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	90,000,000	\$	90,000,000 115940
		Quality				
3Y70	200689	English Language	\$	10,101,411	\$	10,101,411 115941
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,300,000	\$	3,300,000 115942
		Technical Assistance				
3Z20	200690	State Assessments	\$	10,263,000	\$	10,263,000 115943
3Z30	200645	Consolidated Federal	\$	10,000,000	\$	10,000,000 115944
		Grant Administration				
TOTAL FED	Federal Fund Group		\$	1,986,665,123	\$	1,988,559,443 115945
TOTAL ALL BUDGET FUND GROUPS			\$	10,749,489,177	\$	11,148,050,910 115946

**Section 263.20. OPERATING EXPENSES** 115948

A portion of the foregoing appropriation item 200321, 115949  
 Operating Expenses, shall be used by the Department of Education 115950  
 to provide matching funds under 20 U.S.C. 2321. 115951

**EARLY CHILDHOOD EDUCATION** 115952

The Department of Education shall distribute the foregoing 115953  
 appropriation item 200408, Early Childhood Education, to pay the 115954  
 costs of early childhood education programs. The Department shall 115955

distribute such funds directly to qualifying providers. 115956

(A) As used in this section: 115957

(1) "Provider" means a city, local, exempted village, or 115958  
joint vocational school district; an educational service center; a 115959  
community school sponsored by an exemplary sponsor; a chartered 115960  
nonpublic school; an early childhood education child care provider 115961  
licensed under Chapter 5104. of the Revised Code that participates 115962  
in and meets at least the third highest tier of the Step Up to 115963  
Quality program established pursuant to section 5104.29 of the 115964  
Revised Code; or a combination of entities described in this 115965  
paragraph. 115966

(2) In the case of a city, local, or exempted village school 115967  
district or early childhood education child care provider licensed 115968  
under Chapter 5104. of the Revised Code, "new eligible provider" 115969  
means a provider that did not receive state funding for Early 115970  
Childhood Education in the previous fiscal year or demonstrates a 115971  
need for early childhood programs as defined in division (D) of 115972  
this section. 115973

(3) In the case of a community school, "new eligible 115974  
provider" means any of the following: 115975

(a) A community school established under Chapter 3314. of the 115976  
Revised Code that is sponsored by a sponsor rated "exemplary" in 115977  
accordance with section 3314.016 of the Revised Code that offers a 115978  
child care program in accordance with sections 3301.50 to 3301.59 115979  
of the Revised Code that did not receive state funding for Early 115980  
Childhood Education in the previous fiscal year; 115981

(b) A community school established under Chapter 3314. of the 115982  
Revised Code that satisfies all of the following criteria: 115983

(i) It has received, on its most recent report card, either 115984  
of the following: 115985

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 115986  
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(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 115991  
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(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 115995  
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(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 115997  
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(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section. 115999  
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(4) "Eligible child," between July 1, 2015 and June 30, 2016, means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive 116009  
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environment may be enrolled on their third birthday. 116017

(5) "Eligible child," beginning July 1, 2016, means a child 116018  
who is at least four years of age as of the district entry date 116019  
for kindergarten, is not of the age to be eligible for 116020  
kindergarten, and whose family earns not more than two hundred per 116021  
cent of the federal poverty guidelines as defined in division 116022  
(A)(3) of section 5101.46 of the Revised Code. Children with an 116023  
Individualized Education Program and where the Early Childhood 116024  
Education program is the least restrictive environment may be 116025  
enrolled on their fourth birthday. 116026

(6) "Early learning program standards" means early learning 116027  
program standards for school readiness developed by the Department 116028  
to assess the operation of early learning and development 116029  
programs. 116030

(7) "Early learning and development programs" has the same 116031  
meaning as section 5104.29 of the Revised Code. 116032

(B) In each fiscal year, up to two per cent of the total 116033  
appropriation may be used by the Department for program support 116034  
and technical assistance. The Department shall distribute the 116035  
remainder of the appropriation in each fiscal year to serve 116036  
eligible children. 116037

(C) The Department shall provide an annual report to the 116038  
Governor, the Speaker of the House of Representatives, and the 116039  
President of the Senate and post the report to the Department's 116040  
web site, regarding early childhood education programs operated 116041  
under this section and the early learning program standards. 116042

(D) After setting aside the amounts to make payments due from 116043  
the previous fiscal year, in fiscal year 2016, the Department 116044  
shall distribute funds first to recipients of funds for early 116045  
childhood education programs under Section 263.20 of Am. Sub. H.B. 116046  
59 of the 130th General Assembly in the previous fiscal year and 116047

the balance to new eligible providers of early childhood education 116048  
programs or to existing providers to serve more eligible children 116049  
pursuant to division (E) of this section or for purposes of 116050  
program expansion, improvement, or special projects to promote 116051  
quality and innovation. 116052

After setting aside the amounts to make payments due from the 116053  
previous fiscal year, in fiscal year 2017, the Department shall 116054  
distribute funds first to providers of early childhood education 116055  
programs under this section in the previous fiscal year and the 116056  
balance to new eligible providers or to existing providers to 116057  
serve more eligible children as outlined under division (E) of 116058  
this section or for purposes of program expansion, improvement, or 116059  
special projects to promote quality and innovation. 116060

(E)(1) The Department shall distribute any new or remaining 116061  
funding to existing providers of early childhood education 116062  
programs or any new eligible providers in an effort to invest in 116063  
high quality early childhood programs where there is a need as 116064  
determined by the Department. The Department shall distribute the 116065  
new or remaining funds to existing providers of early childhood 116066  
education programs or any new eligible providers to serve 116067  
additional eligible children based on community economic 116068  
disadvantage, limited access to high quality preschool or 116069  
childcare services, and demonstration of high quality preschool 116070  
services as determined by the Department using new metrics 116071  
developed pursuant to Ohio's Race to the Top—Early Learning 116072  
Challenge Grant, awarded to the Department in December 2011. 116073

(2) Awards under divisions (D) and (E) of this section shall 116074  
be distributed on a per-pupil basis, and in accordance with 116075  
division (I) of this section. The Department may adjust the 116076  
per-pupil amount so that the per-pupil amount multiplied by the 116077  
number of eligible children enrolled and receiving services on the 116078  
first day of December or the business day closest to that date 116079

equals the amount allocated under this section. 116080

(F) Costs for developing and administering an early childhood 116081  
education program may not exceed fifteen per cent of the total 116082  
approved costs of the program. 116083

All providers shall maintain such fiscal control and 116084  
accounting procedures as may be necessary to ensure the 116085  
disbursement of, and accounting for, these funds. The control of 116086  
funds provided in this program, and title to property obtained, 116087  
shall be under the authority of the approved provider for purposes 116088  
provided in the program unless, as described in division (K) of 116089  
this section, the program waives its right for funding or a 116090  
program's funding is eliminated or reduced due to its inability to 116091  
meet financial or early learning program standards. The approved 116092  
provider shall administer and use such property and funds for the 116093  
purposes specified. 116094

(G) The Department may examine a provider's financial and 116095  
program records. If the financial practices of the program are not 116096  
in accordance with standard accounting principles or do not meet 116097  
financial standards outlined under division (F) of this section, 116098  
or if the program fails to substantially meet the early learning 116099  
program standards, meet a quality rating level in the Step Up to 116100  
Quality program established pursuant to section 5104.29 of the 116101  
Revised Code as prescribed by the Department, or exhibits below 116102  
average performance as measured against the standards, the early 116103  
childhood education program shall propose and implement a 116104  
corrective action plan that has been approved by the Department. 116105  
The approved corrective action plan shall be signed by the chief 116106  
executive officer and the executive of the official governing body 116107  
of the provider. The corrective action plan shall include a 116108  
schedule for monitoring by the Department. Such monitoring may 116109  
include monthly reports, inspections, a timeline for correction of 116110  
deficiencies, and technical assistance to be provided by the 116111

Department or obtained by the early childhood education program. 116112  
The Department may withhold funding pending corrective action. If 116113  
an early childhood education program fails to satisfactorily 116114  
complete a corrective action plan, the Department may deny 116115  
expansion funding to the program or withdraw all or part of the 116116  
funding to the program and establish a new eligible provider 116117  
through a selection process established by the Department. 116118

(H)(1) If the early childhood education program is licensed 116119  
by the Department of Education and is not highly rated, as 116120  
determined by the Director of Job and Family Services, under the 116121  
Step Up to Quality program established pursuant to section 5104.29 116122  
of the Revised Code, the program shall do all of the following: 116123

(a) Meet teacher qualification requirements prescribed by 116124  
section 3301.311 of the Revised Code; 116125

(b) Align curriculum to the early learning content standards 116126  
developed by the Department; 116127

(c) Meet any child or program assessment requirements 116128  
prescribed by the Department; 116129

(d) Require teachers, except teachers enrolled and working to 116130  
obtain a degree pursuant to section 3301.311 of the Revised Code, 116131  
to attend a minimum of twenty hours every two years of 116132  
professional development as prescribed by the Department; 116133

(e) Document and report child progress as prescribed by the 116134  
Department; 116135

(f) Meet and report compliance with the early learning 116136  
program standards as prescribed by the Department; 116137

(g) Participate in the Step Up to Quality program established 116138  
pursuant to section 5104.29 of the Revised Code. Effective July 1, 116139  
2016, all programs shall be rated through the program. 116140

(2) If the program is highly rated, as determined by the 116141

Director of Job and Family Services, under the Step Up to Quality 116142  
program established pursuant to section 5104.29 of the Revised 116143  
Code, the program shall comply with the requirements of that 116144  
program. 116145

(I) Per-pupil funding for programs subject to this section 116146  
shall be sufficient to provide eligible children with services for 116147  
a standard early childhood schedule which shall be defined in this 116148  
section as a minimum of twelve and one-half hours per school week 116149  
as defined in section 3313.62 of the Revised Code for the minimum 116150  
school year as defined in sections 3313.48, 3313.481, and 3313.482 116151  
of the Revised Code. Beginning on July 1, 2016, nothing in this 116152  
section shall be construed to prohibit program providers from 116153  
utilizing other funds to serve eligible children in programs that 116154  
exceed the twelve and one-half hours per week or that exceed the 116155  
minimum school year. For any provider for which a standard early 116156  
childhood education schedule creates a hardship or for which the 116157  
provider shows evidence that the provider is working in 116158  
collaboration with a preschool special education program, the 116159  
provider may submit a waiver to the Department requesting an 116160  
alternate schedule. If the Department approves a waiver for an 116161  
alternate schedule that provides services for less time than the 116162  
standard early childhood education schedule, the Department may 116163  
reduce the provider's annual allocation proportionately. Under no 116164  
circumstances shall an annual allocation be increased because of 116165  
the approval of an alternate schedule. 116166

(J) For fiscal year 2016, each provider shall develop a 116167  
sliding fee scale based on family incomes and shall charge 116168  
families who earn more than two hundred per cent of the federal 116169  
poverty guidelines, as defined in division (A)(3) of section 116170  
5101.46 of the Revised Code, for the early childhood education 116171  
program. 116172

The Department shall conduct an annual survey of each 116173

provider to determine whether the provider charges families 116174  
tuition or fees, the amount families are charged relative to 116175  
family income levels, and the number of families and students 116176  
charged tuition and fees for the early childhood program. 116177

(K) If an early childhood education program voluntarily 116178  
waives its right for funding, or has its funding eliminated for 116179  
not meeting financial standards or the early learning program 116180  
standards, the provider shall transfer control of title to 116181  
property, equipment, and remaining supplies obtained through the 116182  
program to providers designated by the Department and return any 116183  
unexpended funds to the Department along with any reports 116184  
prescribed by the Department. The funding made available from a 116185  
program that waives its right for funding or has its funding 116186  
eliminated or reduced may be used by the Department for new grant 116187  
awards or expansion grants. The Department may award new grants or 116188  
expansion grants to eligible providers who apply. The eligible 116189  
providers who apply must do so in accordance with the selection 116190  
process established by the Department. 116191

(L) Eligible expenditures for the Early Childhood Education 116192  
Program shall be claimed each fiscal year to help meet the state's 116193  
TANF maintenance of effort requirement. The Superintendent of 116194  
Public Instruction and the Director of Job and Family Services 116195  
shall enter into an interagency agreement to carry out the 116196  
requirements under this division, which shall include developing 116197  
reporting guidelines for these expenditures. 116198

(M)(1) For fiscal year 2017, the Department of Education and 116199  
the Department of Job and Family Services shall establish the 116200  
following in common between early childhood education programs and 116201  
publicly funded child care: 116202

(a) An application; 116203

(b) Program eligibility; 116204

(c) Funding;	116205
(d) An attendance policy;	116206
(e) An attendance tracking system.	116207
(2) Beginning July 1, 2016, in accordance with section	116208
5104.34 of the Revised Code, eligible families may receive	116209
publicly funded child care beyond the standard early childhood	116210
schedule defined in division (I) of this section.	116211
(3) All providers, agencies, and school districts	116212
participating in the early childhood education program or	116213
providing care to eligible families beyond the standard early	116214
childhood schedule shall follow the common policies established	116215
under this division.	116216
<b>Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND</b>	116217
<b>SUPPORT</b>	116218
The foregoing appropriation item 200420, Information	116219
Technology Development and Support, shall be used to support the	116220
development and implementation of information technology solutions	116221
designed to improve the performance and services of the Department	116222
of Education. Funds may be used for personnel, maintenance, and	116223
equipment costs related to the development and implementation of	116224
these technical system projects. Implementation of these systems	116225
shall allow the Department to provide greater levels of assistance	116226
to school districts and to provide more timely information to the	116227
public, including school districts, administrators, and	116228
legislators. Funds may also be used to support data-driven	116229
decision-making and differentiated instruction, as well as to	116230
communicate academic content standards and curriculum models to	116231
schools through web-based applications.	116232
<b>Section 263.40. ALTERNATIVE EDUCATION PROGRAMS</b>	116233

Of the foregoing appropriation item 200421, Alternative 116234  
Education Programs, up to \$2,500,000 in each fiscal year shall be 116235  
used to make payments under sections 3314.38, 3317.23, 3317.24, 116236  
and 3345.86 of the Revised Code, as amended by this act. 116237

Of the foregoing appropriation item 200421, Alternative 116238  
Education Programs, \$500,000 in each fiscal year shall be used to 116239  
support Jobs for Ohio's Graduates. 116240

Of the foregoing appropriation item 200421, Alternative 116241  
Education Programs, up to \$350,000 in each fiscal year may be used 116242  
to support the clearinghouse for the identification of and 116243  
intervention for at-risk students required under section 3301.28 116244  
of the Revised Code. 116245

The remainder of appropriation item 200421, Alternative 116246  
Education Programs, shall be used for the renewal of successful 116247  
implementation grants and for competitive matching grants to 116248  
school districts for alternative educational programs for existing 116249  
and new at-risk and delinquent youth. Programs shall be focused on 116250  
youth in one or more of the following categories: those who have 116251  
been expelled or suspended, those who have dropped out of school 116252  
or who are at risk of dropping out of school, those who are 116253  
habitually truant or disruptive, or those on probation or on 116254  
parole from a Department of Youth Services facility. Grants shall 116255  
be awarded only to programs in which the grant will not serve as 116256  
the program's primary source of funding. These grants shall be 116257  
administered by the Department of Education. 116258

The Department of Education may waive compliance with any 116259  
minimum education standard established under section 3301.07 of 116260  
the Revised Code for any alternative school that receives a grant 116261  
under this section on the grounds that the waiver will enable the 116262  
program to more effectively educate students enrolled in the 116263  
alternative school. 116264



Of the foregoing appropriation item 200421, Alternative 116265  
Education Programs, a portion may be used for program 116266  
administration, monitoring, technical assistance, support, 116267  
research, and evaluation. 116268

**Section 263.50.** SCHOOL MANAGEMENT ASSISTANCE 116269

Of the foregoing appropriation item 200422, School Management 116270  
Assistance, \$1,000,000 in each fiscal year shall be used by the 116271  
Auditor of State in consultation with the Department of Education 116272  
for expenses incurred in the Auditor of State's role relating to 116273  
fiscal caution, fiscal watch, and fiscal emergency activities as 116274  
defined in Chapter 3316. of the Revised Code, unless an amount 116275  
less than \$1,000,000 is needed and mutually agreed to by the 116276  
Department and the Auditor of State. This set-aside may also be 116277  
used by the Auditor of State to conduct performance audits of 116278  
other school districts with priority given to districts in fiscal 116279  
distress. Districts in fiscal distress shall be determined by the 116280  
Auditor of State and shall include districts that the Auditor of 116281  
State, in consultation with the Department of Education, 116282  
determines are employing fiscal practices or experiencing 116283  
budgetary conditions that could produce a state of fiscal watch or 116284  
fiscal emergency. 116285

The remainder of appropriation item 200422, School Management 116286  
Assistance, shall be used by the Department of Education to 116287  
provide fiscal technical assistance and inservice education for 116288  
school district management personnel and to administer, monitor, 116289  
and implement the fiscal caution, fiscal watch, and fiscal 116290  
emergency provisions under Chapter 3316. of the Revised Code. 116291

**Section 263.60.** POLICY ANALYSIS 116292

The foregoing appropriation item 200424, Policy Analysis, 116293  
shall be used by the Department of Education to support a system 116294

of administrative, statistical, and legislative education 116295  
information to be used for policy analysis. Staff supported by 116296  
this appropriation shall administer the development of reports, 116297  
analyses, and briefings to inform education policymakers of 116298  
current trends in education practice, efficient and effective use 116299  
of resources, and evaluation of programs to improve education 116300  
results. A portion of these funds shall be used to maintain a 116301  
longitudinal database to support the assessment of the impact of 116302  
policies and programs on Ohio's education and workforce 116303  
development systems. The research efforts supported by this 116304  
appropriation item shall be used to supply information and 116305  
analysis of data to and in consultation with the General Assembly 116306  
and other state policymakers, including the Office of Budget and 116307  
Management, the Governor's Office of 21st Century Education, and 116308  
the Legislative Service Commission. 116309

The Department of Education may use funding from this 116310  
appropriation item to purchase or contract for the development of 116311  
software systems or contract for policy studies that will assist 116312  
in the provision and analysis of policy-related information. 116313  
Funding from this appropriation item also may be used to monitor 116314  
and enhance quality assurance for research-based policy analysis 116315  
and program evaluation to enhance the effective use of education 116316  
information to inform education policymakers. 116317

TECH PREP CONSORTIA SUPPORT 116318

The foregoing appropriation item 200425, Tech Prep Consortia 116319  
Support, shall be used by the Department of Education to support 116320  
state-level activities designed to support, promote, and expand 116321  
tech prep programs. Use of these funds shall include, but not be 116322  
limited to, administration of grants, program evaluation, 116323  
professional development, curriculum development, assessment 116324  
development, program promotion, communications, and statewide 116325  
coordination of tech prep consortia. 116326

**Section 263.70.** OHIO EDUCATIONAL COMPUTER NETWORK 116327

The foregoing appropriation item 200426, Ohio Educational 116328  
Computer Network, shall be used by the Department of Education to 116329  
maintain a system of information technology throughout Ohio and to 116330  
provide technical assistance for such a system in support of the 116331  
P-16 State Education Technology Plan developed under section 116332  
3353.09 of the Revised Code. 116333

Of the foregoing appropriation item 200426, Ohio Educational 116334  
Computer Network, up to \$10,000,000 in each fiscal year shall be 116335  
used by the Department of Education to support connection of all 116336  
public school buildings and participating chartered nonpublic 116337  
schools to the state's education network, to each other, and to 116338  
the Internet. In each fiscal year the Department of Education 116339  
shall use these funds to assist information technology centers or 116340  
school districts with the operational costs associated with this 116341  
connectivity. The Department of Education shall develop a formula 116342  
and guidelines for the distribution of these funds to information 116343  
technology centers or individual school districts. As used in this 116344  
section, "public school building" means a school building of any 116345  
city, local, exempted village, or joint vocational school 116346  
district, any community school established under Chapter 3314. of 116347  
the Revised Code, any college preparatory boarding school 116348  
established under Chapter 3328. of the Revised Code, any STEM 116349  
school established under Chapter 3326. of the Revised Code, any 116350  
educational service center building used for instructional 116351  
purposes, the Ohio School for the Deaf and the Ohio School for the 116352  
Blind, high schools chartered by the Ohio Department of Youth 116353  
Services, or high schools operated by Ohio Department of 116354  
Rehabilitation and Corrections' Ohio Central School System. 116355

Of the foregoing appropriation item 200426, Ohio Educational 116356  
Computer Network, up to \$5,000,000 in each fiscal year shall be 116357

used, through a formula and guidelines devised by the Department, 116358  
to subsidize the activities of designated information technology 116359  
centers, as defined by State Board of Education rules, to provide 116360  
school districts and chartered nonpublic schools with 116361  
computer-based student and teacher instructional and 116362  
administrative information services, including approved 116363  
computerized financial accounting, and to ensure the effective 116364  
operation of local automated administrative and instructional 116365  
systems. 116366

The remainder of appropriation item 200426, Ohio Educational 116367  
Computer Network, shall be used to support the work of the 116368  
development, maintenance, and operation of a network of uniform 116369  
and compatible computer-based information and instructional 116370  
systems as well as the teacher student linkage/roster verification 116371  
process and the eTranscript/student records exchange initiative. 116372  
This technical assistance shall include, but not be restricted to, 116373  
development and maintenance of adequate computer software systems 116374  
to support network activities. In order to improve the efficiency 116375  
of network activities, the Department and information technology 116376  
centers may jointly purchase equipment, materials, and services 116377  
from funds provided under this appropriation for use by the 116378  
network and, when considered practical by the Department, may 116379  
utilize the services of appropriate state purchasing agencies. 116380

**Section 263.80. ACADEMIC STANDARDS** 116381

The foregoing appropriation item 200427, Academic Standards, 116382  
shall be used by the Department of Education to develop and 116383  
communicate to school districts academic content standards and 116384  
curriculum models and to develop professional development programs 116385  
and other tools on the new content standards and model curriculum. 116386

**Section 263.90. STUDENT ASSESSMENT** 116387

Of the foregoing appropriation item 200437, Student 116388  
Assessment, up to \$1,206,000 in fiscal year 2016 and up to 116389  
\$2,760,000 in fiscal year 2017 may be used to support the 116390  
assessments required under section 3301.0715 of the Revised Code. 116391

The remainder of appropriation item 200437, Student 116392  
Assessment, shall be used to develop, field test, print, 116393  
distribute, score, report results, and support other associated 116394  
costs for the tests required under sections 3301.0710, 3301.0711, 116395  
and 3301.0712 of the Revised Code and for similar purposes as 116396  
required by section 3301.27 of the Revised Code. The funds may 116397  
also be used to update and develop diagnostic assessments required 116398  
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 116399  
Code. 116400

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 116401  
ASSESSMENT 116402

In fiscal year 2016 and fiscal year 2017, if the 116403  
Superintendent of Public Instruction determines that additional 116404  
funds are needed to fully fund the requirements of sections 116405  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 116406  
and this act for assessments of student performance, the 116407  
Superintendent of Public Instruction may recommend the 116408  
reallocation of unexpended and unencumbered General Revenue Fund 116409  
appropriations within the Department of Education to appropriation 116410  
item 200437, Student Assessment, to the Director of Budget and 116411  
Management. If the Director of Budget and Management determines 116412  
that such a reallocation is required, the Director of Budget and 116413  
Management may transfer unexpended and unencumbered appropriations 116414  
within the Department of Education as necessary to appropriation 116415  
item 200437, Student Assessment. If these transferred 116416  
appropriations are not sufficient to fully fund the assessment 116417  
requirements in fiscal year 2016 or fiscal year 2017, the 116418  
Superintendent of Public Instruction may request that the 116419

Controlling Board transfer up to \$9,000,000 cash from the Lottery Profits Education Reserve Fund (Fund 7018) to the General Revenue Fund. Upon approval of the Controlling Board, the Director of Budget and Management shall transfer the cash. These transferred funds are hereby appropriated for the same purpose as appropriation item 200437, Student Assessment.

**Section 263.100. ACCOUNTABILITY/REPORT CARDS**

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A portion of this funding may be provided to a credible nonprofit organization with expertise in value-added progress dimensions.

The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department to incorporate a statewide value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards, funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code, the development and maintenance of teacher value-added reports, the teacher student linkage/roster verification process, and the performance management section of the Department's web site required by section 3302.26 of the Revised Code.

CHILD CARE LICENSING 116451

The foregoing appropriation item 200442, Child Care 116452  
Licensing, shall be used by the Department of Education to license 116453  
and to inspect preschool and school-age child care programs under 116454  
sections 3301.52 to 3301.59 of the Revised Code. 116455

**Section 263.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 116456

The foregoing appropriation item 200446, Education Management 116457  
Information System, shall be used by the Department of Education 116458  
to improve the Education Management Information System (EMIS). 116459

Of the foregoing appropriation item 200446, Education 116460  
Management Information System, up to \$725,000 in each fiscal year 116461  
shall be distributed to designated information technology centers 116462  
for costs relating to processing, storing, and transferring data 116463  
for the effective operation of the EMIS. These costs may include, 116464  
but are not limited to, personnel, hardware, software development, 116465  
communications connectivity, professional development, and support 116466  
services, and to provide services to participate in the State 116467  
Education Technology Plan developed under section 3353.09 of the 116468  
Revised Code. 116469

The remainder of appropriation item 200446, Education 116470  
Management Information System, shall be used to develop and 116471  
support the data definitions and standards adopted by the 116472  
Education Management Information System Advisory Board, including 116473  
the ongoing development and maintenance of the data dictionary and 116474  
data warehouse. In addition, such funds shall be used to support 116475  
the development and implementation of data standards; the design, 116476  
development, and implementation of a new data exchange system; and 116477  
responsibilities related to the school report cards prescribed by 116478  
section 3302.03 of the Revised Code and value-added progress 116479  
dimension calculations. 116480

Any provider of software meeting the standards approved by 116481  
the Education Management Information System Advisory Board shall 116482  
be designated as an approved vendor and may enter into contracts 116483  
with local school districts, community schools, STEMS schools, 116484  
information technology centers, or other educational entities for 116485  
the purpose of collecting and managing data required under Ohio's 116486  
education management information system (EMIS) laws. On an annual 116487  
basis, the Department of Education shall convene an advisory group 116488  
of school districts, community schools, and other 116489  
education-related entities to review the Education Management 116490  
Information System data definitions and data format standards. The 116491  
advisory group shall recommend changes and enhancements based upon 116492  
surveys of its members, education agencies in other states, and 116493  
current industry practices, to reflect best practices, align with 116494  
federal initiatives, and meet the needs of school districts. 116495

School districts, STEM schools, and community schools not 116496  
implementing a uniform set of data definitions and data format 116497  
standards for Education Management Information System purposes 116498  
shall have all EMIS funding withheld until they are in compliance. 116499

**Section 263.120. GED TESTING** 116500

The foregoing appropriation item 200447, GED Testing, shall 116501  
be used to provide General Educational Development (GED) testing 116502  
under rules adopted by the State Board of Education and provide 116503  
support to GED testing sites. 116504

**Section 263.130. EDUCATOR PREPARATION** 116505

Of the foregoing appropriation item 200448, Educator 116506  
Preparation, up to \$500,000 in each fiscal year may be used by the 116507  
Department of Education to monitor and support Ohio's State System 116508  
of Support in accordance with the "No Child Left Behind Act of 116509  
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 116510



and Secondary Education Act flexibility waivers approved for Ohio 116511  
by the United States Department of Education. 116512

Of the foregoing appropriation item 200448, Educator 116513  
Preparation, up to \$100,000 in each fiscal year may be used by the 116514  
Department to support the Educator Standards Board under section 116515  
3319.61 of the Revised Code and reforms under sections 3302.042, 116516  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 116517  
3319.58 of the Revised Code. 116518

Of the foregoing appropriation item 200448, Educator 116519  
Preparation, \$125,000 in each fiscal year shall be used for the 116520  
Ohio Appalachian Teaching Fellowship. The State Superintendent of 116521  
Public Instruction shall select a nonprofit education organization 116522  
with diverse experience in teacher, leader, and system development 116523  
in school districts across the country, including experience 116524  
working with schools in the Appalachian region to lead and manage 116525  
the fellowship. The fellowship shall provide funding to assist 116526  
with the costs of college tuition, instructional materials, and 116527  
fees for exceptional students who want to teach in the Appalachian 116528  
region of Ohio following college graduation. Fellows shall be 116529  
selected during their senior year of high school. The nonprofit 116530  
organization shall provide enrichment activities to supplement the 116531  
fellows' educational experiences to prepare the future teachers 116532  
for the unique challenges of teaching in the Appalachian region. 116533  
Students who participate in the fellowship shall agree to teach in 116534  
the Appalachian region of Ohio for at least four years following 116535  
college graduation. 116536

The remainder of the foregoing appropriation item 200448, 116537  
Educator Preparation, may be used for implementation of teacher 116538  
and principal evaluation systems, including incorporation of 116539  
student growth as a metric in those systems, and teacher 116540  
value-added reports. 116541

**Section 263.140.** COMMUNITY SCHOOLS AND CHOICE PROGRAMS 116542

The foregoing appropriation item 200455, Community Schools 116543  
and Choice Programs, may be used by the Department of Education 116544  
for operation of the school choice programs. 116545

Of the foregoing appropriation item 200455, Community Schools 116546  
and Choice Programs, a portion in each fiscal year may be used by 116547  
the Department of Education for developing and conducting training 116548  
sessions for community schools and sponsors and prospective 116549  
sponsors of community schools as prescribed in division (A)(1) of 116550  
section 3314.015 of the Revised Code, and other schools 116551  
participating in school choice programs. 116552

STEM INITIATIVES 116553

An amount equal to the unexpended, unencumbered balances of 116554  
the GRF appropriations for the Department of Education at the end 116555  
of fiscal year 2015, but not to exceed \$600,000, is hereby 116556  
reappropriated to appropriation item 200457, STEM Initiatives, for 116557  
fiscal year 2016 for the Department of Education to provide STEM 116558  
schools with matching funds for industry workforce development 116559  
initiatives. 116560

If the unexpended, unencumbered balances reappropriated above 116561  
are less than \$600,000, the Superintendent of Public Instruction 116562  
shall identify outstanding GRF encumbrances of the Department for 116563  
fiscal year 2015 and prior fiscal years that are no longer needed 116564  
to support the obligations of the Department. On July 1, 2015, or 116565  
as soon as possible thereafter, the Superintendent shall certify 116566  
the identified encumbrances to the Director of Budget and 116567  
Management. Upon receipt of the certification, the Director of 116568  
Budget and Management shall cancel identified encumbrances in an 116569  
amount up to the difference between \$600,000 and the amount 116570  
reappropriated above. The amount of canceled encumbrances is 116571  
hereby appropriated to appropriation item 200457, STEM 116572

Initiatives, for fiscal year 2016 for the Department of Education 116573  
to provide STEM schools with matching funds for industry workforce 116574  
development initiatives. 116575

Of the foregoing appropriation item 200457, STEM Initiatives, 116576  
\$150,000 in fiscal year 2016 shall be distributed to the Lake 116577  
County Educational Service Center for a pilot project that 116578  
supports innovative STEM initiatives for middle school students in 116579  
Geauga and Lake counties affiliated with the Alliance for Working 116580  
Together. These initiatives shall provide middle school students 116581  
with early access to programming, engineering design, and 116582  
problem-solving skills, the goal of which is to build a strong 116583  
regional pipeline of future manufacturing workers who can fill 116584  
high-paying, sustainable positions in the automated manufacturing 116585  
industry. Not later than July 31, 2016, the Lake County 116586  
Educational Service Center shall submit a report that describes 116587  
the progress of the pilot project, including the number of 116588  
students participating, to the standing committees of the House of 116589  
Representatives and the Senate that are primarily responsible for 116590  
considering economic development issues. 116591

**Section 263.150.** EDUCATION TECHNOLOGY RESOURCES 116592

Of the foregoing appropriation item 200465, Education 116593  
Technology Resources, up to \$1,443,572 in each fiscal year shall 116594  
be used for the Union Catalog and InfoOhio Network and to support 116595  
the provision of electronic resources with priority given to 116596  
resources that support the teaching of state academic content 116597  
standards in all public schools. Consideration shall be given by 116598  
the Department of Education to coordinating the allocation of 116599  
these moneys with the efforts of Libraries Connect Ohio, whose 116600  
members include OhioLINK, the Ohio Public Information Network, and 116601  
the State Library of Ohio. 116602

Of the foregoing appropriation item 200465, Education 116603

Technology Resources, up to \$1,027,176 in each fiscal year shall 116604  
be used by the Department of Education to provide grants to 116605  
educational television stations working with partner education 116606  
technology centers to provide Ohio public schools with 116607  
instructional resources and services, with priority given to 116608  
resources and services aligned with state academic content 116609  
standards. Such resources and services shall be based upon the 116610  
advice and approval of the Department, based on a formula 116611  
developed in consultation with Ohio's educational television 116612  
stations and educational technology centers. 116613

The remainder of the foregoing appropriation item 200465, 116614  
Education Technology Resources, may be used to support the 116615  
training, technical support, and guidance to school districts and 116616  
public libraries in applying for federal E-Rate funds; for 116617  
oversight and guidance of school district technology plans; and 116618  
for support to district technology personnel. Funds may also be 116619  
used to support the eTranscript/student records exchange 116620  
initiative between the Department of Education and the Department 116621  
of Higher Education and the internet safety training for students, 116622  
teachers, and administrators required under the "Protecting 116623  
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 116624  
4096 (2008). 116625

**Section 263.160. PUPIL TRANSPORTATION** 116626

Of the foregoing appropriation item 200502, Pupil 116627  
Transportation, up to \$838,930 in each fiscal year may be used by 116628  
the Department of Education for training prospective and 116629  
experienced school bus drivers in accordance with training 116630  
programs prescribed by the Department. 116631

Of the foregoing appropriation item 200502, Pupil 116632  
Transportation, up to \$60,469,220 in each fiscal year may be used 116633  
by the Department of Education for special education 116634

transportation reimbursements to school districts and county DD 116635  
boards for transportation operating costs as provided in divisions 116636  
(C) and (F) of section 3317.024 of the Revised Code. 116637

Of the foregoing appropriation item 200502, Pupil 116638  
Transportation, up to \$2,500,000 in each fiscal year may be used 116639  
by the Department of Education to reimburse school districts that 116640  
make payments to parents in lieu of transportation under section 116641  
3327.02 of the Revised Code and whose transportation is not funded 116642  
under division (C) of section 3317.024 of the Revised Code. If the 116643  
parent, guardian, or other person in charge of a pupil accepts the 116644  
offer of payment in lieu of providing transportation, the school 116645  
district shall pay that parent, guardian, or other person an 116646  
amount that shall be not less than \$250 and not more than the 116647  
amount determined by the Department as the average cost of pupil 116648  
transportation for the previous school year. Payment may be 116649  
prorated if the time period involved is only a part of the school 116650  
year. 116651

The remainder of the foregoing appropriation item 200502, 116652  
Pupil Transportation, shall be used to distribute the amounts 116653  
calculated for transportation aid under divisions (E), (F), and 116654  
(G) of section 3317.0212 of the Revised Code, as amended by this 116655  
act. 116656

**Section 263.170. SCHOOL LUNCH MATCH** 116657

The foregoing appropriation item 200505, School Lunch Match, 116658  
shall be used to provide matching funds to obtain federal funds 116659  
for the school lunch program. 116660

Any remaining appropriation after providing matching funds 116661  
for the school lunch program may be used to partially reimburse 116662  
school buildings within school districts that are required to have 116663  
a school breakfast program under section 3313.813 of the Revised 116664  
Code, at a rate decided by the Department. 116665

**Section 263.180.** AUXILIARY SERVICES 116666

The foregoing appropriation item 200511, Auxiliary Services, 116667  
shall be used by the Department of Education for the purpose of 116668  
implementing section 3317.06 of the Revised Code. Of the 116669  
appropriation, up to \$2,600,000 in each fiscal year may be used 116670  
for payment of the College Credit Plus Program for nonpublic 116671  
secondary school participants. The Department shall distribute 116672  
funding according to rule 3333-1-65.8 of the Administrative Code, 116673  
adopted by the Department of Higher Education pursuant to division 116674  
(A) of section 3365.071 of the Revised Code. 116675

**Section 263.190.** NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 116676

The foregoing appropriation item 200532, Nonpublic 116677  
Administrative Cost Reimbursement, shall be used by the Department 116678  
of Education for the purpose of implementing section 3317.063 of 116679  
the Revised Code. If the appropriation is sufficient, 116680  
reimbursement payments to a nonpublic school may total up to four 116681  
hundred twenty dollars per student for each school year, 116682  
notwithstanding the restriction in section 3317.063 of the Revised 116683  
Code. 116684

**Section 263.200.** SPECIAL EDUCATION ENHANCEMENTS 116685

Of the foregoing appropriation item 200540, Special Education 116686  
Enhancements, up to \$50,000,000 in each fiscal year shall be used 116687  
to fund special education and related services at county boards of 116688  
developmental disabilities for eligible students under section 116689  
3317.20 of the Revised Code and at institutions for eligible 116690  
students under section 3317.201 of the Revised Code. If necessary, 116691  
the Department shall proportionately reduce the amount calculated 116692  
for each county board of developmental disabilities and 116693  
institution so as not to exceed the amount appropriated in each 116694  
fiscal year. 116695

Of the foregoing appropriation item 200540, Special Education 116696  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 116697  
for parent mentoring programs. 116698

Of the foregoing appropriation item 200540, Special Education 116699  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 116700  
school psychology interns. 116701

Of the foregoing appropriation item 200540, Special Education 116702  
Enhancements, the Department of Education shall transfer 116703  
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 116704  
with Disabilities Agency. The transfer shall be made via an 116705  
intrastate transfer voucher. The transferred funds shall be used 116706  
by the Opportunities for Ohioans with Disabilities Agency as state 116707  
matching funds to draw down available federal funding for 116708  
vocational rehabilitation services. Total project funding shall be 116709  
used to hire dedicated vocational rehabilitation counselors who 116710  
shall work directly with school districts to provide transition 116711  
services for students with disabilities. Services shall include 116712  
vocational rehabilitation services such as person-centered career 116713  
planning, summer work experiences, job placement, and retention 116714  
services for mutually eligible students with disabilities. 116715

The Superintendent of Public Instruction and the Executive 116716  
Director of the Opportunities for Ohioans with Disabilities Agency 116717  
shall enter into an interagency agreement that shall specify the 116718  
responsibilities of each agency under the program. Under the 116719  
interagency agreement, the Opportunities for Ohioans with 116720  
Disabilities Agency shall retain responsibility for all 116721  
nondelegable functions, including eligibility and order of 116722  
selection determination, individualized plan for employment (IPE) 116723  
approval, IPE amendments, case closure, and release of vendor 116724  
payments. 116725

Of the foregoing appropriation item 200540, Special Education 116726  
Enhancements, up to \$2,500,000 in each fiscal year shall be used 116727

by the Department of Education to build capacity to deliver a 116728  
regional system of training, support, coordination, and direct 116729  
service for secondary transition services for students with 116730  
disabilities beginning at fourteen years of age. These special 116731  
education enhancements shall support all students with 116732  
disabilities, regardless of partner agency eligibility 116733  
requirements, to provide stand-alone direct secondary transition 116734  
services by school districts. Secondary transition services shall 116735  
include, but not be limited to, job exploration counseling, 116736  
work-based learning experiences, counseling on opportunities for 116737  
enrollment in comprehensive transition or post-secondary 116738  
educational programs at institutions of higher education, 116739  
workplace readiness training to develop occupational skills, 116740  
social skills and independent living skills, and instruction in 116741  
self-advocacy. Regional training shall support the expansion of 116742  
transition to work endorsement opportunities for middle school and 116743  
secondary level special education intervention specialists in 116744  
order to develop the necessary skills and competencies to meet the 116745  
secondary transition needs of students with disabilities beginning 116746  
at fourteen years of age. 116747

The remainder of appropriation item 200540, Special Education 116748  
Enhancements, shall be distributed by the Department of Education 116749  
to school districts and institutions, as defined in section 116750  
3323.091 of the Revised Code, for preschool special education 116751  
funding under section 3317.0213 of the Revised Code. 116752

The Department may reimburse school districts and 116753  
institutions for services provided by instructional assistants, 116754  
related services as defined in rule 3301-51-11 of the 116755  
Administrative Code, physical therapy services provided by a 116756  
licensed physical therapist or physical therapist assistant under 116757  
the supervision of a licensed physical therapist as required under 116758  
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 116759



Administrative Code and occupational therapy services provided by 116760  
a licensed occupational therapist or occupational therapy 116761  
assistant under the supervision of a licensed occupational 116762  
therapist as required under Chapter 4755. of the Revised Code and 116763  
Chapter 4755-7 of the Administrative Code. Nothing in this section 116764  
authorizes occupational therapy assistants or physical therapist 116765  
assistants to generate or manage their own caseloads. 116766

The Department of Education shall require school districts, 116767  
educational service centers, county DD boards, and institutions 116768  
serving preschool children with disabilities to adhere to Ohio's 116769  
early learning program standards, participate in the Step Up to 116770  
Quality program established pursuant to section 5104.29 of the 116771  
Revised Code, and document child progress using research-based 116772  
indicators prescribed by the Department and report results 116773  
annually. The reporting dates and method shall be determined by 116774  
the Department. Effective July 1, 2018, all programs shall be 116775  
rated through the Step Up to Quality program. 116776

**Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 116777

Of the foregoing appropriation item 200545, Career-Technical 116778  
Education Enhancements, up to \$1,008,000 in each fiscal year shall 116779  
be used to fund the Ohio Career Counseling Pilot Program. The 116780  
program shall utilize Career-Technical Planning Districts to 116781  
deliver comprehensive career counseling services to students in 116782  
grades seven through twelve. 116783

(A) Participating institutions shall provide the following 116784  
services: 116785

(1) Connect students in grades seven through twelve to career 116786  
mentors from local civic and business organizations for the 116787  
purpose of exploring career options and workforce skills necessary 116788  
for success; 116789

(2) Provide students in grades nine through twelve with opportunities for experiential learning through community-based businesses and civic partnerships;	116790 116791 116792
(3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight;	116793 116794 116795 116796
(4) Offer career-focused counseling for students that include all of the following components:	116797 116798
(a) Earning college credit through the College Credit Plus Program;	116799 116800
(b) Planning for a post-secondary education;	116801
(c) Earning an industry-recognized credential or state-issued license;	116802 116803
(d) Participating in experiential learning;	116804
(e) Using the OhioMeansJobs web site; and	116805
(f) Participating in the Career Connections initiative developed by the Department of Education.	116806 116807
(B) Participating institutions shall establish participation and outcome goals for each of the activities as defined in division (A)(4) of this section. Each participating institution shall report results for each goal and provide recommendations to improve services to the Department of Education not later than sixty days after the end of the fiscal year. The Department shall compile all results and recommendations and provide a report to the Governor and General Assembly not later than October 31 following the end of each fiscal year.	116808 116809 116810 116811 116812 116813 116814 116815 116816
(C) Participating institutions shall receive the following funding in each fiscal year for the Ohio Career Counseling Pilot Program: Butler Tech Joint Vocational School District, \$393,000;	116817 116818 116819

Four County Joint Vocational School District, \$164,000; Pioneer 116820  
Career and Technology Center, \$141,000; South-Western City School 116821  
District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School 116822  
District, \$85,000; Four Cities Educational Compact, \$65,000; and 116823  
Madison Local School District in Richland County, \$50,000. 116824

(D) The Department of Education shall distribute funds to 116825  
participating institutions not later than August fifteenth of each 116826  
fiscal year. 116827

(E) Professional development and outreach for school 116828  
counselors under this section shall include how to effectively use 116829  
training and informational resources on the OhioMeansJobs K-12 web 116830  
site and shall be done in consultation with the Chancellor of 116831  
Higher Education to ensure alignment with efforts to improve the 116832  
preparation of school counselors on effective career counseling 116833  
methods. 116834

Of the foregoing appropriation item 200545, Career-Technical 116835  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 116836  
be used to fund secondary career-technical education at 116837  
institutions, the Ohio School for the Deaf, and the Ohio State 116838  
School for the Blind using a grant-based methodology, 116839  
notwithstanding section 3317.05 of the Revised Code. 116840

Of the foregoing appropriation item 200545, Career-Technical 116841  
Education Enhancements, up to \$2,837,800 in each fiscal year shall 116842  
be used by the Department of Education to fund competitive grants 116843  
to tech prep consortia that expand the number of students enrolled 116844  
in tech prep programs. These grant funds shall be used to directly 116845  
support expanded tech prep programs provided to students enrolled 116846  
in school districts, including joint vocational school districts, 116847  
and affiliated higher education institutions. This support may 116848  
include the purchase of equipment. 116849

Of the foregoing appropriation item 200545, Career-Technical 116850

Education Enhancements, up to \$3,100,850 in each fiscal year shall 116851  
be used by the Department of Education to support existing High 116852  
Schools That Work (HSTW) sites, develop and support new sites, 116853  
fund technical assistance, and support regional centers and middle 116854  
school programs. The purpose of HSTW is to combine challenging 116855  
academic courses and modern career-technical studies to raise the 116856  
academic achievement of students. HSTW provides intensive 116857  
technical assistance, focused staff development, targeted 116858  
assessment services, and ongoing communications and networking 116859  
opportunities. 116860

Of the foregoing appropriation item 200545, Career-Technical 116861  
Education Enhancements, up to \$600,000 in each fiscal year shall 116862  
be used by the Department of Education to enable students in 116863  
agricultural programs to enroll in a fifth quarter of instruction 116864  
based on the agricultural education model of delivering work-based 116865  
learning through supervised agricultural experience. The 116866  
Department of Education shall determine eligibility criteria and 116867  
the reporting process for the Agriculture 5th Quarter Project and 116868  
shall fund as many programs as possible given the set aside. The 116869  
eligibility criteria developed by the Department shall allow these 116870  
funds to support supervised agricultural experience that occurs 116871  
anytime outside of the regular school day. 116872

Of the foregoing appropriation item 200545, Career-Technical 116873  
Education Enhancements, up to \$162,200 in each fiscal year shall 116874  
be distributed to the Cleveland Municipal School District and the 116875  
Cincinnati City School District to be used for a VoAg Program in 116876  
one at-risk nonvocational school in each district. The amount 116877  
distributed to the Cleveland Municipal School District shall be 116878  
equal to \$78,600 minus the funding allocated to the district under 116879  
division (A)(8) of section 3317.022 of the Revised Code for the 116880  
students participating in the program. The amount distributed to 116881  
the Cincinnati City School District shall be equal to \$83,600 116882

minus the funding allocated to the district under division (A)(8) 116883  
of section 3317.022 of the Revised Code for the students 116884  
participating in the program. 116885

Of the foregoing appropriation item 200545, Career-Technical 116886  
Education Enhancements, up to \$525,000 in fiscal year 2016 and up 116887  
to \$550,000 in fiscal year 2017 may be used to support career 116888  
planning and reporting through the Ohio Means Jobs web site. 116889

Of the foregoing appropriation item 200545, Career-Technical 116890  
Education Enhancements, up to \$1,000,000 in each fiscal year shall 116891  
be used to support payments to city, local, and exempted village 116892  
school districts, community schools, STEM schools, and joint 116893  
vocational school districts whose students earn an 116894  
industry-recognized credential or receive a journeyman 116895  
certification recognized by the United States Department of Labor. 116896  
The educating entity shall be required to inform students enrolled 116897  
in career-technical education courses that lead to an 116898  
industry-recognized credential about the opportunity to earn these 116899  
credentials. The Ohio Department of Education shall work with the 116900  
Department of Higher Education and the Governor's Office of 116901  
Workforce Transformation to develop a schedule for reimbursement 116902  
based on the Department of Education's list of industry-recognized 116903  
credentials, the time it takes to earn the credential, and the 116904  
cost to obtain the credential. The educating entity shall pay for 116905  
the cost of the credential for an economically disadvantaged 116906  
student and may claim and receive reimbursement. The educating 116907  
entity may claim reimbursement based on the Department's 116908  
reimbursement schedule up to six months after the student has 116909  
graduated from high school. If the amount appropriated is not 116910  
sufficient, the Department shall prorate the amounts so that the 116911  
aggregate amount appropriated is not exceeded. 116912

Of the foregoing appropriation item 200545, Career-Technical 116913  
Education Enhancements, \$125,000 in each fiscal year shall be used 116914

to prepare students for careers in culinary arts and restaurant 116915  
management under the Ohio ProStart school restaurant program. 116916

**Section 263.220. FOUNDATION FUNDING** 116917

Of the foregoing appropriation item 200550, Foundation 116918  
Funding, up to \$40,000,000 in each fiscal year shall be used to 116919  
provide additional state aid to school districts, joint vocational 116920  
school districts, community schools, and STEM schools for special 116921  
education students under division (C)(3) of section 3314.08, 116922  
section 3317.0214, division (B) of section 3317.16, and section 116923  
3326.34 of the Revised Code, except that the Controlling Board may 116924  
increase these amounts if presented with such a request from the 116925  
Department of Education at the final meeting of the fiscal year. 116926

Of the foregoing appropriation item 200550, Foundation 116927  
Funding, up to \$3,800,000 in each fiscal year shall be used to 116928  
fund gifted education at educational service centers. The 116929  
Department shall distribute the funding through the unit-based 116930  
funding methodology in place under division (L) of section 116931  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 116932  
and (C) of section 3317.053 of the Revised Code as they existed 116933  
prior to fiscal year 2010. 116934

Of the foregoing appropriation item 200550, Foundation 116935  
Funding, up to \$37,950,000 in fiscal year 2016 and up to 116936  
\$41,400,000 in fiscal year 2017 shall be reserved to fund the 116937  
state reimbursement of educational service centers under the 116938  
section of this act entitled "EDUCATIONAL SERVICE CENTERS 116939  
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 116940  
distributed to educational service centers for School Improvement 116941  
Initiatives and for the provision of technical assistance as 116942  
required by the Elementary and Secondary Education Act Flexibility 116943  
waivers approved for Ohio by the United States Department of 116944  
Education. Educational service centers shall be required to 116945

support districts in the development and implementation of their 116946  
continuous improvement plans as required in section 3302.04 of the 116947  
Revised Code and to provide technical assistance and support in 116948  
accordance with Title I of the "No Child Left Behind Act of 2001," 116949  
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 116950  
Elementary and Secondary Education Act Flexibility waivers 116951  
approved for Ohio by the United States Department of Education. 116952

Of the foregoing appropriation item 200550, Foundation 116953  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 116954  
for payments under sections 3317.026, 3317.027, and 3317.028 of 116955  
the Revised Code. If this amount is not sufficient, the Department 116956  
of Education shall prorate the payment amounts so that the 116957  
aggregate amount allocated in this paragraph is not exceeded. 116958

Of the foregoing appropriation item 200550, Foundation 116959  
Funding, up to \$1,000,000 in each fiscal year shall be used to pay 116960  
career-technical planning districts for the amounts reimbursed to 116961  
students, as prescribed in this paragraph. Each career-technical 116962  
planning district shall reimburse individuals taking the online 116963  
General Educational Development (GED) test for the first time for 116964  
application/test fees in excess of \$40. Each career-technical 116965  
planning district shall designate a site or sites where 116966  
individuals may register and take the exam. For each individual 116967  
that registers for the exam, the career-technical planning 116968  
district shall make available and offer career counseling 116969  
services, including information on adult education programs that 116970  
are available. Any remaining funds in each fiscal year shall be 116971  
reimbursed to the Department of Youth Services and the Department 116972  
of Rehabilitation and Correction for individuals in these 116973  
facilities who have taken the GED for the first time. The amounts 116974  
reimbursed shall not exceed the per-individual amounts reimbursed 116975  
to other individuals under this section for each section of the 116976  
GED. 116977

Of the foregoing appropriation item 200550, Foundation 116978  
Funding, up to \$29,900,000 in fiscal year 2016 and up to 116979  
\$38,000,000 in fiscal year 2017 shall be used to support school 116980  
choice programs. 116981

Of the portion of the funds distributed to the Cleveland 116982  
Municipal School District under this section, up to \$11,901,887 in 116983  
each fiscal year shall be used to operate the school choice 116984  
program in the Cleveland Municipal School District under sections 116985  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 116986  
divisions (B) and (C) of section 3313.978 and division (C) of 116987  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 116988  
fiscal year of this amount shall be used by the Cleveland 116989  
Municipal School District to provide tutorial assistance as 116990  
provided in division (H) of section 3313.974 of the Revised Code. 116991  
The Cleveland Municipal School District shall report the use of 116992  
these funds in the district's three-year continuous improvement 116993  
plan as described in section 3302.04 of the Revised Code in a 116994  
manner approved by the Department of Education. 116995

Of the foregoing appropriation item 200550, Foundation 116996  
Funding, up to \$500,000 in each fiscal year may be used for 116997  
payment of the College Credit Plus Program for students instructed 116998  
at home pursuant to section 3321.04 of the Revised Code. 116999

Of the foregoing appropriation item 200550, Foundation 117000  
Funding, an amount shall be available in each fiscal year to be 117001  
paid to joint vocational school districts in accordance with 117002  
division (A) of section 3317.16 of the Revised Code, section 117003  
3317.26 of the Revised Code, and the section of this act entitled 117004  
"TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 117005  
DISTRICTS." 117006

Of the foregoing appropriation item 200550, Foundation 117007  
Funding, up to \$700,000 in each fiscal year shall be used by the 117008  
Department of Education for a program to pay for educational 117009



services for youth who have been assigned by a juvenile court or 117010  
other authorized agency to any of the facilities described in 117011  
division (A) of the section of this act entitled "PRIVATE 117012  
TREATMENT FACILITY PROJECT." 117013

Of the foregoing appropriation item 200550, Foundation 117014  
Funding, a portion may be used to pay college-preparatory boarding 117015  
schools the per pupil boarding amount pursuant to section 3328.34 117016  
of the Revised Code. 117017

Of the foregoing appropriation item 200550, Foundation 117018  
Funding, up to \$2,000,000 in each fiscal year shall be used for 117019  
the Bright New Leaders for Ohio Schools Program created and 117020  
implemented by the nonprofit corporation incorporated pursuant to 117021  
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 117022  
to provide an alternative path for individuals to receive training 117023  
and development in the administration of primary and secondary 117024  
education and leadership, enable those individuals to earn degrees 117025  
and obtain licenses in public school administration, and promote 117026  
the placement of those individuals in public schools that have a 117027  
poverty percentage greater than fifty per cent. 117028

Of the foregoing appropriation item 200550, Foundation 117029  
Funding, \$750,000 in fiscal year 2016 shall be used as matching 117030  
funds to support efforts by the Accelerate Great Schools 117031  
public-private partnership to increase the number of 117032  
high-performing schools in Cincinnati; to attract and develop 117033  
excellent school leaders and teachers; and to engage families and 117034  
communities in fostering educational improvement. 117035

Of the foregoing appropriation item 200550, Foundation 117036  
Funding, \$200,000 in each fiscal year shall be used to support 117037  
Bellefaire JCB's Social Advocates for Youth Program. 117038

Of the foregoing appropriation item 200550, Foundation 117039  
Funding, \$150,000 in each fiscal year shall be used to support 117040

programming at the Cleveland Museum of Natural History. 117041

Of the foregoing appropriation item 200550, Foundation 117042  
Funding, a portion in each fiscal year shall be used to pay 117043  
community schools the amounts calculated for the graduation and 117044  
third-grade reading bonuses under section 3314.085 and to pay STEM 117045  
schools the amounts calculated for the graduation bonus under 117046  
section 3326.41 of the Revised Code. 117047

Of the foregoing appropriation item 200550, Foundation 117048  
Funding, up to \$930,000 in fiscal year 2016 and up to \$2,000,000 117049  
in fiscal year 2017 may be used by the Department of Education for 117050  
duties and activities related to the establishment of academic 117051  
distress commissions under section 3302.10 of the Revised Code. A 117052  
portion of the funds may be used as matching funds for any 117053  
monetary contributions made by a school district for which an 117054  
academic distress commission is established or by the district's 117055  
local community to support innovative education programs or a 117056  
high-quality school accelerator as provided for in section 3302.10 117057  
of the Revised Code. 117058

The remainder of appropriation item 200550, Foundation 117059  
Funding, shall be used to distribute the amounts calculated for 117060  
formula aid under sections 3317.022 and 3317.26 of the Revised 117061  
Code and the section of this act entitled "TEMPORARY TRANSITIONAL 117062  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 117063

Appropriation items 200502, Pupil Transportation, 200540, 117064  
Special Education Enhancements, and 200550, Foundation Funding, 117065  
other than specific set-asides, are collectively used in each 117066  
fiscal year to pay state formula aid obligations for school 117067  
districts, community schools, STEM schools, college preparatory 117068  
boarding schools, and joint vocational school districts under this 117069  
act. The first priority of these appropriation items, with the 117070  
exception of specific set-asides, is to fund state formula aid 117071  
obligations. It may be necessary to reallocate funds among these 117072

appropriation items or use excess funds from other general revenue 117073  
fund appropriation items in the Department of Education's budget 117074  
in each fiscal year in order to meet state formula aid 117075  
obligations. If it is determined that it is necessary to transfer 117076  
funds among these appropriation items or to transfer funds from 117077  
other General Revenue Fund appropriations in the Department of 117078  
Education's budget to meet state formula aid obligations, the 117079  
Superintendent of Public Instruction shall seek approval from the 117080  
Director of Budget and Management to transfer funds as needed. 117081

The Superintendent of Public Instruction shall make payments, 117082  
transfers, and deductions, as authorized by Title XXXIII of the 117083  
Revised Code in amounts substantially equal to those made in the 117084  
prior year, or otherwise, at the discretion of the Superintendent, 117085  
until at least the effective date of the amendments and enactments 117086  
made to Title XXXIII by this act. Any funds paid to districts or 117087  
schools under this section shall be credited toward the annual 117088  
funds calculated for the district or school after the changes made 117089  
to Title XXXIII in this act are effective. Upon the effective date 117090  
of changes made to Title XXXIII in this act, funds shall be 117091  
calculated as an annual amount. 117092

**Section 263.230. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 117093  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 117094**

(A) The Department of Education shall distribute funds within 117095  
appropriation item 200550, Foundation Funding, for temporary 117096  
transitional aid in each fiscal year to each qualifying city, 117097  
local, and exempted village school district. 117098

(1) For fiscal years 2016 and 2017, the Department shall pay 117099  
temporary transitional aid to each city, local, and exempted 117100  
village school district that experiences any decrease in its 117101  
foundation funding for the guarantee for the current fiscal year 117102  
from its transitional aid guarantee base for the current fiscal 117103

year. The amount of the temporary transitional aid payment shall 117104  
equal the district's transitional aid guarantee base minus the 117105  
district's foundation funding for the guarantee. If the 117106  
computation made under this division results in a negative number, 117107  
the district's funding under this division shall be zero. 117108

(2) As used in this section, "foundation funding for the 117109  
guarantee" for each city, local, and exempted village school 117110  
district, for fiscal year 2016, equals the sum of the following 117111  
amounts for that fiscal year: 117112

(a) The opportunity grant under division (A)(1) of section 117113  
3317.022 of the Revised Code; 117114

(b) Targeted assistance funds under division (A)(2) of 117115  
section 3317.022 of the Revised Code; 117116

(c) Additional state aid for special education and related 117117  
services under division (A)(3) of section 3317.022 of the Revised 117118  
Code; 117119

(d) Kindergarten through third grade literacy funds under 117120  
division (A)(4) of section 3317.022 of the Revised Code; 117121

(e) Economically disadvantaged funds under division (A)(5) of 117122  
section 3317.022 of the Revised Code; 117123

(f) Limited English proficiency funds under division (A)(6) 117124  
of section 3317.022 of the Revised Code; 117125

(g) Gifted identification and unit funds under division 117126  
(A)(7) of section 3317.022 of the Revised Code; 117127

(h) Career-technical education funds under division (A)(8) of 117128  
section 3317.022 of the Revised Code; 117129

(i) Career-technical education associated services funds 117130  
under division (A)(9) of section 3317.022 of the Revised Code; 117131

(j) Capacity aid funds under division (A)(10) of section 117132  
3317.022 of the Revised Code; 117133

(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	117134 117135
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	117136 117137
(m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117138 117139
(n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	117140 117141
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	117142 117143 117144 117145
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	117146 117147
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	117148 117149
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	117150 117151 117152
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	117153 117154
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	117155 117156
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	117157 117158
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	117159 117160
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	117161 117162

(i) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	117163 117164
(j) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	117165 117166
(k) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117167 117168
(l) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	117169 117170
(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly:	117171 117172 117173 117174 117175 117176
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	117177 117178
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	117179 117180
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	117181 117182 117183
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	117184 117185
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	117186 117187
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	117188 117189
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	117190 117191

(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code; 117192  
117193

(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code; 117194  
117195

(j) Transportation funds under divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, as that section existed at the time; 117196  
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(k) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly. 117199  
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(5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2017, equals the transitional aid guarantee base for fiscal year 2016 computed for the district pursuant to division (A)(4) of this section minus the sum of the following amounts for each district for fiscal year 2016 after any reductions made for fiscal year 2016 under division (B) of this section: 117201  
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(a) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code; 117209  
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(b) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code. 117211  
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(6) The Department of Education shall adjust, as necessary, the transitional aid guarantee base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, for fiscal year 2016 or fiscal year 2017 but does not receive payments for the prior fiscal year. The Department shall adjust any such local school district's guarantee base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint 117213  
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vocational school district. 117223

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 117224  
as amended by this act, in fiscal years 2016 and 2017, no city, 117225  
local, or exempted village school district shall be allocated 117226  
foundation funding subject to the limitation for the current 117227  
fiscal year that is greater than 1.075 times the district's 117228  
limitation base for the current fiscal year. 117229

(2) As used in this section, "foundation funding subject to 117230  
the limitation" for each city, local, and exempted village school 117231  
district, for fiscal year 2016, equals the sum of the following 117232  
amounts for that fiscal year: 117233

(a) The opportunity grant under division (A)(1) of section 117234  
3317.022 of the Revised Code; 117235

(b) Targeted assistance funds under division (A)(2) of 117236  
section 3317.022 of the Revised Code; 117237

(c) Additional state aid for special education and related 117238  
services under division (A)(3) of section 3317.022 of the Revised 117239  
Code; 117240

(d) Kindergarten through third grade literacy funds under 117241  
division (A)(4) of section 3317.022 of the Revised Code; 117242

(e) Economically disadvantaged funds under division (A)(5) of 117243  
section 3317.022 of the Revised Code; 117244

(f) Limited English proficiency funds under division (A)(6) 117245  
of section 3317.022 of the Revised Code; 117246

(g) Gifted identification and unit funds under division 117247  
(A)(7) of section 3317.022 of the Revised Code; 117248

(h) Career-technical education funds under division (A)(8) of 117249  
section 3317.022 of the Revised Code; 117250

(i) Career-technical education associated services funds 117251  
under division (A)(9) of section 3317.022 of the Revised Code; 117252



(j) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117253 117254
(k) Temporary transitional aid under division (A) of this section.	117255 117256
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	117257 117258 117259 117260
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	117261 117262
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	117263 117264
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	117265 117266 117267
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	117268 117269
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	117270 117271
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	117272 117273
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	117274 117275
(h) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117276 117277
(i) Temporary transitional aid under division (A) of this section.	117278 117279
(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year	117280 117281

2016, equals the sum of the following amounts computed for the	117282
district for fiscal year 2015 after any reductions made for fiscal	117283
year 2015 under division (B)(2) of Section 263.240 of Am. Sub.	117284
H.B. 59 of the 130th General Assembly:	117285
(a) The opportunity grant under division (A)(1) of section	117286
3317.022 of the Revised Code;	117287
(b) Targeted assistance funds under division (A)(2) of	117288
section 3317.022 of the Revised Code;	117289
(c) Additional state aid for special education and related	117290
services under division (A)(3) of section 3317.022 of the Revised	117291
Code;	117292
(d) Kindergarten through third grade literacy funds under	117293
division (A)(4) of section 3317.022 of the Revised Code;	117294
(e) Economically disadvantaged funds under division (A)(5) of	117295
section 3317.022 of the Revised Code;	117296
(f) Limited English proficiency funds under division (A)(6)	117297
of section 3317.022 of the Revised Code;	117298
(g) Gifted identification and unit funds under division	117299
(A)(7) of section 3317.022 of the Revised Code;	117300
(h) Career-technical education funds under division (A)(8) of	117301
section 3317.022 of the Revised Code;	117302
(i) Career-technical education associated services funds	117303
under division (A)(9) of section 3317.022 of the Revised Code;	117304
(j) Transportation funds under divisions (G)(1) and (2) of	117305
section 3317.0212 of the Revised Code, as that section existed at	117306
the time;	117307
(k) Temporary transitional aid under division (A) of Section	117308
263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.	117309
(5) As used in this section, the "limitation base" for each	117310

city, local, and exempted village school district, for fiscal year 117311  
2017, equals the sum of the following amounts computed for the 117312  
district for fiscal year 2016 after any reductions made for fiscal 117313  
year 2016 under division (B) of this section: 117314

(a) The opportunity grant under division (A)(1) of section 117315  
3317.022 of the Revised Code; 117316

(b) Targeted assistance funds under division (A)(2) of 117317  
section 3317.022 of the Revised Code; 117318

(c) Additional state aid for special education and related 117319  
services under division (A)(3) of section 3317.022 of the Revised 117320  
Code; 117321

(d) Kindergarten through third grade literacy funds under 117322  
division (A)(4) of section 3317.022 of the Revised Code; 117323

(e) Economically disadvantaged funds under division (A)(5) of 117324  
section 3317.022 of the Revised Code; 117325

(f) Limited English proficiency funds under division (A)(6) 117326  
of section 3317.022 of the Revised Code; 117327

(g) Gifted identification and unit funds under division 117328  
(A)(7) of section 3317.022 of the Revised Code; 117329

(h) Transportation funds under divisions (E) and (F) of 117330  
section 3317.0212 of the Revised Code; 117331

(i) Temporary transitional aid under division (A) of this 117332  
section. 117333

(6) The Department of Education shall adjust, as necessary, 117334  
the limitation base of any local school district that participates 117335  
in the establishment of a joint vocational school district that 117336  
begins receiving payments under section 3317.16 of the Revised 117337  
Code, as amended by this act, for fiscal year 2016 or fiscal year 117338  
2017 but does not receive such payments for the prior fiscal year. 117339  
The Department shall adjust any such local school district's 117340

limitation base according to the amounts received by the district 117341  
in the prior fiscal year for career-technical education students 117342  
who attend the newly established joint vocational school district. 117343

(7) For fiscal year 2016, the Department shall reduce a 117344  
district's payments under divisions (A)(1), (2), (4), (5), (6), 117345  
and (7) of section 3317.022 of the Revised Code, as amended by 117346  
this act, proportionately as necessary in order to comply with 117347  
this division. If those amounts are insufficient, the Department 117348  
shall proportionately reduce a district's payments under divisions 117349  
(A)(3), (8), and (9) of section 3317.022 of the Revised Code, as 117350  
amended by this act, and divisions (E) and (F) of section 117351  
3317.0212 of the Revised Code, as amended by this act. 117352

(8) For fiscal year 2017, the Department shall reduce a 117353  
district's payments under divisions (A)(1), (2), (4), (5), (6), 117354  
and (7) of section 3317.022 of the Revised Code, as amended by 117355  
this act, proportionately as necessary in order to comply with 117356  
this division. If those amounts are insufficient, the Department 117357  
shall proportionately reduce a district's payments under division 117358  
(A)(3) of section 3317.022 of the Revised Code, as amended by this 117359  
act, and divisions (E) and (F) of section 3317.0212 of the Revised 117360  
Code, as amended by this act. 117361

**Section 263.240. TEMPORARY TRANSITIONAL AID FOR JOINT 117362**  
VOCATIONAL SCHOOL DISTRICTS 117363

(A) The Department of Education shall distribute funds within 117364  
appropriation item 200550, Foundation Funding, for temporary 117365  
transitional aid in each fiscal year to each qualifying joint 117366  
vocational school district. 117367

(1) For fiscal years 2016 and 2017, the Department shall pay 117368  
temporary transitional aid to each joint vocational school 117369  
district that experiences any decrease in its foundation funding 117370  
for the guarantee for the current fiscal year from its 117371

transitional aid guarantee base for the current fiscal year. The 117372  
amount of the temporary transitional aid payment shall equal the 117373  
district's transitional aid guarantee base minus the district's 117374  
foundation funding for the guarantee. If the computation made 117375  
under this division results in a negative number, the district's 117376  
funding under this division shall be zero. 117377

(2) As used in this section, "foundation funding for the 117378  
guarantee" for each joint vocational school district, for fiscal 117379  
year 2016, equals the sum of the following amounts for that fiscal 117380  
year: 117381

(a) The opportunity grant under division (A)(1) of section 117382  
3317.16 of the Revised Code; 117383

(b) Additional state aid for special education and related 117384  
services under division (A)(2) of section 3317.16 of the Revised 117385  
Code; 117386

(c) Economically disadvantaged funds under division (A)(3) of 117387  
section 3317.16 of the Revised Code; 117388

(d) Limited English proficiency funds under division (A)(4) 117389  
of section 3317.16 of the Revised Code; 117390

(e) Career-technical education funds under division (A)(5) of 117391  
section 3317.16 of the Revised Code; 117392

(f) Career-technical education associated services funds 117393  
under division (A)(6) of section 3317.16 of the Revised Code; 117394

(g) The graduation bonus under division (A)(7) of section 117395  
3317.16 of the Revised Code. 117396

(3) As used in this section, "foundation funding for the 117397  
guarantee" for each joint vocational school district, for fiscal 117398  
year 2017, equals the sum of the following amounts for that fiscal 117399  
year: 117400

(a) The opportunity grant under division (A)(1) of section 117401

3317.16 of the Revised Code;	117402
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	117403 117404 117405
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	117406 117407
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	117408 117409
(e) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.	117410 117411
(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly:	117412 117413 117414 117415 117416 117417
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	117418 117419
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	117420 117421 117422
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	117423 117424
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	117425 117426
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	117427 117428
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	117429 117430

(g) Temporary transitional aid under division (A) of Section 117431  
263.250 of Am. Sub. H.B. 59 of the 130th General Assembly. 117432

(5) As used in this section, the "transitional aid guarantee 117433  
base" for each joint vocational school district, for fiscal year 117434  
2017, equals the transitional aid guarantee base for fiscal year 117435  
2016 computed for the district pursuant to division (A)(4) of this 117436  
section minus the sum of the following amounts for each district 117437  
for fiscal year 2016 after any reductions made for fiscal year 117438  
2016 under division (B) of this section: 117439

(a) Career-technical education funds under division (A)(5) of 117440  
section 3317.16 of the Revised Code; 117441

(b) Career-technical education associated services funds 117442  
under division (A)(6) of section 3317.16 of the Revised Code. 117443

(6) The Department of Education shall establish, as 117444  
necessary, the transitional aid guarantee base of any joint 117445  
vocational school district that begins receiving payments under 117446  
section 3317.16 of the Revised Code, as amended by this act, for 117447  
fiscal year 2016 or fiscal year 2017 but does not receive such 117448  
payments for the prior fiscal year. The Department shall establish 117449  
any such joint vocational school district's guarantee base as an 117450  
amount equal to the absolute value of the sum of the associated 117451  
adjustments of any local school district's guarantee bases under 117452  
division (A)(6) of the section of this act entitled "TEMPORARY 117453  
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 117454  
DISTRICTS." 117455

(B)(1) Notwithstanding division (A) of section 3317.16 of the 117456  
Revised Code, as amended by this act, in fiscal years 2016 and 117457  
2017, no joint vocational school district shall be allocated 117458  
foundation funding subject to the limitation for the current 117459  
fiscal year that is greater than 1.075 times the district's 117460  
limitation base for the current fiscal year. 117461

(2) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;

(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;

(g) Temporary transitional aid under division (A) of this section.

(3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;



(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	117492 117493
(e) Temporary transitional aid under division (A) of this section.	117494 117495
(4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly:	117496 117497 117498 117499 117500 117501
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	117502 117503
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	117504 117505 117506
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	117507 117508
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	117509 117510
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	117511 117512
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	117513 117514
(g) Temporary transitional aid under division (A) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly.	117515 117516
(5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts computed for the district for fiscal year 2016 after any reductions made for fiscal year 2016 under division (B) of this section:	117517 117518 117519 117520 117521

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 117522  
117523

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 117524  
117525  
117526

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 117527  
117528

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 117529  
117530

(e) Temporary transitional aid under division (A) of this section. 117531  
117532

(6) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, for fiscal year 2016 or fiscal year 2017 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's limitation base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's limitation base under division (B)(6) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 117533  
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(7) For fiscal year 2016, the Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(2), (5), and (6) of section 3317.16 of the Revised Code, as amended by this act. 117544  
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(8) For fiscal year 2017, the Department shall reduce a 117552

district's payments under divisions (A)(1), (3), and (4) of 117553  
section 3317.16 of the Revised Code, as amended by this act, 117554  
proportionately as necessary in order to comply with this 117555  
division. If those amounts are insufficient, the Department shall 117556  
proportionately reduce a district's payments under division (A)(2) 117557  
of section 3317.16 of the Revised Code, as amended by this act. 117558

**Section 263.250. LITERACY IMPROVEMENT** 117559

Of the foregoing appropriation item 200566, Literacy 117560  
Improvement, \$250,000 in each fiscal year shall be used for Read 117561  
Baby Read. 117562

The remainder of appropriation item 200566, Literacy 117563  
Improvement, shall be used by the Department of Education to 117564  
contract with an educational service center or a consortium of 117565  
educational service centers for the purpose of establishing 117566  
regional literacy professional development teams. The Department 117567  
shall have any necessary agreements in place to administer the 117568  
program not later than December 31, 2015. 117569

**Section 263.260. ADULT DIPLOMA** 117570

Of the foregoing appropriation item 200572, Adult Diploma, up 117571  
to \$2,500,000 in fiscal year 2016 and \$5,000,000 in fiscal year 117572  
2017 shall be used to make payments to institutions participating 117573  
in the Adult Diploma Pilot Program under section 3313.902 of the 117574  
Revised Code as enacted by this act. The Superintendent of Public 117575  
Instruction may use a portion of the earmark to provide technical 117576  
assistance and to administer the program. 117577

Of the foregoing appropriation item 200572, Adult Diploma, up 117578  
to \$1,250,000 in fiscal year 2016 shall be used by the 117579  
Superintendent of Public Instruction to award and administer 117580  
planning grants for the Adult Diploma Pilot Program established in 117581  
section 3313.902 of the Revised Code. The Superintendent may award 117582

grants of up to \$250,000 to not more than five institutions 117583  
eligible to participate in the program. The grants shall be used 117584  
by the institutions to build capacity to implement the program 117585  
beginning in fiscal year 2017. The Superintendent of Public 117586  
Instruction and the Chancellor of Higher Education shall develop 117587  
an application process to award these grants to eligible 117588  
institutions geographically dispersed throughout the state. The 117589  
Superintendent may use any remaining appropriation after awarding 117590  
these grants to provide technical assistance to institutions 117591  
receiving the grant. 117592

**Section 263.270. EDCHOICE EXPANSION** 117593

The foregoing appropriation item 200573, EdChoice Expansion, 117594  
shall be used to provide for the scholarships awarded under the 117595  
expansion of the educational choice program established under 117596  
section 3310.032 of the Revised Code. The number of scholarships 117597  
awarded under the expansion of the educational choice program 117598  
shall not exceed the number that can be funded with the 117599  
appropriations made by the General Assembly for this purpose. 117600

**HALF-MILL MAINTENANCE EQUALIZATION** 117601

The foregoing appropriation item 200574, Half-Mill 117602  
Maintenance Equalization, shall be used to make payments pursuant 117603  
to section 3318.18 of the Revised Code. 117604

**ADAPTIVE SPORTS PROGRAM** 117605

The foregoing appropriation item 200576, Adaptive Sports 117606  
Program, shall be used by the Department of Education, in 117607  
collaboration with the Adaptive Sports Program of Ohio to fund the 117608  
creation of an adaptive sports pilot program in one school 117609  
district in fiscal year 2016 and in one additional school district 117610  
in fiscal year 2017. 117611

**Section 263.280. COMPETENCY-BASED EDUCATION PILOT** 117612

The foregoing appropriation item 200588, Competency-Based Education Pilot, shall be used by the Department of Education to fund competency-based education pilot programs in up to five districts, schools, or consortia of districts and schools led by educational service centers. The Department shall award each district, school, or consortium of districts and schools led by educational service centers that is selected to participate in the program a grant of up to \$200,000 for each fiscal year. The grant shall be used during the 2015-2016 and 2016-2017 school years to plan for implementing competency-based education in the district, school, or consortium of districts and schools led by educational service centers during the 2016-2017, 2017-2018, and 2018-2019 school years. Pilot programs shall adhere to program guidelines as outlined in Section 733.30 of this act.

Of the foregoing appropriation item 200588, Competency-Based Education Pilot, a portion may be used by the Superintendent of Public Instruction to provide technical assistance and to administer the program.

EDUCATION PROGRAM SUPPORT

Of the foregoing appropriation item 200597, Education Program Support, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, train and develop first-year and second-year teachers in the Teach for America program in Ohio, and expand alumni support and networking within the state.

Of the foregoing appropriation item 200597, Education Program Support, \$250,000 in fiscal year 2016 shall be distributed to Artsin Stark to support the SmArts Program and the Genius Project.

**Section 263.283.** The foregoing appropriation item 200665, Race to the Top, shall not be used for any purpose related to the state achievement assessments prescribed under sections 3301.0710

and 3301.0712 of the Revised Code. 117644

**Section 263.290. TEACHER CERTIFICATION AND LICENSURE 117645**

The foregoing appropriation item 200681, Teacher 117646  
Certification and Licensure, shall be used by the Department of 117647  
Education in each year of the biennium to administer and support 117648  
teacher certification and licensure activities. 117649

**Section 263.300. AUXILIARY SERVICES REIMBURSEMENT 117650**

Notwithstanding section 3317.064 of the Revised Code, if the 117651  
unexpended, unencumbered cash balance is sufficient, the Treasurer 117652  
of State shall transfer \$1,500,000 in fiscal year 2016 within 117653  
thirty days after the effective date of this section, and 117654  
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 117655  
Auxiliary Services Personnel Unemployment Compensation Fund to the 117656  
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 117657  
Department of Education. 117658

**Section 263.310. SCHOOL DISTRICT SOLVENCY ASSISTANCE 117659**

(A) Of the foregoing appropriation item 200687, School 117660  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 117661  
be allocated to the School District Shared Resource Account and 117662  
\$5,000,000 in each fiscal year shall be allocated to the 117663  
Catastrophic Expenditures Account. These funds shall be used to 117664  
provide assistance and grants to school districts to enable them 117665  
to remain solvent under section 3316.20 of the Revised Code. 117666  
Assistance and grants shall be subject to approval by the 117667  
Controlling Board. Except as provided under division (C) of this 117668  
section, any required reimbursements from school districts for 117669  
solvency assistance shall be made to the appropriate account in 117670  
the School District Solvency Assistance Fund (Fund 5H30). 117671

(B) Notwithstanding any provision of law to the contrary, 117672  
upon the request of the Superintendent of Public Instruction, the 117673  
Director of Budget and Management may make transfers to the School 117674  
District Solvency Assistance Fund (Fund 5H30) from any fund used 117675  
by the Department of Education or the General Revenue Fund to 117676  
maintain sufficient cash balances in Fund 5H30 in fiscal years 117677  
2016 and 2017. Any cash transferred is hereby appropriated. The 117678  
transferred cash may be used by the Department of Education to 117679  
provide assistance and grants to school districts to enable them 117680  
to remain solvent and to pay unforeseeable expenses of a temporary 117681  
or emergency nature that the school district is unable to pay from 117682  
existing resources. The Director of Budget and Management shall 117683  
notify the members of the Controlling Board of any such transfers. 117684

(C) If the cash balance of the School District Solvency 117685  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 117686  
assistance in fiscal years 2016 and 2017, at the request of the 117687  
Superintendent of Public Instruction, and with the approval of the 117688  
Controlling Board, the Director of Budget and Management may 117689  
transfer cash from the Lottery Profits Education Reserve Fund 117690  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 117691  
school districts to enable them to remain solvent and to pay 117692  
unforeseeable expenses of a temporary nature that they are unable 117693  
to pay from existing resources under section 3316.20 of the 117694  
Revised Code. Such transfers are hereby appropriated to 117695  
appropriation item 200670, School District Solvency Assistance - 117696  
Lottery. Any required reimbursements from school districts for 117697  
solvency assistance granted from appropriation item 200670, School 117698  
District Solvency Assistance - Lottery, shall be made to Fund 117699  
7018. 117700

**Section 263.323. STRAIGHT A FUND** 117701

Of the foregoing appropriation item 200644, Straight A Fund, 117702

up to \$5,000,000 in fiscal year 2016 shall be used by the 117703  
Department of Education, in consultation with the Department of 117704  
Higher Education, to support graduate coursework for high school 117705  
teachers to receive credentialing to teach college credit plus 117706  
courses in a high school setting. The Department of Education, in 117707  
consultation with the Department of Higher Education, shall 117708  
develop criteria and issue a Request for Proposals. Priority shall 117709  
be given to educational consortia that include economically 117710  
disadvantaged high schools and economically disadvantaged high 117711  
schools in which there are limited or no teachers currently 117712  
credentialed to teach college credit plus courses, both as 117713  
determined by the Department of Education. Consortia including 117714  
public or private universities in Ohio shall be eligible to submit 117715  
proposals. Awards made by the Department of Education may support 117716  
graduate coursework for high school teachers at a regionally 117717  
accredited college or university in Ohio leading to credentialing 117718  
to teach college courses, as well as employment of teachers 117719  
credentialed to teach college courses as a bridging strategy until 117720  
a sufficient number of teachers at the high school hold the 117721  
required credentials. 117722

Of the foregoing appropriation item 200644, Straight A Fund, 117723  
\$5,000,000 in fiscal year 2016 shall be awarded by the Chancellor 117724  
of Higher Education, in consultation with the State Superintendent 117725  
of Public Instruction, as competitive grants to universities to 117726  
provide free or reduced-cost courses for teachers to become 117727  
credentialed for the College Credit Plus Program. Priority shall 117728  
be given to proposals that enable teachers to become credentialed 117729  
in the 2015-2016 school year. 117730

Of the foregoing appropriation item 200644, Straight A Fund, 117731  
\$2,000,000 in fiscal year 2016 shall be distributed to the 117732  
Ohio-West Virginia Youth Leadership Association for the 117733  
development of the Cave Lake Center for Community Leadership. 117734



Of the foregoing appropriation item 200644, Straight A Fund, 117735  
\$250,000 in fiscal year 2016 shall be used to support programming 117736  
provided by the We Can Code IT organization in Cleveland. 117737

The remainder of the foregoing appropriation item 200644, 117738  
Straight A Fund, shall be used by the Department of Education to 117739  
make competitive grants in accordance with the section of this act 117740  
entitled "STRAIGHT A PROGRAM." 117741

**Section 263.325. SCHOOL DISTRICT TPP SUPPLEMENT** 117742

The foregoing appropriation item 200697, School District TPP 117743  
Supplement, shall be distributed to city, local, and exempted 117744  
village school districts for supplemental foundation aid as 117745  
provided in this section. 117746

For each fiscal year, the Department of Education shall 117747  
compute and pay supplemental foundation aid to each school 117748  
district as follows: 117749

(A)(1) Calculate the school district's combined state aid for 117750  
fiscal year 2015, which equals the sum of: 117751

(a) The district's state education aid for fiscal year 2015, 117752  
as defined in division (A)(4)(a) of section 5709.92 of the Revised 117753  
Code; and 117754

(b) The district's current expense allocation, as defined in 117755  
division (A)(8) of section 5709.92 of the Revised Code. 117756

(2) Calculate the school district's combined state aid for 117757  
fiscal year 2016, which equals the sum of: 117758

(a) The sum of the amounts computed for the district for 117759  
fiscal year 2016 under section 3317.022 of the Revised Code, as 117760  
amended by this act, and under divisions (E), (F), and (G) of 117761  
section 3317.0212 of the Revised Code, as amended by this act, 117762  
plus any amount calculated for temporary transitional aid for 117763  
fiscal year 2016 under division (A) of Section 263.230 of this 117764

act, and after any reductions made for fiscal year 2016 under 117765  
division (B) of Section 263.230 of this act; 117766

(b) The additional funds paid to the school district in 117767  
fiscal year 2016 under section 3317.26 of the Revised Code; and 117768

(c) If the district is not a qualifying school district, as 117769  
defined in division (A) of section 5709.92 of the Revised Code, 117770  
the sum of the payments received by the school district in fiscal 117771  
year 2016 for current expense levy losses pursuant to division 117772  
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 117773  
the portion of such payments attributable to levies for joint 117774  
vocational school district purposes. 117775

(d) If the district is a qualifying school district, as 117776  
defined in division (A) of section 5709.92 of the Revised Code, 117777  
the sum of payments received by the school district in fiscal year 117778  
2016 for current expense levy losses pursuant to division (C)(1) 117779  
of section 5709.92 of the Revised Code, excluding the portion of 117780  
such payments attributable to levies for joint vocational school 117781  
district purposes. 117782

(3) Calculate the school district's combined state aid for 117783  
fiscal year 2017, which equals the sum of: 117784

(a) The amounts computed for the district for fiscal year 117785  
2017 under section 3317.022 of the Revised Code, as amended by 117786  
this act, and under divisions (E), (F), and (G) of section 117787  
3317.0212 of the Revised Code, as amended by this act, plus any 117788  
amount calculated for temporary transitional aid for fiscal year 117789  
2017 under division (A) of Section 263.230 of this act, and after 117790  
any reductions made for fiscal year 2017 under division (B) of 117791  
Section 263.230 of this act; 117792

(b) The additional funds paid to the school district in 117793  
fiscal year 2017 under section 3317.26 of the Revised Code; and 117794

(c) If the district is not a qualifying school district, as 117795

defined in division (A) of section 5709.92 of the Revised Code, 117796  
the sum of the payments received by the school district in fiscal 117797  
year 2017 for current expense levy losses pursuant to division 117798  
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 117799  
the portion of such payments attributable to levies for joint 117800  
vocational school district purposes. 117801

(d) If the district is a qualifying school district, as 117802  
defined in division (A) of section 5709.92 of the Revised Code, 117803  
the sum of payments received by the school district in fiscal year 117804  
2017 for current expense levy losses pursuant to division (C)(1) 117805  
of section 5709.92 of the Revised Code, excluding the portion of 117806  
such payments attributable to levies for joint vocational school 117807  
district purposes. 117808

(B)(1) For fiscal year 2016, each district's payment shall be 117809  
in an amount equal to the amount calculated in division (A)(1) of 117810  
this section minus the amount calculated in division (A)(2) of 117811  
this section. If the result is a negative number, the district's 117812  
payment shall be zero. 117813

(2) For fiscal year 2017, each district's payment shall be in 117814  
an amount equal to the following: 117815

(The amount calculated in division (A)(1) of this section - the 117816  
sum of the amounts calculated under divisions (A)(8) and (A)(9) of 117817  
section 3317.022 of the Revised Code for fiscal year 2016) - (The 117818  
amount calculated in division (A)(3) of this section - the sum of 117819  
the amounts calculated under divisions (A)(8) and (A)(9) of 117820  
section 3317.022 of the Revised Code for fiscal year 2017) 117821

If the result is a negative number, the district's payment 117822  
shall be zero. 117823

(C) On July 1 of each fiscal year, or as soon as possible 117824  
thereafter, the Director of Budget and Management shall transfer 117825  
\$12,000,000 cash from the General Revenue Fund to the School 117826

District TPP Supplement Fund (Fund 5RE0). 117827

**Section 263.330.** LOTTERY PROFITS EDUCATION FUND 117828

Appropriation item 200612, Foundation Funding (Fund 7017), 117829  
shall be used in conjunction with appropriation item 200550, 117830  
Foundation Funding (GRF), to provide state foundation payments to 117831  
school districts. 117832

The Department of Education, with the approval of the 117833  
Director of Budget and Management, shall determine the monthly 117834  
distribution schedules of appropriation item 200550, Foundation 117835  
Funding (GRF), and appropriation item 200612, Foundation Funding 117836  
(Fund 7017). If adjustments to the monthly distribution schedule 117837  
are necessary, the Department of Education shall make such 117838  
adjustments with the approval of the Director of Budget and 117839  
Management. 117840

COMMUNITY CONNECTORS PROGRAM 117841

The foregoing appropriation item 200629, Community 117842  
Connectors, shall be used by the State Superintendent of Public 117843  
Instruction to create the Community Connectors Grant Program. The 117844  
Superintendent shall develop guidelines for the grants. The 117845  
program shall award competitive matching grants to provide funding 117846  
for local networks of volunteers and organizations to sponsor 117847  
career advising and mentoring for students in eligible school 117848  
districts. Each grant award shall match up to three times the 117849  
funds allocated to the project by the local network. Eligible 117850  
school districts are those with a high percentage of students in 117851  
poverty, a high number of students not graduating on time, and 117852  
other criteria as determined by the State Superintendent. Eligible 117853  
school districts shall partner with members of the business 117854  
community, civic organizations, or the faith-based community to 117855  
provide sustainable career advising and mentoring services. Upon 117856  
the request of the Superintendent of Public Instruction and the 117857

approval of the Director of Budget and Management, an amount equal 117858  
to the unexpended, unencumbered portion of the foregoing 117859  
appropriation item 200629, Community Connectors, at the end of 117860  
fiscal year 2016 is hereby reappropriated to the Department of 117861  
Education for the same purpose for fiscal year 2017. 117862

Notwithstanding any provision of law to the contrary, grants 117863  
awarded under this section may be used by grant recipients for 117864  
grant-related expenses for a period not to exceed three years from 117865  
the date of the award according to guidelines established by the 117866  
Superintendent. 117867

COMMUNITY SCHOOL FACILITIES 117868

Of the foregoing appropriation item 200684, Community School 117869  
Facilities, up to \$550,000 in fiscal year 2016 and up to 117870  
\$1,100,000 in fiscal year 2017 may be used as matching funds to 117871  
support Ohio's State Charter School Facilities Incentive Grant 117872  
application. If these funds are not required, they may be 117873  
distributed with the remaining funds in appropriation item 200684, 117874  
Community School Facilities. 117875

The remainder of the foregoing appropriation item 200684, 117876  
Community School Facilities, shall be used to pay each community 117877  
school established under Chapter 3314. of the Revised Code and 117878  
each STEM school established under Chapter 3326. of the Revised 117879  
Code an amount equal to \$25 in each fiscal year for each full-time 117880  
equivalent pupil in an internet- or computer-based community 117881  
school and \$150 in fiscal year 2016 and \$200 in fiscal year 2017 117882  
for each full-time equivalent pupil in all other community or STEM 117883  
schools for assistance with the cost associated with facilities. 117884  
If the amount appropriated is not sufficient, the Department of 117885  
Education shall prorate the amounts so that the aggregate amount 117886  
appropriated is not exceeded. 117887

**Section 263.350. STRAIGHT A PROGRAM** 117888

(A) The Straight A Program is hereby created for fiscal years 117889  
2016 and 2017 to provide grants to city, local, exempted village, 117890  
and joint vocational school districts, educational service 117891  
centers, community schools established under Chapter 3314., STEM 117892  
schools established under Chapter 3326., college-preparatory 117893  
boarding schools established under Chapter 3328. of the Revised 117894  
Code, individual school buildings, education consortia (which may 117895  
represent a partnership among school districts, school buildings, 117896  
community schools, STEM schools or educational service centers or 117897  
county boards of developmental disabilities that provide special 117898  
education and related services to children with disabilities), 117899  
institutions of higher education, and private or governmental 117900  
entities partnering with one or more of the educational entities 117901  
identified in this division for projects that aim to achieve 117902  
significant advancement in one or more of the following goals: 117903

(1) Increased student achievement or, in the case of an 117904  
educational service center, increased student achievement in the 117905  
educational service center's client school districts or other 117906  
schools or school districts that are members of the consortium; 117907

(2) Spending reduction in the five-year fiscal forecast 117908  
required under section 5705.391 of the Revised Code or positive 117909  
performance on other fiscal measures established by the governing 117910  
board created under division (B)(1) of this section; 117911

(3) Utilization of a greater share of resources in the 117912  
classrooms operated by the educational entity or by an educational 117913  
service center's client school districts or other schools or 117914  
school districts that are members of the consortium; 117915

(4) Use of a shared services delivery model that demonstrates 117916  
increased efficiency and effectiveness, long-term sustainability, 117917  
and scalability. 117918

(B)(1) Grants shall be awarded by a nine-member governing 117919

board consisting of the Superintendent of Public Instruction, or 117920  
the Superintendent's designee, four members appointed by the 117921  
Governor, two members appointed by the Speaker of the House of 117922  
Representatives, and two members appointed by the President of the 117923  
Senate. The Department of Education shall provide administrative 117924  
support to the board. No member shall be compensated for the 117925  
member's service on the board. 117926

(2) The board shall select grant advisors with fiscal 117927  
expertise and education expertise. These advisors shall evaluate 117928  
proposals from grant applicants and advise the staff administering 117929  
the program. No advisor shall be compensated for this service. 117930

(3) The board shall issue an annual report to the Governor, 117931  
the Speaker of the House of Representatives, the President of the 117932  
Senate, and the chairpersons of the House and Senate committees 117933  
that primarily deal with education regarding the types of grants 117934  
awarded, the grant recipients, and the effectiveness of the grant 117935  
program. 117936

(4) The board shall create a grant application and publish on 117937  
the Department's web site the application and timeline for the 117938  
submission, review, notification, and awarding of grant proposals. 117939

(5) With the approval of the board, the Department shall 117940  
establish a system for evaluating and scoring the grant 117941  
applications received under this section. 117942

(6) When determining whether to award grants from among two 117943  
or more applicants of similar score, as determined by the board, 117944  
the board shall award grants to applicants that demonstrate cost 117945  
savings, as reflected in the goal described in division (A)(2) of 117946  
this section, over applicants that do not demonstrate cost 117947  
savings. 117948

(C) Each grant applicant shall submit a proposal that 117949  
includes all of the following: 117950

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium.

(D)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section to a school district, educational service center, community school, STEM school, college-preparatory boarding school, individual school building, institution of higher education, or private entity partnering with one or more of the educational entities identified in division (A) of this section shall not exceed \$1,000,000 in each fiscal year. A grant awarded to an education consortium shall not exceed \$15,000,000 in each fiscal year. The Superintendent of Public Instruction may make recommendations to the Controlling



Board that these maximum amounts be exceeded. Upon Controlling Board approval, grants may be awarded in excess of these amounts. 117983  
117984

(2) If the board issues a "hold" or "edit" decision for an application, it shall, upon returning the application to the applicant, specify the process for reconsideration of the application. An applicant may work with the grant advisors and staff to modify or improve a grant application. 117985  
117986  
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(E) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following: 117990  
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(1) The content of the applicant's proposal as outlined under division (C) of this section; 117993  
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(2) The project's deliverables and a timetable for their completion; 117995  
117996

(3) Conditions for receiving grant funding; 117997

(4) Conditions for receiving funding in future years if the contract is a multi-year contract; 117998  
117999

(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement. 118000  
118001

(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant. 118002  
118003

(F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement. 118004  
118005  
118006

(G) As used in this section, "client school district" has the same meaning as in section 3311.0510 of the Revised Code. 118007  
118008

(H) At the discretion of the board, a portion of appropriation item 200644, Straight A Fund, may be used by the Department of Education to administer the Straight A Program. 118009  
118010  
118011

(I) Notwithstanding any provision of law to the contrary, 118012  
grants awarded under this section may be used by grant recipients 118013  
for grant-related expenses incurred for a period not to exceed two 118014  
years from the date of the award according to guidelines 118015  
established by the Straight A Fund governing board. 118016

**Section 263.360.** LOTTERY PROFITS EDUCATION RESERVE FUND 118017

(A) There is hereby created the Lottery Profits Education 118018  
Reserve Fund (Fund 7018) in the State Treasury. Investment 118019  
earnings of the Lottery Profits Education Reserve Fund shall be 118020  
credited to the fund. 118021

(B) Notwithstanding any other provision of law to the 118022  
contrary, the Director of Budget and Management may transfer cash 118023  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 118024  
in fiscal year 2016 and fiscal year 2017. 118025

(C) On July 15, 2015, or as soon as possible thereafter, the 118026  
Director of the Ohio Lottery Commission shall certify to the 118027  
Director of Budget and Management the amount by which lottery 118028  
profit transfers received by Fund 7017 exceeded \$974,500,000 in 118029  
fiscal year 2015. 118030

(D) On July 15, 2016, or as soon as possible thereafter, the 118031  
Director of the Ohio Lottery Commission shall certify to the 118032  
Director of Budget and Management the amount by which lottery 118033  
profit transfers received by Fund 7017 exceeded \$984,000,000 in 118034  
fiscal year 2016. 118035

(E) Notwithstanding any provision of law to the contrary, in 118036  
fiscal year 2016 and fiscal year 2017, the Director of Budget and 118037  
Management may transfer cash in excess of the amounts necessary to 118038  
support appropriations in Fund 7017 from that fund to Fund 7018. 118039

**Section 263.370.** DISTRIBUTION FORMULAS 118040

The Department of Education shall report the following to the 118041  
Director of Budget and Management and the Legislative Service 118042  
Commission: 118043

(A) Changes in formulas for distributing state 118044  
appropriations, including administratively defined formula 118045  
factors; 118046

(B) Discretionary changes in formulas for distributing 118047  
federal appropriations; 118048

(C) Federally mandated changes in formulas for distributing 118049  
federal appropriations. 118050

Any such changes shall be reported two weeks prior to the 118051  
effective date of the change. 118052

**Section 263.380.** SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 118053

Upon the request of the Superintendent of Public Instruction, 118054  
the Director of Budget and Management may transfer up to \$750,000 118055  
cash in each fiscal year from the General Revenue Fund to the 118056  
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 118057  
transferred cash is to be used by the Department of Education to 118058  
pay the expenses the Department incurs in administering the 118059  
Medicaid School Component of the Medicaid program established 118060  
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 118061  
of each fiscal year, or as soon as possible thereafter, the 118062  
Director of Budget and Management shall transfer cash from Fund 118063  
3AF0 back to the General Revenue Fund in an amount equal to the 118064  
total amount transferred to Fund 3AF0 in that fiscal year. 118065

The money deposited into Fund 3AF0 under division (B) of 118066  
section 5162.64 of the Revised Code is hereby appropriated for 118067  
fiscal years 2016 and 2017 and shall be used in accordance with 118068  
division (C) of section 5162.64 of the Revised Code. 118069

**Section 263.390.** EDUCATIONAL SERVICE CENTERS FUNDING 118070

As used in this section, "high-performing primary educational 118071  
service center" means an educational service center that reduces 118072  
client school district expenditures in fiscal year 2016 through 118073  
efficiencies attained by coordinating and consolidating services. 118074

As used in this section, "student count" means the count 118075  
calculated under division (G)(1) of section 3313.843 of the 118076  
Revised Code. 118077

In fiscal year 2016, the Department of Education shall pay 118078  
the governing board of each primary educational service center 118079  
state funds equal to thirty-three dollars times its student count. 118080

In fiscal year 2017, the Department of Education shall pay 118081  
the governing board of each high-performing educational service 118082  
center state funds equal to thirty-five dollars times its student 118083  
count, and to the governing board of each other center, state 118084  
funds equal to thirty-three dollars times its student count. 118085

The State Board of Education shall adopt rules by December 118086  
31, 2015, governing the determination of high-performing 118087  
educational service centers and the distribution of state funds 118088  
under this section for fiscal year 2017. The rules shall establish 118089  
the following: (1) an application process whereby educational 118090  
service centers may provide evidence of reductions in client 118091  
school district expenditures in fiscal year 2016; (2) a deadline 118092  
by which applications must be submitted to the Department of 118093  
Education; (3) the criteria the Department will use in determining 118094  
the degree of efficiencies attained by coordinating and 118095  
consolidating services and which centers qualify as 118096  
high-performing for purposes of funding under this section; (4) a 118097  
metric the Department will use in evaluating and monitoring the 118098  
efficiencies attained by coordinating and consolidating services. 118099

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department of Education shall prorate the payment amounts so that the appropriation is not exceeded.

Notwithstanding any provision of law to the contrary, the Department of Education shall modify the payments under this section as follows:

(A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in former section 3317.11 of the Revised Code, as that section existed prior to the date of its repeal.

(B) If two or more educational service centers merge operations to create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.

**Section 263.400. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS**

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate.

**Section 263.410. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS**

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 118129  
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(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP. 118131  
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(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2016 and 2017 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year. 118134  
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(C) In addition to any state foundation payments made, in each of fiscal years 2016 and 2017, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero. 118139  
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(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200550, Foundation Funding. 118151  
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**Section 263.420. EARMARK ACCOUNTABILITY** 118159

At the request of the Superintendent of Public Instruction, 118160  
any entity that receives a budget earmark under the Department of 118161  
Education shall submit annually to the chairpersons of the 118162  
committees of the House of Representatives and the Senate 118163  
primarily concerned with education and education funding and to 118164  
the Department of Education a report that includes a description 118165  
of the services supported by the funds, a description of the 118166  
results achieved by those services, an analysis of the 118167  
effectiveness of the program, and an opinion as to the program's 118168  
applicability to other school districts. For an earmarked entity 118169  
that received state funds from an earmark in the prior fiscal 118170  
year, no funds shall be provided by the Department of Education to 118171  
an earmarked entity for a fiscal year until its report for the 118172  
prior fiscal year has been submitted. 118173

**Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME** 118174

A community school established under Chapter 3314. of the 118175  
Revised Code that was open for operation as a community school as 118176  
of May 1, 2005, may operate from or in any home, as defined in 118177  
section 3313.64 of the Revised Code, located in the state, 118178  
regardless of when the community school's operations from or in a 118179  
particular home began. 118180

**Section 263.440. USE OF VOLUNTEERS** 118181

The Department of Education may utilize the services of 118182  
volunteers to accomplish any of the purposes of the Department. 118183  
The Superintendent of Public Instruction shall approve for what 118184  
purposes volunteers may be used and for these purposes may 118185  
recruit, train, and oversee the services of volunteers. The 118186  
Superintendent may reimburse volunteers for necessary and 118187  
appropriate expenses in accordance with state guidelines and may 118188  
designate volunteers as state employees for the purpose of motor 118189

vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

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**Section 263.450.** RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

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(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.

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(B) As used in this section:

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(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

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(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

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(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

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(4) "Transitional aid funding" means payments calculated for 118220  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 118221  
of the 125th General Assembly, as subsequently amended; Section 118222  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 118223  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 118224  
of the 127th General Assembly. 118225

**Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 118226

In collaboration with the County Family and Children First 118227  
Council, a city, local, or exempted village school district, 118228  
community school, STEM school, joint vocational school district, 118229  
educational service center, or county board of developmental 118230  
disabilities that receives allocations from the Department of 118231  
Education from appropriation item 200550, Foundation Funding, or 118232  
appropriation item 200540, Special Education Enhancements, may 118233  
transfer portions of those allocations to a flexible funding pool 118234  
authorized by the Section of this act entitled "FAMILY AND 118235  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 118236  
maintenance of effort or for federal or state funding matching 118237  
requirements shall not be transferred unless the allocation may 118238  
still be used to meet such requirements. 118239

**Section 263.480. PRIVATE TREATMENT FACILITY PROJECT** 118240

(A) As used in this section: 118241

(1) The following are "participating residential treatment 118242  
centers": 118243

(a) Private residential treatment facilities that have 118244  
entered into a contract with the Department of Youth Services to 118245  
provide services to children placed at the facility by the 118246  
Department and which, in fiscal year 2016 or fiscal year 2017 or 118247  
both, the Department pays through appropriation item 470401, 118248  
RECLAIM Ohio; 118249

(b) Abraxas, in Shelby;	118250
(c) Paint Creek, in Bainbridge;	118251
(d) F.I.R.S.T., in Mansfield.	118252
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	118253 118254 118255
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	118256 118257
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	118258 118259 118260 118261 118262
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	118263 118264 118265
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to	118266 118267 118268 118269 118270 118271 118272 118273 118274 118275 118276 118277 118278 118279 118280

children under twenty-two years of age residing in the treatment center. 118281  
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(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2016 and fiscal year 2017 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2016 and fiscal year 2017 under this division unless that school district is providing the educational program to the child under division (B) of this section. 118283  
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A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child. 118300  
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The amount of tuition paid shall be: 118303

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code; 118304  
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(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student 118306  
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pursuant to the student's individualized education program, minus 118312  
the tuition paid for the child under division (C)(1) of this 118313  
section. 118314

A school district paying tuition under this division shall 118315  
not include the child for whom tuition is paid in the district's 118316  
average daily membership certified under division (A) of section 118317  
3317.03 of the Revised Code. 118318

(D) In each of fiscal years 2016 and 2017, the Department of 118319  
Education shall reimburse, from appropriations made for the 118320  
purpose, a school district, educational service center, or 118321  
residential treatment facility, whichever is providing the 118322  
service, that has demonstrated that it is in compliance with the 118323  
funding criteria for each served child for whom a school district 118324  
must pay tuition under division (C) of this section. The amount of 118325  
the reimbursement shall be the amount appropriated for this 118326  
purpose divided by the full-time equivalent number of children for 118327  
whom reimbursement is to be made. 118328

(E) Funds provided to a school district, educational service 118329  
center, or residential treatment facility under this section shall 118330  
be used to supplement, not supplant, funds from other public 118331  
sources for which the school district, service center, or 118332  
residential treatment facility is entitled or eligible. 118333

(F) The Department of Education shall track the utilization 118334  
of funds provided to school districts, educational service 118335  
centers, and residential treatment facilities under this section 118336  
and monitor the effect of the funding on the educational programs 118337  
they provide in participating residential treatment facilities. 118338  
The Department shall monitor the programs for educational 118339  
accountability. 118340

**Section 263.490.** Notwithstanding section 3302.21 of the 118341  
Revised Code, for the 2014-2015 school year only, the Department 118342

of Education shall not rank school districts, community schools, 118343  
and STEM schools according to the performance measures prescribed 118344  
in divisions (A)(1), (2), and (5) of that section. However, the 118345  
Department shall rank districts and schools according to the 118346  
measures prescribed in divisions (A)(3) and (4) of that section 118347  
for the 2014-2015 school year not later than January 31, 2016. 118348

**Section 263.510.** Notwithstanding section 3302.03 of the 118349  
Revised Code, the Department of Education shall issue grades as 118350  
described in division (E) of section 3302.03 of the Revised Code 118351  
for each of the performance measures prescribed in division (C)(1) 118352  
of that section for the 2014-2015 school year not later than 118353  
January 15, 2016. 118354

**Section 263.520.** Notwithstanding anything to the contrary in 118355  
section 3302.035 of the Revised Code, the Department of Education 118356  
shall issue the reports required under that section on the 118357  
performance measures for a school district's or school's students 118358  
with disabilities subgroup, using data from the 2014-2015 school 118359  
year, not later than January 31, 2016. 118360

For each school year thereafter, the Department shall issue 118361  
those reports on the first day of October as required under that 118362  
section. 118363

**Section 263.530.** (A) The Superintendent of Public Instruction 118364  
may form partnerships with Ohio's business community, including 118365  
the Ohio Business Roundtable, to create and implement initiatives 118366  
that connect students with the business community in an effort to 118367  
increase student engagement and job readiness through internships, 118368  
work study, and site-based learning experiences. 118369

(B) If the Superintendent forms a partnership pursuant to 118370  
division (A) of this section, the initiatives created and 118371

implemented through that partnership shall do all of the 118372  
following: 118373

(1) Support the career connection learning strategies 118374  
described in division (B)(2) of section 3301.079 of the Revised 118375  
Code; 118376

(2) Provide an opportunity for students to earn high school 118377  
credit toward graduation or to meet curriculum requirements in 118378  
accordance with divisions (J)(1) and (2) of section 3313.603 of 118379  
the Revised Code; 118380

(3) Inform the development of student success plans pursuant 118381  
to division (C) of section 3313.6020 of the Revised Code. 118382

**Section 263.540.** The Department of Education shall provide 118383  
assistance to the State Board of Education for the purposes of 118384  
updating the statewide plan on subject area competency, including 118385  
credit by examination, pursuant to division (J)(2) of section 118386  
3313.603 of the Revised Code, to reduce barriers to student 118387  
participation in credit flexibility options. 118388

Upon completion, the Department shall inform students, 118389  
parents, and schools of the updated plan. 118390

**Section 263.560.** There is hereby created the School 118391  
Transportation Joint Task Force to study the transportation of 118392  
school children. The Task Force shall consist of members appointed 118393  
equally by the Speaker of the House and by the President of the 118394  
Senate. The members appointed shall choose a chairperson and 118395  
vice-chairperson who shall be members of the General Assembly. The 118396  
Task Force shall study and make recommendations to the General 118397  
Assembly not later than February 1, 2016, on the following: 118398

(1) The appropriate funding formula to assist local school 118399  
districts with the transportation of students to public and 118400  
nonpublic schools; 118401

(2) The appropriate relationship, duties, and 118402  
responsibilities between local school districts, community 118403  
schools, and nonpublic schools with regard to student 118404  
transportation. 118405

All state agencies shall provide such assistance to the Task 118406  
Force as is requested by the Task Force. 118407

**Section 263.590.** The Department of Education, in conjunction 118408  
with an association of education service centers in this state and 118409  
an association that advocates for gifted children in the state, 118410  
shall complete a feasibility analysis of the establishment of a 118411  
start-up community school in each of the sixteen regions of the 118412  
Educational Regional Service System to serve primarily identified 118413  
gifted students. Not later than July 1, 2016, the Department shall 118414  
submit the analysis to the chairpersons of the standing committees 118415  
and subcommittees of the House of Representatives and the Senate 118416  
principally responsible for education policy and finance. 118417

**Section 263.600.** (A) This section applies only to a city 118418  
school district that is located in the same municipal corporation 118419  
as a professional sports museum and is enacted under Article VIII, 118420  
Section 13 of the Ohio Constitution to create and preserve jobs 118421  
and employment opportunities and to improve the economic welfare 118422  
of the people of the state. 118423

(B) Notwithstanding section 3313.41 of the Revised Code, the 118424  
board of education of a school district to which this section 118425  
applies may offer for sale any property it owns, or any interest 118426  
in such property, to an Ohio nonprofit corporation operating a 118427  
professional sports museum located in the same municipal 118428  
corporation, or to an entity in which such a nonprofit corporation 118429  
has an economic or other interest, prior to offering that property 118430  
for sale under the provisions of section 3313.41 of the Revised 118431

Code and upon such terms and conditions as the board of education 118432  
in its discretion may determine, including the right to continue 118433  
using or to obtain the future use of that property or any 118434  
improvements thereto under lease or other use agreement 118435  
satisfactory to the board of education and any right or option to 118436  
purchase agreed to by the parties. 118437

(C) Any property or property interest that may be sold to a 118438  
nonprofit corporation operating a professional sports museum under 118439  
division (B) of this section may be leased by the board of 118440  
education to the nonprofit corporation or an entity in which that 118441  
nonprofit corporation has an interest for such term not exceeding 118442  
99 years and upon such other terms and conditions as the board of 118443  
education in its discretion may determine, including the right to 118444  
continue using or to obtain the future use of that property or any 118445  
improvements thereto under lease or other use agreement 118446  
satisfactory to the board of education and any right or option to 118447  
purchase agreed to by the parties. 118448

(D)(1) Any property or property interest that may be sold to 118449  
a nonprofit corporation operating a professional sports museum 118450  
under division (B) or (C) of this section may be leased by the 118451  
board of education to a port authority created under Chapter 4582. 118452  
of the Revised Code for a term not exceeding 99 years and upon 118453  
such other terms and conditions as the board of education in its 118454  
discretion may determine, including the right to continue using or 118455  
to obtain the future use of that property or any improvements 118456  
thereto under lease or other use agreement satisfactory to the 118457  
board of education and any right or option to purchase agreed to 118458  
by the parties. 118459

(2) Any property or property interest leased to a port 118460  
authority under division (D)(1) of this section may be leased, 118461  
subject to the terms and conditions of the lease by the board of 118462  
education, by the port authority to the nonprofit corporation 118463



operating a professional sports museum as described in division 118464  
(B) of this section or to any other person designated by the 118465  
nonprofit corporation, including an entity in which that nonprofit 118466  
corporation has an interest, and may be leased by the nonprofit 118467  
corporation or other designated person to any other person, and 118468  
any improvements to that property may be procured and contracted 118469  
for by the port authority, the nonprofit corporation operating the 118470  
professional sports museum, or any other person to which the 118471  
property or property interest is leased. 118472

(3) Any lease or other instrument, and any contract or other 118473  
agreement, of a port authority authorized under division (D)(1) or 118474  
(2) of this section may be made in any manner authorized by the 118475  
board of directors of the port authority under division (A)(18)(e) 118476  
of section 4582.31 of the Revised Code. 118477

(E) The authority granted in this section expires on July 1, 118478  
2021. The expiration does not affect the legality, validity, or 118479  
binding effect of any sale, lease, or other transfer effected, or 118480  
any instrument, contract, or other agreement entered into under 118481  
this section prior to the expiration. 118482

**Section 263.601.** The authority granted under Section 263.600 118483  
of this act is intended to promote economic development and create 118484  
and preserve jobs and employment opportunities and improve the 118485  
economic welfare of the people of the state and to permit the 118486  
board of education of a city school district, in cooperation with 118487  
an Ohio nonprofit corporation operating a professional sports 118488  
museum in the municipality served by the school district, to 118489  
promote, and to cooperate with an Ohio port authority in 118490  
promoting, economic development and creating and preserving jobs 118491  
and employment opportunities and improving the economic welfare of 118492  
the people of the state by enabling cooperative actions, including 118493  
the sale or lease of property or interests in property owned by 118494

the board of education in furtherance of those purposes and of the 118495  
efforts of Ohio port authorities to undertake activities, 118496  
including financing activities, in furtherance of authorized 118497  
purposes under existing authority within the powers and 118498  
jurisdiction of such a port authority that enhance, foster, aid, 118499  
provide, or promote economic development, recreation, education, 118500  
governmental operations, culture, research, the creation and 118501  
preservation of jobs and employment opportunities, and other 118502  
development purposes, and to do so in cooperation with and in 118503  
support of other governmental entities, including school 118504  
districts, and nonprofit corporations operating professional 118505  
sports museums in Ohio, and therefore the amendments apply to work 118506  
commenced or to be commenced, as well as proceedings occurring or 118507  
to occur, after their effective date, and insofar as the 118508  
provisions are applicable to, support, or facilitate any property 118509  
or financing proceedings that are pending, in progress, or 118510  
completed on such effective date, also apply to those proceedings 118511  
and to any property or property interest transferred or leased and 118512  
to any securities authorized or issued pursuant to those 118513  
proceedings, and any such proceedings pending, in progress or 118514  
completed, any property or property interest transferred or leased 118515  
and any securities authorized, sold, issued, delivered, or 118516  
validated pursuant to those proceedings shall be deemed to have 118517  
been taken, transferred, or leased, and authorized, sold, issued, 118518  
delivered, and validated, in conformity with Section 263.600 of 118519  
this act and any applicable provisions of the Ohio Constitution 118520  
and Chapter 4582. or other applicable provisions of the Revised 118521  
Code. 118522

**Section 263.610.** (A) As used in this section, "client school 118523  
district" means a city, exempted village, or local school district 118524  
that has entered into an agreement under section 3313.843 or 118525

3313.845 of the Revised Code to receive any services from an educational service center.

(B) Notwithstanding anything to the contrary in the Revised Code, if an educational service center governing board is abolished under section 3311.0510 of the Revised Code not later than July 1, 2015, any indebtedness to the Department of Education for expenses related to the dissolution that exceed the available assets of the service center shall not be assessed against the client school districts of the service center.

**Section 263.620.** (A) Not later than thirty days after the effective date of this section, the Superintendent of Public Instruction shall verify that the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code that are administered in the 2015-2016 school year will be administered once each year and not over multiple testing windows. The State Superintendent also shall verify that the timing of the administration of the assessments shall occur in the second half of the school year, except for end-of-course examinations for courses completed during the first semester of the school year. In addition, the Superintendent shall verify that the length of the assessments shall be reduced as compared to those that were administered in the 2014-2015 school year, in order to provide more time for classroom instruction and less disruption in student learning. For the online administration of assessments, a single technology platform is preferred but not required.

(B) If the State Superintendent verifies that the assessments and their administration do not meet the conditions prescribed under this section, the State Superintendent shall take the steps necessary to find and contract with one or more entities to develop and provide assessments that meet the conditions prescribed under this section.

**Section 263.630.** Not later than thirty days after the 118557  
effective date of this section, the Ohio Department of Education 118558  
shall apply to the United States Secretary of Education for a 118559  
waiver from provisions of the "No Child Left Behind Act of 2001," 118560  
to account for the prohibition on using the value-added progress 118561  
dimension to calculate student academic growth for purposes of 118562  
conducting teacher and principal evaluations for the 2015-2016 and 118563  
2016-2017 school years that are based on the results of the 118564  
assessments administered in the 2014-2015 and 2015-2016 school 118565  
years. 118566

As used in this section, "value-added progress dimension" 118567  
means the value-added progress dimension as defined in section 118568  
3302.01 of the Revised Code. 118569

**Section 263.640.** Each school district, community school 118570  
established under Chapter 3314. of the Revised Code, and STEM 118571  
school established under Chapter 3326. of the Revised Code shall 118572  
report to the Ohio Department of Education the number and 118573  
percentage of its students who did not take an assessment 118574  
prescribed under section 3301.0710 or 3301.0712 of the Revised 118575  
Code that was administered in the 2014-2015 school year and who 118576  
was not excused pursuant to division (C)(1) or (3) of section 118577  
3301.0711 of the Revised Code from taking that assessment. 118578

**Section 263.650.** (A)(1) Notwithstanding anything in the 118579  
Revised Code to the contrary and except as provided in division 118580  
(A)(2) of this section, the board of education of a school 118581  
district, the governing authority of a community school 118582  
established under Chapter 3314. of the Revised Code, or the 118583  
governing authority of a STEM school established under Chapter 118584  
3326. of the Revised Code shall not use the value-added progress 118585  
dimension rating that is based on the results of the assessments 118586

prescribed under sections 3301.0710 and 3301.0712 of the Revised Code administered in the 2014-2015 and 2015-2016 school years for purposes of assessing student academic growth for teacher and principal evaluations conducted under sections 3311.80, 3319.02, 3319.111, and 3319.112 of the Revised Code or when making decisions regarding the dismissal, retention, tenure, or compensation of the district's or school's teachers and principals.

(2) A school district, community school, or STEM school may enter into a memorandum of understanding collectively with its teachers or principals stipulating that the value-added progress dimension rating that is based on the results of the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code administered in the 2014-2015 or 2015-2016 school year may be used to assess student academic growth for purposes of teacher and principal evaluations or when making decisions regarding the dismissal, retention, tenure, or compensation of the district's or school's teachers and principals.

(3) For a teacher of a grade level and subject area for which the value-added progress dimension is applicable, if no other measure is available to determine student academic growth as required under section 3311.80, 3319.112, or 3319.114 of the Revised Code, teacher and principal evaluations shall be based solely on teacher or principal performance.

(B) As used in this section, "value-added progress dimension" means the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3303.03 of the Revised Code.

**Section 263.660.** Not later than July 1, 2016, the Department of Education shall submit and present to the standing committees

of the House of Representatives and the Senate that consider 118618  
education legislation both of the following: 118619

(A) A plan that proposes the expansion of the Department's 118620  
authority to directly authorize community schools under section 118621  
3314.029 of the Revised Code; 118622

(B) Recommendations for a ratings rubric for the evaluation 118623  
of sponsors under section 3314.016 of the Revised Code. The 118624  
recommendations shall include research-based evidence that 118625  
demonstrates the rubric will result in improved academic results. 118626

**Section 265.10.** ELC OHIO ELECTIONS COMMISSION 118627

General Revenue Fund 118628

GRF 051321	Operating Expenses	\$	333,117	\$	333,117	118629
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TOTAL GRF	General Revenue Fund	\$	333,117	\$	333,117	118630
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Dedicated Purpose Fund Group 118631

4P20 051601	Operating Support	\$	194,500	\$	194,500	118632
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TOTAL DPF	Dedicated Purpose Fund	\$	194,500	\$	194,500	118633
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	527,617	\$	527,617	118634
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**ERRONEOUS FILING FEE DEPOSITS** 118635

On July 1, 2015, or as soon as possible thereafter, the 118636  
Executive Director of the Elections Commission and the Secretary 118637  
of State, or the Secretary of State's designee, shall jointly 118638  
certify to the Director of Budget and Management the amount of 118639  
filing fees erroneously deposited by the Ohio Elections Commission 118640  
and Secretary of State to the General Revenue Fund between 2007 118641  
and 2015. Upon receipt of the certification, the Director of 118642  
Budget and Management may transfer cash, up to the certified 118643  
amount, from the General Revenue Fund to the Ohio Elections 118644  
Commission Fund (Fund 4P20). This transfer corrects erroneous 118645  
deposits of revenue that were made by the Ohio Elections 118646

Commission and Secretary of State to the General Revenue Fund. 118647

<b>Section 267.10.</b> FUN STATE BOARD OF EMBALMERS AND FUNERAL			118648
DIRECTORS			118649
Dedicated Purpose Fund Group			118650
4K90 881609	Operating Expenses	\$ 741,000 \$ 771,000	118651
TOTAL DPF Dedicated Purpose			118652
Fund Group			118653
TOTAL ALL BUDGET FUND GROUPS			118654

<b>Section 269.10.</b> PAY EMPLOYEE BENEFITS FUNDS			118656
Fiduciary Fund Group			118657
1240 995673	Payroll Deductions	\$ 786,081,277 \$ 801,802,903	118658
8060 995666	Accrued Leave Fund	\$ 70,520,230 \$ 71,930,634	118659
8070 995667	Disability Fund	\$ 22,271,135 \$ 22,716,558	118660
8080 995668	State Employee Health	\$ 711,136,583 \$ 767,740,540	118661
Benefit Fund			
8090 995669	Dependent Care	\$ 3,323,438 \$ 3,487,159	118662
Spending Account			
8100 995670	Life Insurance	\$ 1,779,885 \$ 1,815,482	118663
Investment Fund			
8110 995671	Parental Leave	\$ 3,510,481 \$ 3,580,691	118664
Benefit Fund			
8130 995672	Health Care Spending	\$ 10,089,249 \$ 10,895,989	118665
Account			
TOTAL FID Fiduciary Fund Group			118666
TOTAL ALL BUDGET FUND GROUPS			118667

PAYROLL DEDUCTION FUND 118668

The foregoing appropriation item 995673, Payroll Deductions, 118669  
shall be used to make payments from the Payroll Deduction Fund 118670  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 118671  
is determined by the Director of Budget and Management that 118672

additional amounts are necessary, the amounts are hereby 118673  
appropriated. 118674

ACCRUED LEAVE LIABILITY FUND 118675

The foregoing appropriation item 995666, Accrued Leave Fund, 118676  
shall be used to make payments from the Accrued Leave Liability 118677  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 118678  
If it is determined by the Director of Budget and Management that 118679  
additional amounts are necessary, the amounts are hereby 118680  
appropriated. 118681

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 118682

The foregoing appropriation item 995667, Disability Fund, 118683  
shall be used to make payments from the State Employee Disability 118684  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 118685  
Revised Code. If it is determined by the Director of Budget and 118686  
Management that additional amounts are necessary, the amounts are 118687  
hereby appropriated. 118688

STATE EMPLOYEE HEALTH BENEFIT FUND 118689

The foregoing appropriation item 995668, State Employee 118690  
Health Benefit Fund, shall be used to make payments from the State 118691  
Employee Health Benefit Fund (Fund 8080) pursuant to section 118692  
124.87 of the Revised Code. If it is determined by the Director of 118693  
Budget and Management that additional amounts are necessary, the 118694  
amounts are hereby appropriated. 118695

DEPENDENT CARE SPENDING FUND 118696

The foregoing appropriation item 995669, Dependent Care 118697  
Spending Account, shall be used to make payments from the 118698  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 118699  
dependent care expenses pursuant to section 124.822 of the Revised 118700  
Code. If it is determined by the Director of Budget and Management 118701  
that additional amounts are necessary, the amounts are hereby 118702



appropriated.	118703
LIFE INSURANCE INVESTMENT FUND	118704
The foregoing appropriation item 995670, Life Insurance	118705
Investment Fund, shall be used to make payments from the Life	118706
Insurance Investment Fund (Fund 8100) for the costs and expenses	118707
of the state's life insurance benefit program pursuant to section	118708
125.212 of the Revised Code. If it is determined by the Director	118709
of Budget and Management that additional amounts are necessary,	118710
the amounts are hereby appropriated.	118711
PARENTAL LEAVE BENEFIT FUND	118712
The foregoing appropriation item 995671, Parental Leave	118713
Benefit Fund, shall be used to make payments from the Parental	118714
Leave Benefit Fund (Fund 8110) to employees eligible for parental	118715
leave benefits pursuant to section 124.137 of the Revised Code. If	118716
it is determined by the Director of Budget and Management that	118717
additional amounts are necessary, the amounts are hereby	118718
appropriated.	118719
HEALTH CARE SPENDING ACCOUNT FUND	118720
The foregoing appropriation item 995672, Health Care Spending	118721
Account, shall be used to make payments from the Health Care	118722
Spending Account Fund (Fund 8130) for payments pursuant to state	118723
employees' participation in a flexible spending account for	118724
non-reimbursed health care expenses and section 124.821 of the	118725
Revised Code. If it is determined by the Director of	118726
Administrative Services that additional amounts are necessary, the	118727
Director of Administrative Services may request that the Director	118728
of Budget and Management increase such amounts. Such amounts are	118729
hereby appropriated.	118730
<b>Section 271.10.</b> ERB STATE EMPLOYMENT RELATIONS BOARD	118731
General Revenue Fund	118732

GRF 125321	Operating Expenses	\$	3,761,457	\$	3,761,457	118733
TOTAL GRF	General Revenue Fund	\$	3,761,457	\$	3,761,457	118734
Dedicated Purpose Fund Group						118735
5720 125603	Training and Publications	\$	75,000	\$	75,000	118736
TOTAL DPF	Dedicated Purpose Fund Group	\$	75,000	\$	75,000	118738
TOTAL ALL BUDGET FUND GROUPS		\$	3,836,457	\$	3,836,457	118739

**Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS** 118741

Dedicated Purpose Fund Group						118742
4K90 892609	Operating Expenses	\$	993,889	\$	993,889	118743
TOTAL DPF	Dedicated Purpose Fund Group	\$	993,889	\$	993,889	118745
TOTAL ALL BUDGET FUND GROUPS		\$	993,889	\$	993,889	118746

**Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 118748

General Revenue Fund						118749
GRF 715502	Auto Emissions e-Check Program	\$	10,923,093	\$	10,923,093	118750
GRF 715505	Drinking Water Solutions	\$	4,000,000	\$	4,000,000	118751
TOTAL GRF	General Revenue Fund	\$	14,923,093	\$	14,923,093	118752
Dedicated Purpose Fund Group						118753
4D50 715618	Recycled State Materials	\$	50,000	\$	50,000	118754
4J00 715638	Underground Injection Control	\$	393,917	\$	399,125	118755
4K20 715648	Clean Air - Non Title V	\$	3,309,301	\$	3,726,893	118756
4K30 715649	Solid Waste	\$	13,118,573	\$	13,202,293	118757
4K40 715650	Surface Water	\$	9,446,300	\$	8,422,600	118758

		Protection					
4K40	715686	Environmental	\$	2,096,007	\$	2,096,007	118759
		Laboratory Services					
4K50	715651	Drinking Water	\$	6,637,044	\$	6,825,955	118760
		Protection					
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	118761
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965	118762
4R90	715658	Voluntary Action	\$	825,759	\$	842,275	118763
		Program					
4T30	715659	Clean Air - Title V	\$	13,507,000	\$	13,639,150	118764
		Permit Program					
5000	715608	Immediate Removal	\$	718,793	\$	731,293	118765
		Special Account					
5030	715621	Hazardous Waste	\$	5,765,075	\$	6,082,805	118766
		Facility Management					
5050	715623	Hazardous Waste	\$	14,388,348	\$	14,701,826	118767
		Cleanup					
5320	715646	Recycling and Litter	\$	4,691,000	\$	4,698,000	118768
		Control					
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	118769
5420	715671	Risk Management	\$	214,826	\$	214,826	118770
		Reporting					
5860	715637	Scrap Tire Market	\$	1,150,000	\$	1,170,000	118771
		Development					
5BC0	715622	Local Air Pollution	\$	1,999,172	\$	1,999,172	118772
		Control					
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974	118773
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566	118774
5BC0	715673	Drinking and Ground	\$	3,324,521	\$	3,324,520	118775
		Water					
5BC0	715676	Assistance and	\$	1,583,098	\$	1,591,682	118776
		Prevention					
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586	118777

5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	118778
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	118779
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000	118780
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	118781
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000	118782
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000	118783
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	118784
5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200	118785
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	118786
6440	715631	Emergency Response Radiological Safety	\$	298,304	\$	303,174	118787
6760	715642	Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262	118788
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	118789
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	118790
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000	118791
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000	118792
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	118793
TOTAL	DPF	Dedicated Purpose Fund Group	\$	127,513,512	\$	128,901,743	118794
		Internal Service Activity Fund Group					118795
1990	715602	Laboratory Services	\$	427,234	\$	594,566	118796

2190	715604	Central Support	\$	6,900,000	\$	6,600,000	118797
		Indirect					
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	118798
TOTAL ISA		Internal Service Activity	\$	9,377,234	\$	9,244,566	118799
Fund Group							
Capital Projects Fund Group							118800
5S10	715607	Clean Ohio	\$	284,124	\$	284,124	118801
		Revitalization					
		Operating					
TOTAL CPF		Capital Projects Fund	\$	284,124	\$	284,124	118802
Group							
Federal Fund Group							118803
3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020	118804
3540	715614	Hazardous Waste	\$	3,038,383	\$	3,038,383	118805
		Management - Federal					
3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	118806
		- Federal					
3620	715605	Underground Injection	\$	98,628	\$	102,859	118807
		Control - Federal					
3BU0	715684	Water Quality	\$	13,211,815	\$	14,537,389	118808
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	118809
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	2,800,000	\$	2,900,000	118810
		Operating					
3F30	715632	Federally Supported	\$	4,168,991	\$	4,291,191	118811
		Cleanup and Response					
3T30	715669	Drinking Water State	\$	2,824,076	\$	2,824,076	118812
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	118813
TOTAL FED		Federal Fund Group	\$	35,310,223	\$	36,917,121	118814
TOTAL ALL BUDGET		FUND GROUPS	\$	187,408,186	\$	190,270,647	118815

DRINKING WATER SOLUTIONS 118816

The Director of Environmental Protection, in consultation 118817  
with the Director of Natural Resources, shall distribute the money 118818  
appropriated to GRF appropriation item 715505, Drinking Water 118819  
Solutions, to each municipal corporation the boundaries of which 118820  
are located in both the Lake Erie drainage basin and the Ohio 118821  
River drainage basin and that is subject to the Great Lakes-St. 118822  
Lawrence River Basin Water Resources Compact if the municipal 118823  
corporation is experiencing increased costs for treatment of, or 118824  
to obtain, its drinking water supplies as a result of its 118825  
inability to pursue alternate water resources due to the Compact 118826  
and the location of its waste water plant and preferred water 118827  
sources. A municipal corporation receiving this money shall use it 118828  
for one of the following purposes: relocating its water treatment 118829  
facility, partnering with another political subdivision or 118830  
subdivisions to access water sources, establishing pipelines to 118831  
access suitable water resources, or treating water to supply 118832  
drinking water to the municipal corporation. Such a municipal 118833  
corporation may also use this money for expenses related to 118834  
undertaking one of these required purposes. 118835

AREAWIDE PLANNING AGENCIES 118836

The Director of Environmental Protection Agency may award 118837  
grants from appropriation item 715687, Areawide Planning Agencies, 118838  
to areawide planning agencies engaged in areawide water quality 118839  
management and planning activities in accordance with Section 208 118840  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 118841

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 118842

EXPENDITURES LIMITATION 118843

Notwithstanding division (B) of section 6111.09 of the 118844  
Revised Code, the Director of Environmental Protection may expend 118845  
not more than \$800,000 of the moneys credited to the Water 118846

Pollution Control Administration Fund (Fund 6990) under that 118847  
division in either of fiscal years 2016 or 2017 for the purposes 118848  
specified in that division. 118849

**Section 277.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 118850

General Revenue Fund 118851

GRF 172321 Operating Expenses \$ 612,435 \$ 612,435 118852

TOTAL GRF General Revenue Fund \$ 612,435 \$ 612,435 118853

TOTAL ALL BUDGET FUND GROUPS \$ 612,435 \$ 612,435 118854

**Section 279.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 118856

General Revenue Fund 118857

GRF 935401 Statehouse News \$ 324,533 \$ 324,533 118858

Bureau

GRF 935402 Ohio Government \$ 1,452,089 \$ 1,452,089 118859

Telecommunications

Services

GRF 935408 General Operations \$ 495,000 \$ 495,000 118860

GRF 935409 Technology Operations \$ 2,743,962 \$ 2,743,962 118861

GRF 935410 Content Development, \$ 3,957,094 \$ 3,957,094 118862

Acquisition, and

Distribution

GRF 935412 Information \$ 533,716 \$ 533,716 118863

Technology

TOTAL GRF General Revenue Fund \$ 9,506,394 \$ 9,506,394 118864

Dedicated Purpose Fund Group 118865

5FK0 935608 Media Services \$ 95,000 \$ 95,000 118866

TOTAL DPF Dedicated Purpose Fund \$ 95,000 \$ 95,000 118867

Group

Internal Service Activity Fund Group 118868

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 118869

4T20 935605 Government \$ 7,000 \$ 7,000 118870

Television/Telecommunications  
 Operating

TOTAL ISA Internal Service Activity				118871
Fund Group	\$	11,000	\$ 11,000	118872
TOTAL ALL BUDGET FUND GROUPS	\$	9,612,394	\$ 9,612,394	118873

**Section 279.20. STATEHOUSE NEWS BUREAU** 118875

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 118876  
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**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 118879

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 118880  
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**TECHNOLOGY OPERATIONS** 118887

The foregoing appropriation item 935409, Technology Operations, shall be used by the Broadcast Educational Media Commission to pay expenses of the network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers. 118888  
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**CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION** 118896

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public 118897  
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media and radio reading services and for educational use in the 118900  
classroom and online. 118901

Of the foregoing appropriation item 935410, Content 118902  
Development, Acquisition, and Distribution, up to \$1,008,099 in 118903  
each fiscal year shall be allocated equally among the Ohio 118904  
educational television stations. Funds shall be used for the 118905  
production of interactive instructional programming series with 118906  
priority given to resources aligned with state academic content 118907  
standards. The programming shall be targeted to the needs of the 118908  
one-third lowest capacity school districts as determined by the 118909  
district's state share index calculated by the Department of 118910  
Education. 118911

Of the foregoing appropriation item 935410, Content 118912  
Development, Acquisition, and Distribution, up to \$2,654,095 in 118913  
each fiscal year shall be distributed by the Broadcast Educational 118914  
Media Commission to Ohio's qualified public educational television 118915  
stations and educational radio stations to support their 118916  
operations. The funds shall be distributed pursuant to an 118917  
allocation formula used by the Ohio Educational Telecommunications 118918  
Network Commission unless a substitute formula is developed by the 118919  
Broadcast Educational Media Commission in consultation with Ohio's 118920  
qualified public educational television stations and educational 118921  
radio stations. 118922

Of the foregoing appropriation item 935410, Content 118923  
Development, Acquisition, and Distribution, up to \$294,900 in each 118924  
fiscal year shall be distributed by the Broadcast Educational 118925  
Media Commission to Ohio's qualified radio reading services to 118926  
support their operations. The funds shall be distributed pursuant 118927  
to an allocation formula used by the Ohio Educational 118928  
Telecommunications Network Commission unless a substitute formula 118929  
is developed by the Broadcast Educational Media Commission in 118930  
consultation with Ohio's qualified radio reading services. 118931

<b>Section 281.10. ETH OHIO ETHICS COMMISSION</b>				118932
General Revenue Fund				118933
GRF 146321	Operating Expenses	\$ 1,381,556	\$ 1,381,556	118934
TOTAL GRF General Revenue Fund				118935
Dedicated Purpose Fund Group				118936
4M60 146601	Operating Support	\$ 641,000	\$ 641,000	118937
TOTAL DPF Dedicated Purpose Fund				118938
Group				
TOTAL ALL BUDGET FUND GROUPS				118939
 <b>Section 283.10. EXP OHIO EXPOSITIONS COMMISSION</b>				118941
General Revenue Fund				118942
GRF 723403	Junior Fair Subsidy	\$ 375,000	\$ 375,000	118943
TOTAL GRF General Revenue Fund				118944
Dedicated Purpose Fund Group				118945
4N20 723602	Ohio State Fair	\$ 235,000	\$ 235,000	118946
Harness Racing				
5060 723601	Operating Expenses	\$ 13,345,000	\$ 13,585,000	118947
5060 723604	Grounds Maintenance	\$ 300,000	\$ 300,000	118948
and Repairs				
TOTAL DPF Dedicated Purpose Fund				118949
Group				
TOTAL ALL BUDGET FUND GROUPS				118950
STATE FAIR RESERVE				118951
The General Manager of the Expositions Commission, in				118952
consultation with the Director of Budget and Management, may				118953
submit a request to the Controlling Board to use available amounts				118954
in the State Fair Reserve Fund (Fund 6400) if revenues from either				118955
the 2015 or the 2016 Ohio State Fair are unexpectedly low.				118956
GROUND MAINTENANCE AND REPAIRS				118957

The foregoing appropriation item 723604, Grounds Maintenance 118958  
and Repairs, shall be used for maintenance and repairs on the 118959  
grounds of the Ohio Expo Center. 118960

**Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION** 118961

General Revenue Fund 118962

GRF 230321 Operating Expenses \$ 6,500,000 \$ 6,500,000 118963

GRF 230401 Cultural Facilities \$ 29,728,000 \$ 25,737,900 118964

Lease Rental Bond

Payments

GRF 230458 State Construction \$ 2,200,000 \$ 2,000,000 118965

Management Services

GRF 230459 Aronoff Center \$ 540,000 \$ 540,000 118966

Building Maintenance

GRF 230908 Common Schools \$ 366,000,000 \$ 377,000,000 118967

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 404,968,000 \$ 411,777,900 118968

Internal Service Activity Fund Group 118969

1310 230639 State Construction \$ 8,500,000 \$ 8,500,000 118970

Management Operations

TOTAL ISA Internal Service Activity \$ 8,500,000 \$ 8,500,000 118971

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 413,468,000 \$ 420,277,900 118972

**Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND** 118974

PAYMENTS 118975

The foregoing appropriation item 230401, Cultural Facilities 118976

Lease Rental Bond Payments shall be used to meet all payments 118977

during the period from July 1, 2015, through June 30, 2017, by the 118978

Ohio Facilities Construction Commission under the primary leases 118979

and agreements for cultural and sports facilities made under 118980

Chapters 152. and 154. of the Revised Code. These appropriations 118981  
are the source of funds pledged for bond service charges on 118982  
related obligations issued under Chapters 152. and 154. of the 118983  
Revised Code. 118984

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 118985

The foregoing appropriation item 230908, Common Schools 118986  
General Obligation Bond Debt Service, shall be used to pay all 118987  
debt service and related financing costs during the period from 118988  
July 1, 2015, through June 30, 2017, on obligations issued under 118989  
sections 151.01 and 151.03 of the Revised Code. 118990

**Section 285.30.** COMMUNITY PROJECT ADMINISTRATION 118991

The foregoing appropriation item 230458, State Construction 118992  
Management Services, shall be used by the Ohio Facilities 118993  
Construction Commission in administering Cultural and Sports 118994  
Facilities Building Fund (Fund 7030) projects pursuant to section 118995  
123.201 of the Revised Code. 118996

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 118997

At the request of the Executive Director of the Ohio School 118998  
Facilities Commission, the Director of Budget and Management may 118999  
cancel encumbrances for school district projects from a previous 119000  
biennium if the district has not raised its local share of project 119001  
costs within thirteen months of receiving Controlling Board 119002  
approval under section 3318.05 or 3318.41 of the Revised Code. The 119003  
Executive Director of the Ohio School Facilities Commission shall 119004  
certify the amounts of the canceled encumbrances to the Director 119005  
of Budget and Management on a quarterly basis. The amounts of the 119006  
canceled encumbrances are hereby appropriated. 119007

**Section 285.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 119008  
APPROPRIATIONS 119009

On July 1, 2015, or as soon as possible thereafter, the  
Executive Director of the Facilities Construction Commission shall  
certify to the Director of Budget and Management the amount of  
cash receipts and related investment income, irrevocable letters  
of credit from a bank, or certification of the availability of  
funds that have been received from a county or a municipal  
corporation for deposit into the Capital Donations Fund (Fund  
5A10) and that are related to an anticipated project. These  
amounts are hereby appropriated to appropriation item C37146,  
Capital Donations. Prior to certifying these amounts to the  
Director, the Executive Director shall make a written agreement  
with the participating entity on the necessary cash flows required  
for the anticipated construction or equipment acquisition project.

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**Section 285.50.** AMENDMENT TO PROJECT AGREEMENT FOR  
MAINTENANCE LEVY

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The Ohio School Facilities Commission shall amend the project  
agreement between the Commission and a school district that is  
participating in the Accelerated Urban School Building Assistance  
Program on the effective date of this section, if the Commission  
determines that it is necessary to do so in order to comply with  
division (B)(3)(c) of section 3318.38 of the Revised Code.

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**Section 285.60.** Notwithstanding any other provision of law to  
the contrary, the Ohio School Facilities Commission may determine  
the amount of funding available for disbursement in a given fiscal  
year for any project approved under sections 3318.01 to 3318.20 of  
the Revised Code in order to keep aggregate state capital spending  
within approved limits and may take actions including, but not  
limited to, determining the schedule for design or bidding of  
approved projects, to ensure appropriate and supportable cash  
flow.

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**Section 285.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 119040  
DISTRICT 119041

Notwithstanding division (B) of section 3318.40 of the 119042  
Revised Code, the Ohio School Facilities Commission may provide 119043  
assistance to at least one joint vocational school district each 119044  
fiscal year for the acquisition of classroom facilities in 119045  
accordance with sections 3318.40 to 3318.45 of the Revised Code. 119046

**Section 285.80.** FUNDING OF DISTRICT SHARE OF BASIC PROJECT 119047  
COST 119048

(A) The Ohio School Facilities Commission, in consultation 119049  
with the Office of Budget and Management, shall prepare a study of 119050  
the impacts, benefits, and risks associated with a school district 119051  
funding its share of the basic project cost of a school facilities 119052  
project under Chapter 3318. of the Revised Code with cash-on-hand 119053  
resulting from a lease-purchase agreement or certificate of 119054  
participation under section 3313.375 of the Revised Code that is 119055  
not subject to voter approval. The study shall be completed not 119056  
later than nine months after the effective date of this section 119057  
and submitted to the Governor and General Assembly in accordance 119058  
with section 101.68 of the Revised Code. Until this study is 119059  
completed, a school district shall not fund its share of the basic 119060  
project cost of a school facilities project under Chapter 3318. of 119061  
the Revised Code with cash-on-hand resulting from a lease-purchase 119062  
agreement or certificate of participation under section 3313.375 119063  
of the Revised Code that is not subject to voter approval, except 119064  
as provided in division (B) of this section. 119065

(B) Notwithstanding division (A) of this section and any 119066  
other provision of law to the contrary, with the approval of the 119067  
School Facilities Commission, a school district may use 119068  
cash-on-hand resulting from a lease-purchase agreement or 119069

certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval in the following limited circumstances:

(1) Funding the district's share of an increase in the basic project cost approved under section 3318.083 of the Revised Code;

(2) Funding a locally funded initiative; or

(3) Funding a project under the Expedited Local Partnership Program established under either section 3318.36 or 3318.46 of the Revised Code.

**Section 287.10.** GOV OFFICE OF THE GOVERNOR 119079

General Revenue Fund 119080

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 119081

TOTAL GRF General Revenue Fund \$ 2,851,552 \$ 2,851,552 119082

Internal Service Activity Fund Group 119083

5AK0 040607 Government Relations \$ 300,000 \$ 300,000 119084

TOTAL ISA Internal Service Activity 119085

Fund Group \$ 300,000 \$ 300,000 119086

TOTAL ALL BUDGET FUND GROUPS \$ 3,151,552 \$ 3,151,552 119087

GOVERNMENT RELATIONS 119088

A portion of the foregoing appropriation item 040607, Government Relations, may be used to support Ohio's membership in national or regional associations.

The Office of the Governor may charge any state agency of the executive branch using an intrastate transfer voucher such amounts necessary to defray the costs incurred for the conduct of governmental relations associated with issues that can be attributed to the agency. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

**Section 289.10.** DOH DEPARTMENT OF HEALTH 119098

General Revenue Fund					119099
GRF 440412	Cancer Incidence Surveillance System	\$	600,000	\$	600,000 119100
GRF 440413	Local Health Departments	\$	823,061	\$	823,061 119101
GRF 440416	Mothers and Children Safety Net Services	\$	4,428,015	\$	4,428,015 119102
GRF 440418	Immunizations	\$	5,988,545	\$	5,988,545 119103
GRF 440431	Free Clinics Safety Net Services	\$	437,326	\$	437,326 119104
GRF 440438	Breast and Cervical Cancer Screening	\$	823,217	\$	823,217 119105
GRF 440444	AIDS Prevention and Treatment	\$	5,842,315	\$	5,842,315 119106
GRF 440451	Public Health Laboratory	\$	5,000,000	\$	5,000,000 119107
GRF 440452	Child and Family Health Services Match	\$	630,444	\$	630,444 119108
GRF 440453	Health Care Quality Assurance	\$	5,000,000	\$	5,000,000 119109
GRF 440454	Environmental Health	\$	1,209,430	\$	1,209,430 119110
GRF 440459	Help Me Grow	\$	31,708,080	\$	31,708,080 119111
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,686,688	\$	2,686,688 119112
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484 119113
GRF 440468	Chronic Disease and Injury Prevention	\$	2,466,127	\$	2,466,127 119114
GRF 440472	Alcohol Testing	\$	1,114,244	\$	1,114,244 119115
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$	5,050,000	\$	7,050,000 119116
GRF 440474	Infant Vitality	\$	4,116,688	\$	4,116,688 119117
GRF 440477	Emergency Preparation	\$	2,000,000	\$	2,000,000 119118



	and Response				
GRF 440481	Lupus Awareness	\$	250,000	\$	250,000 119119
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451 119120
GRF 440507	Targeted Health Care Services Over 21	\$	1,090,414	\$	1,090,414 119121
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,300,000	\$	3,300,000 119122
TOTAL GRF	General Revenue Fund	\$	92,617,529	\$	94,617,529 119123
	Highway Safety Fund Group				119124
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000 119125
TOTAL HSF	Highway Safety Fund Group	\$	280,000	\$	280,000 119126
	Dedicated Purpose Fund Group				119127
4700 440647	Fee Supported Programs	\$	23,958,743	\$	24,183,552 119128
4710 440619	Certificate of Need	\$	878,433	\$	878,433 119129
4730 440622	Lab Operating Expenses	\$	5,250,000	\$	5,250,000 119130
4770 440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703 119131
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039 119132
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824 119133
4G00 440636	Heirloom Birth Certificate	\$	5,000	\$	5,000 119134
4G00 440637	Birth Certificate Surcharge	\$	5,000	\$	5,000 119135
4L30 440609	HIV Care and Miscellaneous Expenses	\$	15,000,000	\$	15,000,000 119136
4P40 440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000 119137

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**As Reported by the Committee of Conference**

4V60	440641	Save Our Sight	\$	2,550,000	\$	2,550,000	119138
5B50	440616	Quality, Monitoring, and Inspection	\$	716,511	\$	736,194	119139
5BX0	440656	Tobacco Use Prevention	\$	6,350,000	\$	6,350,000	119140
5CN0	440645	Choose Life	\$	75,000	\$	75,000	119141
5D60	440620	Second Chance Trust	\$	1,500,000	\$	1,500,000	119142
5ED0	440651	Smoke Free Indoor Air	\$	400,000	\$	400,000	119143
5G40	440639	Adoption Services	\$	20,000	\$	20,000	119144
5PE0	440659	Breast and Cervical Cancer Services	\$	300,000	\$	300,000	119145
5QH0	440661	Dental Hygiene Resources Shortage Area	\$	5,000	\$	5,000	119146
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000	119147
5RZ0	440663	Hope For A Smile	\$	700,000	\$	0	119148
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000	119149
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098	119150
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617	119151
6980	440634	Nurse Aide Training	\$	120,000	\$	120,000	119152
TOTAL DPF	Dedicated Purpose Fund Group		\$	87,615,968	\$	87,220,460	119153
Internal Service Activity Fund Group							119154
1420	440646	Agency Health Services	\$	3,279,509	\$	3,130,613	119155
2110	440613	Central Support Indirect Costs	\$	30,052,469	\$	30,052,469	119156
TOTAL ISA	Internal Service Activity		\$	33,331,978	\$	33,183,082	119157

Fund Group

Holding Account Fund Group				119158
R014	440631	Vital Statistics	\$ 44,986	\$ 44,986 119159
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$ 20,000	\$ 20,000 119160
TOTAL HLD Holding Account Fund				\$ 64,986 \$ 64,986 119161

Group

Federal Fund Group				119162
3200	440601	Maternal Child Health Block Grant	\$ 22,000,000	\$ 22,000,000 119163
3870	440602	Preventive Health Block Grant	\$ 8,000,000	\$ 8,000,000 119164
3890	440604	Women, Infants, and Children	\$ 240,000,000	\$ 240,000,000 119165
3910	440606	Medicare Survey and Certification	\$ 18,000,000	\$ 18,000,000 119166
3920	440618	Federal Public Health Programs	\$ 107,198,791	\$ 107,198,791 119167
3GD0	654601	Medicaid Program Support	\$ 22,392,094	\$ 22,392,094 119168
3GN0	440660	Public Health Emergency Preparedness	\$ 27,941,795	\$ 27,941,795 119169
TOTAL FED Federal Fund Group				\$ 445,532,680 \$ 445,532,680 119170
TOTAL ALL BUDGET FUND GROUPS				\$ 659,443,141 \$ 660,898,737 119171

**Section 289.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 119173

Of the foregoing appropriation item 440416, Mothers and 119174  
Children Safety Net Services, \$200,000 in each fiscal year shall 119175  
be used to assist families with hearing impaired children under 119176  
twenty-one years of age in purchasing hearing aids. The Director 119177

of Health shall adopt rules governing the distribution of these 119178  
funds, including rules that do both of the following: (1) 119179  
establish eligibility criteria to include families with incomes at 119180  
or below four hundred per cent of the federal poverty guidelines 119181  
as defined in section 5101.46 of the Revised Code, and (2) develop 119182  
a sliding scale of disbursements under this section based on 119183  
family income. The Director may adopt other rules as necessary to 119184  
implement this section. Rules adopted under this section shall be 119185  
adopted in accordance with Chapter 119. of the Revised Code. 119186

The Department shall disburse all of the funds appropriated 119187  
under this section. 119188

HIV/AIDS PREVENTION/TREATMENT 119189

The foregoing appropriation item 440444, AIDS Prevention and 119190  
Treatment, shall be used to assist persons with HIV/AIDS in 119191  
acquiring HIV-related medications and to administer educational 119192  
prevention initiatives. 119193

PUBLIC HEALTH LABORATORY 119194

A portion of the foregoing appropriation item 440451, Public 119195  
Health Laboratory, shall be used for coordination and management 119196  
of prevention program operations and the purchase of drugs for 119197  
sexually transmitted diseases. 119198

HELP ME GROW 119199

The foregoing appropriation item 440459, Help Me Grow, shall 119200  
be used by the Department of Health to implement the Help Me Grow 119201  
Program. Funds shall be distributed to counties through 119202  
agreements, contracts, grants, or subsidies in accordance with 119203  
section 3701.61 of the Revised Code. Appropriation item 440459, 119204  
Help Me Grow, may be used in conjunction with other early 119205  
childhood funds and services to promote the optimal development of 119206  
young children and family-centered programs and services that 119207  
acknowledge and support the social, emotional, cognitive, 119208

intellectual, and physical development of children and the vital 119209  
role of families in ensuring the well-being and success of 119210  
children. The Department of Health shall enter into interagency 119211  
agreements with the Department of Education, Department of 119212  
Developmental Disabilities, Department of Job and Family Services, 119213  
and Department of Mental Health and Addiction Services to ensure 119214  
that all early childhood programs and initiatives are coordinated 119215  
and school linked. 119216

The foregoing appropriation item 440459, Help Me Grow, may 119217  
also be used for the Developmental Autism and Screening Program. 119218

FQHC PRIMARY CARE WORKFORCE INITIATIVE 119219

The foregoing appropriation item 440465, FQHC Primary Care 119220  
Workforce Initiative, shall be provided to the Ohio Association of 119221  
Community Health Centers to administer the FQHC Primary Care 119222  
Workforce Initiative. The Initiative shall provide medical, 119223  
dental, behavioral health, physician assistant, and advanced 119224  
practice nursing students with clinical rotations through 119225  
federally qualified health centers. 119226

TOBACCO PREVENTION CESSATION AND ENFORCEMENT 119227

Of the foregoing appropriation item 440473, Tobacco 119228  
Prevention Cessation and Enforcement, \$1,000,000 in each fiscal 119229  
year shall be used to award grants in accordance with the section 119230  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 119231

INFANT VITALITY 119232

The foregoing appropriation item 440474, Infant Vitality, 119233  
shall be used to fund initiatives including: 119234

(A) The Infant Safe Sleep Campaign to educate parents and 119235  
caregivers with a uniform message regarding safe sleep 119236  
environments; 119237

(B) The Progesterone Prematurity Prevention Project to enable 119238

prenatal care providers to identify, screen, treat, and track 119239  
outcomes for women eligible for progesterone supplementation; and 119240

(C) The Prenatal Smoking Cessation Project to enable prenatal 119241  
care providers who work with women of reproductive age, including 119242  
pregnant women, to have the tools, training, and technical 119243  
assistance needed to treat smokers effectively. 119244

EMERGENCY PREPARATION AND RESPONSE 119245

Of the foregoing appropriation item 440477, Emergency 119246  
Preparation and Response, \$500,000 in each fiscal year shall be 119247  
used for local public health emergency response and training 119248  
activities. Local board of health emergency declarations and 119249  
requests for local public health emergency response reimbursement 119250  
and training shall be submitted to the Ohio Public Health Advisory 119251  
Board and reviewed at their next regularly scheduled meeting. A 119252  
majority of Board members present at the following meeting will 119253  
decide by a majority vote the funding amounts for local 119254  
activities. The Department shall prepare payment to the local 119255  
health department in the amount prescribed by the Board. 119256

The foregoing appropriation item 440477, Emergency 119257  
Preparation and Response, shall be used to support public health 119258  
emergency preparedness and response efforts at the state level or 119259  
at a regional sub-level within the state, and may also be used to 119260  
support data infrastructure projects related to public health 119261  
emergency preparedness/response. 119262

LUPUS AWARENESS 119263

The foregoing appropriation item 440481, Lupus Awareness, 119264  
shall be used for the Lupus Education and Awareness Program 119265  
established in section 3701.77 of the Revised Code. 119266

TARGETED HEALTH CARE SERVICES OVER 21 119267

The foregoing appropriation item 440507, Targeted Health Care 119268

Services Over 21, shall also be used to administer the Cystic 119269  
Fibrosis Program and to implement the Hemophilia Insurance Premium 119270  
Payment Program. The Department shall expend \$100,000 in each 119271  
fiscal year to implement the Hemophilia Insurance Premium Payment 119272  
Program. 119273

The foregoing appropriation item 440507, Targeted Health Care 119274  
Services Over 21, shall also be used to provide essential 119275  
medications and to pay the copayments for drugs approved by the 119276  
Department of Health and covered by Medicare Part D that are 119277  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 119278  
participants for the Cystic Fibrosis Program. 119279

The Department shall expend all of these funds. 119280

MEDICALLY HANDICAPPED CHILDREN AUDIT 119281

The Medically Handicapped Children Audit Fund (Fund 4770) 119282  
shall receive revenue from audits of hospitals and recoveries from 119283  
third-party payers. Moneys may be expended for payment of audit 119284  
settlements and for costs directly related to obtaining recoveries 119285  
from third-party payers and for encouraging Medically Handicapped 119286  
Children's Program recipients to apply for third-party benefits. 119287  
Moneys also may be expended for payments for diagnostic and 119288  
treatment services on behalf of medically handicapped children, as 119289  
defined in division (A) of section 3701.022 of the Revised Code, 119290  
and Ohio residents who are twenty-one or more years of age and who 119291  
are suffering from cystic fibrosis or hemophilia. Moneys may also 119292  
be expended for administrative expenses incurred in operating the 119293  
Medically Handicapped Children's Program. 119294

GENETICS SERVICES 119295

The foregoing appropriation item 440608, Genetics Services 119296  
(Fund 4D60), shall be used by the Department of Health to 119297  
administer programs authorized by sections 3701.501 and 3701.502 119298  
of the Revised Code. None of these funds shall be used to counsel 119299

or refer for abortion, except in the case of a medical emergency. 119300

HOPE FOR A SMILE 119301

The foregoing appropriation item 440663, Hope For A Smile, 119302  
shall be used to provide for the start-up costs of one bus for the 119303  
Hope For A Smile Program. The source of funding shall be a cash 119304  
transfer from the General Revenue Fund under Section 512.30 of 119305  
this act into the Hope For a Smile Fund (Fund 5RZ0). 119306

An amount equal to the unexpended, unencumbered portion of 119307  
the foregoing appropriation item, 440663, Hope For A Smile, at the 119308  
end of fiscal year 2016 is hereby reappropriated for the same 119309  
purpose in fiscal year 2017. 119310

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 119311

The foregoing appropriation item 440607, Medically 119312  
Handicapped Children - County Assessments (Fund 6660), shall be 119313  
used to make payments under division (E) of section 3701.023 of 119314  
the Revised Code. 119315

**Section 289.30. IMMUNIZATIONS** 119316

Beginning on January 1, 2016, the Department of Health shall 119317  
no longer provide GRF-funded vaccines or GRF funding for vaccines 119318  
from GRF appropriation item 440418, Immunizations. Local health 119319  
departments and other local providers who receive GRF funded 119320  
vaccines or GRF funding for vaccines from the Department of Health 119321  
before January 1, 2016, shall instead bill private insurance 119322  
companies as appropriate to recover the costs of providing and 119323  
administering vaccines. However, the Department of Health may 119324  
continue to provide GRF-funded vaccines or GRF funding for 119325  
vaccines to cover uninsured adults, to cover individuals on 119326  
grandfathered private insurance plans that do not cover vaccines, 119327  
and in certain exceptional cases as determined by the Director of 119328  
Health. 119329



**Section 289.33.** MOMS QUIT FOR TWO GRANT PROGRAM 119330

(A) The Department of Health shall create the Moms Quit for 119331  
Two Grant Program. Recognizing the significant health risks posed 119332  
to women and their children by tobacco use during and after 119333  
pregnancy, the Department shall award grants to private, nonprofit 119334  
entities or government entities that demonstrate the ability to 119335  
deliver evidence-based tobacco cessation interventions to women 119336  
who reside in communities that have the highest incidence of 119337  
infant mortality, as determined by the Director of Health, and who 119338  
are pregnant or live with children. The Department may adopt any 119339  
rules it considers necessary to administer the Program. 119340

(B) The Department shall create a grant application and 119341  
develop a process for receiving and evaluating completed grant 119342  
applications on a competitive basis. The Department shall select 119343  
grant recipients not later than December 31, 2015, giving first 119344  
preference to the entities described in division (A) of this 119345  
section that are able to target the interventions to pregnant 119346  
women and second preference to such entities that are able to 119347  
target the interventions to women living with children. The 119348  
Department's decision regarding a submitted grant application is 119349  
final. 119350

(C) The Department shall establish performance objectives to 119351  
be met by grant recipients. The Department shall monitor the 119352  
performance of each grant recipient in meeting the objectives. 119353

(D) After the Program's conclusion, the Department shall 119354  
evaluate the Program. Not later than December 31, 2017, the 119355  
Department shall prepare a report describing its findings and make 119356  
a recommendation on whether the Program should be continued. The 119357  
Department shall provide a copy of the report to the Governor and 119358  
General Assembly. The copy to the General Assembly shall be 119359  
provided in accordance with section 101.68 of the Revised Code. 119360

The Department also shall make the report available to the public 119361  
on the Department's internet web site. 119362

**Section 289.40. WIC VENDOR CONTRACTS** 119363

(A) As used in this section, "WIC" means the Special 119364  
Supplemental Nutrition Program for Women, Infants, and Children 119365  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 119366  
42 U.S.C. 1786, as amended. 119367

(B) During fiscal year 2016 and fiscal year 2017, the 119368  
Department of Health shall process and review a WIC vendor 119369  
contract application pursuant to Chapter 3701-42 of the 119370  
Administrative Code not later than forty-five days after receipt 119371  
of the application if the applicant is a WIC-contracted vendor at 119372  
the time of application and meets all of the following 119373  
requirements: 119374

(1) Submits a complete WIC vendor application with all 119375  
required documents and information; 119376

(2) Passes the required unannounced preauthorization visit 119377  
within forty-five days of submitting a complete application; 119378

(3) Completes the required in-person training within 119379  
forty-five days of submitting the complete application. 119380

(C) If an applicant fails to meet any of the requirements 119381  
described in division (B) of this section, the Department shall 119382  
deny the application for the contract. After an application has 119383  
been denied, the applicant may reapply for a contract to act as a 119384  
WIC vendor during the contracting cycle that is applicable to the 119385  
applicant's WIC region. 119386

**Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY** 119387  
**PREPAREDNESS FUND** 119388

On July 1, 2015, or as soon as possible thereafter, the 119389

Director of Health shall certify to the Director of Budget and Management the cash balance relating to public health emergency preparedness and response activities in the General Operations Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 2110), both used by the Department of Health. Upon receiving this certification, the Director of Budget and Management may transfer the amount certified to the Public Health Emergency Preparedness Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), both used by the Department of Health.

**Section 289.60. HOSPITAL COST ESTIMATES**

(A) Within one year after the effective date of this section, all hospitals registered under section 3701.07 of the Revised Code shall have either of the following:

(1) A process in place under which the hospital can provide, upon a consumer's request, a reasonable, good faith estimate of a patient's out of pocket expenses associated with the hospital's one hundred most frequently provided non-emergency, outpatient services;

(2) A process under which the hospital can direct consumers to a source, including the consumer's health plan issuer, where the consumer can get that information.

(B) Within two years after the effective date of this section, all hospitals registered under section 3701.07 of the Revised Code shall have either of the following:

(1) A process in place under which the hospital can provide, upon a consumer's request, a reasonable, good faith estimate of a patient's out of pocket expense associated with the hospital's one hundred most frequently provided inpatient services;

(2) A process under which the hospital can direct consumers to a source, including the consumer's health plan issuer, where

the consumer can get that information. 119420

(C) A good faith estimate for health care services provided 119421  
by a hospital pursuant to divisions (A)(1) and (B)(1) of this 119422  
section shall include information for consumers that is 119423  
conspicuously displayed, if the estimate is written, or shared 119424  
verbally, if the estimate is oral, informing the patient that the 119425  
information provided pursuant to divisions (A) and (B) of this 119426  
section is a good faith estimate based on information available to 119427  
the hospital at the time the estimate is given, and that the 119428  
actual costs to the patient could be different than the estimate 119429  
based on the services actually received by the patient, the 119430  
patient's health insurance plan coverage, and other factors. 119431

(D) Any health plan issuer contacted by a hospital in order 119432  
for the hospital to obtain information regarding a health plan 119433  
enrollee's out of pocket expenses so that the hospital can comply 119434  
with divisions (A) and (B) of this section shall provide such 119435  
information to the hospital within a reasonable time of the 119436  
hospital's request. 119437

(E) On or about one year after the effective date of this 119438  
section and on or about two years after the effective date of this 119439  
section, a representative of the Ohio hospital association shall 119440  
report to the joint medicaid oversight committee hospitals' 119441  
experience in providing the information required by divisions (A) 119442  
and (B) of this section. 119443

(F) As used in this section, "health plan issuer" means an 119444  
entity subject to the insurance laws and rules of this state, or 119445  
subject to the jurisdiction of the superintendent of insurance, 119446  
that contracts, or offers to contract, to provide, deliver, 119447  
arrange for, pay for, or reimburse any of the costs of health care 119448  
services under a health benefit plan, including a sickness and 119449  
accident insurance company; a health insuring corporation; a 119450  
fraternal benefit society; a self-funded multiple employer welfare 119451

arrangement; or a nonfederal, government health plan. "Health plan issuer" includes a third party administrator licensed under Chapter 3959. of the Revised Code to the extent that the benefits that such an entity is contracted to administer under a health benefit plan are subject to the insurance laws and rules of this state or subject to the jurisdiction of the superintendent. "Health plan issuer" also includes a contracting entity as defined under Chapter 3963. of the Revised Code to the extent that the contracted for health care services are provided under a health benefit plan subject to the insurance laws and rules of this state or subject to the jurisdiction of the superintendent.

<b>Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION</b>				119463
Dedicated Purpose Fund Group				119464
4610 372601	Operating Expenses	\$ 12,500	\$ 12,500	119465
TOTAL DPF Dedicated Purpose Fund Group				119466
TOTAL ALL BUDGET FUND GROUPS				119467

<b>Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS</b>				119469
General Revenue Fund				119470
GRF 148100	Personal Services	\$ 368,459	\$ 368,459	119471
GRF 148402	Community Programs	\$ 44,924	\$ 44,924	119472
TOTAL GRF General Revenue Fund				119473
Dedicated Purpose Fund Group				119474
6010 148602	Special Initiatives	\$ 24,558	\$ 24,558	119475
TOTAL DPF Dedicated Purpose Fund Group				119477
TOTAL ALL BUDGET FUND GROUPS				119478

<b>Section 295.10. OHS OHIO HISTORY CONNECTION</b>				119480
General Revenue Fund				119481

GRF	360501	Education and Collections	\$	4,368,997	\$	4,218,997	119482
GRF	360502	Site and Museum Operations	\$	6,091,086	\$	5,941,086	119483
GRF	360504	Ohio Preservation Office	\$	290,000	\$	290,000	119484
GRF	360505	National Afro-American Museum	\$	500,000	\$	500,000	119485
GRF	360506	Hayes Presidential Center	\$	500,000	\$	500,000	119486
GRF	360508	State Historical Grants	\$	1,500,000	\$	1,500,000	119487
GRF	360509	Outreach and Partnership	\$	160,395	\$	160,395	119488
GRF	360522	Ohio Veterans Admissions	\$	0	\$	500,000	119489
TOTAL GRF	General Revenue Fund		\$	13,410,478	\$	13,610,478	119490
Dedicated Purpose Fund Group							119491
5KL0	360602	Ohio History Tax Check-off	\$	250,000	\$	250,000	119492
5PD0	360603	Ohio History License Plate	\$	10,000	\$	10,000	119493
TOTAL DPF	Dedicated Purpose Fund Group		\$	260,000	\$	260,000	119494
TOTAL ALL BUDGET FUND GROUPS			\$	13,670,478	\$	13,870,478	119495

SUBSIDY APPROPRIATION

119496

Upon approval by the Director of Budget and Management, the 119497  
foregoing appropriation items shall be released to the Ohio 119498  
History Connection in quarterly amounts that in total do not 119499  
exceed the annual appropriations. The funds and fiscal records of 119500  
the society for fiscal year 2016 and fiscal year 2017 shall be 119501  
examined by independent certified public accountants approved by 119502

the Auditor of State, and a copy of the audited financial 119503  
statements shall be filed with the Office of Budget and 119504  
Management. The society shall prepare and submit to the Office of 119505  
Budget and Management the following: 119506

(A) An estimated operating budget for each fiscal year of the 119507  
biennium. The operating budget shall be submitted at or near the 119508  
beginning of each calendar year. 119509

(B) Financial reports, indicating actual receipts and 119510  
expenditures for the fiscal year to date. These reports shall be 119511  
filed at least semiannually during the fiscal biennium. 119512

The foregoing appropriations shall be considered to be the 119513  
contractual consideration provided by the state to support the 119514  
state's offer to contract with the Ohio History Connection under 119515  
section 149.30 of the Revised Code. 119516

STATE HISTORICAL GRANTS 119517

Of the foregoing appropriation item 360508, State Historical 119518  
Grants, \$250,000 in each fiscal year shall be used for the 119519  
Cincinnati Museum Center, and \$250,000 in each fiscal year shall 119520  
be used for the Western Reserve Historical Society. 119521

Of the foregoing appropriation item 360508, State Historical 119522  
Grants, \$500,000 in each fiscal year shall be distributed to Lake 119523  
View Cemetery for maintenance of the James A. Garfield Monument. 119524

Of the foregoing appropriation item 360508, State Historical 119525  
Grants, \$500,000 in each fiscal year shall be distributed to the 119526  
Murphy Theatre for preservation of the structure. 119527

OUTREACH AND PARTNERSHIP 119528

Of the foregoing appropriation item 360509, Outreach and 119529  
Partnership, \$70,000 in each fiscal year shall be distributed to 119530  
the Ohio World War I Centennial Working Group. 119531

OHIO VETERANS ADMISSIONS 119532

Of the foregoing appropriation item 360522, Ohio Veterans Admissions, \$500,000 in fiscal year 2017 shall be distributed to the Columbus Downtown Development Corporation for the purpose of providing free admission for Ohio veterans to the Ohio Veterans Memorial and Museum.

<b>Section 297.10. REP OHIO HOUSE OF REPRESENTATIVES</b>				119538
General Revenue Fund				119539
GRF 025321	Operating Expenses	\$ 23,272,941	\$ 23,272,941	119540
TOTAL GRF	General Revenue Fund	\$ 23,272,941	\$ 23,272,941	119541
Internal Service Activity Fund Group				119542
1030 025601	House Reimbursement	\$ 1,433,664	\$ 1,433,664	119543
4A40 025602	Miscellaneous Sales	\$ 37,849	\$ 37,849	119544
TOTAL Internal Service Activity	Fund Group	\$ 1,471,513	\$ 1,471,513	119545
TOTAL ALL BUDGET FUND GROUPS		\$ 24,744,454	\$ 24,744,454	119547

**OPERATING EXPENSES** 119548

On July 1, 2015, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2015 to be reappropriated to fiscal year 2016. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2016.

On July 1, 2016, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2016 to be reappropriated to fiscal year 2017. The amount certified is



hereby reappropriated to the same appropriation item for fiscal 119563  
year 2017. 119564

HOUSE REIMBURSEMENT 119565

If it is determined by the Chief Administrative Officer of 119566  
the House of Representatives that additional appropriations are 119567  
necessary for the foregoing appropriation item 025601, House 119568  
Reimbursement, the amounts are hereby appropriated. 119569

**Section 299.10.** HFA OHIO HOUSING FINANCE AGENCY 119570

Dedicated Purpose Fund Group 119571

5AZ0 997601 Housing Finance Agency \$ 12,111,500 \$ 12,176,700 119572

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,111,500 \$ 12,176,700 119573

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,111,500 \$ 12,176,700 119574

**Section 301.10.** IGO OFFICE OF THE INSPECTOR GENERAL 119576

General Revenue Fund 119577

GRF 965321 Operating Expenses \$ 1,327,759 \$ 1,327,759 119578

TOTAL GRF General Revenue Fund \$ 1,327,759 \$ 1,327,759 119579

Internal Service Activity Fund Group 119580

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 119581

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 119582

General for BWC/OIC

TOTAL ISA Internal Service Activity 119583

Fund Group \$ 825,000 \$ 825,000 119584

TOTAL ALL BUDGET FUND GROUPS \$ 2,152,759 \$ 2,152,759 119585

**Section 303.10.** INS DEPARTMENT OF INSURANCE 119587

Dedicated Purpose Fund Group 119588

5540	820601	Operating Expenses - OSHIIP	\$	180,000	\$	180,000	119589
5540	820606	Operating Expenses	\$	26,235,367	\$	26,235,367	119590
5550	820605	Examination	\$	8,184,065	\$	8,184,065	119591
5PT0	820613	Captive Insurance Regulation & Supervision	\$	496,252	\$	1,198,696	119592
TOTAL DPF Dedicated Purpose							119593
Fund Group			\$	35,095,684	\$	35,798,128	119594
Federal Fund Group							119595
3U50	820602	OSHIIP Operating Grant	\$	1,970,725	\$	1,970,725	119596
TOTAL FED Federal Fund Group			\$	1,970,725	\$	1,970,725	119597
TOTAL ALL BUDGET FUND GROUPS			\$	37,066,409	\$	37,768,853	119598

MARKET CONDUCT EXAMINATION 119599

When conducting a market conduct examination of any insurer 119600  
doing business in this state, the Superintendent of Insurance may 119601  
assess the costs of the examination against the insurer. The 119602  
superintendent may enter into consent agreements to impose 119603  
administrative assessments or fines for conduct discovered that 119604  
may be violations of statutes or rules administered by the 119605  
Superintendent. All costs, assessments, or fines collected shall 119606  
be deposited to the credit of the Department of Insurance 119607  
Operating Fund (Fund 5540). 119608

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 119609

The Director of Budget and Management, at the request of the 119610  
Superintendent of Insurance, may transfer cash from the Department 119611  
of Insurance Operating Fund (Fund 5540), established by section 119612  
3901.021 of the Revised Code, to the Superintendent's Examination 119613  
Fund (Fund 5550), established by section 3901.071 of the Revised 119614  
Code, only for expenses incurred in examining domestic fraternal 119615  
benefit societies as required by section 3921.28 of the Revised 119616

Code.				119617
	TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND			119618
	Not later than the thirty-first day of July each fiscal year,			119619
	the Director of Budget and Management shall transfer \$5,000,000			119620
	from the Department of Insurance Operating Fund (Fund 5540) to the			119621
	General Revenue Fund.			119622
	<b>Section 303.20.</b> TRANSFER OF FUNDS FOR CAPTIVE INSURANCE			119623
	COMPANY REGULATION AND SUPERVISION			119624
	During fiscal years 2016 and 2017, the Director of Budget and			119625
	Management, in consultation with the Superintendent of Insurance,			119626
	may transfer up to \$1,000,000 cash, from the Department of			119627
	Insurance Operating Fund (Fund 5540) to the Captive Insurance			119628
	Regulation and Supervision Fund (Fund 5PT0), to meet the operating			119629
	needs associated with regulatory work related to the formation of			119630
	captive insurance companies in this state that will occur before			119631
	receipts from this activity are deposited into Fund 5PT0. Once			119632
	funds from captive insurance company application fees,			119633
	reimbursements from captive insurance companies for examinations,			119634
	and other sources have accrued to Fund 5PT0 in such amounts as are			119635
	deemed sufficient to sustain operations, the Director of Budget			119636
	and Management, in consultation with the Superintendent of			119637
	Insurance, shall establish a schedule for repaying the amounts			119638
	previously transferred during fiscal years 2016 and 2017 from Fund			119639
	5PT0 to Fund 5540.			119640
	<b>Section 305.10.</b> JFS DEPARTMENT OF JOB AND FAMILY SERVICES			119641
	General Revenue Fund			119642
GRF 600321	Program Support	\$ 29,189,231	\$ 29,189,231	119643
GRF 600410	TANF State/Maintenance	\$ 152,886,934	\$ 152,886,934	119644
	of Effort			
GRF 600413	Child Care	\$ 84,732,730	\$ 84,732,730	119645

	State/Maintenance of Effort				
GRF 600416	Information Technology Projects	\$	54,184,700	\$	54,184,700
GRF 600420	Child Support Programs	\$	6,591,048	\$	6,591,048
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930
GRF 600423	Families and Children Programs	\$	7,428,670	\$	7,428,670
GRF 600445	Unemployment Insurance Administration	\$	23,718,724	\$	22,523,501
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103
GRF 600511	Disability Financial Assistance	\$	17,000,000	\$	17,000,000
GRF 600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751
GRF 600523	Family and Children Services	\$	57,755,323	\$	57,755,323
GRF 600528	Adoption Services				119655
	State	\$	28,623,389	\$	28,623,389
	Federal	\$	38,202,557	\$	38,202,557
	Adoption Services Total	\$	66,825,946	\$	66,825,946
GRF 600533	Child, Family, and Community Protective Services	\$	13,500,000	\$	13,500,000
GRF 600534	Adult Protective Services	\$	2,640,000	\$	2,640,000
GRF 600535	Early Care and Education	\$	143,617,211	\$	143,436,793
GRF 600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000
GRF 600546	Healthy Food Financing Initiative	\$	1,000,000	\$	1,000,000

GRF 655522	Medicaid Program	\$	31,067,970	\$	31,067,970	119664
	Support - Local					
GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495	119665
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund					119666
	State	\$	772,825,209	\$	774,249,568	119667
	Federal	\$	38,202,557	\$	38,202,557	119668
	GRF Total	\$	811,027,766	\$	812,452,125	119669
	Dedicated Purpose Fund Group					119670
1980 600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	119671
4A80 600658	Public Assistance	\$	26,000,000	\$	26,000,000	119672
	Activities					
4A90 600607	Unemployment	\$	15,850,000	\$	15,250,000	119673
	Compensation					
	Administration Fund					
4E70 600604	Family and Children	\$	400,000	\$	400,000	119674
	Services Collections					
4F10 600609	Family and Children	\$	383,549	\$	383,549	119675
	Activities					
5DM0 600633	Audit Settlements and	\$	5,000,000	\$	5,000,000	119676
	Contingency					
5DP0 600634	Adoption Assistance	\$	500,000	\$	500,000	119677
	Loan					
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	119678
5HC0 600695	Unemployment	\$	38,701,835	\$	28,668,609	119679
	Compensation Interest					
5KT0 600696	Early Childhood	\$	20,000,000	\$	20,000,000	119680
	Education					
5KU0 600611	Unemployment	\$	500,000	\$	500,000	119681
	Insurance Support -					
	Other Sources					
5NG0 600660	Victims of Human	\$	100,000	\$	100,000	119682

		Trafficking					
5RC0	600669	Healthier Buckeye	\$	5,000,000	\$	6,500,000	119683
		Grant Pilot Program					
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000	119684
		Support					
TOTAL DPF		Dedicated Purpose Fund	\$	122,809,232	\$	113,676,006	119685
Group							
		Internal Service Activity Fund Group					119686
5HL0	600602	State and County	\$	3,000,000	\$	3,000,000	119687
		Shared Services					
TOTAL ISA		Internal Service Activity	\$	3,000,000	\$	3,000,000	119688
Fund Group							
		Fiduciary Fund Group					119689
1920	600646	Child Support	\$	129,250,000	\$	129,250,000	119690
		Intercept - Federal					
5830	600642	Child Support	\$	14,000,000	\$	14,000,000	119691
		Intercept - State					
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000	119692
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	144,250,000	\$	144,250,000	119693
		Holding Account Fund Group					119694
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	119695
		Settlements					
R013	600644	Forgery Collections	\$	10,000	\$	10,000	119696
TOTAL HLD		Holding Account Fund	\$	510,000	\$	510,000	119697
Group							
		Federal Fund Group					119698
3270	600606	Child Welfare	\$	29,769,866	\$	29,769,866	119699
3310	600615	Veterans Programs	\$	8,000,000	\$	8,000,000	119700
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	119701
		Programs					
3310	600686	Workforce Programs	\$	6,260,000	\$	6,260,000	119702

3840	600610	Food Assistance Programs	\$	160,381,394	\$	160,381,394	119703
3850	600614	Refugee Services	\$	12,564,952	\$	12,564,952	119704
3950	600616	Federal Discretionary Grants	\$	2,259,264	\$	2,259,264	119705
3960	600620	Social Services Block Grant	\$	47,000,000	\$	47,000,000	119706
3970	600626	Child Support - Federal	\$	200,000,000	\$	200,000,000	119707
3980	600627	Adoption Program - Federal	\$	171,178,779	\$	171,178,779	119708
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000	119709
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699	119710
3F01	655624	Medicaid Program Support	\$	122,280,495	\$	125,080,495	119711
3H70	600617	Child Care Federal	\$	222,212,089	\$	213,000,000	119712
3N00	600628	Foster Care Program - Federal	\$	291,968,616	\$	291,968,616	119713
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	119714
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	128,000,000	\$	128,000,000	119715
3V40	600678	Federal Unemployment Programs	\$	133,814,212	\$	133,814,212	119716
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788	119717
3V60	600689	TANF Block Grant	\$	824,900,560	\$	836,437,504	119718
TOTAL FED		Federal Fund Group	\$	2,401,787,764	\$	2,406,912,619	119719
TOTAL ALL BUDGET FUND GROUPS			\$	3,483,384,762	\$	3,480,800,750	119720

**Section 305.20.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 119722

The Fiduciary Fund Group and Holding Account Fund Group shall 119723  
be used to hold revenues until the appropriate fund is determined 119724  
or until the revenues are directed to the appropriate governmental 119725  
agency other than the Department of Job and Family Services. Any 119726  
Department of Job and Family Services refunds or reconciliations 119727  
received or held by the Department of Medicaid shall be 119728  
transferred or credited to the Refunds and Audit Settlement Fund 119729  
(Fund R012). If receipts credited to the Support Intercept - 119730  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 119731  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 119732  
Audit Settlements Fund (Fund R012), or the Forgery Collections 119733  
Fund (Fund R013) exceed the amounts appropriated from the fund, 119734  
the Director of Job and Family Services may request the Director 119735  
of Budget and Management to authorize expenditures from the fund 119736  
in excess of the amounts appropriated. Upon the approval of the 119737  
Director of Budget and Management, the additional amounts are 119738  
hereby appropriated. 119739

**Section 305.22. OHIO PARENTING AND PREGNANCY PROGRAM** 119740

Of the foregoing appropriation item 600410, TANF 119741  
State/Maintenance of Effort, \$500,000 in each fiscal year shall be 119742  
used to support the Ohio Parenting and Pregnancy Program. 119743

**Section 305.30. COUNTY ADMINISTRATIVE FUNDS** 119744

(A) The foregoing appropriation item 600521, Family 119745  
Assistance - Local, may be provided to county departments of job 119746  
and family services to administer food assistance and disability 119747  
assistance programs. 119748

(B) The foregoing appropriation item 655522, Medicaid Program 119749  
Support - Local, may be provided to county departments of job and 119750  
family services to administer the Medicaid program and the State 119751  
Children's Health Insurance program. 119752



(C) The foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

(E) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

HEALTHIER BUCKEYE GRANT PILOT PROGRAM

(A) There is hereby created the Healthier Buckeye Grant Pilot Program. The purpose of the Program is to promote financial self-sufficiency and reduced reliance on public assistance through a community environment that maximizes opportunities for individuals and families to achieve optimal health in all aspects, including care coordination among providers of physical and behavioral health services and community providers of social, employment, education, and housing services. The Program shall award grants to local healthier buckeye councils established under

section 355.02 of the Revised Code and to any other individual or organization that meets the goals and objectives set forth in this section.

(B) The Ohio Healthier Buckeye Advisory Council shall recommend to the Director of Job and Family Services eligibility criteria, application processes, and maximum grant amounts for the Program. Eligibility criteria established for the Program shall give priority to proposals including the following factors:

(1) Prior effectiveness in providing services that achieve lasting self-sufficiency for low-income individuals;

(2) Alignment and coordination of public and private resources to assist low-income individuals achieve self-sufficiency;

(3) Maintenance of continuous mentoring support and coordinated community-level participation for participants as they resolve barriers;

(4) Use of local matching funds;

(5) Use of volunteers and peer supports;

(6) Evidence of previous experience managing or providing similar services with public funds;

(7) Evidence of capability to effectively evaluate program outcomes, including success at assisting individuals and families in achieving and maintaining financial self-sufficiency, and to report relevant participant data;

(8) Creation through local assessment and planning processes;

(9) Collaboration between entities that participate in assessment and planning processes.

(C) Not later than 180 days after the effective date of this section, the Department of Job and Family Services, in collaboration with the Ohio Healthier Buckeye Advisory Council,

shall issue a request for grant proposals that meet the goals and objectives set forth in this section or that propose means to measure and achieve those goals and objectives. Each grant proposal shall specify how the council, individual, or organization plans to test and evaluate effective models of intensive case management to achieve the purpose set forth in division (A) of this section. The case management may include mentoring, coordinated community level partnerships, and comprehensive assessments to identify barriers and gaps to achieving self-sufficiency.

(D) The Director, in collaboration with the Council, shall review all grant proposals submitted and shall select recipients to receive grants through the Program in the remainder of fiscal year 2016 and in fiscal year 2017. Grant recipients may contract with public and private entities, community-based organizations, and individuals to provide the services outlined in the grant proposals.

(E) Funds for grants awarded under the Program shall be made from the Healthier Buckeye Fund, which is hereby created in the state treasury for fiscal year 2016 and fiscal year 2017. The Fund shall consist of moneys appropriated to it and any grants or donations received. Interest earned on the money in the Fund shall be credited to the Fund.

**Section 305.40. FOOD STAMPS TRANSFER**

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

**Section 305.50. NAME OF FOOD STAMP PROGRAM**

The Director of Job and Family Services is not required to

amend rules regarding the Food Stamp Program to change the name of 119844  
the program to the Supplemental Nutrition Assistance Program. The 119845  
Director may refer to the program as the Food Stamp Program, the 119846  
Supplemental Nutrition Assistance Program, or the Food Assistance 119847  
Program in rules and documents of the Department of Job and Family 119848  
Services. 119849

**Section 305.53. HEALTHY FOOD FINANCING INITIATIVE** 119850

The foregoing GRF appropriation item 600546, Healthy Food 119851  
Financing Initiative, shall be used by the Director of Job and 119852  
Family Services to support healthy food access in underserved 119853  
communities in urban and rural Low and Moderate Income Areas, as 119854  
defined by either the U.S. Department of Agriculture (USDA), as 119855  
identified in the USDA's Food Access Research Atlas, or through a 119856  
methodology that has been adopted for use by another governmental 119857  
or philanthropic healthy food initiative. 119858

The Director of Job and Family Services, in cooperation with 119859  
the Director of Health and with the approval of the Director of 119860  
the Governor's Office of Health Transformation, shall, not later 119861  
than October 1, 2015, contract with an Ohio domiciled community 119862  
development financial institution certified by the United States 119863  
Department of the Treasury and designated as a statewide community 119864  
development financial institution to initiate and administer a 119865  
Healthy Food Financing Initiative. The selected community 119866  
development financial institution shall demonstrate a capacity to 119867  
administer grant and forgivable loan programs in accordance with 119868  
state and federal rules and accounting principles and shall 119869  
partner with one or more entities with demonstrable experience in 119870  
healthy food access-related policy matters. The Department of Job 119871  
and Family Services shall establish monitoring and accountability 119872  
mechanisms for the initiative, including the cost of start-up and 119873  
administration of the initiative. The Director of Job and Family 119874

Services shall establish a request for proposals, using funds 119875  
appropriated for the initiative, to contract with an Ohio-based 119876  
research and/or academic institution to evaluate the health impact 119877  
of the initiative. 119878

Of the foregoing appropriation item 600546, Healthy Food 119879  
Financing Initiative, \$250,000 in each fiscal year shall be 119880  
provided for the East Side Market in Cleveland to support healthy 119881  
food access under the Healthy Food Financing Initiative. 119882

The Director of Job and Family Services shall, not later than 119883  
December 31, 2016, provide to the Governor, Speaker of the House 119884  
of Representatives, President of the Senate, and Minority Leaders 119885  
of the House of Representatives and Senate a written progress 119886  
report on the Health Food Financing Initiative including, but not 119887  
limited to, state funds granted or loaned, the number of new or 119888  
retained jobs associated with related projects, the health impact 119889  
of the initiative and the number and location of healthy food 119890  
access projects established or in development. 119891

**Section 305.60. OHIO ASSOCIATION OF FOOD BANKS** 119892

Of the foregoing appropriation items 600410, TANF 119893  
State/Maintenance of Effort, 600658, Public Assistance Activities, 119894  
and 600689, TANF Block Grant, a total of \$17,250,000 in each 119895  
fiscal year shall be used to provide funds to the Ohio Association 119896  
of Food Banks to purchase and distribute food products. 119897

Notwithstanding section 5101.46 of the Revised Code and any 119898  
other provision in this bill, including funds designated for the 119899  
Ohio Association of Food Banks in this section, in fiscal year 119900  
2016 and fiscal year 2017, the Director of Job and Family Services 119901  
shall provide assistance from eligible funds to the Ohio 119902  
Association of Food Banks in an amount not less than \$19,750,000 119903  
in each fiscal year. Of these funds, \$200,000 in each fiscal year 119904  
shall be used to expand the Freestone Foodbank's Cincinnati COOKS! 119905

Program to the Food Bank operations in the City of Logan and the 119906  
City of Cleveland. 119907

These programs shall be offered free of charge to unemployed 119908  
or underemployed adults between the ages of eighteen and 119909  
twenty-four years of age with incomes below two hundred per cent 119910  
of the federal poverty guidelines. Participants must be drug free. 119911  
Participants shall receive a ServSafe culinary safety and 119912  
sanitation certification and a certificate of completion. Each 119913  
program shall be affiliated with a local community college and 119914  
have the support of the local restaurant industry. The expansion 119915  
programs in the cities of Logan and Cleveland shall provide 119916  
training to a total of not fewer than seventy-five participants 119917  
combined over the course of the biennium. 119918

The Food Bank shall submit a report, not later than June 30, 119919  
2017, to the Governor and to the General Assembly in accordance 119920  
with section 101.68 of the Revised Code. The report shall outline 119921  
the number of people trained through the program, the number of 119922  
graduates who found jobs within three months of completing the 119923  
course, the number of graduates who retained their jobs for at 119924  
least a twelve-month period after completing the program, and the 119925  
average starting wage of all graduates of the program. 119926

Eligible nonfederal expenditures made by member food banks of 119927  
the Association shall be counted by the Department of Job and 119928  
Family Services toward the TANF maintenance of effort requirements 119929  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 119930  
shall enter into an agreement with the Ohio Association of Food 119931  
Banks, in accordance with sections 5101.80 and 5101.801 of the 119932  
Revised Code, to carry out the requirements under this section. 119933

**Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 119934

The foregoing appropriation item 600658, Public Assistance 119935  
Activities, shall be used by the Department of Job and Family 119936

Services to meet the TANF maintenance of effort requirements of 42 119937  
U.S.C. 609(a)(7). When the state is assured that it will meet the 119938  
maintenance of effort requirement, the Department of Job and 119939  
Family Services may use funds from appropriation item 600658, 119940  
Public Assistance Activities, to support public assistance 119941  
activities. 119942

**Section 305.73. TANF CASELOAD CONTINGENCY FUNDING** 119943

Of the foregoing appropriation items 600410, TANF 119944  
State/Maintenance of Effort, 600658, Public Assistance Activities, 119945  
and 600689, TANF Block Grant, not more than a total of \$33,750,000 119946  
in each fiscal year shall be used by the Department of Job and 119947  
Family Services for the purposes of TANF caseload contingency 119948  
funding. 119949

**Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND** 119950  
**COMMUNITY INITIATIVES** 119951

Of the foregoing appropriation item 600689, TANF Block Grant, 119952  
up to \$6,540,000 in each fiscal year shall be used, in accordance 119953  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 119954  
support to programs or organizations that provide services that 119955  
align with the mission and goals of the Governor's Office of 119956  
Faith-Based and Community Initiatives, as outlined in section 119957  
107.12 of the Revised Code, and that further at least one of the 119958  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 119959

**Section 305.90. INDEPENDENT LIVING INITIATIVE** 119960

Of the foregoing appropriation item 600689, TANF Block Grant, 119961  
up to \$2,000,000 in each fiscal year shall be used, in accordance 119962  
with sections 5101.80 and 5101.801 of the Revised Code, to support 119963  
the Independent Living Initiative, including life skills training 119964  
and work supports for older children in foster care and those who 119965

have recently aged out of foster care. 119966

**Section 305.100.** OHIO COMMISSION ON FATHERHOOD 119967

Of the foregoing appropriation item 600689, TANF Block Grant, 119968  
\$1,000,000 in each fiscal year shall be provided to the Ohio 119969  
Commission on Fatherhood. 119970

**Section 305.103.** OHIO ALLIANCE OF BOYS & GIRLS CLUBS 119971

Of the foregoing appropriation item 600689, TANF Block Grant, 119972  
\$625,000 in each fiscal year shall be provided to the Ohio 119973  
Alliance of Boys & Girls Clubs for after-school and summer 119974  
programs that protect at-risk children and enable youth to become 119975  
responsible adults. Of these funds, \$50,000 in each fiscal year 119976  
shall be provided to the Boys & Girls Club of Massillon. 119977

**Section 305.105.** HARVARD COMMUNITY SERVICES CENTER 119978

Of the foregoing appropriation item 600689, TANF Block Grant, 119979  
\$250,000 in fiscal year 2016 shall be provided, in accordance with 119980  
sections 5101.80 and 5101.801 of the Revised Code, to the Harvard 119981  
Community Services Center in Cleveland to provide workforce 119982  
development and other supportive services to individuals under the 119983  
Harvard Hands-On Initiative. At the end of fiscal year 2016, any 119984  
amount equal to the unexpended portion of this earmark is hereby 119985  
reappropriated in fiscal year 2017 for the same purpose. 119986

**Section 305.107.** SEVEN YEAR PROMISE PROGRAM 119987

Of the foregoing appropriation item 600689, TANF Block Grant, 119988  
\$400,000 in each fiscal year shall be used to support the Seven 119989  
Year Promise Program, operated by the Open Doors Academy. Funding 119990  
shall be used for a program consisting of the following: 119991

(A) Year-round enrichment programming for middle and high 119992  
school youth, from sixth grade through high school graduation; 119993



(B) Participant enrollment requirements of:	119994
(1) Eighty per cent of participants at or below one hundred per cent of the poverty rate;	119995 119996
(2) Financial commitment for all program participants;	119997
(3) Family engagement for all participants, as evidenced by a contract, service hours, or other measures.	119998 119999
(C) Active partnerships with local schools where enrolled participants attend;	120000 120001
(D) Structured weekly programming, outside of regularly scheduled school hours, of thirteen hours each week during the school year and thirty-five hours each week, for a minimum of eight weeks, during the summer;	120002 120003 120004 120005
(E) Strong adult-peer relationships through tutoring, volunteerism, internships, apprenticeships, college tours, national service learning trips, individual mentoring and support, and other activities;	120006 120007 120008 120009
(F) Programming that addresses character, values, civic responsibility, and academic regression in the summer;	120010 120011
(G) Participant academic requirements of:	120012
(1) An overall high school graduation rate of ninety-two per cent among participants with at least three consecutive years of participation in the program;	120013 120014 120015
(2) Academic improvement of all participants;	120016
(3) An overall college enrollment rate of eighty-five per cent from participants who have graduated from high school;	120017 120018
(4) Overall college graduation of program participants.	120019
<b>Section 305.108. BIG BROTHERS BIG SISTERS</b>	120020
Of the foregoing appropriation item 600689, TANF Block Grant,	120021

\$500,000 in each fiscal year shall be distributed to Big Brothers 120022  
Big Sisters of Central Ohio to provide mentoring services to 120023  
children of incarcerated parents throughout the state. 120024

**Section 305.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 120025

In collaboration with the county family and children first 120026  
council, a county department of job and family services or public 120027  
children services agency that receives an allocation from the 120028  
Department of Job and Family Services from the foregoing 120029  
appropriation item 600523, Family and Children Services, or 120030  
600533, Child, Family, and Community Protective Services, may 120031  
transfer a portion of either or both allocations to a flexible 120032  
funding pool as authorized by the section of this act titled 120033  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 120034

**Section 305.120. STATE CHILD PROTECTION ALLOCATION** 120035

Of the foregoing appropriation item 600523, Family and 120036  
Children Services, up to \$3,200,000 shall be used to match 120037  
eligible federal Title IV-B ESSA funds and federal Title IV-E 120038  
Chafee funds allocated to public children services agencies. 120039

**CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM** 120040

(A) The Ohio Department of Job and Family Services shall 120041  
implement and oversee use of a Child Placement Level of Care Tool 120042  
on a pilot basis. The Department shall implement the pilot program 120043  
in up to ten counties selected by the Department and shall include 120044  
the county and at least one private child placing agency or 120045  
private noncustodial agency. The pilot program shall be developed 120046  
with the participating counties and agencies and must be 120047  
acceptable to all participants. A selected county or agency must 120048  
agree to participate in the pilot program. 120049

(B) The pilot program shall begin not later than one hundred 120050  
eighty days after the effective date of this section and end not 120051

later than eighteen months after the date the pilot program 120052  
begins. The length of the pilot program shall not include any time 120053  
expended in preparation for implementation or any post-pilot 120054  
program evaluation activity. 120055

(C)(1) In accordance with sections 125.01 to 125.11 of the 120056  
Revised Code, the Ohio Department of Job and Family Services shall 120057  
provide for an independent evaluation of the pilot program to rate 120058  
the program's success in the following areas: 120059

(a) Placement stability, length of stay, and other outcomes 120060  
for children; 120061

(b) Cost; 120062

(c) Worker satisfaction; 120063

(d) Any other criteria the Department determines will be 120064  
useful in the consideration of statewide implementation. 120065

(2) The evaluation design shall include: 120066

(a) A comparison of data to historical outcomes or control 120067  
counties; 120068

(b) A prospective data evaluation in each of the pilot 120069  
counties. 120070

(D) The Ohio Department of Job and Family Services may adopt 120071  
rules in accordance with Chapter 119. of the Revised Code as 120072  
necessary to carry out the purposes of this section. The 120073  
Department shall seek maximum federal financial participation to 120074  
support the pilot program and the evaluation. 120075

(E) Notwithstanding division (E) of section 5101.141 of the 120076  
Revised Code, the Department of Job and Family Services shall seek 120077  
state funding to implement the Child Placement Level of Care Tool 120078  
pilot program described in this section and to contract for the 120079  
independent evaluation of the pilot program. 120080

(F) As used in this section, "Child Placement Level of Care 120081

Tool" means an assessment tool to be used by participating 120082  
counties and agencies to assess a child's placement needs when a 120083  
child must be removed from the child's own home and cannot be 120084  
placed with a relative or kin not certified as a foster caregiver 120085  
that includes assessing a child's functioning, needs, strengths, 120086  
risk behaviors, and exposure to traumatic experiences. 120087

(G) Of the foregoing appropriation item 600523, Family and 120088  
Children Services, \$700,000 in fiscal year 2016 and \$200,000 in 120089  
fiscal year 2017 shall be used to fund the Child Placement Level 120090  
of Care Tool Pilot Program established in Section 301.143 of Am. 120091  
Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. 120092  
H.B. 483 of the 130th General Assembly. These amounts represent 120093  
the expected unencumbered, unexpended balance of appropriations 120094  
established in Am. Sub. S.B. 243 of the 130th General Assembly. 120095

**Section 305.122. CHILDREN'S CRISIS CARE FACILITIES** 120096

Of the foregoing appropriation item 600523, Family and 120097  
Children Services, \$300,000 in each fiscal year shall be provided 120098  
to children's crisis care facilities as defined in section 5103.13 120099  
of the Revised Code. The Director of Job and Family Services shall 120100  
allocate funds based on the number of children at each facility. A 120101  
children's crisis care facility may decline to receive funds 120102  
provided under this section. A children's crisis care facility 120103  
that accepts funds provided under this section shall use the funds 120104  
in accordance with section 5103.13 of the Revised Code and the 120105  
rules as defined in rule 5101:2-9-36 of the Administrative Code. 120106

**Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 120107  
SERVICES** 120108

(A) The foregoing appropriation item 600533, Child, Family, 120109  
and Community Protective Services, shall be distributed to each 120110  
county department of job and family services using the formula the 120111

Department of Job and Family Services uses when distributing Title 120112  
XX funds to county departments of job and family services under 120113  
section 5101.46 of the Revised Code. County departments shall use 120114  
the funds distributed to them under this section as follows, in 120115  
accordance with the written plan of cooperation entered into under 120116  
section 307.983 of the Revised Code: 120117

(1) To assist individuals in achieving or maintaining 120118  
self-sufficiency, including by reducing or preventing dependency 120119  
among individuals with family income not exceeding two hundred per 120120  
cent of the federal poverty guidelines; 120121

(2) Subject to division (B) of this section, to respond to 120122  
reports of abuse, neglect, or exploitation of children and adults, 120123  
including through the differential response approach program 120124  
developed under Section 309.50.10 of this act; 120125

(3) To provide outreach and referral services regarding home 120126  
and community-based services to individuals at risk of placement 120127  
in a group home or institution, regardless of the individuals' 120128  
family income and without need for a written application; 120129

(4) To provide outreach, referral, application assistance, 120130  
and other services to assist individuals receive assistance, 120131  
benefits, or services under Medicaid; Title IV-A programs, as 120132  
defined in section 5101.80 of the Revised Code; the Supplemental 120133  
Nutrition Assistance Program; and other public assistance 120134  
programs. 120135

(B) Protective services may be provided to a child or adult 120136  
as part of a response, under division (A)(2) of this section, to a 120137  
report of abuse, neglect, or exploitation without regard to a 120138  
child or adult's family income and without need for a written 120139  
application. The protective services may be provided if the case 120140  
record documents circumstances of actual or potential abuse, 120141  
neglect, or exploitation. 120142

**Section 305.140.** FAMILY AND CHILDREN SERVICES ACTIVITIES 120143

The foregoing appropriation item 600609, Family and Children 120144  
Services Activities, shall be used to expend miscellaneous 120145  
foundation funds and grants to support family and children 120146  
services activities. 120147

**Section 305.150.** ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 120148

Notwithstanding section 5101.073 of the Revised Code, the 120149  
Audit Settlements and Contingency Fund (Fund 5DM0) may also 120150  
consist of earned federal revenue the final disposition of which 120151  
is unknown. 120152

**Section 305.160.** ADOPTION ASSISTANCE LOAN 120153

Of the foregoing appropriation item 600634, Adoption 120154  
Assistance Loan, the Department of Job and Family Services may use 120155  
up to ten per cent for administration of adoption assistance loans 120156  
pursuant to section 3107.018 of the Revised Code. 120157

**Section 305.163.** EARLY CHILDHOOD EDUCATION 120158

Of the foregoing appropriation item 600696, Early Childhood 120159  
Education, up to \$20,000,000 in each fiscal year shall be used to 120160  
achieve the goals described in division (C) of section 5104.29 of 120161  
the Revised Code. The funds shall be used to support early 120162  
learning and development programs operating in smaller 120163  
communities, early learning and development programs that are 120164  
rated in the Step Up to Quality program at the third highest tier 120165  
or higher, or both. 120166

**Section 305.170.** VICTIMS OF HUMAN TRAFFICKING 120167

The foregoing appropriation item 600660, Victims of Human 120168  
Trafficking, shall be used to provide treatment, care, 120169

rehabilitation, education, housing, and assistance for victims of 120170  
trafficking in persons as specified in section 5101.87 of the 120171  
Revised Code. If receipts credited to the Victims of Human 120172  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 120173  
the fund, the Director of Job and Family Services may request the 120174  
Director of Budget and Management to authorize expenditures from 120175  
the fund in excess of the amounts appropriated. Upon the approval 120176  
of the Director of Budget and Management, the additional amounts 120177  
are hereby appropriated. 120178

**Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST** 120179

The foregoing appropriation item 600695, Unemployment 120180  
Compensation Interest, shall be used for payment of interest costs 120181  
paid to the United States Secretary of the Treasury for the 120182  
repayment of accrued interest related to federal unemployment 120183  
account borrowing. 120184

**Section 305.190. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT** 120185  
PROGRAM 120186

(A) As used in this section: 120187

(1) "Adult" means an individual at least eighteen years of 120188  
age. 120189

(2) "Equivalent of a high school diploma" has the same 120190  
meaning as in section 5107.30 of the Revised Code. 120191

(3) "In-school youth" has the same meaning as in section 120192  
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 120193  
U.S.C. 3164(a)(1)(C), except that it does not mean an individual 120194  
younger than sixteen years of age. 120195

(4) "Local participating agencies" means the county 120196  
department of job and family services and workforce development 120197  
agency that serve a county. 120198

- (5) "Low-income individual" has the same meaning as in section 3(36) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3102(36). 120199  
120200  
120201
- (6) "Ohio Works First" has the same meaning as in section 5107.02 of the Revised Code. 120202  
120203
- (7) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B). 120204  
120205  
120206
- (8) "Prevention, Retention, and Contingency Program" has the same meaning as in section 5108.01 of the Revised Code. 120207  
120208
- (9) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local participating agency, one or more of the local participating agency's duties regarding the Comprehensive Case Management and Employment Program. 120209  
120210  
120211  
120212  
120213
- (10) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq. 120214  
120215  
120216
- (11) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n). 120217  
120218
- (12) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code. 120219  
120220
- (13) "Workforce development agency" means the public or private entity designated by any of the following to administer county programs under the "Workforce Investment Act of 1998," 29 U.S.C. 2801, as amended, or the Workforce Innovation and Opportunity Act: 120221  
120222  
120223  
120224  
120225
- (a) The board of county commissioners in accordance with section 330.04 of the Revised Code; 120226  
120227
- (b) The chief elected official of a municipal corporation in 120228



accordance with section 763.05 of the Revised Code; 120229

(c) The chief elected officials of a local area defined in 120230  
division (A)(3) of section 6301.01 of the Revised Code. 120231

(14) "Workforce Innovation and Opportunity Act" means Public 120232  
Law 113-128, 29 U.S.C. 3101 et seq. 120233

(B) The Director of Job and Family Services shall administer 120234  
the Workforce Innovation and Opportunity Act during fiscal year 120235  
2016 and fiscal year 2017. 120236

(C) The Department of Job and Family Services, in 120237  
consultation with the Governor's Office of Workforce 120238  
Transformation, shall create, coordinate, and supervise the 120239  
Comprehensive Case Management and Employment Program during fiscal 120240  
year 2016 and fiscal year 2017. 120241

To the extent funds under the TANF block grant and Workforce 120242  
Innovation and Opportunity Act are available, the program shall 120243  
make employment and training services specified in division (E) of 120244  
this section available to the program's participants in accordance 120245  
with the comprehensive assessments of the participants' employment 120246  
and training needs conducted under that division. As part of the 120247  
creation of the program, the Department shall establish the 120248  
procedures for the comprehensive assessments. 120249

(D) Beginning July 1, 2016, individuals who are at least 120250  
sixteen but not more than twenty-four years of age are required to 120251  
participate or permitted to volunteer to participate in the 120252  
Comprehensive Case Management and Employment Program in accordance 120253  
with the following: 120254

(1) Each work-eligible individual shall participate in the 120255  
Comprehensive Case Management and Employment Program as a 120256  
condition of participating in Ohio Works First. 120257

(2) Each Ohio Works First participant who is not a 120258

work-eligible individual may volunteer to participate in the 120259  
Comprehensive Case Management and Employment Program. 120260

(3) Each individual receiving benefits and services under the 120261  
Prevention, Retention, and Contingency Program may volunteer to 120262  
participate in the Comprehensive Case Management and Employment 120263  
Program. 120264

(4) Each low-income individual who is an adult, in-school 120265  
youth, or out-of-school youth and who is considered to have a 120266  
barrier to employment under the Workforce Innovation and 120267  
Opportunity Act shall participate in the Comprehensive Case 120268  
Management and Employment Program as a condition of enrollment in 120269  
workforce development activities funded by the TANF block grant or 120270  
Workforce Innovation and Opportunity Act. 120271

(E)(1) An individual participating in the Comprehensive Case 120272  
Management and Employment Program shall undergo a comprehensive 120273  
assessment of the individual's employment and training needs in 120274  
accordance with the procedures established under division (C) of 120275  
this section. As part of the assessment, an individualized 120276  
employment plan shall be created for the individual. The plan 120277  
shall be reviewed, revised, and terminated in accordance with the 120278  
procedures established for the comprehensive assessment. The plan 120279  
shall specify which of the following services, if any, the 120280  
individual needs: 120281

(a) Support for the individual to obtain a high school 120282  
diploma or the equivalent of a high school diploma; 120283

(b) Job placement; 120284

(c) Job retention support; 120285

(d) Other services that aid the individual in achieving the 120286  
plan's goals. 120287

(2) The services an individual receives in accordance with 120288

the individualized employment plan are inalienable by way of 120289  
assignment, charge, or otherwise and exempt from execution, 120290  
attachment, garnishment, and other similar processes. 120291

(F)(1) Not later than May 15, 2016, each board of county 120292  
commissioners shall designate one of the local participating 120293  
agencies as the lead agency for purposes of the Comprehensive Case 120294  
Management and Employment Program. Each board shall inform the 120295  
Department of its designation. The lead agency shall do all of the 120296  
following: 120297

(a) Submit to the Department a plan that establishes standard 120298  
processes for determining and maintaining individuals' eligibility 120299  
to participate in the Comprehensive Case Management and Employment 120300  
Program; 120301

(b) Administer the program; 120302

(c) In partnership with the other local participating agency 120303  
and any subcontractors, both of the following: 120304

(i) Actively coordinate activities regarding the program with 120305  
the other local participating agency and any subcontractors; 120306

(ii) Help both local participating agencies and any 120307  
subcontractors to use their expertise in administering the 120308  
program. 120309

(2) The lead agency is responsible for all funds that any of 120310  
the following determines have been expended or claimed for the 120311  
Comprehensive Case Management and Employment Program, by or on 120312  
behalf of the county that the lead agency serves, in a manner that 120313  
federal or state law or policy does not permit: 120314

(a) The Department; 120315

(b) The Auditor of State; 120316

(c) The United States Department of Health and Human 120317  
Services; 120318

(d) The United States Department of Labor; 120319

(e) Any other government entity. 120320

(G)(1) The Comprehensive Case Management and Employment 120321  
Program Advisory Board shall establish an evaluation system in 120322  
accordance with the section of this act titled "Comprehensive Case 120323  
Management and Employment Program Advisory Board." 120324

(2) The Department shall evaluate local participating 120325  
agencies' administration of the Comprehensive Case Management and 120326  
Employment Program in accordance with the evaluation system 120327  
established under division (G)(1) of this section. 120328

(H) In an effort to increase the number of individuals who 120329  
participate in the Comprehensive Case Management and Employment 120330  
Program and the availability of services under the program, the 120331  
Department, in consultation with local participating agencies, 120332  
shall review the agencies' existing functions to discover 120333  
opportunities to make their administration of the functions more 120334  
efficient. 120335

(I)(1) Notwithstanding the second sentence of division 120336  
(A)(1)(b) of section 307.981 of the Revised Code, the 120337  
Comprehensive Case Management and Employment Program is a family 120338  
services duty and therefore subject to all statutes applicable to 120339  
family services duties, including sections 5101.183, 5101.21, 120340  
5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 120341  
and 5101.243 of the Revised Code. 120342

(2) The Comprehensive Case Management and Employment Program 120343  
is a Title IV-A program for the purpose of division (A)(4)(c) of 120344  
section 5101.80 of the Revised Code and, therefore, is subject to 120345  
all statutes applicable to such a program, including sections 120346  
5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code. 120347

(3) The Comprehensive Case Management and Employment Program 120348  
is a workforce development activity and therefore subject to all 120349

statutes applicable to workforce development activities, including 120350  
sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised 120351  
Code and Chapter 6301. of the Revised Code. 120352

(J) The Director of Job and Family Services shall adopt rules 120353  
as necessary to implement this section. The rules may address any 120354  
of the following issues: 120355

(1) Eligibility for the Comprehensive Case Management and 120356  
Employment Program; 120357

(2) Employment and training services available under the 120358  
program; 120359

(3) Partnerships between local participating agencies and 120360  
subcontractors; 120361

(4) The plan required by division (F)(1)(a) of this section; 120362

(5) Internal management concerning day-to-day staff 120363  
procedures and operations of the Department or financial and 120364  
operational matters between the Department and another government 120365  
entity or a private entity receiving a grant from the Department; 120366

(6) Any other issues that the Director determines should be 120367  
addressed in rules to implement this section. 120368

Rules other than those described in division (J)(5) of this 120369  
section shall be adopted in accordance with Chapter 119. of the 120370  
Revised Code. Rules described in division (J)(5) of this section 120371  
shall be adopted in accordance with section 111.15 of the Revised 120372  
Code. 120373

**Section 305.193.** Comprehensive Case Management and Employment 120374  
Program Advisory Board 120375

(A) There is hereby created the Comprehensive Case Management 120376  
and Employment Program Advisory Board. The Board shall consist of 120377  
the following members: 120378

(1) The Executive Director of the Governor's Office of Workforce Transformation, or the Executive Director's designee;	120379 120380
(2) The Director of Job and Family Services, or the Director's designee;	120381 120382
(3) One member of the Senate, appointed by the President of the Senate;	120383 120384
(4) One member of the House of Representatives, appointed by the Speaker of the House of Representatives;	120385 120386
(5) One member representing the County Commissioners' Association of Ohio, appointed by the Governor;	120387 120388
(6) One member representing the Ohio Job and Family Services Directors' Association, appointed by the Governor;	120389 120390
(7) One member of a local workforce investment board established under section 117 of the "Workforce Investment Act of 1998," 29 U.S.C. 2832, as amended, appointed by the Governor.	120391 120392 120393
(B) Initial appointments to the Board shall be made not later than thirty days after the effective date of this section.	120394 120395
(C) A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the Board. Vacancies on the Board shall be filled in the same manner as the original appointments.	120396 120397 120398 120399
(D) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.	120400 120401 120402
(E)(1) The Board shall develop an evaluation system for the local participating agencies' administration of the Comprehensive Case Management and Employment Program created under the section of this act titled "Comprehensive Case Management and Employment Program." The evaluation system shall specify data required to be collected, performance metrics, and a performance report card.	120403 120404 120405 120406 120407 120408

(2) The Board shall submit its proposed evaluation system to the Department of Job and Family Services for review. If the Department disapproves the proposal, the Board shall revise the proposal and submit it to the Department for review. This process shall continue until the Department approves a proposal. An evaluation system approved by the Department must be in place not later than July 1, 2016.

**Section 305.195.** COUNTY TANF FUNDING ALLOCATION REVIEW

(A) As used in this section, "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.

(B) The Department of Job and Family Services shall study funding allocations to each county for programs funded in whole or in part by the TANF Block Grant for the most recently completed federal fiscal year. As part of its study, the Department shall determine the benefits and services provided in each county through the Prevention, Retention, and Contingency Program established by section 5108.02 of the Revised Code and the benefits and services provided through other programs funded in whole or in part by the TANF block grant. The Department shall complete the study not later than June 30, 2016.

**Section 305.198.** OHIO WORKS FIRST AND SNAP WORK REQUIREMENTS AND SERVICES

Of the foregoing appropriation item 600410, TANF State/Maintenance of Effort, \$500,000 in each fiscal year shall be used by the Department of Job and Family Services for both of the following:

(A) To establish a pilot program to implement reforms to the work requirements of the Ohio Works First program and Supplemental Nutrition Assistance Program. The pilot program shall be operated

during fiscal years 2016 and 2017 in Cuyahoga County. 120439

(B) To provide services to Supplemental Nutrition Assistance 120440  
Program recipients who face significant barriers to employment, 120441  
including recipients who have disabilities or mental or physical 120442  
health problems, are long-term welfare recipients, or have been 120443  
incarcerated. 120444

**Section 305.200.** STATE AND COUNTY SHARED SERVICES TRANSFER 120445

Upon receipt of a request from the Director of the Department 120446  
of Job and Family Services and the Director of the Department of 120447  
Medicaid, the Director of Budget and Management may transfer up to 120448  
\$7,200,000 cash from the State and County Shared Services Fund 120449  
(Fund 5HL0) in the Department of Job and Family Services, to the 120450  
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 120451  
the Department of Medicaid. 120452

**Section 307.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 120453

General Revenue Fund 120454

GRF 029321	Operating Expenses	\$	493,139	\$	512,253	120455
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TOTAL GRF	General Revenue Fund	\$	493,139	\$	512,253	120456
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TOTAL ALL BUDGET FUND GROUPS		\$	493,139	\$	512,253	120457
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OPERATING GUIDANCE 120458

The Legislative Service Commission shall act as fiscal agent 120459  
for the Joint Committee on Agency Rule Review. Members of the 120460  
Committee shall be paid in accordance with section 101.35 of the 120461  
Revised Code. 120462

OPERATING EXPENSES 120463

On July 1, 2015, or as soon as possible thereafter, the 120464  
Executive Director of the Joint Committee on Agency Rule Review 120465  
may certify to the Director of Budget and Management the amount of 120466  
the unexpended, unencumbered balance of the foregoing 120467



appropriation item 029321, Operating Expenses, at the end of 120468  
fiscal year 2015 to be reappropriated to fiscal year 2016. The 120469  
amount certified is hereby reappropriated to the same 120470  
appropriation item for fiscal year 2016. 120471

On July 1, 2016, or as soon as possible thereafter, the 120472  
Executive Director of the Joint Committee on Agency Rule Review 120473  
may certify to the Director of Budget and Management the amount of 120474  
the unexpended, unencumbered balance of the foregoing 120475  
appropriation item 029321, Operating Expenses, at the end of 120476  
fiscal year 2016 to be reappropriated to fiscal year 2017. The 120477  
amount certified is hereby reappropriated to the same 120478  
appropriation item for fiscal year 2017. 120479

**Section 307.30.** JEO JOINT EDUCATION OVERSIGHT COMMITTEE 120480

General Revenue Fund 120481

GRF 047321	Operating Expenses	\$	350,000	\$	500,000	120482
TOTAL GRF	General Revenue Fund	\$	350,000	\$	500,000	120483
TOTAL ALL BUDGET FUND GROUPS		\$	350,000	\$	500,000	120484

OPERATING EXPENSES 120485

The foregoing appropriation item 047321, Operating Expenses, 120486  
shall be used to support expenses related to the Joint Education 120487  
Oversight Committee under section 103.45 to 103.50 of the Revised 120488  
Code. 120489

On July 1, 2016, or as soon as possible thereafter, the Joint 120490  
Education Oversight Committee may certify to the Director of 120491  
Budget and Management the amount of the unexpended, unencumbered 120492  
balance of the foregoing appropriation item 047321, Operating 120493  
Expenses, at the end of fiscal year 2016 to be reappropriated to 120494  
fiscal year 2017. The amount certified is hereby reappropriated to 120495  
the same appropriation item for fiscal year 2017. 120496

**Section 308.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 120497

General Revenue Fund				120498
GRF 048321 Operating Expenses	\$	321,995	\$ 490,320	120499
TOTAL GRF General Revenue Fund	\$	321,995	\$ 490,320	120500
TOTAL ALL BUDGET FUND GROUPS	\$	321,995	\$ 490,320	120501

OPERATING EXPENSES 120502

The foregoing appropriation item 048321, Operating Expenses, 120503  
shall be used to support expenses related to the Joint Medicaid 120504  
Oversight Committee created by section 103.41 of the Revised Code. 120505

On July 1, 2015, or as soon as possible thereafter, the 120506  
Executive Director of the Joint Medicaid Oversight Committee may 120507  
certify to the Director of Budget and Management the amount of the 120508  
unexpended, unencumbered balance of the foregoing appropriation 120509  
item 048321, Operating Expenses, at the end of fiscal year 2015 to 120510  
be reappropriated to fiscal year 2016. The amount certified is 120511  
hereby reappropriated to the same appropriation item for fiscal 120512  
year 2016. 120513

On July 1, 2016, or as soon as possible thereafter, the 120514  
Executive Director of the Joint Medicaid Oversight Committee may 120515  
certify to the Director of Budget and Management the amount of the 120516  
unexpended, unencumbered balance of the foregoing appropriation 120517  
item 048321, Operating Expenses, at the end of fiscal year 2016 to 120518  
be reappropriated to fiscal year 2017. The amount certified is 120519  
hereby reappropriated to the same appropriation item for fiscal 120520  
year 2017. 120521

The Legislative Service Commission shall act as fiscal agent 120522  
for the Joint Medicaid Oversight Committee. 120523

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 120524

The Joint Medicaid Oversight Committee shall review the 120525  
following Department of Health appropriation items: 440416, 120526  
Mothers and Children Safety Net Services; 440418, Immunizations; 120527  
440438, Breast and Cervical Cancer Screening; 440444, AIDS 120528

Prevention and Treatment; and 440505, Medically Handicapped 120529  
 Children. The review shall include the uses and the necessity of 120530  
 these appropriation items both before and after the enactment of 120531  
 section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 120532  
 U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all 120533  
 funding sources, maintenance of effort requirements, and any grant 120534  
 restrictions. Additionally, the review shall include analysis and 120535  
 recommendations to maximize integration into the formal health 120536  
 care system with the goal of achieving the statutory goals of the 120537  
 Joint Medicaid Oversight Committee. 120538

**Section 309.10. JCO JUDICIAL CONFERENCE OF OHIO** 120539

General Revenue Fund 120540

GRF 018321	Operating Expenses	\$	749,250	\$	389,250	120541
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TOTAL GRF	General Revenue Fund	\$	749,250	\$	389,250	120542
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Dedicated Purpose Fund Group 120543

4030 018601	Ohio Jury	\$	252,750	\$	126,375	120544
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	252,750	\$	126,375	120545
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,002,000	\$	515,625	120546
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**STATE COUNCIL OF UNIFORM STATE LAWS** 120547

Notwithstanding section 105.26 of the Revised Code, of the 120548

foregoing appropriation item 018321, Operating Expenses, up to 120549

\$88,300 in fiscal year 2016 and up to \$91,832 in fiscal year 2017 120550

shall be used to pay the expenses of the State Council of Uniform 120551

State Laws, including membership dues to the National Conference 120552

of Commissioners on Uniform State Laws. 120553

**OHIO JURY INSTRUCTIONS FUND** 120554

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 120555

grants, royalties, dues, conference fees, bequests, devises, and 120556

other gifts received for the purpose of supporting costs incurred 120557  
by the Judicial Conference of Ohio in its activities as a part of 120558  
the judicial system of the state as determined by the Judicial 120559  
Conference Executive Committee. Fund 4030 shall be used by the 120560  
Judicial Conference of Ohio to pay expenses incurred in its 120561  
activities as a part of the judicial system of the state as 120562  
determined by the Judicial Conference Executive Committee. 120563

**Section 311.10.** JSC THE JUDICIARY/SUPREME COURT 120564

General Revenue Fund 120565

GRF 005321 Operating Expenses - \$ 149,025,157 \$ 155,576,646 120566  
Judiciary/Supreme  
Court

GRF 005406 Law-Related Education \$ 166,172 \$ 166,172 120567

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 120568  
Technology Initiative

TOTAL GRF General Revenue Fund \$ 152,541,329 \$ 159,092,818 120569

Dedicated Purpose Fund Group 120570

4C80 005605 Attorney Services \$ 5,841,263 \$ 5,795,909 120571

5HT0 005617 Court Interpreter \$ 10,000 \$ 10,000 120572  
Certification

5T80 005609 Grants and Awards \$ 6,000 \$ 6,000 120573

6720 005601 Continuing Judicial \$ 120,000 \$ 120,000 120574  
Education

6A80 005606 Supreme Court \$ 1,415,963 \$ 1,425,709 120575  
Admissions

TOTAL DPF Dedicated Purpose Fund \$ 7,393,226 \$ 7,357,618 120576  
Group

Fiduciary Fund Group 120577

5JY0 005620 County Law Library \$ 423,000 \$ 423,000 120578  
Resources Boards

TOTAL FID Fiduciary Fund Group \$ 423,000 \$ 423,000 120579

Federal Fund Group				120580
3J00 005603 Federal Grants	\$	1,389,018	\$ 1,402,091	120581
TOTAL FED Federal Fund Group	\$	1,389,018	\$ 1,402,091	120582
TOTAL ALL BUDGET FUND GROUPS	\$	161,746,573	\$ 168,275,527	120583
OPERATING EXPENSES - JUDICIARY/SUPREME COURT				120584
Of the foregoing appropriation item 005321, Operating				120585
Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year				120586
2016 and up to \$308,433 in fiscal year 2017 may be used to support				120587
the functions of the State Criminal Sentencing Council.				120588
LAW-RELATED EDUCATION				120589
The foregoing appropriation item 005406, Law-Related				120590
Education, shall be distributed directly to the Ohio Center for				120591
Law-Related Education for the purposes of providing continuing				120592
citizenship education activities to primary and secondary				120593
students, expanding delinquency prevention programs, increasing				120594
activities for at-risk youth, and accessing additional public and				120595
private money for new programs.				120596
OHIO COURTS TECHNOLOGY INITIATIVE				120597
The foregoing appropriation item 005409, Ohio Courts				120598
Technology Initiative, shall be used to fund an initiative by the				120599
Supreme Court to facilitate the exchange of information and				120600
warehousing of data by and between Ohio courts and other justice				120601
system partners through the creation of an Ohio Courts Network,				120602
the delivery of technology services to courts throughout the				120603
state, including the provision of hardware, software, and the				120604
development and implementation of educational and training				120605
programs for judges and court personnel, and operation of the				120606
Commission on Technology and the Courts by the Supreme Court for				120607
the promulgation of statewide rules, policies, and uniform				120608
standards, and to aid in the orderly adoption and comprehensive				120609
use of technology in Ohio courts.				120610

ATTORNEY SERVICES 120611

The Attorney Services Fund (Fund 4C80), formerly known as the 120612  
Attorney Registration Fund, shall consist of money received by the 120613  
Supreme Court (The Judiciary) pursuant to the Rules for the 120614  
Government of the Bar of Ohio. In addition to funding other 120615  
activities considered appropriate by the Supreme Court, the 120616  
foregoing appropriation item 005605, Attorney Services, may be 120617  
used to compensate employees and to fund appropriate activities of 120618  
the following offices established by the Supreme Court: the Office 120619  
of Disciplinary Counsel, the Board of Commissioners on Grievances 120620  
and Discipline, the Clients' Security Fund, and the Attorney 120621  
Services Division. If it is determined by the Administrative 120622  
Director of the Supreme Court that additional appropriations are 120623  
necessary, the amounts are hereby appropriated. 120624

No money in Fund 4C80 shall be transferred to any other fund 120625  
by the Director of Budget and Management or the Controlling Board. 120626  
Interest earned on money in Fund 4C80 shall be credited to the 120627  
fund. 120628

COURT INTERPRETER CERTIFICATION 120629

The Court Interpreter Certification Fund (Fund 5HT0) shall 120630  
consist of money received by the Supreme Court (The Judiciary) 120631  
pursuant to Rules 80 through 87 of the Rules of Superintendence 120632  
for the Courts of Ohio. The foregoing appropriation item 005617, 120633  
Court Interpreter Certification, shall be used to provide 120634  
training, to provide the written examination, and to pay language 120635  
experts to rate, or grade, the oral examinations of those applying 120636  
to become certified court interpreters. If it is determined by the 120637  
Administrative Director that additional appropriations are 120638  
necessary, the amounts are hereby appropriated. 120639

No money in Fund 5HT0 shall be transferred to any other fund 120640  
by the Director of Budget and Management or the Controlling Board. 120641

Interest earned on money in Fund 5HT0 shall be credited to the 120642  
fund. 120643

GRANTS AND AWARDS 120644

The Grants and Awards Fund (Fund 5T80) shall consist of 120645  
grants and other money awarded to the Supreme Court (The 120646  
Judiciary) by the State Justice Institute, the Division of 120647  
Criminal Justice Services, or other entities. The foregoing 120648  
appropriation item 005609, Grants and Awards, shall be used in a 120649  
manner consistent with the purpose of the grant or award. If it is 120650  
determined by the Administrative Director of the Supreme Court 120651  
that additional appropriations are necessary, the amounts are 120652  
hereby appropriated. 120653

No money in Fund 5T80 shall be transferred to any other fund 120654  
by the Director of Budget and Management or the Controlling Board. 120655  
Interest earned on money in Fund 5T80 shall be credited or 120656  
transferred to the General Revenue Fund. 120657

CONTINUING JUDICIAL EDUCATION 120658

The Continuing Judicial Education Fund (Fund 6720) shall 120659  
consist of fees paid by judges and court personnel for attending 120660  
continuing education courses and other gifts and grants received 120661  
for the purpose of continuing judicial education. The foregoing 120662  
appropriation item 005601, Continuing Judicial Education, shall be 120663  
used to pay expenses for continuing education courses for judges 120664  
and court personnel. If it is determined by the Administrative 120665  
Director of the Supreme Court that additional appropriations are 120666  
necessary, the amounts are hereby appropriated. 120667

No money in Fund 6720 shall be transferred to any other fund 120668  
by the Director of Budget and Management or the Controlling Board. 120669  
Interest earned on money in Fund 6720 shall be credited to the 120670  
fund. 120671

SUPREME COURT ADMISSIONS 120672

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARD

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Board, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS



The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

**Section 313.10. LEC LAKE ERIE COMMISSION**

Dedicated Purpose Fund Group				120719
4C00	780601	Lake Erie Protection	\$ 300,000 \$ 300,000	120720
5D80	780602	Lake Erie Resources	\$ 329,000 \$ 367,000	120721
TOTAL DPF Dedicated Purpose Fund Group				120722
Federal Fund Group				120724
3EP0	780603	Lake Erie Federal	\$ 30,000 \$ 0	120725
Grants				
TOTAL FED Federal Fund Group				120726
TOTAL ALL BUDGET FUND GROUPS				120727

**CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND**

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may

accept contributions and transfers made to the fund.					120733
Fund	Fund Name	User	FY 2016	FY 2017	120734
5BC0	Environmental Protection	Environmental Protection Agency	\$44,000	\$44,000	120735
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$44,000	\$44,000	120736
4700	General Operations	Department of Health	\$44,000	\$44,000	120737
1570	Central Support Indirect	Department of Natural Resources	\$44,000	\$44,000	120738

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management may transfer \$44,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 5D80.

On July 1, 2016, or as soon as possible thereafter, the Director of Budget and Management may transfer \$44,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 5D80.

**Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE**

General Revenue Fund					120748
GRF 028321	Legislative Ethics Committee	\$	550,000	\$ 550,000	120749
TOTAL GRF	General Revenue Fund	\$	550,000	\$ 550,000	120750
Dedicated Purpose Fund Group					120751
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$ 150,000	120752
TOTAL DPF	Dedicated Purpose Fund Group	\$	150,000	\$ 150,000	120753
TOTAL ALL BUDGET FUND GROUPS		\$	700,000	\$ 700,000	120754
LEGISLATIVE ETHICS COMMITTEE					120755

On July 1, 2015, or as soon as possible thereafter, the 120756  
 Legislative Inspector General of the Joint Legislative Ethics 120757  
 Committee may certify to the Director of Budget and Management the 120758  
 amount of the unexpended, unencumbered balance of the foregoing 120759  
 appropriation item 028321, Legislative Ethics Committee, at the 120760  
 end of fiscal year 2015 to be reappropriated to fiscal year 2016. 120761  
 The amount certified is hereby reappropriated to the same 120762  
 appropriation item for fiscal year 2016. 120763

On July 1, 2016, or as soon as possible thereafter, the 120764  
 Legislative Inspector General of the Joint Legislative Ethics 120765  
 Committee may certify to the Director of Budget and Management the 120766  
 amount of the unexpended, unencumbered balance of the foregoing 120767  
 appropriation item 028321, Legislative Ethics Committee, at the 120768  
 end of fiscal year 2016 to be reappropriated to fiscal year 2017. 120769  
 The amount certified is hereby reappropriated to the same 120770  
 appropriation item for fiscal year 2017. 120771

**Section 317.10. LSC LEGISLATIVE SERVICE COMMISSION** 120772

General Revenue Fund 120773

GRF	035321	Operating Expenses	\$	15,600,000	\$	15,600,000	120774
GRF	035402	Legislative Fellows	\$	1,022,120	\$	1,022,120	120775
GRF	035405	Correctional	\$	460,845	\$	460,845	120776
		Institution Inspection					
		Committee					
GRF	035407	Legislative Task Force	\$	400,000	\$	400,000	120777
		on Redistricting					
GRF	035409	National Associations	\$	460,560	\$	460,560	120778
GRF	035410	Legislative	\$	6,126,953	\$	6,126,953	120779
		Information Systems					
GRF	035411	Ohio Constitutional	\$	600,000	\$	600,000	120780
		Modernization					
		Commission					

GRF 035419	Criminal Justice	\$	150,000	\$	150,000	120781
	Recodification					
	Committee					
GRF 035501	Litigation	\$	500,000	\$	500,000	120782
TOTAL GRF	General Revenue Fund	\$	25,320,478	\$	25,320,478	120783
	Dedicated Purpose Fund Group					120784
4100 035601	Sale of Publications	\$	10,000	\$	10,000	120785
TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	120786
	Group					
	Internal Service Activity Fund Group					120787
4F60 035603	Legislative Budget	\$	100,000	\$	0	120788
	Services					
TOTAL ISA	Internal Service Activity					120789
	Fund Group	\$	100,000	\$	0	120790
TOTAL ALL BUDGET FUND GROUPS		\$	25,430,478	\$	25,330,478	120791
	OPERATING EXPENSES					120792
	On July 1, 2015, or as soon as possible thereafter, the					120793
	Director of the Legislative Service Commission may certify to the					120794
	Director of Budget and Management the amount of the unexpended,					120795
	unencumbered balance of the foregoing appropriation item 035321,					120796
	Operating Expenses, at the end of fiscal year 2015 to be					120797
	reappropriated to fiscal year 2016. The amount certified is hereby					120798
	reappropriated to the same appropriation item for fiscal year					120799
	2016.					120800
	On July 1, 2016, or as soon as possible thereafter, the					120801
	Director of the Legislative Service Commission may certify to the					120802
	Director of Budget and Management the amount of the unexpended,					120803
	unencumbered balance of the foregoing appropriation item 035321,					120804
	Operating Expenses, at the end of fiscal year 2016 to be					120805
	reappropriated to fiscal year 2017. The amount certified is hereby					120806
	reappropriated to the same appropriation item for fiscal year					120807
	2017.					120808

LEGISLATIVE TASK FORCE ON REDISTRICTING	120809
An amount up to \$2,000,000 of the unexpended, unencumbered	120810
portion of the foregoing appropriation item 035407, Legislative	120811
Task Force on Redistricting, at the end of fiscal year 2015 is	120812
hereby reappropriated to the Legislative Service Commission for	120813
the same purpose for fiscal year 2016.	120814
An amount equal to the unexpended, unencumbered portion of	120815
the foregoing appropriation item 035407, Legislative Task Force on	120816
Redistricting, at the end of fiscal year 2016 is hereby	120817
reappropriated to the Legislative Service Commission for the same	120818
purpose for fiscal year 2017.	120819
LEGISLATIVE INFORMATION SYSTEMS	120820
On July 1, 2015, or as soon as possible thereafter, the	120821
Director of the Legislative Service Commission may certify to the	120822
Director of Budget and Management the amount of the unexpended,	120823
unencumbered balance of the foregoing appropriation item 035410,	120824
Legislative Information Systems, at the end of fiscal year 2015 to	120825
be reappropriated to fiscal year 2016. The amount certified is	120826
hereby reappropriated to the same appropriation item for fiscal	120827
year 2016.	120828
On July 1, 2016, or as soon as possible thereafter, the	120829
Director of the Legislative Service Commission may certify to the	120830
Director of Budget and Management the amount of the unexpended,	120831
unencumbered balance of the foregoing appropriation item 035410,	120832
Legislative Information Systems, at the end of fiscal year 2016 to	120833
be reappropriated to fiscal year 2017. The amount certified is	120834
hereby reappropriated to the same appropriation item for fiscal	120835
year 2017.	120836
OHIO CONSTITUTIONAL MODERNIZATION COMMISSION	120837
The foregoing appropriation item 035411, Ohio Constitutional	120838
Modernization Commission, shall be used to support the operation	120839

and expenses of the Ohio Constitutional Modernization Commission 120840  
under sections 103.61 to 103.67 of the Revised Code. All 120841  
expenditures paid from the appropriation item must be approved by 120842  
the director and chairperson of the Legislative Service Commission 120843  
under division (A) of section 103.21 of the Revised Code. 120844

An amount up to \$150,000 of the unexpended, unencumbered 120845  
portion of the foregoing appropriation item 035411, Ohio 120846  
Constitutional Modernization Commission, at the end of fiscal year 120847  
2015 is hereby reappropriated to the Legislative Service 120848  
Commission for the same purpose for fiscal year 2016. 120849

An amount equal to the unexpended, unencumbered portion of 120850  
the foregoing appropriation item 035411, Ohio Constitutional 120851  
Modernization Commission, at the end of fiscal year 2016 is hereby 120852  
reappropriated to the Legislative Service Commission for the same 120853  
purpose for fiscal year 2017. 120854

CRIMINAL JUSTICE RECODIFICATION COMMITTEE 120855

The foregoing appropriation item 035419, Criminal Justice 120856  
Recodification Committee, shall be used to support the operation 120857  
and expenses of the Criminal Justice Recodification Committee. 120858

LITIGATION 120859

The foregoing appropriation item 035501, Litigation, shall be 120860  
used for any lawsuit in which the General Assembly is a party 120861  
because a legal or constitutional challenge is made against the 120862  
Ohio Constitution or an act of the General Assembly. The 120863  
chairperson and vice-chairperson of the Legislative Service 120864  
Commission shall both approve the use of the appropriated moneys. 120865

An amount equal to the unexpended, unencumbered portion of 120866  
the foregoing appropriation item 035501, Litigation, at the end of 120867  
fiscal year 2016 is hereby reappropriated to the Legislative 120868  
Service Commission for the same purpose for fiscal year 2017. 120869

<b>Section 319.10. LIB STATE LIBRARY BOARD</b>				120870
General Revenue Fund				120871
GRF	350321	Operating Expenses	\$ 5,057,364 \$ 5,057,364	120872
GRF	350401	Ohioana Rental	\$ 120,114 \$ 120,114	120873
Payments				
GRF	350502	Regional Library	\$ 582,469 \$ 582,469	120874
Systems				
TOTAL GRF	General Revenue Fund		\$ 5,759,947 \$ 5,759,947	120875
Dedicated Purpose Fund Group				120876
4590	350603	Services for	\$ 4,094,092 \$ 4,190,834	120877
Libraries				
4S40	350604	Ohio Public Library	\$ 5,689,788 \$ 5,689,788	120878
Information Network				
5GB0	350605	Library for the Blind	\$ 1,274,194 \$ 1,274,194	120879
TOTAL DPF	Dedicated Purpose			120880
Fund Group			\$ 11,058,074 \$ 11,154,816	120881
Internal Service Activity Fund				120882
1390	350602	Services for State	\$ 8,000 \$ 8,000	120883
Agencies				
TOTAL ISA	Internal Service Activity			120884
Fund Group			\$ 8,000 \$ 8,000	120885
Federal Fund Group				120886
3130	350601	LSTA Federal	\$ 5,350,000 \$ 5,350,000	120887
TOTAL FED	Federal Fund Group		\$ 5,350,000 \$ 5,350,000	120888
TOTAL ALL BUDGET FUND GROUPS			\$ 22,176,021 \$ 22,272,763	120889
OHIOANA RENTAL PAYMENTS				120890
The foregoing appropriation item 350401, Ohioana Rental				120891
Payments, shall be used to pay the rental expenses of the Martha				120892
Kinney Cooper Ohioana Library Association under section 3375.61 of				120893
the Revised Code.				120894

REGIONAL LIBRARY SYSTEMS	120895
The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.	120896 120897 120898 120899
OHIO PUBLIC LIBRARY INFORMATION NETWORK	120900
(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).	120901 120902 120903 120904 120905
The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.	120906 120907 120908 120909
(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.	120910 120911 120912 120913 120914 120915 120916 120917 120918 120919 120920
(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.	120921 120922 120923 120924 120925



LIBRARY FOR THE BLIND				120926
The foregoing appropriation item 350605, Library for the				120927
Blind, shall be used for the statewide Talking Book Program to				120928
assist the blind and disabled.				120929
TRANSFER TO OPLIN TECHNOLOGY FUND				120930
Notwithstanding sections 5747.03 and 5747.47 of the Revised				120931
Code and any other provision of law to the contrary, in accordance				120932
with a schedule established by the Director of Budget and				120933
Management, the Director of Budget and Management shall transfer				120934
\$3,689,788 cash in each fiscal year from the Public Library Fund				120935
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				120936
TRANSFER TO LIBRARY FOR THE BLIND FUND				120937
Notwithstanding sections 5747.03 and 5747.47 of the Revised				120938
Code and any other provision of law to the contrary, in accordance				120939
with a schedule established by the Director of Budget and				120940
Management, the Director of Budget and Management shall transfer				120941
\$1,274,194 cash in each fiscal year from the Public Library Fund				120942
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				120943
<b>Section 321.10. LCO LIQUOR CONTROL COMMISSION</b>				120944
Dedicated Purpose Fund Group				120945
5LP0 970601 Commission Operating	\$	796,368	\$ 796,368	120946
Expenses				
TOTAL DPF Dedicated Purpose Fund	\$	796,368	\$ 796,368	120947
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	796,368	\$ 796,368	120948
<b>Section 323.10. LOT STATE LOTTERY COMMISSION</b>				120950
State Lottery Fund Group				120951
7044 950321 Operating Expenses	\$	52,218,910	\$ 53,320,434	120952
7044 950402 Advertising Contracts	\$	24,550,000	\$ 24,550,000	120953

7044 950403	Gaming Contracts	\$ 68,934,057	\$ 69,081,749	120954
7044 950601	Direct Prize Payments	\$ 131,894,037	\$ 132,397,721	120955
7044 950605	Problem Gambling	\$ 3,000,000	\$ 3,000,000	120956
8710 950602	Annuity Prizes	\$ 81,705,325	\$ 82,313,553	120957
TOTAL SLF	State Lottery Fund			120958
Group		\$ 362,302,329	\$ 364,663,457	120959
TOTAL ALL BUDGET FUND GROUPS		\$ 362,302,329	\$ 364,663,457	120960

OPERATING EXPENSES 120961

Notwithstanding sections 127.14 and 131.35 of the Revised 120962  
Code, the Controlling Board may, at the request of the State 120963  
Lottery Commission, authorize expenditures from the State Lottery 120964  
Fund in excess of the amounts appropriated, up to a maximum of 10 120965  
per cent of anticipated total revenue accruing from the sale of 120966  
lottery products. Upon the approval of the Controlling Board, the 120967  
additional amounts are hereby appropriated. 120968

DIRECT PRIZE PAYMENTS 120969

Any amounts, in addition to the amounts appropriated in 120970  
appropriation item 950601, Direct Prize Payments, that the 120971  
Director of the State Lottery Commission determines to be 120972  
necessary to fund prizes are hereby appropriated. 120973

ANNUITY PRIZES 120974

Upon request of the State Lottery Commission, the Director of 120975  
Budget and Management may transfer cash from the State Lottery 120976  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 120977  
an amount sufficient to fund deferred prizes. The Treasurer of 120978  
State, from time to time, shall credit the Deferred Prizes Trust 120979  
Fund (Fund 8710) the pro rata share of interest earned by the 120980  
Treasurer of State on invested balances. 120981

Any amounts, in addition to the amounts appropriated in 120982  
appropriation item 950602, Annuity Prizes, that the Director of 120983  
the State Lottery Commission determines to be necessary to fund 120984

deferred prizes and interest earnings are hereby appropriated.					120985
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND					120986
Estimated transfers from the State Lottery Fund (Fund 7044)					120987
to the Lottery Profits Education Fund (Fund 7017) are to be					120988
\$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year					120989
2017. The Director of Budget and Management shall transfer such					120990
amounts contingent upon the availability of resources. Transfers					120991
from the State Lottery Fund to the Lottery Profits Education Fund					120992
shall represent the estimated net income from operations for the					120993
Commission in fiscal year 2016 and fiscal year 2017. Transfers by					120994
the Director of Budget and Management to the Lottery Profits					120995
Education Fund shall be administered as the statutes direct.					120996
<b>Section 325.10. MHC MANUFACTURED HOMES COMMISSION</b>					120997
Dedicated Purpose Fund Group					120998
4K90 996609 Operating Expenses	\$	459,134	\$	459,134	120999
5MC0 996610 Manufactured Homes	\$	747,825	\$	747,825	121000
Regulation					
TOTAL DPF Dedicated Purpose Fund	\$	1,206,959	\$	1,206,959	121001
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,206,959	\$	1,206,959	121002
<b>Section 327.10. MCD DEPARTMENT OF MEDICAID</b>					121004
General Revenue Fund					121005
GRF 651425 Medicaid Program	\$	192,082,820	\$	196,608,060	121006
Support - State					
GRF 651525 Medicaid/Health Care					121007
Services					
State	\$	4,756,088,703	\$	4,911,290,484	121008
Federal	\$	12,270,971,080	\$	12,943,334,622	121009
Medicaid/Health Care	\$	17,027,059,783	\$	17,854,625,106	121010
Services Total					

GRF	651526	Medicare Part D	\$	308,277,654	\$	341,617,182	121011
TOTAL GRF	General Revenue Fund						121012
		State	\$	5,256,449,177	\$	5,449,515,726	121013
		Federal	\$	12,270,971,080	\$	12,943,334,622	121014
		GRF Total	\$	17,527,420,257	\$	18,392,850,348	121015
Dedicated Purpose Fund Group							121016
4E30	651605	Resident Protection Fund	\$	2,878,000	\$	2,878,000	121017
5AJ0	651631	Money Follows the Person	\$	5,161,000	\$	4,910,000	121018
5DL0	651639	Medicaid Services - Recoveries	\$	551,125,000	\$	561,317,000	121019
5FX0	651638	Medicaid Services - Payment Withholding	\$	6,000,000	\$	6,000,000	121020
5GF0	651656	Medicaid Services - Hospitals/UPL	\$	582,887,931	\$	613,303,715	121021
5KC0	651682	Health Care Grants - State	\$	10,000,000	\$	10,000,000	121022
5R20	651608	Medicaid Services - Long Term Care	\$	400,000,000	\$	403,311,000	121023
5SA0	651628	Maternal and Child Health	\$	500,000	\$	0	121024
5U30	651654	Medicaid Program Support	\$	62,885,000	\$	53,834,000	121025
6510	651649	Medicaid Services - HCAP	\$	451,535,858	\$	237,049,000	121026
TOTAL DPF	Dedicated Purpose Fund Group		\$	2,072,972,789	\$	1,892,602,715	121027
Holding Account Fund Group							121028
R055	651644	Refunds and Reconciliations	\$	1,000,000	\$	1,000,000	121029
TOTAL HLD	Holding Account Fund		\$	1,000,000	\$	1,000,000	121030

Group

Federal Fund Group					121031
3ER0 651603	Medicaid Health	\$ 71,764,000	\$ 61,896,000		121032
	Information				
	Technology				
3F00 651623	Medicaid Services -	\$ 3,725,394,919	\$ 3,456,139,022		121033
	Federal				
3F00 651624	Medicaid Program	\$ 567,832,000	\$ 562,547,000		121034
	Support - Federal				
3FA0 651680	Health Care Grants -	\$ 45,718,000	\$ 36,296,000		121035
	Federal				
3G50 651655	Medicaid Interagency	\$ 91,400,000	\$ 91,406,000		121036
	Pass-Through				
TOTAL FED	Federal Fund Group	\$ 4,502,108,919	\$ 4,208,284,022		121037
TOTAL ALL BUDGET	FUND GROUPS	\$24,103,501,965	\$24,494,737,085		121038

**Section 327.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 121040

(A) As used in this section, "medical assistance program" has 121041  
the same meaning as in section 5160.01 of the Revised Code. 121042

(B) During the period beginning July 1, 2015, and ending June 121043  
30, 2017, all of the following apply: 121044

(1) The Medicaid Director has the authority to establish, 121045  
change, and abolish positions for the Department of Medicaid, and 121046  
to assign, reassign, classify, reclassify, transfer, reduce, 121047  
promote, or demote all employees of the Department of Medicaid who 121048  
are not subject to Chapter 4117. of the Revised Code. 121049

(2) As part of the transfer of medical assistance programs to 121050  
the Department of Medicaid, the Director of Job and Family 121051  
Services has the authority to establish, change, and abolish 121052  
positions for the Department of Job and Family Services, and to 121053  
assign, reassign, classify, reclassify, transfer, reduce, promote, 121054  
or demote all employees of the Department of Job and Family 121055

Services who are not subject to Chapter 4117. of the Revised Code. 121056

(C) The authority granted under division (B) of this section 121057  
includes assigning or reassigning an exempt employee, as defined 121058  
in section 124.152 of the Revised Code, to a bargaining unit 121059  
classification if the Medicaid Director or Director of Job and 121060  
Family Services determines that the bargaining unit classification 121061  
is the proper classification for that employee. The actions of the 121062  
Medicaid Director or Director of Job and Family Services shall be 121063  
consistent with the requirements of 5 C.F.R. 900.603 for those 121064  
employees subject to such requirements. If an employee in the E-1 121065  
pay range is to be assigned, reassigned, classified, reclassified, 121066  
transferred, reduced, or demoted to a position in a lower 121067  
classification during the period specified in this section, the 121068  
Medicaid Director or Director of Job and Family Services, or in 121069  
the case of a transfer outside the Department of Medicaid or 121070  
Department of Job and Family Services, the Director of 121071  
Administrative Services, shall assign the employee to the 121072  
appropriate classification and place the employee in Step X. The 121073  
employee shall not receive any increase in compensation until the 121074  
maximum rate of pay for that classification exceeds the employee's 121075  
compensation. 121076

(D) Actions taken by the Medicaid Director, Director of Job 121077  
and Family Services, and Director of Administrative Services 121078  
pursuant to this section are not subject to appeal to the State 121079  
Personnel Board of Review. 121080

(E) A portion of the foregoing appropriation items 651425, 121081  
Medicaid Program Support - State, 651603, Medicaid Health 121082  
Information Technology, 651624, Medicaid Program Support - 121083  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 121084  
Interagency Pass-Through, 651605, Resident Protection Fund, 121085  
651631, Money Follows the Person, 651682, Health Care Grants - 121086  
State, and 651654, Medicaid Program Support, may be used to pay 121087

for costs associated with the administration of the Medicaid 121088  
program, including the assignment, reassignment, classification, 121089  
reclassification, transfer, reduction, promotion, or demotion of 121090  
employees authorized by this section. 121091

**Section 327.30.** NEW AND AMENDED GRANT AGREEMENTS 121092

(A) As used in this section: 121093

(1) "Grant agreement" has the same meaning as in section 121094  
5101.21 of the Revised Code. 121095

(2) "Medical assistance program" has the same meaning as in 121096  
section 5160.01 of the Revised Code. 121097

(B) The Director of Job and Family Services and boards of 121098  
county commissioners may enter into negotiations to amend an 121099  
existing grant agreement or to enter into a new grant agreement 121100  
regarding the transfer of medical assistance programs to the 121101  
Department of Medicaid. Any such amended or new grant agreement 121102  
shall be drafted in the name of the Department of Job and Family 121103  
Services. The amended or new grant agreement may be executed 121104  
before July 1, 2015, if the amendment or agreement does not become 121105  
effective sooner than that date. 121106

(C) A portion of the foregoing appropriation items 651525, 121107  
Medicaid/Health Care Services, 651603, Medicaid Health Information 121108  
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 121109  
Program Support - Federal, 651680, Health Care Grants - Federal, 121110  
and 651682, Health Care Grants - State, may be used to pay for 121111  
Medicaid services and costs associated with the administration of 121112  
the Medicaid program. 121113

**Section 327.40.** EXCHANGE OF CERTAIN INFORMATION BETWEEN 121114  
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 121115

A portion of the foregoing appropriation items 651425, 121116

Medicaid Program Support-State, 651525, Medicaid/Health Care 121117  
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 121118  
Services-Payment Withholding, 651624, Medicaid Program 121119  
Support-Federal, 651680, Health Care Grants-Federal, 651655, 121120  
Medicaid Interagency Pass-Through, 651605, Resident Protection 121121  
Fund, 651631, Money Follows the Person, 651656, Medicaid 121122  
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 121123  
Medicaid Services-Long Term Care, 651654, Medicaid Program 121124  
Support, and 651649, Medicaid Services-HCAP, may be used to pay 121125  
for services and costs associated with operating protocols adopted 121126  
under sections 191.04 and 191.06 of the Revised Code. 121127

**Section 327.53. MEDICAID/HEALTH CARE SERVICES** 121128

The foregoing appropriation item 651525, Medicaid/Health Care 121129  
Services, shall not be limited by section 131.33 of the Revised 121130  
Code. 121131

**Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM** 121132

At the beginning of each quarter, or as soon as possible 121133  
thereafter, the Medicaid Director shall certify to the Director of 121134  
Budget and Management the amount withheld in accordance with 121135  
section 5167.30 of the Revised Code for purposes of the Managed 121136  
Care Performance Payment Program. Upon receiving certification, 121137  
the Director of Budget and Management shall transfer cash in the 121138  
amount certified from the General Revenue Fund to the Managed Care 121139  
Performance Payment Fund. Appropriation item 651525, 121140  
Medicaid/Health Care Services, is hereby reduced by the amount of 121141  
the transfer and by the corresponding federal share of the 121142  
transfer. Upon request of the Medicaid Director and approval of 121143  
the Director of Budget and Management, appropriation up to the 121144  
cash balance in the Managed Care Performance Payment Fund is 121145  
hereby appropriated. The federal share of the cash balance may 121146



also be appropriated in a federal appropriation item specified in 121147  
the request. Any federal share specified in the request is hereby 121148  
appropriated. 121149

In addition to any other purpose authorized by law, the 121150  
Department of Medicaid may use money in the Managed Care 121151  
Performance Payment Fund for the following purposes for fiscal 121152  
year 2016 and fiscal year 2017: 121153

(A) To meet obligations specified in provider agreements with 121154  
Medicaid managed care organizations; 121155

(B) To pay for Medicaid services provided by a Medicaid 121156  
managed care organization; 121157

(C) To reimburse a Medicaid managed care organization that 121158  
has paid a fine for failure to meet performance standards or other 121159  
requirements specified in provider agreements or rules adopted 121160  
under section 5167.02 of the Revised Code if the organization 121161  
comes into compliance with the standards or requirements. 121162

**Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED** 121163  
**CARE** 121164

(A) As used in this section: 121165

(1) "ICDS participant" has the same meaning as in section 121166  
5164.01 of the Revised Code. 121167

(2) "Integrated Care Delivery System" and "ICDS" have the 121168  
same meaning as section 5164.01 of the Revised Code. 121169

(3) "Medicaid managed care organization" has the same meaning 121170  
as in section 5167.01 of the Revised Code. 121171

(B) For fiscal year 2016 and fiscal year 2017, the Department 121172  
of Medicaid shall provide performance payments as provided under 121173  
this section to Medicaid managed care organizations providing care 121174  
under the Integrated Care Delivery System. 121175

(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:

(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.

(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.

(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department.

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) The Director of Budget and Management shall transfer the amounts certified in accordance with division (D) of this section into the Managed Care Performance Payment Fund created under section 5162.60 of the Revised Code. The amounts transferred may be used to make performance payments to Medicaid managed care

organizations providing care to ICDS participants in accordance 121207  
with rules that may be adopted by the Medicaid Director under 121208  
Chapter 119. of the Revised Code. 121209

(F) A Medicaid managed care organization subject to this 121210  
section is not subject to section 5167.30 of the Revised Code for 121211  
premium payments attributed to ICDS participants during fiscal 121212  
year 2016 and fiscal year 2017. 121213

**Section 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 121214**  
PAYMENT PROGRAM 121215

At the beginning of each quarter, or as soon as possible 121216  
thereafter, the Medicaid Director may certify to the Director of 121217  
Budget and Management the amount withheld in accordance with the 121218  
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 121219  
MANAGED CARE." On receipt of certification, the Director of Budget 121220  
and Management shall transfer cash in the amount certified from 121221  
the General Revenue Fund to the Managed Care Performance Payment 121222  
Fund (Fund 5KW0). The federal share may also be appropriated in a 121223  
federal appropriation item specified in the request. The 121224  
transferred cash and the corresponding federal share is hereby 121225  
appropriated. Appropriation item 651525, Medicaid/Health Care 121226  
Services, is hereby reduced by the amount of the transfer and the 121227  
corresponding federal share of the transfer. 121228

**Section 327.90. HOSPITAL FRANCHISE FEE PROGRAM 121229**

The Director of Budget and Management may authorize 121230  
additional expenditures from appropriation item 651623, Medicaid 121231  
Services - Federal, appropriation item 651525, Medicaid/Health 121232  
Care Services, and appropriation item 651656, Medicaid Services - 121233  
Hospital/UPL, in order to implement the programs authorized by 121234  
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 121235  
authorized are hereby appropriated. 121236

<b>Section 327.95.</b> DENTAL PROVIDER RATES AND PILOT PROJECT	121237
Of the foregoing appropriation item 651525, Medicaid/Health	121238
Care Services, \$6,000,000 in each fiscal year shall be provided	121239
for the purpose of establishing a demonstration pilot project	121240
which pays Medicaid dental providers in Brown, Scioto, Adams,	121241
Lawrence, Jackson, Gallia, Vinton, Perry, Hocking, Meigs, Morgan,	121242
Washington, Pike, Athens, Noble, and Monroe counties at 65 per	121243
cent of the American Dental Association survey of fees for dental	121244
services.	121245
<b>Section 327.100.</b> ADMINISTRATIVE ISSUES RELATED TO TERMINATION	121246
OF MEDICAID WAIVER PROGRAMS	121247
(A) As used in this section, "MCD or ODA Medicaid waiver	121248
component" means the following:	121249
(1) The Medicaid waiver component of the PASSPORT program	121250
created under section 173.52 of the Revised Code;	121251
(2) The Medicaid waiver component of the Assisted Living	121252
program created under section 173.54 of the Revised Code.	121253
(3) The Ohio Home Care Waiver program as defined in section	121254
5166.01 of the Revised Code;	121255
(4) The Ohio Transitions II Aging Carve-Out program as	121256
defined in section 5166.01 of the Revised Code;	121257
(B) If an MCD or ODA Medicaid waiver component is terminated	121258
under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the	121259
Revised Code, all of the following apply:	121260
(1) All applicable statutes, and all applicable rules,	121261
standards, guidelines, or orders issued by the Medicaid Director	121262
or Department of Medicaid or Director or Department of Aging	121263
before the component is terminated, shall remain in full force and	121264
effect on and after that date, but solely for purposes of	121265

concluding the component's operations, including fulfilling the 121266  
Departments' legal obligations for claims arising from the 121267  
component relating to eligibility determinations, covered medical 121268  
assistance provided to eligible persons, and recovering erroneous 121269  
overpayments. 121270

(2) Notwithstanding the termination of the component, the 121271  
right of subrogation for the cost of medical assistance given 121272  
under section 5160.37 of the Revised Code to the Department of 121273  
Medicaid and an assignment of the right to medical assistance 121274  
given under section 5160.38 of the Revised Code to the Department 121275  
continue to apply with respect to the component and remain in 121276  
force to the full extent provided under those sections. 121277

(3) The Department of Medicaid and Department of Aging may 121278  
use appropriated funds to satisfy any claims or contingent claims 121279  
for medical assistance provided under the component before the 121280  
component's termination. 121281

(4) Neither the Department of Medicaid nor the Department of 121282  
Aging has liability under the component to reimburse any provider 121283  
or other person for claims for medical assistance rendered under 121284  
the component after it is terminated. 121285

(C) The Medicaid Director and Director of Aging may adopt 121286  
rules in accordance with Chapter 119. of the Revised Code to 121287  
implement this section. 121288

**Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED** 121289  
**REIMBURSEMENT FUND** 121290

The federal payments made to the state under subsection (e) 121291  
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 121292  
No. 109-171, as amended, shall be deposited into the Money Follows 121293  
the Person Enhanced Reimbursement Fund. The Department of Medicaid 121294  
shall continue to use money deposited into the fund for system 121295

reform activities related to the Money Follows the Person 121296  
demonstration project. 121297

**Section 327.115. PEOPLE WORKING COOPERATIVELY** 121298

Of the foregoing appropriation item 651631, Money Follows the 121299  
Person, \$250,000 in each fiscal year shall be allocated to People 121300  
Working Cooperatively to perform home modification/repair services 121301  
to low-income, frail, or cognitively impaired persons sixty years 121302  
of age and older to achieve independent living in their private 121303  
residence and to avoid institutional placement. 121304

**Section 327.120. MEDICARE PART D** 121305

The foregoing appropriation item 651526, Medicare Part D, may 121306  
be used by the Department of Medicaid for the implementation and 121307  
operation of the Medicare Part D requirements contained in the 121308  
"Medicare Prescription Drug, Improvement, and Modernization Act of 121309  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 121310  
Department of Medicaid, the Director of Budget and Management may 121311  
transfer the state share of appropriations between appropriation 121312  
item 651525, Medicaid/Health Care Services, and appropriation item 121313  
651526, Medicare Part D. If the state share of appropriation item 121314  
651525, Medicaid/Health Care Services, is adjusted, the Director 121315  
of Budget and Management shall adjust the federal share 121316  
accordingly. The Department of Medicaid shall provide notification 121317  
to the Controlling Board of any transfers at the next scheduled 121318  
Controlling Board meeting. 121319

**Section 327.130. OHIO ACCESS SUCCESS PROJECT** 121320

Of the foregoing appropriation item, 651525, Medicaid/Health 121321  
Care Services, up to \$450,000 in each fiscal year may be used to 121322  
provide one-time transitional benefits under the Ohio Access 121323  
Success Project that the Medicaid Director may establish under 121324

section 5166.35 of the Revised Code. 121325

**Section 327.140.** HEALTH CARE SERVICES ADMINISTRATION FUND 121326

Of the amount received by the Department of Medicaid during 121327  
fiscal year 2016 and fiscal year 2017 from the first installment 121328  
of assessments paid under section 5168.06 of the Revised Code and 121329  
intergovernmental transfers made under section 5168.07 of the 121330  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 121331  
fiscal year into the state treasury to the credit of the Health 121332  
Care Services Administration Fund (Fund 5U30). 121333

**Section 327.150.** TRANSFERS OF OFFSETS TO THE HEALTH CARE 121334  
SERVICES ADMINISTRATION FUND 121335

(A) As used in this section: 121336

"Hospital offset" means an offset from a hospital's Medicaid 121337  
payment authorized by section 5168.991 of the Revised Code. 121338

"Vendor offset" means a reduction of a Medicaid payment to a 121339  
Medicaid provider to correct a previous, incorrect Medicaid 121340  
payment. 121341

(B) During fiscal year 2016 and fiscal year 2017, at 121342  
intervals selected by the Medicaid Director, the Director shall 121343  
certify to the Director of Budget and Management the amount of 121344  
hospital offsets and vendor offsets for the period covered by the 121345  
certification and the particular funds that would have been used 121346  
to make Medicaid payments to providers if not for the offsets. 121347  
Each certification shall specify the amount that would have been 121348  
taken from each of the funds if not for the hospital offsets and 121349  
vendor offsets. 121350

(C) On receipt of a certification under division (B) of this 121351  
section, the Director of Budget and Management shall transfer cash 121352  
from the funds identified in the certification to the Health Care 121353

Services Administration Fund (Fund 5U30). The amount transferred 121354  
from a fund shall equal the amount that would have been taken from 121355  
the fund if not for the hospital offsets and vendor offsets as 121356  
specified in the certification. The federal share may also be 121357  
appropriated in a federal appropriation item specified in the 121358  
certification. The transferred cash and the corresponding federal 121359  
share is hereby appropriated. The appropriations for those 121360  
appropriation items identified in the certification, and from 121361  
which transfers occurred, are hereby reduced by the amount of the 121362  
transfer and the amount of the corresponding federal share. 121363

**Section 327.160. HOSPITAL CARE ASSURANCE MATCH** 121364

If receipts credited to the Health Care Federal Fund (Fund 121365  
3F00) exceed the amounts appropriated from the fund for making the 121366  
hospital care assurance program distribution, the Medicaid 121367  
Director may request the Director of Budget and Management to 121368  
authorize expenditures from the fund in excess of the amounts 121369  
appropriated. Upon the approval of the Director of Budget and 121370  
Management, the additional amounts are hereby appropriated. 121371

The foregoing appropriation item 651649, Medicaid Services - 121372  
HCAP, shall be used by the Department of Medicaid for distributing 121373  
the state share of all hospital care assurance program funds to 121374  
hospitals under section 5168.09 of the Revised Code. If receipts 121375  
credited to the Hospital Care Assurance Program Fund (Fund 6510) 121376  
exceed the amounts appropriated from the fund for making the 121377  
hospital care assurance program distribution, the Medicaid 121378  
Director may request the Director of Budget and Management to 121379  
authorize expenditures from the fund in excess of the amounts 121380  
appropriated. Upon the approval of the Director of Budget and 121381  
Management, the additional amounts are hereby appropriated. 121382

**Section 327.170. REFUNDS AND RECONCILIATION FUND** 121383



The Refunds and Reconciliation Fund (Fund R055) shall be used 121384  
to hold refund and reconciliation revenues until the appropriate 121385  
fund is determined or until the revenues are directed to the 121386  
appropriate governmental agency other than the Department of 121387  
Medicaid. Any Medicaid refunds or reconciliations received or held 121388  
by the Department of Job and Family Services shall be transferred 121389  
or credited to this fund. If receipts credited to the Refunds and 121390  
Reconciliation Fund exceed the amounts appropriated from the fund, 121391  
the Medicaid Director may request the Director of Budget and 121392  
Management to authorize expenditures from the fund in excess of 121393  
the amounts appropriated. Upon approval of the Director of Budget 121394  
and Management, the additional amounts are hereby appropriated. 121395

**Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH** 121396

The Medicaid Director may request the Director of Budget and 121397  
Management to increase appropriation item 651655, Medicaid 121398  
Interagency Pass-Through. Upon the approval of the Director of 121399  
Budget and Management, the additional amounts are hereby 121400  
appropriated. 121401

**Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES** 121402

(A) As used in this section: 121403

"Federal poverty line" means the official poverty line 121404  
defined by the United States Office of Management and Budget based 121405  
on the most recent data available from the United States Bureau of 121406  
the Census and revised by the United States Secretary of Health 121407  
and Human Services pursuant to the "Omnibus Budget Reconciliation 121408  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 121409

"State plan home and community-based services" means home and 121410  
community-based services that may be included in the Medicaid 121411  
state plan pursuant to the "Social Security Act," section 1915(i), 121412  
42 U.S.C. 1396n(i). 121413

(B) During fiscal year 2016 and fiscal year 2017, the Medicaid program may cover state plan home and community-based services for Medicaid recipients of any age who have behavioral health issues and countable incomes not exceeding one hundred fifty per cent of the federal poverty line. A Medicaid recipient is not required to undergo a level of care determination to be eligible for the state plan home and community-based services.

The Medicaid Director may adopt rules under section 5164.02 of the Revised Code as necessary to implement this section.

**Section 327.200.** UPDATING AUTHORIZING STATUTE CITATIONS

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule.

The Medicaid Director is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act renumbers the authorizing statute or relocates it to another Revised Code section. Such citations shall be updated as the Director amends the rules for other purposes.

**Section 327.210.** NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid/Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs,

the Director of Budget and Management shall adjust, using the 121444  
federal reimbursement rate, the federal share appropriations of 121445  
General Revenue Fund appropriation line 651525, Medicaid/Health 121446  
Care Services, within the Department of Medicaid, and the Medicaid 121447  
Program Support Fund (3F01) appropriation line 655624, Medicaid 121448  
Program Support, within the Department of Job and Family Services. 121449  
The Director of Medicaid shall transmit to the Medicaid Program 121450  
Support Fund (3F01) the federal funds which the Department of 121451  
Medicaid, as the state's sole point of contact with the federal 121452  
government for Medicaid reimbursements, has drawn for this 121453  
transaction. 121454

**Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION** 121455  
**SYSTEM IMPLEMENTATION** 121456

Upon the request of the Medicaid Director, the Director of 121457  
Budget and Management may transfer up to \$7,200,000 of state share 121458  
appropriations in each fiscal year between General Revenue Fund 121459  
appropriation item 651525, Medicaid/Health Care Services, within 121460  
the Department of Medicaid, and 655522, Medicaid Program Support - 121461  
Local, within the Department of Job and Family Services. If such a 121462  
transfer occurs, the Director of Budget and Management shall 121463  
adjust, using the federal reimbursement rate, the federal share 121464  
appropriations of General Revenue Fund appropriation item 651525, 121465  
Medicaid/Health Care Services, within the Department of Medicaid, 121466  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 121467  
item 655624, Medicaid Program Support, within the Department of 121468  
Job and Family Services. The Director of Medicaid shall transmit 121469  
to the Medicaid Program Support Fund (3F01) the federal funds 121470  
which the Department of Medicaid, as the state's sole point of 121471  
contact with the federal government for Medicaid reimbursements, 121472  
has drawn for this transaction. 121473

Any increase in funding shall be provided to county 121474

departments of job and family services and shall only be used for 121475  
costs related to transitioning to a new public assistance 121476  
eligibility determination system. These funds shall not be used 121477  
for existing and ongoing operating expenses. The Medicaid Director 121478  
shall establish criteria for distributing these funds and for 121479  
county departments of job and family services to submit allowable 121480  
expenses. 121481

County departments of job and family services shall comply 121482  
with new roles, processes, and responsibilities related to the new 121483  
eligibility determination system. County departments of job and 121484  
family services shall report to the Ohio Department of Job and 121485  
Family Services and the Ohio Department of Medicaid, on a schedule 121486  
determined by the Medicaid Director, how the funds were used. 121487

**Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 121488**  
SERVICES FUND (FUND 4J50) 121489

On July 1, 2015, or as soon as possible thereafter, the 121490  
Director of Budget and Management shall transfer the cash balance 121491  
in the Home and Community - Based Services Fund (Fund 4J50) to the 121492  
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 121493  
by the Department of Medicaid. Upon completion of the transfer, 121494  
Fund 4J50 is hereby abolished. 121495

**Section 327.243. HOLZER CLINIC PAYMENT 121496**

Of the foregoing appropriation item 651525, Medicaid/Health 121497  
Care Services, \$1,000,000 in fiscal year 2016 and \$500,000 in 121498  
fiscal year 2017 shall be used to make, subject to division (B) of 121499  
this section, Medicaid payments in accordance with rule 121500  
5160-1-60.1 of the Administrative Code, as the rule is in effect 121501  
on the day immediately preceding the effective date of this 121502  
section, for physician, pregnancy-related, evaluation, and 121503  
management services provided by physician groups that meet the 121504

criteria described in the rule. 121505

**Section 327.244.** COMMUNITY HEALTH WORKER SERVICES 121506

Of the foregoing appropriation item 651525, Medicaid/Health 121507  
Care Services, \$13,400,000 in each fiscal year shall be used to 121508  
provide community health worker services and other services to 121509  
certain Medicaid recipients as specified in section 5167.15 of the 121510  
Revised Code. 121511

**Section 327.245.** MATERNAL AND CHILD HEALTH 121512

The foregoing appropriation item 651628, Maternal and Child 121513  
Health, shall be allocated to Integrating Professionals for 121514  
Appalachian Children. These funds shall be used to improve 121515  
maternal and child health outcomes in the service area comprised 121516  
of Athens, Gallia, Hocking, Jackson, Meigs, Perry, Ross, Vinton, 121517  
and Washington counties. 121518

**Section 327.250.** RATE FOR HOME HEALTH AIDE SERVICES 121519

(A) As used in this section, "independent provider" means an 121520  
individual who personally provides home health aide services and 121521  
is not employed by, under contract with, or affiliated with 121522  
another entity that provides those services. 121523

(B) Notwithstanding section 5164.77 of the Revised Code, the 121524  
Medicaid payment rate for home health aide services that are 121525  
provided by a provider, other than an independent provider, during 121526  
the period beginning January 1, 2016, and ending June 30, 2017, 121527  
shall be at least five per cent higher than the rate in effect on 121528  
October 1, 2015, for those services. 121529

**Section 327.270.** NURSING FACILITY DEMONSTRATION PROJECT 121530

(A) As used in this section: 121531

(1) "Freestanding long-term care hospital" means a hospital 121532  
to which all of the following apply: 121533

(a) It is a freestanding long-term care hospital as defined 121534  
in 42 C.F.R. 412.23(e)(5). 121535

(b) It has a Medicaid provider agreement to provide inpatient 121536  
hospital services. 121537

(c) Pursuant to rules adopted under section 5164.02 of the 121538  
Revised Code, it is exempt from the all patient refined diagnosis 121539  
related groups (APR-DRG) and prospective payment methodology the 121540  
Department of Medicaid uses to determine Medicaid payment rates 121541  
for inpatient services provided by other types of hospitals not 121542  
also excluded from the methodology. 121543

(2) "Nursing facility," "nursing facility services," "nursing 121544  
home," and "provider" have the same meanings as in section 5165.01 121545  
of the Revised Code. 121546

(B) Not later than thirty days after the effective date of 121547  
this section, the Department of Medicaid shall submit to the 121548  
United States Secretary of Health and Human Services a request for 121549  
a Medicaid Waiver to operate, beginning January 1, 2016, a 121550  
two-year demonstration project under which Medicaid recipients 121551  
receive nursing facility services in participating nursing 121552  
facilities in lieu of hospital inpatient services in freestanding 121553  
long-term care hospitals. 121554

(1) The Department shall select four nursing facilities to 121555  
participate in the demonstration project. To be selected for 121556  
participation, a nursing facility must meet all of the following 121557  
requirements: 121558

(a) The nursing facility's provider must hold the nursing 121559  
facility out to the public as providing short-term rehabilitation 121560  
services. 121561

(b) The nursing facility must have a hydrotherapy pool. 121562

(c) The nursing facility's Medicaid-certified capacity must 121563  
include at least ten single-occupancy sleeping rooms that will be 121564  
used for Medicaid recipients admitted to the nursing facility 121565  
under the demonstration project. 121566

(d) The nursing facility must have been initially 121567  
constructed, licensed as a nursing home, and certified as a 121568  
nursing facility on or after January 1, 2010. 121569

(2) In selecting four nursing facilities to participate in 121570  
the demonstration project, the Department shall select one nursing 121571  
facility located in Cuyahoga county, one located in Franklin 121572  
county, one located in Hamilton county, and one located in Lucas 121573  
county. However, the Department may select a nursing facility 121574  
located in another county if necessary to find four nursing 121575  
facilities that meet the requirements specified in division (B)(1) 121576  
of this section. 121577

(C)(1) The provider of each participating nursing facility 121578  
shall develop admission criteria that Medicaid recipients must 121579  
meet to be admitted to the nursing facility under the 121580  
demonstration project. The provider shall give the criteria to 121581  
each hospital that is located within fifty miles of the nursing 121582  
facility and routinely refers Medicaid patients to freestanding 121583  
long-term care hospitals. A hospital that receives the criteria 121584  
shall consider the criteria when determining where to refer a 121585  
Medicaid recipient who needs the types of services freestanding 121586  
long-term care hospitals provide. 121587

(2) A Medicaid recipient may refuse a referral to a 121588  
participating nursing facility and instead seek admission to a 121589  
freestanding long-term care hospital. If a Medicaid recipient 121590  
seeks admission to a participating nursing facility under the 121591  
demonstration project, the nursing facility's staff shall ensure 121592

that the recipient meets the nursing facility's criteria before 121593  
admitting the recipient. 121594

(3) A participating nursing facility shall notify the 121595  
Department each time it admits a Medicaid recipient under the 121596  
demonstration project. A Medicaid recipient's admission to a 121597  
participating nursing facility under the demonstration project is 121598  
not subject to prior authorization from the Department or a 121599  
designee of the Department. 121600

(D) Notwithstanding Chapter 5165. of the Revised Code, the 121601  
Medicaid payment rate for nursing facility services that a 121602  
Medicaid recipient receives from a participating nursing facility 121603  
under the demonstration project shall not exceed the Medicaid 121604  
payment rate for comparable hospital inpatient services provided 121605  
by freestanding long-term care hospitals in effect at the time the 121606  
nursing facility services are provided. 121607

(E) Not later than thirty days after the end of each quarter 121608  
of the demonstration project, the provider of each participating 121609  
nursing facility shall report to the Department all of the 121610  
following information about each Medicaid recipient residing in 121611  
the nursing facility under the demonstration project during the 121612  
quarter: 121613

(1) The cost of the nursing facility services that the 121614  
nursing facility provided to the recipient that quarter; 121615

(2) The number of days the recipient resided in the nursing 121616  
facility that quarter; 121617

(3) The recipient's health outcomes; 121618

(4) The recipient's satisfaction with the nursing facility as 121619  
reported to the nursing facility's staff; 121620

(5) All other information that the Department requires the 121621  
providers to include in the reports. 121622



(F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The report shall include an analysis of the information submitted to the Department under division (E) of this section. The report also shall include recommendations about resuming operation of the demonstration project and selecting nursing facilities from additional counties to participate. The Department shall submit the report to all of the following:

(1) The Governor;

(2) In accordance with section 101.68 of the Revised Code, the General Assembly;

(3) The Joint Medicaid Oversight Committee.

**Section 327.280. PRE-ENROLLMENT PROVIDER SCREENINGS AND REVIEWS**

During fiscal year 2016 and fiscal year 2017, it is recommended that the Department of Medicaid perform pre-enrollment screenings and reviews of Medicaid providers designated as moderate or high categorical risks to the Medicaid program under the categorical risk levels established pursuant to Subpart E of Part 455 of Title 42 of the Code of Federal Regulations.

**Section 327.300. MEDICAID RATES FOR AMBULETTE SERVICES**

The Medicaid payment rates for ambulette services provided during the period beginning July 1, 2015, and ending June 30, 2017, shall be at least ten per cent higher than the amount of the rates for the services in effect on June 30, 2015.

**Section 327.310. TERMINATION OF 209(b) OPTION**

As used in this section, "209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42

U.S.C. 1396a(f), under which the Medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the Supplemental Security Income program.

The Department of Medicaid shall not terminate the implementation of the 209(b) option before July 1, 2016.

**Section 327.320.** GRADUATE MEDICAL EDUCATION STUDY COMMITTEE

(A) There is hereby created the Graduate Medical Education Study Committee. The Committee shall consist of all of the following members:

(1) The Executive Director of the Office of Health Transformation;

(2) The Medicaid Director;

(3) The Chancellor of Higher Education;

(4) Four deans of medical schools of colleges and universities located in this state, appointed by the President of the Senate;

(5) Four presidents of colleges and universities that are located in this state and have medical schools, appointed by the Speaker of the House of Representatives;

(6) The chief executive officer of each of the following:

(a) The Ohio State Medical Association;

(b) The Ohio Osteopathic Association;

(c) The Ohio Hospital Association;

(d) The Ohio Children's Hospital Association.

(B) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section. A member of the Committee may designate an individual to serve on

the Committee in the member's place for one or more meetings. 121679  
Members shall serve without compensation or reimbursement, except 121680  
to the extent that serving on the Committee is considered part of 121681  
their usual job duties. 121682

(C) The Executive Director of the Office of Health 121683  
Transformation shall serve as chairperson of the Committee. The 121684  
Department of Medicaid shall provide the Committee all support 121685  
services the Committee needs. 121686

(D) The Committee shall study the issue of Medicaid payments 121687  
to hospitals for the costs of graduate medical education. The 121688  
Committee shall include in its study the feasibility of targeting 121689  
the payments in a manner that rewards graduates of medical schools 121690  
of colleges and universities located in this state who practice 121691  
medicine and surgery or osteopathic medicine and surgery in this 121692  
state for at least five years after graduation. The Committee 121693  
shall complete a report about its study not later than December 121694  
31, 2015. The Committee shall submit copies of the report to the 121695  
Governor, the General Assembly (in accordance with section 101.68 121696  
of the Revised Code), and the Joint Medicaid Oversight Committee. 121697  
The Graduate Medical Education Study Committee shall cease to 121698  
exist on submission of the report. 121699

**Section 327.330. STUDY OF SELF-SELECTING MANAGED CARE** 121700  
**ORGANIZATION** 121701

(A) Not later than one hundred eighty days after the 121702  
effective date of this section, the Department of Medicaid shall 121703  
complete a study of the feasibility and potential savings to the 121704  
state of delaying an individual's coverage under the Medicaid 121705  
program until the individual self-selects a Medicaid managed care 121706  
organization in which to enroll if the individual is required to 121707  
participate in the care management system established under 121708  
section 5167.03 of the Revised Code. As part of the study, the 121709

Department shall do both of the following: 121710

(1) Examine the feasibility of obtaining any necessary 121711  
federal waivers, including a waiver of the default enrollment 121712  
process required by section 1932(a)(1)(D) of the "Social Security 121713  
Act," 42 U.S.C. 1396u-2(a)(1)(D); 121714

(2) Contract with an actuary to determine the effect that the 121715  
delay in coverage would have on the amount of premiums to be paid 121716  
Medicaid managed care organizations under the care management 121717  
system. 121718

(B) The Department shall prepare a report about the study 121719  
conducted under this section and submit the report to the 121720  
Governor, General Assembly (in accordance with section 101.68 of 121721  
the Revised Code), and the Joint Medicaid Oversight Committee. 121722

**Section 327.340. PREFERENCE TO MANAGED CARE ORGANIZATIONS** 121723  
**REGARDING INFANT MORTALITY RATES** 121724

For the period beginning January 1, 2016, and ending June 30, 121725  
2017, the Department of Medicaid shall modify the default 121726  
enrollment process established pursuant to section 1932(a)(4)(D) 121727  
of the "Social Security Act," 42 U.S.C. 1396u-2(a)(4)(D), under 121728  
which the Department enrolls in a Medicaid managed care 121729  
organization a Medicaid recipient who is designated for 121730  
participation in the Medicaid managed care program but fails to 121731  
select a Medicaid managed care organization during the enrollment 121732  
period. Under the modifications, the Department shall give 121733  
preference under the default enrollment process to Medicaid 121734  
managed care organizations that have demonstrated to the 121735  
Department's satisfaction success in reducing the infant mortality 121736  
rates among children born to women enrolled in the organizations. 121737  
In determining a Medicaid managed care organization's success in 121738  
reducing infant mortality rates, the Department may consider 121739  
direct and indirect measures of infant mortality and factors that 121740

differ from the performance standards the Department establishes 121741  
for the Managed Care Performance Payment Program under section 121742  
5167.30 of the Revised Code. 121743

A determination of whether to give preference to a Medicaid 121744  
managed care organization under this section shall have no effect 121745  
on a Medicaid managed care organization's eligibility for a 121746  
performance payment under section 5167.30 of the Revised Code or 121747  
on the amount of such a performance payment. 121748

**Section 329.10.** MED STATE MEDICAL BOARD 121749

Dedicated Purpose Fund Group 121750

5C60 883609	Operating Expenses	\$	9,467,737	\$	9,655,200	121751
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TOTAL DPF Dedicated Purpose Fund		\$	9,467,737	\$	9,655,200	121752
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	9,467,737	\$	9,655,200	121753
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**Section 331.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 121755

SERVICES 121756

General Revenue Fund 121757

GRF 336321	Central	\$	13,632,646	\$	13,632,646	121758
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Administration

GRF 336402	Resident Trainees	\$	450,000	\$	450,000	121759
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GRF 336405	Family & Children	\$	1,386,000	\$	1,386,000	121760
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First

GRF 336406	Prevention and	\$	3,488,659	\$	3,488,659	121761
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Wellness

GRF 336412	Hospital Services	\$	200,658,333	\$	200,658,333	121762
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GRF 336415	Mental Health	\$	20,817,900	\$	19,902,200	121763
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Facilities

Lease-Rental Bond

Payments

GRF 336421	Continuum of Care	\$	72,389,846	\$	72,339,846	121764
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		Services					
GRF	336422	Criminal Justice	\$	11,416,418	\$	11,416,418	121765
		Services					
GRF	336423	Addiction Services	\$	27,422,269	\$	34,362,315	121766
		Partnership with					
		Corrections					
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	121767
GRF	336425	Specialized Docket	\$	5,000,000	\$	5,000,000	121768
		Support					
GRF	336504	Community Innovations	\$	9,250,000	\$	9,250,000	121769
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	121770
GRF	336510	Residential State	\$	15,002,875	\$	15,002,875	121771
		Supplement					
GRF	336511	Early Childhood	\$	2,500,000	\$	2,500,000	121772
		Mental Health					
		Counselors and					
		Consultation					
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600	121773
TOTAL GRF		General Revenue Fund	\$	388,935,756	\$	394,910,102	121774
		Dedicated Purpose Fund Group					121775
2320	336621	Family and Children	\$	400,000	\$	400,000	121776
		First Administration					
4750	336623	Statewide Treatment	\$	15,550,000	\$	15,550,000	121777
		and Prevention					
4850	336632	Mental Health	\$	2,611,733	\$	2,611,733	121778
		Operating					
5AU0	336615	Behavioral Health	\$	7,850,000	\$	7,850,000	121779
		Care					
5JL0	336629	Problem Gambling and	\$	6,250,000	\$	6,250,000	121780
		Casino Addictions					
5T90	336641	Problem Gambling	\$	435,000	\$	435,000	121781
		Services					
6320	336616	Community Capital	\$	350,000	\$	350,000	121782

		Replacement					
6890	336640	Education and	\$	150,000	\$	150,000	121783
		Conferences					
TOTAL DPF		Dedicated Purpose Fund	\$	33,596,733	\$	33,596,733	121784
Group							
Internal Service Activity Fund Group							121785
1490	336609	Hospital Operating	\$	24,790,000	\$	24,790,000	121786
		Expenses					
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190	121787
1500	336620	Special Education	\$	150,000	\$	150,000	121788
1510	336601	Ohio Pharmacy	\$	75,000,000	\$	75,000,000	121789
		Services					
4P90	336604	Community Mental	\$	250,000	\$	250,000	121790
		Health Projects					
TOTAL ISA		Internal Service Activity	\$	106,933,190	\$	106,933,190	121791
Fund Group							
Federal Fund Group							121792
3240	336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	121793
3A60	336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000	121794
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000	121795
		Grant					
3A80	336613	Federal Grants	\$	11,417,000	\$	11,417,000	121796
3A90	336614	Mental Health Block	\$	16,058,470	\$	16,058,470	121797
		Grant					
3FR0	336638	Race to the Top -	\$	1,164,000	\$	1,164,000	121798
		Early Learning					
		Challenge Grant					
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756	121799
		Grant					
3H80	336606	Demonstration Grants	\$	20,050,000	\$	20,050,000	121800
3N80	336639	Administrative	\$	1,300,000	\$	1,300,000	121801
		Reimbursement					

3B10 652635	Community Medicaid	\$	5,000,000	\$	5,000,000	121802
	Legacy Costs					
3B10 652636	Community Medicaid	\$	7,000,000	\$	7,000,000	121803
	Legacy Support					
TOTAL FED	Federal Fund Group	\$	167,015,226	\$	167,015,226	121804
TOTAL ALL BUDGET	FUND GROUPS	\$	696,480,905	\$	702,455,251	121805

**Section 331.21.** TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 121807  
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All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental Health that is current and valid on the effective date of the consolidation is deemed to be an action, license, or certification undertaken or issued by the Department of Mental Health and Addiction Services under the statute creating that Department. 121809  
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Any business commenced but not completed by July 1, 2013, by the Department of Mental Health or the Department of Alcohol and Drug Addiction Services shall be completed by the Department of Mental Health and Addiction Services. The business shall be completed in the same manner, and with the same effect, as if completed by the Department of Mental Health or by the Department 121827  
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of Alcohol and Drug Addiction Services prior to July 1, 2013. 121833

No validation, cure, right, privilege, remedy, obligation, or 121834  
liability is lost or impaired by reason of this act's transfer of 121835  
responsibility from the Department of Mental Health and the 121836  
Department of Alcohol and Drug Addiction Services to the 121837  
Department of Mental Health and Addiction Services. Each such 121838  
validation, cure, right, remedy, obligation, or liability shall be 121839  
administered by the Department of Mental Health and Addiction 121840  
Services pursuant to the statute creating that department. 121841

All rules, orders, and determinations made or undertaken 121842  
pursuant to the authority and responsibilities of the Department 121843  
of Mental Health and the Department of Alcohol and Drug Addiction 121844  
Services prior to July 1, 2013, shall continue in effect as rules, 121845  
orders, and determinations of the Department of Mental Health and 121846  
Addiction Services until modified or rescinded by the Department 121847  
of Mental Health and Addiction Services. If necessary to ensure 121848  
the integrity of the numbering system of the Administrative Code, 121849  
the Director of the Legislative Service Commission shall renumber 121850  
the rules to reflect the transfer of authority and responsibility 121851  
to the Department of Mental Health and Addiction Services. 121852

Any action or proceeding that is related to the functions or 121853  
duties of the Department of Mental Health or the Department of 121854  
Alcohol and Drug Addiction Services pending on July 1, 2013, is 121855  
not affected by the transfer of responsibility to the Department 121856  
of Mental Health and Addiction Services and shall be prosecuted or 121857  
defended in the name of the Department of Mental Health and 121858  
Addiction Services. In all such actions and proceedings, the 121859  
Department of Mental Health and Addiction Services, on application 121860  
to the court, shall be substituted as a party. 121861

**Section 331.40. PREVENTION AND WELLNESS** 121862

Of the foregoing appropriation item 336406, Prevention and 121863

Wellness: 121864

(A) Up to \$1,500,000 in each fiscal year shall be used to 121865  
expand evidence-based prevention resources statewide. 121866

(B) Up to \$1,000,000 in each fiscal year shall be used to 121867  
support and expand suicide prevention efforts. 121868

(C) \$120,000 in each fiscal year shall be allocated to 121869  
Northeast Ohio Medical University's statewide campus safety and 121870  
mental health programs, including suicide prevention. 121871

**Section 331.50. HOSPITAL SERVICES** 121872

The foregoing appropriation item 336412, Hospital Services, 121873  
shall be used for the operation of the State Regional Psychiatric 121874  
Hospitals, including, but not limited to, all aspects involving 121875  
civil and forensic commitment, treatment, and discharge as 121876  
determined by the Director of Mental Health and Addiction 121877  
Services. A portion of this appropriation may be used by the 121878  
Department of Mental Health and Addiction Services to create, 121879  
purchase, or contract for the custody, supervision, control, and 121880  
treatment of persons committed to the Department of Mental Health 121881  
and Addiction Services in other clinically appropriate 121882  
environments, consistent with public safety. 121883

**Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND** 121884  
**PAYMENTS** 121885

The foregoing appropriation item 336415, Mental Health 121886  
Facilities Lease-Rental Bond Payments, shall be used to meet all 121887  
payments during the period from July 1, 2015, through June 30, 121888  
2017, by the Department of Mental Health and Addiction Services 121889  
under leases and agreements made under section 154.20 of the 121890  
Revised Code. These appropriations are the source of funds pledged 121891  
for bond service charges on obligations issued pursuant to Chapter 121892  
154. of the Revised Code. 121893

<b>Section 331.70. CONTINUUM OF CARE SERVICES</b>	121894
The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:	121895 121896
(A) A portion of this appropriation shall be allocated to community alcohol, drug addiction, and mental health services boards in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:	121897 121898 121899 121900 121901 121902 121903
(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and	121904 121905 121906
(2) To provide subsidized support for medication-assisted treatment costs.	121907 121908
(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.	121909 121910 121911 121912 121913 121914
(C)(1) \$400,000 in fiscal year 2016 and \$350,000 in fiscal year 2017 shall be allocated to the Geauga County Board of Mental Health and Recovery Services. The Board shall distribute \$316,250 in fiscal year 2016 and \$284,750 in fiscal year 2017 to the Chardon School District to be used for program-related activities.	121915 121916 121917 121918 121919
(2) The Department of Mental Health and Addiction Services shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code regarding the performance of the program by September 30, 2017.	121920 121921 121922 121923

**Section 331.80. CRIMINAL JUSTICE SERVICES** 121924

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through community alcohol, drug addiction, and mental health services boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services. 121925  
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Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$1,000,000 in each fiscal year shall be used to support specialty dockets and expand and/or create new certified court programs. 121936  
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Appropriation item 336422, Criminal Justice Services, may also be used to: 121940  
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(A) Provide forensic monitoring and tracking of individuals on conditional release; 121942  
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(B) Provide forensic training; 121944

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders; 121945  
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(D) Provide specialized re-entry services to offenders leaving prisons and jails; 121948  
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(E) Provide specific grants in support of addiction services alternatives to incarceration; and 121950  
121951

(F) Support therapeutic communities. 121952

Section 331.90. MEDICATION-ASSISTED TREATMENT DRUG COURT	121953
PROGRAM FOR SPECIALIZED DOCKET PROGRAMS	121954
(A) As used in this section:	121955
(1) "Medication-assisted treatment (MAT) drug court program"	121956
means a session of any of the following that holds initial or	121957
final certification from the Supreme Court of Ohio as a	121958
specialized docket program for drugs: a common pleas court,	121959
municipal court, or county court, or a division of any of those	121960
courts.	121961
(2) "Prescriber" has the same meaning as in section 4729.01	121962
of the Revised Code.	121963
(B)(1) The Department of Mental Health and Addiction Services	121964
shall conduct a program to provide addiction treatment, including	121965
medication-assisted treatment, to persons who are offenders within	121966
the Criminal Justice System, eligible to participate in a MAT drug	121967
court program, and are selected under this section to be	121968
participants in the program because of their dependence on	121969
opioids, alcohol, or both.	121970
(2) The Department shall conduct the program in those courts	121971
of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton,	121972
Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and	121973
Warren counties that are conducting MAT drug court programs. If in	121974
any of these counties there is no court conducting a MAT drug	121975
court program, the Department shall conduct the program in a court	121976
that is conducting a MAT drug court program in another county.	121977
(3) In addition to conducting the program in accordance with	121978
division (B)(2) of this section, the Department may conduct the	121979
program in any court that is conducting a MAT drug court program.	121980
(C) In conducting the program, the Department shall	121981
collaborate with the Supreme Court, the Department of	121982

Rehabilitation and Correction, and any agency of the state that 121983  
the Department determines may be of assistance in accomplishing 121984  
the objectives of the program. The Department may collaborate with 121985  
the boards of alcohol, drug addiction, and mental health services 121986  
and with local law enforcement agencies that serve the counties in 121987  
which a court participating in the program is located. 121988

(D)(1) A MAT drug court program shall select persons who are 121989  
criminal offenders to be participants in the program. A person 121990  
shall not be selected to be a participant unless the person meets 121991  
the legal and clinical eligibility criteria for the MAT drug court 121992  
program and is an active participant in the program. 121993

(2) The total number of persons participating in a program at 121994  
any time shall not exceed one thousand five hundred, subject to 121995  
available funding, except that the Department of Mental Health and 121996  
Addiction Services may authorize the maximum number to be exceeded 121997  
in circumstances that the Department considers to be appropriate. 121998

(3) After being enrolled in a MAT drug court program, a 121999  
participant shall comply with all requirements of the MAT drug 122000  
court program. 122001

(E) The treatment provided in a MAT drug court program shall 122002  
be provided by a community addiction services provider that is 122003  
certified under section 5119.36 of the Revised Code. In serving as 122004  
a community addiction services provider, a provider shall do all 122005  
of the following: 122006

(1) Provide treatment based on an integrated service delivery 122007  
model that consists of the coordination of care between a 122008  
prescriber and the community addiction services provider; 122009

(2) Conduct professional, comprehensive substance abuse and 122010  
mental health diagnostic assessments of a person under 122011  
consideration for selection as a program participant to determine 122012  
whether the person would benefit from substance abuse treatment 122013

and monitoring;	122014
(3) Determine, based on the assessment described in division	122015
(E)(2) of this section, the treatment needs of the participants	122016
served by the treatment provider;	122017
(4) Develop, for participants served by the treatment	122018
provider, individualized goals and objectives;	122019
(5) Provide access to the long-acting antagonist therapies,	122020
partial agonist therapies, or both, that are included in the	122021
program's medication-assisted treatment;	122022
(6) Provide other types of therapies, including psychosocial	122023
therapies, for both substance abuse and any disorders that are	122024
considered by the treatment provider to be co-occurring disorders;	122025
(7) Monitor program compliance through the use of regular	122026
drug testing, including urinalysis, of the participants being	122027
served by the community addiction services provider.	122028
(F) In the case of medication-assisted treatment provided	122029
under the program, all of the following conditions apply:	122030
(1) A drug may be used only if the drug has been approved by	122031
the United States Food and Drug Administration for use in treating	122032
dependence on opioids, alcohol, or both, or for preventing relapse	122033
into the use of opioids, alcohol, or both.	122034
(2) One or more drugs may be used, but each drug that is used	122035
must constitute long-acting antagonist therapy or partial agonist	122036
therapy.	122037
(3) If a drug constituting partial agonist therapy is used,	122038
the program shall provide safeguards to minimize abuse and	122039
diversion of the drug, including such safeguards as routine drug	122040
testing of program participants.	122041
(G) It is anticipated and expected that drug courts will	122042
expand their ability to serve more drug court participants as a	122043

result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support this MAT drug court program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director with major Ohio healthcare plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for participants in the MAT drug court program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all offenders selected to participate in the MAT drug court program;

(2) A rapid conversion to reimbursement for all healthcare services by the participant's health insurance company following approval for coverage of healthcare benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential healthcare services including, but not limited to, primary healthcare, alcohol and opiate detoxification services, appropriate psychosocial services, and medication for long-acting injectable antagonist therapies and partial agonist therapies;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a timeframe that meets the requirements of individual patient care plans.

(H) A report of the findings obtained from the addiction treatment pilot program established by Section 327.120 of Am. Sub. H.B. 59 of the 130th General Assembly shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than December 31,



2015. Upon completion, the institution shall submit the report to 122075  
the Governor, Chief Justice of the Supreme Court, President of the 122076  
Senate, Speaker of the House of Representatives, Department of 122077  
Mental Health and Addiction Services, Department of Rehabilitation 122078  
and Correction, and any other state agency that the Department of 122079  
Mental Health and Addiction Services collaborates with in 122080  
conducting the program. 122081

(I) Within 90 days after the effective date of this section, 122082  
the Department shall select a research institution with experience 122083  
in evaluating multiple court systems across jurisdictions in both 122084  
rural and urban regions. The research institution shall have 122085  
demonstrated experience evaluating the use of agonist and 122086  
antagonist medication assisted treatment in drug courts, a track 122087  
record of scientific publications, experience in health economics, 122088  
and ethical and patient selection and consent issues. The 122089  
institution shall also have an internal institutional review 122090  
board. The institution shall prepare the report described in 122091  
division (J) of this section. 122092

(J) A report of the findings obtained from the MAT drug court 122093  
program established under this section shall be prepared by a 122094  
research institution and include data derived from the drug 122095  
testing and performance measures used in the program. The research 122096  
institution shall complete its report not later than June 30, 122097  
2017. Upon completion, the institution shall submit the report to 122098  
the Governor, Chief Justice of the Supreme Court, President of the 122099  
Senate, Speaker of the House of Representatives, Department of 122100  
Mental Health and Addiction Services, Department of Rehabilitation 122101  
and Correction, and any other state agency that the Department of 122102  
Mental Health and Addiction Services collaborates with in 122103  
conducting the program. 122104

(K) Of the foregoing appropriation item 336422, Criminal 122105  
Justice Services, not more than \$5.5 million in each fiscal year 122106

shall be used to support the Medication-Assisted Treatment Drug 122107  
Court Program for Specialized Docket Programs. 122108

**Section 331.100.** ADDICTION SERVICES PARTNERSHIP WITH 122109  
CORRECTIONS 122110

On the effective date of this section, the Bureau of Recovery 122111  
Services within the Department of Rehabilitation and Correction is 122112  
abolished and all of its functions, assets, and liabilities, 122113  
regardless of form or medium, agreements and contracts of the 122114  
program are transferred to the Department of Mental Health and 122115  
Addiction Services. The Department of Mental Health and Addiction 122116  
Services is thereupon and thereafter successor to, assumes the 122117  
obligations of, and otherwise constitutes the continuation of the 122118  
Bureau of Recovery Services. 122119

Any business commenced but not completed by the effective 122120  
date of this section by the Department of Rehabilitation and 122121  
Correction regarding recovery services shall be completed by the 122122  
Department of Mental Health and Addiction Services. No validation, 122123  
cure, right, privilege, remedy, obligation, or liability is lost 122124  
or impaired by reason of the transfer required by this section and 122125  
shall be administered by the Department of Mental Health and 122126  
Addiction Services. Any rules, orders, and determinations 122127  
pertaining to the Bureau of Recovery Services continue in effect 122128  
as rules, orders, and determinations of the Department of Mental 122129  
Health and Addiction Services until modified or rescinded by the 122130  
Department of Mental Health and Addiction Services. If necessary 122131  
to ensure the integrity of the numbering of the Administrative 122132  
Code, the Director of the Legislative Service Commission shall 122133  
renumber the numbers to reflect their transfer to the Department 122134  
of Mental Health and Addiction Services. 122135

Subject to the lay-off provisions of sections 124.321 to 122136  
124.382 of the Revised Code, all employees of the Bureau of 122137

Recovery Services are hereby transferred to the Department of 122138  
Mental Health and Addiction Services and retain their positions 122139  
and all of their benefits. 122140

Wherever the Bureau of Recovery Services is referred to in 122141  
any law, contract, or other document, the reference shall be 122142  
deemed to refer to the Department of Mental Health and Addiction 122143  
Services or its director, as appropriate. 122144

No action or proceeding pending on the effective date of this 122145  
act, is affected by the transfer, and shall be prosecuted or 122146  
defended in the name of the Department of Mental Health and 122147  
Addiction Services or its director. In all such actions and 122148  
proceedings, the Department of Mental Health and Addiction 122149  
Services or its director shall be substituted as a party. 122150

On July 1, 2015, or as soon as possible thereafter, the 122151  
Director of Budget and Management shall cancel any existing 122152  
encumbrances against appropriation item 505321, Institutional 122153  
Medical Services, used by the Department of Rehabilitation and 122154  
Correction, that pertain to the Bureau of Recovery Services in the 122155  
Department of Rehabilitation and Correction. The canceled 122156  
encumbrances shall be reestablished against appropriation item 122157  
336423, Addiction Services Partnership with Corrections, used by 122158  
the Department of Mental Health and Addiction Services. The 122159  
reestablished encumbrance amounts are hereby appropriated. Any 122160  
business commenced but not completed under appropriation item 122161  
505321, Institutional Medical Services, pertaining to the Bureau 122162  
of Recovery Services, shall be completed under appropriation item 122163  
336423, Addiction Services Partnership with Corrections, in the 122164  
same manner, and with the same effect, as if completed with regard 122165  
to appropriation item 505321, Institutional Medical Services. 122166

**Section 331.110. RECOVERY HOUSING** 122167

The foregoing appropriation item 336424, Recovery Housing, 122168

shall be used to expand and support access to recovery housing. 122169  
"Recovery housing" means housing for individuals recovering from 122170  
alcoholism or drug addiction that provides an alcohol and 122171  
drug-free living environment, peer support, assistance with 122172  
obtaining alcohol and drug addiction services, and other alcohol 122173  
and drug addiction recovery assistance where the length of stay is 122174  
not limited to a specific duration. Recovery housing does not 122175  
include residential facilities subject to licensure pursuant to 122176  
section 5119.34 of the Revised Code. Medication-assisted treatment 122177  
may be allowed in recovery housing. Support for projects in 122178  
counties of the state that are underserved or do not currently 122179  
have recovery housing stock shall be given priority. For 122180  
expenditures that are capital in nature, the Department of Mental 122181  
Health and Addiction Services shall develop procedures to 122182  
administer these funds in a manner that is consistent with current 122183  
community capital assistance guidelines. 122184

New recovery housing projects awarded grants through this 122185  
appropriation item shall have at least one public meeting to 122186  
present the project to the community before purchase. Following 122187  
the public meeting, a resolution of support from the county 122188  
commissioners shall be submitted to the Department by the grantee 122189  
before purchasing the property using grant funds. The Department 122190  
shall not release grant monies awarded under this section until 122191  
receiving the resolution of support from the county commissioners. 122192

**Section 331.113. SPECIALIZED DOCKET SUPPORT** 122193

(A) The foregoing appropriation item 336425, Specialized 122194  
Docket Support, shall be used to defray a portion of the annual 122195  
payroll costs associated with the employment of one full-time, or 122196  
full-time equivalent, specialized docket staff member by a 122197  
specialized docket of a common pleas court, municipal court, 122198  
county court, juvenile court, or family court that meets all of 122199

the eligibility requirements in division (B) of this section, 122200  
including a family dependency treatment docket. A specialized 122201  
docket staff member employed under this section shall be 122202  
considered an employee of the court. 122203

(B) To be eligible, the specialized docket must have received 122204  
Supreme Court of Ohio final certification and include participants 122205  
with a drug addiction or dependency in its target population. In 122206  
addition, the specialized docket staff member must have received 122207  
training for or education in alcohol and other drug addiction, 122208  
abuse, and recovery and have demonstrated, prior to or within 122209  
ninety days of hire, competencies in fundamental alcohol and other 122210  
drug addiction, abuse, and recovery. Fundamental competencies 122211  
shall include, at a minimum, an understanding of alcohol and other 122212  
drug treatment and recovery, how to engage a person in treatment 122213  
and recovery, and an understanding of other health care systems, 122214  
social service systems, and the criminal justice system. 122215

(C) For the purposes of this section, payroll costs include 122216  
annual compensation and fringe benefits. 122217

(D) The Department, solely for the purpose of determining the 122218  
amount of the state share available to a court under division (F) 122219  
of this section for the employment of one full-time or full-time 122220  
equivalent specialized docket staff member, shall use the lesser 122221  
of: 122222

(1) The actual annual compensation and fringe benefits paid 122223  
to that staff member proportionally reflecting the staff member's 122224  
time allocated for specialized docket duties and responsibilities; 122225  
or 122226

(2) \$78,000. 122227

(E) In accordance with any applicable rules, guidelines, or 122228  
procedures adopted by the Department pursuant to this section, the 122229  
municipal auditor, for a municipal court that is not a 122230

county-operated municipal court and that is located in the 122231  
municipal corporation, or the county auditor, for any other court 122232  
located within the county, that is applying for or receiving 122233  
funding under this section, shall certify to the Department the 122234  
information necessary to determine that court's eligibility for, 122235  
and the amount of, funding under this section. 122236

(F) For a specialized docket staff member employed by a 122237  
court, the amount of state funding available under this section 122238  
shall be sixty-five per cent of the payroll costs specified in 122239  
division (D) of this section. The state funding shall not exceed 122240  
\$50,700. 122241

(G) The Department shall disburse this state funding in 122242  
semi-annual installments to the appropriate county or municipality 122243  
in which the court is located. 122244

(H) Of the foregoing appropriation item 336425, Specialized 122245  
Docket Support, the Department shall use up to one per cent of the 122246  
funds appropriated in each fiscal year to pay the cost it incurs 122247  
in administering the duties established in this section. 122248

(I) The Department, in consultation with the Supreme Court of 122249  
Ohio, may adopt rules, guidelines, and procedures as necessary to 122250  
carry out the purposes of this section. 122251

**Section 331.120. COMMUNITY INNOVATIONS** 122252

The foregoing appropriation item 336504, Community 122253  
Innovations, may be used by the Department of Mental Health and 122254  
Addiction Services to make targeted investments in programs, 122255  
projects, or systems operated by or under the authority of other 122256  
state agencies, governmental entities, or private not-for-profit 122257  
agencies that impact, or are impacted by, the operations and 122258  
functions of the Department, with the goal of achieving a net 122259  
reduction in expenditure of state general revenue funds and/or 122260

improved outcomes for Ohio citizens without a net increase in 122261  
state general revenue fund spending. 122262

The Director shall identify and evaluate programs, projects, 122263  
or systems proposed or operated, in whole or in part, outside of 122264  
the authority of the Department, where targeted investment of 122265  
these funds in the program, project, or system is expected to 122266  
decrease demand for the Department or other resources funded with 122267  
state general revenue funds, and/or to measurably improve outcomes 122268  
for Ohio citizens with mental illness or with alcohol, drug, or 122269  
gambling addictions. The Director shall have discretion to 122270  
transfer money from the appropriation item to other state 122271  
agencies, governmental entities, or private not-for-profit 122272  
agencies in amounts, and subject to conditions, that the Director 122273  
determines most likely to achieve state savings and/or improved 122274  
outcomes. Distribution of moneys from this appropriation item 122275  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 122276  
the Revised Code. 122277

The Department shall enter into an agreement with each 122278  
recipient of community innovation funds, identifying: allowable 122279  
expenditure of the funds; other commitment of funds or other 122280  
resources to the program, project, or system; expected state 122281  
savings and/or improved outcomes and proposed mechanisms for 122282  
measurement of such savings or outcomes; and required reporting 122283  
regarding expenditure of funds and savings or outcomes achieved. 122284

Of the foregoing appropriation item 336504, Community 122285  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 122286  
provide funding for community projects across the state that focus 122287  
on support for families, assisting families in avoiding crisis, 122288  
and crisis intervention. 122289

Of the foregoing appropriation item 336504, Community 122290  
Innovations, up to \$500,000 in each fiscal year shall be used to 122291  
enhance access to Naloxone across the state for county health 122292

departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. 122293  
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Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in each fiscal year shall be used to improve collaboration between local jails, state hospitals, and community addiction and mental health services providers in order to reduce transfers, improve safety and judicial oversight as well as address capacity issues in both jails and state hospitals. 122295  
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Of the foregoing appropriation item 336504, Community Innovations, up to \$100,000 in each fiscal year shall be used to continue the Department of Mental Health and Addiction Services cross-agency efforts to share evidence-based practices that encourage the use of trauma-informed care. 122301  
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Of the foregoing appropriation item 336504, Community Innovations, up to \$1,000,000 in each fiscal year shall be used to implement strategies to increase job opportunities, reduce the number of positive drug screens, and improve workforce readiness for individuals in recovery. 122306  
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122308  
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122310

**Section 331.130. RESIDENTIAL STATE SUPPLEMENT** 122311

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make benefit payments to residential state supplement recipients. 122312  
122313  
122314  
122315  
122316  
122317  
122318

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and benefit payment amounts under section 5119.41 of the Revised Code. 122319  
122320  
122321

**Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND** 122322



CONSULTATION	122323
The foregoing appropriation item 336511, Early Childhood	122324
Mental Health Counselors and Consultation, shall be used to	122325
promote identification and intervention for early childhood mental	122326
health and to enhance healthy social emotional development in	122327
order to reduce preschool to third grade classroom expulsions.	122328
Funds shall be used by the Department of Mental Health and	122329
Addiction Services to support early childhood mental health	122330
credentialed counselors and consultation services, as well as	122331
administration and workforce development for the program.	122332
<b>Section 331.143. MEDICAID SUPPORT</b>	122333
The Department of Mental Health and Addiction Services shall	122334
administer specified Medicaid services as delegated by the State's	122335
single agency responsible for the Medicaid program. Effective July	122336
1, 2015, the Department shall use appropriation item 652321,	122337
Medicaid Support, to fund the Medicaid-related services and	122338
supports performed by the Department.	122339
<b>Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS</b>	122340
A portion of appropriation item 336629, Problem Gambling and	122341
Casino Addictions, shall be allocated to boards of alcohol, drug	122342
addiction, and mental health services in accordance with a	122343
distribution methodology determined by the Director of Mental	122344
Health and Addiction Services.	122345
<b>Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING</b>	122346
POOL	122347
A county family and children first council may establish and	122348
operate a flexible funding pool in order to assure access to	122349
needed services by families, children, and older adults in need of	122350

protective services. The operation of the flexible funding pools shall be subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

**Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT**

The designation of administering agency for federal aid shall be held jointly by the Department of Mental Health and Addiction Services and the Department of Medicaid for determining maintenance of effort pursuant to 42 U.S.C. 300x-30. The Department of Mental Health and Addiction Services remains the designated agency for all other purposes established by 42 U.S.C. 300x et seq. and section 5119.32 of the Revised Code.

<b>Section 331.180.</b>	ACCESS SUCCESS II PROGRAM				122380
	To the extent cash is available, the Director of Budget and				122381
	Management may transfer cash from the Money Follows the Person				122382
	Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of				122383
	Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used				122384
	by the Department of Mental Health and Addiction Services. The				122385
	transferred cash is hereby appropriated.				122386
	The Department of Mental Health and Addiction Services shall				122387
	use the transferred funds to administer the Access Success II				122388
	Program to help non-Medicaid patients in any hospital established,				122389
	controlled, or supervised by the Department under Chapter 5119. of				122390
	the Revised Code to transition from inpatient status to a				122391
	community setting.				122392
<b>Section 333.10.</b>	MIH COMMISSION ON MINORITY HEALTH				122393
	General Revenue Fund				122394
GRF 149321	Operating Expenses	\$	639,297	\$	639,297
GRF 149501	Minority Health	\$	878,975	\$	878,975
	Grants				
GRF 149502	Lupus Program	\$	96,000	\$	96,000
GRF 149503	Infant Mortality	\$	1,000,000	\$	1,000,000
	Health Grants				
TOTAL GRF	General Revenue Fund	\$	2,614,272	\$	2,614,272
	Dedicated Purpose Fund Group				122400
4C20 149601	Minority Health	\$	50,000	\$	50,000
	Conference				
TOTAL DPF	Dedicated Purpose Fund	\$	50,000	\$	50,000
	Group				
	Federal Fund Group				122403
3J90 149602	Federal Grant Program	\$	126,833	\$	90,929
	Support				

TOTAL FED Federal Fund Group	\$	126,833	\$	90,929	122405
TOTAL ALL BUDGET FUND GROUPS	\$	2,791,105	\$	2,755,201	122406

**Section 333.20.** INFANT MORTALITY HEALTH GRANTS 122408

The foregoing appropriation item, 149503, Infant Mortality 122409  
 Health Grants, shall be distributed to six community-based 122410  
 agencies to help support the continuation or establishment of a 122411  
 pathways community HUB model that has the primary purpose of 122412  
 reducing infant mortality in the urban and rural communities of 122413  
 this state with the highest rates of infant mortality. 122414

**Section 334.10.** CRB MOTOR VEHICLE REPAIR BOARD 122415

Dedicated Purpose Fund Group					122416
4K90 865601 Operating Expenses	\$	484,292	\$	484,292	122417
TOTAL DPF Dedicated Purpose Fund	\$	484,292	\$	484,292	122418
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	484,292	\$	484,292	122419

**Section 337.10.** DNR DEPARTMENT OF NATURAL RESOURCES 122421

General Revenue Fund					122422
GRF 725401 Division of	\$	1,800,000	\$	1,800,000	122423
Wildlife-Operating					
Subsidy					
GRF 725413 Parks and Recreational	\$	23,239,600	\$	24,655,600	122424
Facilities Lease					
Rental Bond Payments					
GRF 725456 Canal Lands	\$	135,000	\$	135,000	122425
GRF 725502 Soil and Water	\$	3,250,000	\$	0	122426
Districts					
GRF 725505 Healthy Lake Erie	\$	1,000,000	\$	1,000,000	122427
Program					
GRF 725507 Coal and Mine Safety	\$	2,600,000	\$	2,700,000	122428

		Program					
GRF	725512	Portage County	\$	150,000	\$	150,000	122429
		Stormwater					
GRF	725903	Natural Resources	\$	27,079,900	\$	26,074,400	122430
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,467,001	\$	4,542,001	122431
GRF	729321	Office of Information	\$	177,405	\$	177,405	122432
		Technology					
GRF	730321	Division of Parks and	\$	30,000,000	\$	30,000,000	122433
		Recreation					
GRF	736321	Division of	\$	2,324,736	\$	2,324,736	122434
		Engineering					
GRF	737321	Division of Soil and	\$	2,899,952	\$	1,013,652	122435
		Water Resources					
GRF	738321	Division of Real	\$	670,342	\$	670,342	122436
		Estate and Land					
		Management					
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000	122437
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	100,993,936	\$	96,443,136	122438
		Dedicated Purpose Fund Group					122439
2270	725406	Parks Projects	\$	685,098	\$	696,995	122440
		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	122441
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	122442
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	122443
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076	122444
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	122445
		Protection					
5090	725602	State Forest	\$	6,879,410	\$	6,880,148	122446
5110	725646	Ohio Geological	\$	1,400,000	\$	1,800,000	122447
		Mapping					

5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044	122448
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	122449
5160	725620	Water Management	\$	2,559,291	\$	2,559,291	122450
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876	122451
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	122452
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	122453
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	122454
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	122455
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	122456
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	122457
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	122458
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	122459
5BV0	725658	Heidelberg Water Quality Lab	\$	125,000	\$	0	122460
5BV0	725683	Soil and Water Districts	\$	4,000,000	\$	0	122461
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	122462
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	122463
5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	122464
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	122465
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	122466
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	122467
5P20	725634	Wildlife Boater Angler	\$	3,000,000	\$	3,000,000	122468

		Administration					
5SA1	725609	Mentor Stormwater	\$	350,000	\$	0	122469
		Project					
6150	725661	Dam Safety	\$	943,517	\$	943,517	122470
6970	725670	Submerged Lands	\$	869,145	\$	869,145	122471
7015	740401	Division of Wildlife	\$	56,325,976	\$	59,997,307	122472
		Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	122473
7086	725418	Buoy Placement	\$	60,000	\$	60,000	122474
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	122475
7086	725506	Watercraft Marine	\$	576,153	\$	576,153	122476
		Patrol					
7086	725513	Watercraft Educational	\$	400,000	\$	400,000	122477
		Grants					
7086	739401	Division of Watercraft	\$	21,271,870	\$	21,071,870	122478
8150	725636	Cooperative Management	\$	649,000	\$	456,000	122479
		Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	122480
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000	122481
		Checkoff					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	122482
		Research					
8190	725685	Ohio River Management	\$	203,584	\$	203,584	122483
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	122484
TOTAL	DPF	Dedicated Purpose Fund	\$	183,272,034	\$	182,754,063	122485
		Group					
		Internal Service Activity Fund Group					122486
1550	725601	Departmental Projects	\$	2,444,457	\$	1,805,807	122487
1570	725651	Central Support	\$	5,176,611	\$	5,351,233	122488
		Indirect					
2040	725687	Information Services	\$	5,633,426	\$	5,633,426	122489
2050	725696	Human Resource Direct	\$	2,634,135	\$	2,696,052	122490
		Service					

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2070	725690	Real Estate Services	\$	34,291	\$	34,834	122491
2230	725665	Law Enforcement Administration	\$	2,553,054	\$	2,609,277	122492
4X80	725662	Water Resources Council	\$	138,005	\$	138,005	122493
5100	725631	Maintenance - State-owned Residences	\$	249,611	\$	249,611	122494
6350	725664	Fountain Square Facilities Management	\$	3,457,486	\$	3,469,467	122495
TOTAL ISA Internal Service Activity							122496
Fund Group			\$	22,321,076	\$	21,987,712	122497
Capital Projects Fund Group							122498
7061	725405	Clean Ohio Trail Operating	\$	300,775	\$	300,775	122499
TOTAL CPF Capital Projects Fund Group			\$	300,775	\$	300,775	122500
Fiduciary Fund Group							122501
4M80	725675	FOP Contract	\$	20,219	\$	20,219	122502
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219	122503
Holding Account Fund Group							122504
R017	725659	Performance Cash Bond Refunds	\$	528,993	\$	528,993	122505
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	122506
TOTAL HLD Holding Account Fund Group							122507
Federal Fund Group			\$	2,628,993	\$	2,628,993	122508
Federal Fund Group							122509
3320	725669	Federal Mine Safety Grant	\$	265,000	\$	265,000	122510
3B30	725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000	122511
3B40	725641	Federal Flood	\$	500,000	\$	500,000	122512



		Pass-Thru					
3B50	725645	Federal Abandoned	\$	11,851,759	\$	11,851,759	122513
		Mine Lands					
3B60	725653	Federal Land and	\$	950,000	\$	950,000	122514
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	2,977,956	\$	2,977,955	122515
		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	122516
		Federal					
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509	122517
3P30	725650	Coastal Management -	\$	1,746,000	\$	1,746,000	122518
		Federal					
3P40	725660	Federal - Soil and	\$	4,165,738	\$	1,195,738	122519
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	4,342,280	\$	4,342,280	122520
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,600,000	\$	1,600,000	122521
		and Trails					
TOTAL FED	Federal Fund Group		\$	29,293,242	\$	26,323,241	122522
TOTAL ALL BUDGET FUND GROUPS			\$	338,830,275	\$	330,458,139	122523

**Section 337.20.** CENTRAL SUPPORT INDIRECT 122525

The Department of Natural Resources, with approval of the 122526  
 Director of Budget and Management, shall utilize a methodology for 122527  
 determining each division's payments into the Central Support 122528  
 Indirect Fund (Fund 1570). The methodology used shall contain the 122529  
 characteristics of administrative ease and uniform application in 122530  
 compliance with federal grant requirements. It may include direct 122531  
 cost charges for specific services provided. Payments to Fund 1570 122532  
 shall be made using an intrastate transfer voucher. The foregoing 122533  
 appropriation item 725401, Division of Wildlife-Operating Subsidy, 122534  
 shall be used to pay the direct and indirect costs of the Division 122535

of Wildlife.	122536
<b>Section 337.30.</b> PARKS AND RECREATIONAL FACILITIES LEASE	122537
RENTAL BOND PAYMENTS	122538
The foregoing appropriation item 725413, Parks and	122539
Recreational Facilities Lease Rental Bond Payments, shall be used	122540
to meet all payments during the period from July 1, 2015, through	122541
June 30, 2017, by the Department of Natural Resources pursuant to	122542
leases and agreements made under section 154.22 of the Revised	122543
Code. These appropriations are the source of funds pledged for	122544
bond service charges on related obligations issued under Chapter	122545
154. of the Revised Code.	122546
CANAL LANDS	122547
The foregoing appropriation item 725456, Canal Lands, shall	122548
be used to provide operating expenses for the State Canal Lands	122549
Program.	122550
SOIL AND WATER CONSERVATION DISTRICTS	122551
Of the foregoing appropriation item 725502, Soil and Water	122552
Conservation Districts, \$350,000 in fiscal year 2016 shall be used	122553
by the Chief of the Division of Soil and Water Resources for a	122554
program to support soil and water conservation districts in the	122555
Western Lake Erie Basin comply with provisions of Sub. S.B. 1 of	122556
the 131st General Assembly. The Chief shall approve a soil and	122557
water district's application for funding under the program if the	122558
application demonstrates that funding will be used for, but not	122559
limited to, providing technical assistance, developing applicable	122560
nutrient or manure management plans, hiring and training of soil	122561
and water conservation district staff on best conservation	122562
practices, or other activities the Chief determines is appropriate	122563
to assist farmers in the Western Lake Erie Basin in complying with	122564
the provisions of Sub. S.B. 1 of the 131st General Assembly.	122565

HEALTHY LAKE ERIE PROGRAM 122566

The foregoing appropriation item 725505, Healthy Lake Erie 122567  
Program, shall be used by the Director of Natural Resources, in 122568  
support of (1) conservation measures in the Western Lake Erie 122569  
Basin as determined by the Director; (2) funding assistance for 122570  
soil testing, winter cover crops, edge of field testing, tributary 122571  
monitoring, animal waste abatement; and (3) any additional efforts 122572  
to reduce nutrient runoff as the Director may decide. The Director 122573  
shall give priority to recommendations that encourage farmers to 122574  
adopt agricultural production guidelines commonly known as 4R 122575  
nutrient stewardship practices. 122576

COAL AND MINE SAFETY PROGRAM 122577

The foregoing appropriation item 725507, Coal and Mine Safety 122578  
Program, shall be used for the administration of the Mine Safety 122579  
Program and the Coal Regulation Program. 122580

PORTAGE COUNTY STORMWATER 122581

The foregoing appropriation item 725512, Portage County 122582  
Stormwater, shall be used by the Director of Natural Resources to 122583  
support the Portage County stormwater project. 122584

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT 122585

During fiscal years 2016 and 2017, the Director of Budget and 122586  
Management may, at the request of the Director of Natural 122587  
Resources, following the identification of available balances by 122588  
the Director of Natural Resources in the Unreclaimed Land Fund 122589  
(Fund 5290), transfer up to \$500,000 per year from Fund 5290 to 122590  
the Coal Mining Administration and Reclamation Reserve Fund (Fund 122591  
5260) created in section 1513.181 of the Revised Code. The cash 122592  
transfer to Fund 5260 shall be used to operate the Coal Regulatory 122593  
Program. 122594

During fiscal years 2016 and 2017, the Director of Budget and 122595

Management may, at the request of the Director of Natural Resources, following the identification of available balances by the Director of Natural Resources in Fund 5290, transfer up to \$800,000 per year from Fund 5290 to the Surface Mining Fund (Fund 5270) created in section 1514.06 of the Revised Code. The cash transfer to Fund 5270 shall be used to operate the industrial minerals and Ohio mine safety and training programs.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 122603

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

**Section 337.40.** SOIL AND WATER DISTRICTS 122609

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, as amended and renumbered as section 940.12 of the Revised Code by this act, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code, as amended and renumbered as section 940.12 of the Revised Code by this act, for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

OIL AND GAS WELL PLUGGING 122624

The foregoing appropriation item 725677, Oil and Gas Well 122625

Plugging, shall be used exclusively for the purposes of plugging 122626  
wells and to properly restore the land surface of idle and orphan 122627  
oil and gas wells pursuant to section 1509.071 of the Revised 122628  
Code. No funds from the appropriation item shall be used for 122629  
salaries, maintenance, equipment, or other administrative 122630  
purposes, except for those costs directly attributed to the 122631  
plugging of an idle or orphan well. This appropriation item shall 122632  
not be used to transfer cash to any other fund or appropriation 122633  
item. 122634

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 122635  
MAPPING OPERATIONS 122636

During fiscal years 2016 and 2017, the Director of Budget and 122637  
Management may, in consultation with the Director of Natural 122638  
Resources, transfer such cash as necessary from the General 122639  
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the 122640  
Geological Mapping Fund (Fund 5110). The cash transfer to Fund 122641  
5180 shall be used for handling the increased regulatory work 122642  
related to the expansion of the oil and gas program that will 122643  
occur before receipts from this activity are deposited into Fund 122644  
5180. The cash transfer to Fund 5110 shall be used for handling 122645  
the increased field and laboratory research efforts related to the 122646  
expansion of the oil and gas program that will occur before 122647  
receipts from this activity are deposited into Fund 5110. Once 122648  
funds from severance taxes, application and permitting fees, and 122649  
other sources have accrued to Fund 5180 and Fund 5110 in such 122650  
amounts as are considered sufficient to sustain expanded 122651  
operations, the Director of Budget and Management, in consultation 122652  
with the Director of Natural Resources, shall establish a schedule 122653  
for repaying the transferred funds from Fund 5180 and Fund 5110 to 122654  
the General Revenue Fund. 122655

MENTOR STORMWATER PROJECT 122656

The foregoing appropriation item 725609, Mentor Stormwater 122657

Project, shall be used by the Director of Natural Resources to 122658  
support the City of Mentor wetland and stormwater management 122659  
project. 122660

**Section 337.43. DIVISION OF WILDLIFE CONSERVATION** 122661

Of the foregoing appropriation item 740401, Division of 122662  
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 122663  
Director of Natural Resources to study the effect that zebra 122664  
mussels and quagga mussels have on Lake Erie. 122665

Of the foregoing appropriation item 740401, Division of 122666  
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 122667  
Director of Natural Resources to study the effect that Canada 122668  
geese have on Lake Erie. 122669

**Section 337.45. WATERWAYS IMPROVEMENTS** 122670

On July 1, 2015, or as soon as possible thereafter, the 122671  
Director of Budget and Management shall transfer \$1.0 million in 122672  
cash from the General Revenue Fund to the Waterway Safety Fund 122673  
(Fund 7086). Of the foregoing appropriation item 725414, Waterways 122674  
Improvements, \$500,000 in each fiscal year shall be used by the 122675  
Director of Natural Resources to conduct enhanced activity aimed 122676  
at maximizing sediment removal and dredging in Grand Lake St. 122677  
Marys in accordance with section 1521.20 of the Revised Code as 122678  
enacted by this act. 122679

**Section 337.60. WELL LOG FILING FEES** 122680

The Chief of the Division of Soil and Water Resources shall 122681  
deposit fees forwarded to the Division pursuant to section 1521.05 122682  
of the Revised Code into the Departmental Services - Intrastate 122683  
Fund (Fund 1550) for the purposes described in that section. 122684

**Section 337.63. DEPARTMENTAL PROJECTS** 122685

Of the foregoing appropriation item 725601, Departmental 122686  
Projects, \$45,054 shall be used in each fiscal year by the 122687  
Director of Natural Resources to distribute a grant to the Josh 122688  
Project, a 501(c)(3) charitable organization in Lucas County, for 122689  
the purpose of water safety instruction programs. 122690

**Section 337.70. HUMAN RESOURCES DIRECT SERVICE** 122691

The foregoing appropriation item 725696, Human Resources 122692  
Direct Service, shall be used to cover the cost of support, 122693  
coordination, and oversight of the Department of Natural 122694  
Resources' human resources functions. The Human Resources 122695  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 122696  
it via intrastate transfer voucher from other funds as determined 122697  
by the Director of Natural Resources and the Director of Budget 122698  
and Management. 122699

**Section 337.80. LAW ENFORCEMENT ADMINISTRATION** 122700

The foregoing appropriation item 725665, Law Enforcement 122701  
Administration, shall be used to cover the cost of support, 122702  
coordination, and oversight of the Department of Natural 122703  
Resources' law enforcement functions. The Law Enforcement 122704  
Administration Fund (Fund 2230) shall consist of cash transferred 122705  
to it via intrastate transfer voucher from other funds as 122706  
determined by the Director of Natural Resources and the Director 122707  
of Budget and Management. 122708

**Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO** 122709  
**EXPO CENTER** 122710

The foregoing appropriation item 725664, Fountain Square 122711  
Facilities Management, shall be used for payment of repairs, 122712  
renovation, utilities, property management, and building 122713  
maintenance expenses for the Fountain Square complex and the 122714

Department of Natural Resources grounds at the Ohio Expo Center. 122715  
Cash transferred by intrastate transfer vouchers from various 122716  
department funds and rental income received by the Department of 122717  
Natural Resources shall be deposited into the Fountain Square 122718  
Facilities Management Fund (Fund 6350). 122719

**Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES** 122720

The foregoing appropriation item 725405, Clean Ohio Trail 122721  
Operating, shall be used by the Department of Natural Resources in 122722  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 122723  
to section 1519.05 of the Revised Code. 122724

**Section 337.110. PARKS CAPITAL EXPENSES FUND** 122725

The Director of Natural Resources shall submit to the 122726  
Director of Budget and Management the estimated design, 122727  
engineering, and planning costs of capital-related work to be done 122728  
by Department of Natural Resources staff for parks projects within 122729  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 122730  
Director of Budget and Management approves the estimated costs, 122731  
the Director may release appropriations from appropriation item 122732  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 122733  
release of the appropriations, the Department of Natural Resources 122734  
shall pay for these expenses from the Parks Capital Expenses Fund 122735  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 122736  
Fund 7035 using an intrastate transfer voucher. 122737

**NATUREWORKS CAPITAL EXPENSES FUND** 122738

The Department of Natural Resources shall submit to the 122739  
Director of Budget and Management the estimated design, planning, 122740  
and engineering costs of capital-related work to be done by 122741  
Department of Natural Resources staff for each capital improvement 122742  
project within the Ohio Parks and Natural Resources Fund (Fund 122743  
7031). If the Director of Budget and Management approves the 122744



estimated costs, the Director may release appropriations from 122745  
appropriation item C725E5, Project Planning, in Fund 7031, for 122746  
those purposes. Upon release of the appropriations, the Department 122747  
of Natural Resources shall pay for these expenses from the Capital 122748  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 122749  
reimbursed by Fund 7031 by using an intrastate transfer voucher. 122750

**Section 339.10. NUR STATE BOARD OF NURSING** 122751

Dedicated Purpose Fund Group 122752

4K90 884609	Operating Expenses	\$	7,602,328	\$	7,622,328	122753
5AC0 884602	Nurse Education Grant	\$	1,523,506	\$	1,523,506	122754
	Program					
5P80 884601	Nursing Special	\$	2,000	\$	2,000	122755
	Issues					
TOTAL DPF Dedicated Purpose						122756
Fund Group						
		\$	9,127,834	\$	9,147,834	122757
TOTAL ALL BUDGET FUND GROUPS						122758
		\$	9,127,834	\$	9,147,834	

**Section 341.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,** 122760  
**AND ATHLETIC TRAINERS BOARD** 122761

Dedicated Purpose Fund Group 122762

4K90 890609	Operating Expenses	\$	925,897	\$	944,865	122763
TOTAL DPF Dedicated Purpose Fund						122764
Group						
TOTAL ALL BUDGET FUND GROUPS						122765
		\$	925,897	\$	944,865	

**Section 343.20. OLA OHIOANA LIBRARY ASSOCIATION** 122767

General Revenue Fund 122768

GRF 355501	Library Subsidy	\$	155,000	\$	160,000	122769
TOTAL GRF General Revenue Fund						122770
TOTAL ALL BUDGET FUND GROUPS						122771
		\$	155,000	\$	160,000	

		<b>Section 345.10. OOD OPPORTUNITIES FOR OHIOANS WITH</b>				122773	
		DISABILITIES AGENCY				122774	
		General Revenue Fund				122775	
GRF	415402	Independent Living	\$	252,000	\$	252,000	122776
GRF	415406	Assistive Technology	\$	26,618	\$	26,618	122777
GRF	415431	Brain Injury	\$	126,567	\$	126,567	122778
GRF	415506	Services for	\$	15,817,709	\$	15,817,709	122779
		Individuals with					
		Disabilities					
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000	122780
TOTAL GRF		General Revenue Fund	\$	16,250,894	\$	16,250,894	122781
		Dedicated Purpose Fund Group					122782
4670	415609	Business Enterprise	\$	1,430,633	\$	1,217,633	122783
		Operating Expenses					
4680	415618	Partnership Funding	\$	12,400,000	\$	12,400,000	122784
4L10	415619	Services for	\$	3,099,971	\$	3,099,971	122785
		Vocational					
		Rehabilitation					
4W50	415606	Program Management	\$	12,357,482	\$	12,357,482	122786
TOTAL DPF		Dedicated Purpose					122787
Fund Group			\$	29,288,086	\$	29,075,086	122788
		Federal Fund Group					122789
3170	415620	Disability	\$	81,000,000	\$	81,000,000	122790
		Determination					
3790	415616	Federal - Vocational	\$	124,415,653	\$	123,628,652	122791
		Rehabilitation					
3GH0	415602	Personal Care	\$	2,752,396	\$	2,752,396	122792
		Assistance					
3GH0	415604	Community Centers for	\$	772,000	\$	772,000	122793
		the Deaf					
3GH0	415613	Federal Independent	\$	638,431	\$	638,431	122794

		Living				
3L10	415608	Social Security	\$	5,000,000	\$	5,000,000 122795
		Vocational				
		Rehabilitation				
3L40	415615	Federal - Supported	\$	1,000,000	\$	1,000,000 122796
		Employment				
3L40	415617	Disability Services	\$	1,514,239	\$	1,514,239 122797
		Programs				
TOTAL FED	Federal Fund Group		\$	217,092,719	\$	216,305,718 122798
TOTAL ALL BUDGET FUND GROUPS			\$	262,631,699	\$	261,631,698 122799

INDEPENDENT LIVING 122800

The foregoing appropriation item 415402, Independent Living, 122801  
shall be used to support the state independent living programs and 122802  
centers under Title VII of the Independent Living Services and 122803  
Centers for Independent Living of the Rehabilitation Act 122804  
Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 122805

Of the foregoing appropriation item 415402, Independent 122806  
Living, \$67,662 in each fiscal year shall be used as state 122807  
matching funds for vocational rehabilitation innovation and 122808  
expansion activities. 122809

ASSISTIVE TECHNOLOGY 122810

The total amount of the foregoing appropriation item 415406, 122811  
Assistive Technology, shall be provided to Assistive Technology of 122812  
Ohio to provide grants and assistive technology services for 122813  
people with disabilities in the State of Ohio. 122814

BRAIN INJURY 122815

The foregoing appropriation item 415431, Brain Injury, shall 122816  
be provided to The Ohio State University College of Medicine to 122817  
support the Brain Injury Program established under section 3304.23 122818  
of the Revised Code. 122819

VOCATIONAL REHABILITATION SERVICES 122820

The foregoing appropriation item 415506, Services for  
Individuals with Disabilities, shall be used as state matching  
funds to provide vocational rehabilitation services to eligible  
consumers.

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SERVICES FOR THE DEAF

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The foregoing appropriation item 415508, Services for the  
Deaf, shall be used to provide grants to community centers for the  
deaf.

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PROGRAM MANAGEMENT

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The foregoing appropriation item 415606, Program Management,  
shall be used to support the administrative functions of the  
agency related to the provision of vocational rehabilitation,  
disability determination services, and ancillary programs.

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SOCIAL SECURITY REIMBURSEMENT FUNDS

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Reimbursement funds received from the Social Security  
Administration, United States Department of Health and Human  
Services, for the costs of providing services and training to  
return disability recipients to gainful employment shall be  
expended, to the extent funds are available, as follows:

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(A) Appropriation item 415602, Personal Care Assistance, to  
provide personal care services in accordance with section 3304.41  
of the Revised Code;

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(B) Appropriation item 415604, Community Centers for the  
Deaf, to provide grants to community centers for the deaf in Ohio  
for services to individuals with hearing impairments; and

122843  
122844  
122845

(C) Appropriation item 415608, Social Security Vocational  
Rehabilitation, to provide vocational rehabilitation services to  
individuals with severe disabilities who are Social Security  
beneficiaries, to enable them to achieve competitive employment.

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<b>Section 347.20.</b>	ODB OHIO OPTICAL DISPENSERS BOARD				122850
	Dedicated Purpose Fund Group				122851
4K90 894609	Program Support	\$	373,000	\$	375,400 122852
TOTAL DPF	Dedicated Purpose Fund	\$	373,000	\$	375,400 122853
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	373,000	\$	375,400 122854
<b>Section 349.10.</b>	OPT STATE BOARD OF OPTOMETRY				122856
	Dedicated Purpose Fund Group				122857
4K90 885609	Program Support	\$	347,278	\$	347,278 122858
TOTAL DPF	Dedicated Purpose Fund	\$	347,278	\$	347,278 122859
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	347,278	\$	347,278 122860
<b>Section 351.10.</b>	OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,				122862
	AND PEDORTHICS				122863
	Dedicated Purpose Fund Group				122864
4K90 973609	Operating Expenses	\$	176,950	\$	186,438 122865
TOTAL DPF	Dedicated Purpose Fund	\$	176,950	\$	186,438 122866
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	176,950	\$	186,438 122867
<b>Section 353.10.</b>	UST PETROLEUM UNDERGROUND STORAGE TANK				122868
	RELEASE COMPENSATION BOARD				122869
	Dedicated Purpose Fund Group				122870
6910 810632	Petroleum Underground	\$	1,257,155	\$	1,258,914 122871
	Storage Tank Release				
	Compensation Board -				
	Operating				
TOTAL DPF	Dedicated Purpose Fund	\$	1,257,155	\$	1,258,914 122872
	Group				

TOTAL ALL BUDGET FUND GROUPS	\$	1,257,155	\$	1,258,914	122873
<b>Section 355.10.</b>		PRX STATE BOARD OF PHARMACY			122875
Dedicated Purpose Fund Group					122876
4A50 887605		Drug Law Enforcement	\$	150,000	\$ 150,000 122877
4K90 887609		Operating Expenses	\$	6,779,608	\$ 6,818,799 122878
TOTAL DPF Dedicated Purpose Fund			\$	6,929,608	\$ 6,968,799 122879
Group					
Federal Fund Group					122880
3DV0 887607		Enhancing Ohio's PMP	\$	128,677	\$ 0 122881
TOTAL FED Federal Fund Group			\$	128,677	\$ 0 122882
TOTAL ALL BUDGET FUND GROUPS			\$	7,058,285	\$ 6,968,799 122883
<b>Section 357.10.</b>		PSY STATE BOARD OF PSYCHOLOGY			122885
Dedicated Purpose Fund Group					122886
4K90 882609		Operating Expenses	\$	588,690	\$ 598,890 122887
TOTAL DPF Dedicated Purpose					122888
Fund Group			\$	588,690	\$ 598,890 122889
TOTAL ALL BUDGET FUND GROUPS			\$	588,690	\$ 598,890 122890
<b>Section 359.10.</b>		PUB OHIO PUBLIC DEFENDER COMMISSION			122892
General Revenue Fund					122893
GRF 019401		State Legal Defense	\$	3,020,855	\$ 3,020,855 122894
		Services			
GRF 019403		Multi-County: State	\$	1,960,463	\$ 1,977,325 122895
		Share			
GRF 019404		Trumbull County -	\$	545,658	\$ 552,337 122896
		State Share			
GRF 019405		Training Account	\$	50,000	\$ 50,000 122897
GRF 019501		County Reimbursement	\$	22,628,268	\$ 22,628,268 122898
TOTAL GRF General Revenue Fund			\$	28,205,244	\$ 28,228,785 122899
Dedicated Purpose Fund Group					122900

1010	019607	Juvenile Legal Assistance	\$	200,000	\$	200,000	122901
4070	019604	County Representation	\$	225,800	\$	228,456	122902
4080	019605	Client Payments	\$	969,964	\$	834,277	122903
4C70	019601	Multi-County: County Share	\$	2,364,693	\$	2,389,985	122904
4N90	019613	Gifts and Grants	\$	50,250	\$	50,250	122905
4X70	019610	Trumbull County - County Share	\$	654,790	\$	664,809	122906
5740	019606	Civil Legal Aid	\$	17,250,000	\$	17,250,000	122907
5CX0	019617	Civil Case Filing Fee	\$	446,820	\$	453,580	122908
5DY0	019618	Indigent Defense Support - County Share	\$	38,005,178	\$	39,409,939	122909
5DY0	019619	Indigent Defense Support - State Office	\$	5,772,000	\$	5,850,000	122910
TOTAL DPF Dedicated Purpose							122911
Fund Group			\$	65,939,495	\$	67,331,296	122912
Federal Fund Group							122913
3GJ0	019622	Byrne Memorial Grant	\$	39,958	\$	39,958	122914
3S80	019608	Federal Representation	\$	202,942	\$	202,942	122915
TOTAL FED Federal Fund Group			\$	242,900	\$	242,900	122916
TOTAL ALL BUDGET FUND GROUPS			\$	94,387,639	\$	95,802,981	122917
INDIGENT DEFENSE OFFICE							122918
The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.							122919 122920 122921
MULTI-COUNTY OFFICE							122922
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to							122923 122924

support the Office of the Ohio Public Defender's Multi-County 122925  
Branch Office Program. 122926

TRAINING ACCOUNT 122927

The foregoing appropriation item 019405, Training Account, 122928  
shall be used by the Ohio Public Defender to provide legal 122929  
training programs at no cost for private appointed counsel who 122930  
represents at least one indigent defendant at no cost and for 122931  
state and county public defenders and attorneys who contract with 122932  
the Ohio Public Defender to provide indigent defense services. 122933

CAPITAL CASE REIMBURSEMENT 122934

Of the foregoing appropriation item 019501, County 122935  
Reimbursement, \$1,500,000 in each fiscal year shall be used to 122936  
reimburse counties for the costs and expenses of providing legal 122937  
representation to indigent persons in capital cases. 122938

LEGAL AID FUND 122939

On July 1 of each fiscal year, or as soon as possible 122940  
thereafter, the Director of Budget and Management shall transfer 122941  
\$750,000 cash from the General Revenue Fund to the Legal Aid Fund 122942  
(Fund 5740). 122943

Of the foregoing appropriation item 019606, Civil Legal Aid, 122944  
and notwithstanding any provision of law to the contrary, \$750,000 122945  
in each fiscal year shall be distributed by the Ohio Legal 122946  
Assistance Foundation to Ohio's civil legal aid societies for the 122947  
sole purpose of providing legal services for economically 122948  
disadvantaged veterans. None of the funds shall be used for 122949  
administrative costs, including, but not limited to, salaries, 122950  
benefits, or travel reimbursements. For purposes of this section, 122951  
"economically disadvantaged veteran" is defined as a person: (1) 122952  
who presents a valid copy of United States Department of Defense 122953  
form DD-214, DD-215, or equivalent service-related document, and 122954  
(2) whose income does not exceed one hundred fifty per cent of the 122955



federal poverty line as defined in section 5162.01 of the Revised Code.					122956
					122957
FEDERAL REPRESENTATION					122958
The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.					122959
					122960
					122961
					122962
					122963
INDIGENT DEFENSE SUPPORT FUND					122964
Notwithstanding section 120.08 of the Revised Code, the Ohio Public Defender may use up to thirteen per cent of the money in the indigent defense support fund created by section 120.08 of the Revised Code for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of Chapter 120. of the Revised Code.					122965
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					122974
<b>Section 361.10.</b> DPS DEPARTMENT OF PUBLIC SAFETY					122975
General Revenue Fund					122976
GRF 763403 EMA Operating	\$	4,300,000	\$	4,300,000	122977
GRF 767420 Investigative Unit - Operating	\$	11,399,300	\$	11,399,300	122978
GRF 768425 Justice Program Services	\$	725,000	\$	725,000	122979
GRF 769406 Homeland Security - Operating	\$	2,000,000	\$	2,000,000	122980
TOTAL GRF General Revenue Fund	\$	18,424,300	\$	18,424,300	122981
Dedicated Purpose Fund Group					122982

4P60	768601	Justice Program Services	\$	150,000	\$	150,000	122983
4V30	763662	STORMS/NOAA Maintenance	\$	265,000	\$	265,000	122984
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	122985
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	122986
5ET0	768625	Drug Law Enforcement	\$	7,500,000	\$	6,000,000	122987
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	122988
5ML0	769635	Infrastructure Protection	\$	100,000	\$	100,000	122989
5RH0	767697	OIU Special Projects	\$	460,000	\$	460,000	122990
5RS0	768621	Community Police Relations	\$	2,000,000	\$	2,000,000	122991
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	20,000	\$	20,000	122992
6220	767615	Investigative, Contraband, and Forfeiture	\$	325,000	\$	325,000	122993
6570	763652	Utility Radiological Safety	\$	1,200,000	\$	1,200,000	122994
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	122995
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	122996
TOTAL	DPF	Dedicated Purpose Fund Group	\$	15,176,084	\$	13,676,084	122997
		Federal Fund Group					122998
3290	763645	Federal Mitigation	\$	10,413,642	\$	10,413,642	122999

		Program					
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636	123000
		Relief					
3390	763647	Emergency Management	\$	67,684,765	\$	68,684,765	123001
		Assistance and					
		Training					
3EU0	768614	Justice Assistance	\$	100,000	\$	25,000	123002
		Grants - FFY10					
3FK0	768615	Justice Assistance	\$	300,000	\$	100,000	123003
		Grants - FFY11					
3FP0	767620	Ohio Investigative	\$	55,000	\$	55,000	123004
		Unit Justice					
		Contraband					
3FY0	768616	Justice Assistance	\$	650,000	\$	300,000	123005
		Grant - FFY12					
3FZ0	768617	Justice Assistance	\$	2,000,000	\$	650,000	123006
		Grant - FFY13					
3GA0	768618	Justice Assistance	\$	3,000,000	\$	2,000,000	123007
		Grant - FFY14					
3GL0	768619	Justice Assistance	\$	7,500,000	\$	10,500,000	123008
		Grants					
3GT0	767691	Equitable Share	\$	300,000	\$	300,000	123009
		Account					
3GU0	769610	Investigation Grants	\$	1,400,000	\$	1,400,000	123010
		- Food Stamps, Liquor					
		& Tobacco Laws					
3GU0	769631	Homeland Security	\$	1,400,000	\$	1,400,000	123011
		Disaster Grants					
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	123012
3N50	763644	U.S. Department of	\$	31,672	\$	31,672	123013
		Energy Agreement					
TOTAL FED	Federal Fund Group		\$	133,042,715	\$	134,067,715	123014
TOTAL ALL BUDGET FUND GROUPS			\$	166,643,099	\$	166,168,099	123015

CASH TRANSFER - OHIO INVESTIGATIVE UNIT FUND	123016
On July 1, 2015, or as soon as possible thereafter, the	123017
Director of Budget and Management shall transfer \$350,000 in cash	123018
from the Investigations Fund (Fund 5FL0) to the Ohio Investigative	123019
Unit Fund (Fund 5RH0).	123020
CASH TRANSFER - INVESTIGATIVE UNIT FEDERAL EQUITABLE SHARING	123021
FUND	123022
Upon written request of the Director of Public Safety, the	123023
Director of Budget and Management may transfer cash from the	123024
Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to	123025
the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0).	123026
CASH TRANSFER - JUSTICE PROGRAM SERVICES	123027
Upon written request of the Director of Public Safety, the	123028
Director of Budget and Management may transfer cash from the	123029
Justice Program Services Fund (Fund 4P60) to the State Bureau of	123030
Motor Vehicles Fund (Fund 4W40).	123031
STATE DISASTER RELIEF	123032
The State Disaster Relief Fund (Fund 5330) may accept	123033
transfers of cash and appropriations from Controlling Board	123034
appropriation items for the Ohio Emergency Management Agency	123035
disaster response costs and disaster program management costs, and	123036
may also be used for the following purposes:	123037
(A) To accept transfers of cash and appropriations from	123038
Controlling Board appropriation items for Ohio Emergency	123039
Management Agency public assistance and mitigation program match	123040
costs to reimburse eligible local governments and private	123041
nonprofit organizations for costs related to disasters;	123042
(B) To accept transfers of cash to reimburse the costs	123043
associated with Emergency Management Assistance Compact (EMAC)	123044
deployments;	123045

(C) To accept disaster related reimbursement from federal, 123046  
state, and local governments. The Director of Budget and 123047  
Management may transfer cash from reimbursements received by this 123048  
fund to other funds of the state from which transfers were 123049  
originally approved by the Controlling Board. 123050

(D) To accept transfers of cash and appropriations from 123051  
Controlling Board appropriation items to fund the State Disaster 123052  
Relief Program, for disasters that qualify for the program by 123053  
written authorization of the Governor, and the State Individual 123054  
Assistance Program for disasters that have been declared by the 123055  
federal Small Business Administration and that qualify for the 123056  
program by written authorization from the Governor. The Ohio 123057  
Emergency Management Agency shall publish and make available 123058  
application packets outlining procedures for the State Disaster 123059  
Relief Program and the State Individual Assistance Program. 123060

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 123061  
AGENCY SERVICE AND REIMBURSEMENT FUND 123062

On July 1 of each fiscal year, or as soon as possible 123063  
thereafter, the Director of Budget and Management shall transfer 123064  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 123065  
Emergency Management Agency Service and Reimbursement Fund (Fund 123066  
4V30) to be distributed to the Ohio Task Force One - Urban Search 123067  
and Rescue Unit, other similar urban search and rescue units 123068  
around the state, and for maintenance of the statewide fire 123069  
emergency response plan by an entity recognized by the Ohio 123070  
Emergency Management Agency. 123071

COMMUNITY POLICE RELATIONS 123072

The foregoing appropriation item 768621, Community Police 123073  
Relations, shall be used to implement key recommendations of the 123074  
Ohio Task Force on Community-Police Relations, including a 123075  
database on use of force and officer involved shootings, a public 123076

awareness campaign, and state-provided assistance with				123077
policy-making and manuals.				123078
SARA TITLE III HAZMAT PLANNING				123079
The SARA Title III HAZMAT Planning Fund (Fund 6810) is				123080
entitled to receive grant funds from the Emergency Response				123081
Commission to implement the Emergency Management Agency's				123082
responsibilities under Chapter 3750. of the Revised Code.				123083
<b>Section 363.10.</b> PUC PUBLIC UTILITIES COMMISSION OF OHIO				123084
Dedicated Purpose Fund Group				123085
4A30 870614	Grade Crossing	\$	1,347,357 \$	1,347,357 123086
	Protection			
	Devices-State			
4L80 870617	Pipeline Safety-State	\$	331,992 \$	331,992 123087
5610 870606	Power Siting Board	\$	581,618 \$	581,618 123088
5F60 870622	Utility and Railroad	\$	30,619,708 \$	30,619,708 123089
	Regulation			
5F60 870624	NARUC/NRRI Subsidy	\$	85,000 \$	85,000 123090
5LT0 870640	Intrastate	\$	180,000 \$	180,000 123091
	Registration			
5LT0 870641	Unified Carrier	\$	420,000 \$	420,000 123092
	Registration			
5LT0 870642	Hazardous Materials	\$	753,346 \$	753,346 123093
	Registration			
5LT0 870643	Non-hazardous	\$	277,496 \$	277,496 123094
	Materials Civil			
	Forfeiture			
5LT0 870644	Hazardous Materials	\$	898,800 \$	898,800 123095
	Civil Forfeiture			
5LT0 870645	Motor Carrier	\$	4,709,592 \$	4,709,592 123096
	Enforcement			
5Q50 870626	Telecommunications	\$	5,000,000 \$	5,000,000 123097

Relay Service			
TOTAL DPF Dedicated Purpose Fund	\$	45,204,909	\$ 45,204,909 123098
Group			
Federal Fund Group			123099
3330 870601 Gas Pipeline Safety	\$	597,959	\$ 597,959 123100
3500 870608 Motor Carrier Safety	\$	7,351,660	\$ 7,351,660 123101
3V30 870604 Commercial Vehicle	\$	100,000	\$ 100,000 123102
Information			
Systems/Networks			
TOTAL FED Federal Fund Group	\$	8,049,619	\$ 8,049,619 123103
TOTAL ALL BUDGET FUND GROUPS	\$	53,254,528	\$ 53,254,528 123104

**Section 363.20.** TELECOMMUNICATIONS TRANSITION PLANNING 123106

The foregoing appropriation item 870622, Utility and Railroad 123107  
Regulation, shall be used in part to plan for the transition, 123108  
consistent with the directives and policies of the Federal 123109  
Communications Commission, from the current public switched 123110  
telephone network to an internet-protocol network that will 123111  
stimulate investment in the internet-protocol network in Ohio and 123112  
that will expand the availability of advanced telecommunications 123113  
services to all Ohioans. The transition plan shall include a 123114  
review of statutes or rules that may prevent or delay an 123115  
appropriate transition. The Public Utilities Commission shall 123116  
report to the General Assembly on any further action required to 123117  
be taken by the General Assembly to ensure a successful and timely 123118  
transition. 123119

**Section 363.30.** (A) The Public Utilities Commission shall do 123120  
both of the following not later than one hundred eighty days after 123121  
the effective date of this section: 123122

(1) Adopt rules to implement section 4927.10 of the Revised 123123  
Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 123124

4927.11 of the Revised Code made by H.B. 64 of the 131st General Assembly;	123125
(2) Bring its rules into conformity with this act.	123126
(B) Rules adopted or amended under this section shall include provisions for reasonable customer notice of the steps to be taken during, and the actions resulting from, the transition plan described in Section 363.20 of H.B. 64 of the 131st General Assembly.	123127
(C) Any rule adopted or amended under this section shall be consistent with the rules of the Federal Communications Commission.	123128
(D) If the Public Utilities Commission fails to comply with division (A) of this section before the Federal Communications Commission adopts the order described in section 4927.10 of the Revised Code, any rule of the Public Utilities Commission that is inconsistent with that order shall not be enforced.	123129
	123130
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	123134
	123135
	123136
	123137
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	123139
	123140
<b>Section 365.10. PWC PUBLIC WORKS COMMISSION</b>	123141
General Revenue Fund	123142
GRF 150904 Conservation General	\$ 33,174,900 \$ 37,725,700 123143
Obligation Bond Debt Service	
GRF 150907 Infrastructure	\$ 227,937,400 \$ 231,303,200 123144
Improvement General Obligation Bond Debt Service	
TOTAL GRF General Revenue Fund	\$ 261,112,300 \$ 269,028,900 123145
Capital Projects Fund Group	123146
7056 150403 Clean Ohio	\$ 288,980 \$ 288,980 123147
Conservation Operating	



TOTAL CPF Capital Projects Fund	\$	288,980	\$	288,980	123148
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	261,401,280	\$	269,317,880	123149
CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE					123150
The foregoing appropriation item 150904, Conservation General					123151
Obligation Bond Debt Service, shall be used to pay all debt					123152
service and related financing costs during the period from July 1,					123153
2015, through June 30, 2017, at the times they are required to be					123154
made for obligations issued under sections 151.01 and 151.09 of					123155
the Revised Code.					123156
INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT					123157
SERVICE					123158
The foregoing appropriation item 150907, Infrastructure					123159
Improvement General Obligation Bond Debt Service, shall be used to					123160
pay all debt service and related financing costs during the period					123161
from July 1, 2015, through June 30, 2017, at the times they are					123162
required to be made for obligations issued under sections 151.01					123163
and 151.08 of the Revised Code.					123164
CLEAN OHIO CONSERVATION OPERATING					123165
The foregoing appropriation item 150403, Clean Ohio					123166
Conservation Operating, shall be used by the Ohio Public Works					123167
Commission in administering Clean Ohio Conservation Fund (Fund					123168
7056) projects pursuant to sections 164.20 to 164.27 of the					123169
Revised Code.					123170
NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS					123171
The Director of the Public Works Commission is authorized to					123172
create a District Administration Costs Program for districts					123173
represented by natural resource assistance councils. This program					123174
shall be funded from proceeds of the Clean Ohio Conservation Fund.					123175
This program shall be used by natural resource assistance councils					123176
in order to provide for administration costs of the nineteen					123177

natural resource assistance councils for the direct costs of 123178  
council administration. Councils choosing to participate in this 123179  
program may be eligible for up to \$15,000 per fiscal year from its 123180  
district allocation as provided in section 164.27 of the Revised 123181  
Code. The director shall define allowable and nonallowable costs 123182  
for the purpose of the District Administration Costs Program. 123183  
Nonallowable costs include indirect costs, elected official 123184  
salaries and benefits, and project-specific costs. 123185

**Section 367.10. RAC STATE RACING COMMISSION** 123186

Dedicated Purpose Fund Group 123187

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 123188  
Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 123189  
Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 123190  
Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 123191  
Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 123192  
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 123193  
Group

Fiduciary Fund Group 123194

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 123195  
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 123196

Holding Account Fund Group 123197

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 123198

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 123199

Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 123200

<b>Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION</b>				123202
General Revenue Fund				123203
GRF 235321	Operating Expenses	\$ 5,377,193	\$ 5,377,193	123204
GRF 235402	Sea Grants	\$ 299,250	\$ 299,250	123205
GRF 235406	Articulation and Transfer	\$ 2,000,000	\$ 2,000,000	123206
GRF 235408	Midwest Higher Education Compact	\$ 115,000	\$ 115,000	123207
GRF 235414	State Grants and Scholarship Administration	\$ 830,180	\$ 830,180	123208
GRF 235417	eStudent Services	\$ 2,532,688	\$ 2,532,688	123209
GRF 235428	Appalachian New Economy Partnership	\$ 1,500,000	\$ 1,500,000	123210
GRF 235438	Choose Ohio First Scholarship	\$ 16,665,114	\$ 16,665,114	123211
GRF 235443	Adult Basic and Literacy Education - State	\$ 7,402,416	\$ 7,372,416	123212
GRF 235444	Ohio Technical Centers	\$ 16,817,547	\$ 16,817,547	123213
GRF 235474	Area Health Education Centers Program Support	\$ 900,000	\$ 900,000	123214
GRF 235483	Technology Integration and Professional Development	\$ 378,598	\$ 378,598	123215
GRF 235492	Campus Safety and Training	\$ 2,000,000	\$ 0	123216
GRF 235501	State Share of Instruction	\$ 1,903,285,144	\$ 1,979,416,550	123217
GRF 235502	Student Support Services	\$ 632,974	\$ 632,974	123218

GRF 235504	War Orphans Scholarships	\$	6,835,710	\$	7,124,141	123219
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	123220
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	123221
GRF 235510	Ohio Supercomputer Center	\$	5,818,900	\$	5,818,900	123222
GRF 235511	Cooperative Extension Service	\$	24,209,491	\$	24,209,491	123223
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	123224
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	123225
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	123226
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	123227
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	123228
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	123229
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	123230
GRF 235533	Higher Education Program Support	\$	600,000	\$	600,000	123231
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,861,470	\$	36,361,470	123232
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	123233
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	123234

GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	123235
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	123236
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	123237
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	123238
GRF 235546	Central State Agricultural Research and Development	\$	1,850,000	\$	1,850,000	123239
GRF 235548	Central State Cooperative Extension Services	\$	350,000	\$	350,000	123240
GRF 235552	Capital Component	\$	10,280,387	\$	6,350,817	123241
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	123242
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	123243
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	123244
GRF 235559	Central State University - Agriculture Education	\$	300,000	\$	300,000	123245
GRF 235563	Ohio College Opportunity Grant	\$	97,187,107	\$	100,187,107	123246
GRF 235572	The Ohio State University Clinic Support	\$	766,533	\$	766,533	123247
GRF 235591	Co-op Internship Program	\$	3,770,000	\$	3,770,000	123248
GRF 235599	National Guard	\$	18,750,552	\$	18,900,003	123249

		Scholarship Program					
GRF 235909		Higher Education	\$	252,470,800	\$	259,289,500	123250
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	2,487,245,902	\$	2,567,174,320	123251
		Dedicated Purpose Fund Group					123252
2200 235614		Program Approval and	\$	650,000	\$	650,000	123253
		Reauthorization					
4560 235603		Sales and Services	\$	199,250	\$	199,250	123254
4E80 235602		Higher Educational	\$	29,100	\$	29,100	123255
		Facility Commission					
		Administration					
4X10 235674		Telecommunity and	\$	49,150	\$	49,150	123256
		Distance Learning					
5D40 235675		Conferences/Special	\$	1,884,095	\$	1,884,095	123257
		Purposes					
5JC0 235620		Regional Partnership	\$	500,000	\$	500,000	123258
		and Training Center					
5JC0 235668		Defense/Aerospace	\$	10,000,000	\$	10,000,000	123259
		Workforce Development					
		Initiative					
5NH0 235684		OhioMeansJobs	\$	500,000	\$	0	123260
		Workforce Development					
		Revolving Loan					
		Program					
5P30 235663		Variable Savings Plan	\$	8,028,685	\$	8,082,899	123261
5RA0 235616		Workforce and Higher	\$	10,750,000	\$	16,500,000	123262
		Education Programs					
5RA0 235673		NCERCMP	\$	2,000,000	\$	2,000,000	123263
6450 235664		Guaranteed Savings	\$	1,068,048	\$	1,061,886	123264
		Plan					
6820 235606		Nursing Loan Program	\$	891,320	\$	891,320	123265
TOTAL DPF		Dedicated Purpose Fund	\$	36,549,648	\$	41,847,700	123266

Group

Bond Research and Development Fund Group				123267
7011	235634	Research Incentive	\$ 8,000,000 \$ 8,000,000	123268
Third Frontier Fund				
TOTAL BRD Bond Research and Development Fund Group				123269
Federal Fund Group				123270
3120	235611	Gear-up Grant	\$ 3,050,600 \$ 3,169,050	123271
3120	235612	Carl D. Perkins Grant/Plan Administration	\$ 1,350,000 \$ 1,350,000	123272
3120	235617	Improving Teacher Quality Grant	\$ 2,800,000 \$ 2,800,000	123273
3120	235641	Adult Basic and Literacy Education - Federal	\$ 15,207,359 \$ 15,207,359	123274
3120	235672	H-1B Tech Skills Training	\$ 2,100,000 \$ 2,100,000	123275
3H20	235608	Human Services Project	\$ 375,000 \$ 375,000	123276
TOTAL FED Federal Fund Group				123277
TOTAL ALL BUDGET FUND GROUPS				123278

**Section 369.13. OPERATING EXPENSES** 123280

Of the foregoing appropriation item 235321, Operating Expenses, up to \$2,854,000 in fiscal year 2016 and up to \$2,996,000 in fiscal year 2017 shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Higher Education and the University System of Ohio. The information technology solutions may be provided by the Ohio Academic Resources Network

(OARnet). 123289

**Section 369.20. SEA GRANTS** 123290

The foregoing appropriation item 235402, Sea Grants, shall be 123291  
used to match federal dollars and leverage additional support by 123292  
The Ohio State University's Sea Grant program, including Stone 123293  
Laboratory, for research, education, and outreach to enhance the 123294  
economic value, public utilization, and responsible management of 123295  
Lake Erie and Ohio's coastal resources. 123296

**Section 369.30. ARTICULATION AND TRANSFER** 123297

The foregoing appropriation item 235406, Articulation and 123298  
Transfer, shall be used by the Chancellor of Higher Education to 123299  
maintain and expand the work of the Articulation and Transfer 123300  
Council to develop a system of transfer policies to ensure that 123301  
students at state institutions of higher education can transfer 123302  
and have coursework apply to their majors and degrees at any other 123303  
state institution of higher education without unnecessary 123304  
duplication or institutional barriers under sections 3333.16, 123305  
3333.161, and 3333.162 of the Revised Code. 123306

**Section 369.40. MIDWEST HIGHER EDUCATION COMPACT** 123307

The foregoing appropriation item 235408, Midwest Higher 123308  
Education Compact, shall be distributed by the Chancellor of 123309  
Higher Education under section 3333.40 of the Revised Code. 123310

**Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION** 123311

The foregoing appropriation item 235414, State Grants and 123312  
Scholarship Administration, shall be used by the Chancellor of 123313  
Higher Education to administer the following student financial aid 123314  
programs: Ohio College Opportunity Grant, Ohio War Orphans' 123315  
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 123316



Officers College Memorial Fund, and any other student financial 123317  
aid programs created by the General Assembly. The appropriation 123318  
item also shall be used to support all state financial aid audits 123319  
and student financial aid programs created by Congress, and to 123320  
provide fiscal services for the Ohio National Guard Scholarship 123321  
Program. 123322

**Section 369.60. ESTUDENT SERVICES** 123323

The foregoing appropriation item 235417, eStudent Services, 123324  
shall be used by the Chancellor of Higher Education to support the 123325  
continued implementation of eStudent Services, a consortium 123326  
organized under division (T) of section 3333.04 of the Revised 123327  
Code to expand access to dual enrollment opportunities for high 123328  
school students, as well as adult and higher education 123329  
opportunities through technology. The funds shall be used by 123330  
eStudent Services to develop and promote learning and assessment 123331  
through the use of technology, to test and provide advice on 123332  
emerging learning-directed technologies, to support the distance 123333  
learning clearinghouse and platform created under section 3333.82 123334  
of the Revised Code, to facilitate cost-effectiveness through 123335  
shared educational technology investments, and for any other 123336  
priorities of the Chancellor of Higher Education. 123337

**Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP** 123338

The foregoing appropriation item 235428, Appalachian New 123339  
Economy Partnership, shall be distributed to Ohio University to 123340  
continue a multi-campus and multi-agency coordinated effort to 123341  
link Appalachia to the new economy. Ohio University shall use 123342  
these funds to provide leadership in the development and 123343  
implementation of initiatives in the areas of entrepreneurship, 123344  
management, education, and technology. 123345

**Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP** 123346

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

**Section 369.90. ADULT BASIC AND LITERACY EDUCATION**

Of the foregoing appropriation item 235443, Adult Basic and Literacy Education - State, \$100,000 in fiscal year 2016 and \$70,000 in fiscal year 2017 shall be used to provide a grant for an Ohio public library that provides remedial coursework instruction for postsecondary students.

The remainder of the foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

**Section 369.100. OHIO TECHNICAL CENTERS FUNDING**

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor of Higher Education, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor of Higher Education shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some

portion of 450 hours shall be counted as a partial full-time 123376  
equivalent for funding purposes, while students that complete more 123377  
than 450 hours shall be counted as proportionally greater than one 123378  
full-time equivalent. 123379

(c) In calculating each Ohio Technical Center's full-time 123380  
equivalent students, the Chancellor of Higher Education shall use 123381  
a three-year average. 123382

(2) In each fiscal year, twenty-five per cent of the 123383  
allocation for Ohio Technical Centers shall be distributed based 123384  
on the proportion of each Center's full-time equivalent students 123385  
to the total full-time equivalent students who complete a 123386  
post-secondary workforce training program approved by the 123387  
Chancellor with a grade of C or better or a grade of pass if the 123388  
program is evaluated on a pass/fail basis. 123389

(3) In each fiscal year, twenty per cent of the allocation 123390  
for Ohio Technical Centers shall be distributed based on the 123391  
proportion of each Center's full-time equivalent students to the 123392  
total full-time equivalent students who complete 50 per cent of a 123393  
program of study as a measure of student retention. 123394

(4) In each fiscal year, fifty per cent of the allocation for 123395  
Ohio Technical Centers shall be distributed based on the 123396  
proportion of each Center's full-time equivalent students to the 123397  
total full-time equivalent students who have found employment, 123398  
entered military service, or enrolled in additional post-secondary 123399  
education and training in accordance with the placement 123400  
definitions of the Carl D. Perkins Career and Technical Education 123401  
Act of 2006 (Perkins). The calculation for eligible full-time 123402  
equivalent students shall be based on the per cent of Perkins 123403  
placements for students who have completed at least 50 per cent of 123404  
a program of study. 123405

(5) In each fiscal year, five per cent of the allocation for 123406

Ohio Technical Centers shall be distributed based on the 123407  
proportion of each Center's full-time equivalent students to the 123408  
total full-time equivalent students who have earned a credential 123409  
from an industry-recognized third party. 123410

(B) Of the foregoing appropriation item 235444, Ohio 123411  
Technical Centers, up to \$400,000 in each fiscal year shall be 123412  
distributed by the Chancellor of Higher Education to the Ohio 123413  
Central School System, up to \$48,000 in each fiscal year shall be 123414  
utilized for assistance for Ohio Technical Centers, and up to 123415  
\$975,000 in each fiscal year shall be distributed by the 123416  
Chancellor to Ohio Technical Centers that provide business 123417  
consultation with matching local dollars. Centers meeting this 123418  
requirement shall receive an amount not to exceed \$25,000 per 123419  
center. 123420

(C) The remainder of the foregoing appropriation item 235444, 123421  
Ohio Technical Centers, in each fiscal year shall be distributed 123422  
in accordance with division (A) of this section. 123423

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 123424  
CENTERS 123425

(1) No Ohio Technical Center shall receive performance 123426  
funding calculated under division (A) of this section, excluding 123427  
funding for third party credentials calculated under division 123428  
(A)(5) of this section, that is less than 96 per cent of the 123429  
average allocation the Center received, excluding funding for 123430  
third party credentials, in the three prior fiscal years. 123431

(2) In order to ensure that no Center receives less than 96 123432  
per cent of the prior three-year average allocation in accordance 123433  
with division (D)(1) of this section, funds shall be made 123434  
available to support the phase-in allocation by proportionally 123435  
reducing formula earnings from each Center not receiving phase-in 123436  
funding. 123437

**Section 369.110.** AREA HEALTH EDUCATION CENTERS 123438

The foregoing appropriation item 235474, Area Health 123439  
Education Centers Program Support, shall be used by the Chancellor 123440  
of Higher Education to support the medical school regional area 123441  
health education centers' educational programs for the continued 123442  
support of medical and other health professions education and for 123443  
support of the Area Health Education Center Program. 123444

**Section 369.120.** TECHNOLOGY INTEGRATION AND PROFESSIONAL 123445  
DEVELOPMENT 123446

The foregoing appropriation item 235483, Technology 123447  
Integration and Professional Development, shall be used by the 123448  
Chancellor of Higher Education for the provision of staff 123449  
development, hardware, software, telecommunications services, and 123450  
information resources to support educational uses of technology in 123451  
the classroom and at a distance and for professional development 123452  
for teachers, administrators, and technology staff on the use of 123453  
educational technology in qualifying public schools, including the 123454  
State School for the Blind, the School for the Deaf, and the 123455  
Department of Youth Services. 123456

**Section 369.140.** CAMPUS SAFETY AND TRAINING 123457

The foregoing appropriation item 235492, Campus Safety and 123458  
Training, shall be used by the Chancellor of Higher Education for 123459  
the purpose of developing model best practices for preventing and 123460  
responding to sexual assault on campus. By September 1, 2015, the 123461  
Chancellor of Higher Education, in consultation with state 123462  
institutions of higher education as defined in section 3345.011 of 123463  
the Revised Code and private nonprofit institutions of higher 123464  
education holding certificates of authorization under Chapter 123465  
1713. of the Revised Code, shall develop model best practices for 123466  
preventing and responding to sexual assault and protecting 123467

students and staff who are victims of sexual assault on campus. 123468  
The Chancellor shall convene state institutions of higher 123469  
education and private nonprofit institutions of higher education 123470  
in the training and implementation of best practices regarding 123471  
campus sexual assault. 123472

**Section 369.150. STATE SHARE OF INSTRUCTION FORMULAS** 123473

The Chancellor of Higher Education shall establish procedures 123474  
to allocate the foregoing appropriation item 235501, State Share 123475  
of Instruction, based on the formulas detailed in this section 123476  
that utilize the enrollment, course completion, degree attainment, 123477  
and student achievement factors reported annually by each state 123478  
institution of higher education participating in the Higher 123479  
Education Information (HEI) system. 123480

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 123481  
COMPLETIONS 123482

(1) As soon as possible during each fiscal year of the 123483  
biennium ending June 30, 2017, in accordance with instructions of 123484  
the Department of Higher Education, each state institution of 123485  
higher education shall report its actual data, consistent with the 123486  
definitions in the Higher Education Information (HEI) system's 123487  
enrollment files, to the Chancellor of Higher Education. 123488

(2) In defining the number of full-time equivalent students 123489  
for state subsidy instructional cost purposes, the Chancellor of 123490  
Higher Education shall exclude all undergraduate students who are 123491  
not residents of Ohio, except those charged in-state fees in 123492  
accordance with reciprocity agreements made under section 3333.17 123493  
of the Revised Code or employer contracts entered into under 123494  
section 3333.32 of the Revised Code. 123495

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 123496

For purposes of calculating state share of instruction 123497

allocations, the total instructional costs per full-time			123498
equivalent student shall be:			123499
Model	Fiscal Year 2016	Fiscal Year 2017	123500
ARTS AND HUMANITIES 1	\$7,773	\$7,920	123501
ARTS AND HUMANITIES 2	\$11,093	\$11,302	123502
ARTS AND HUMANITIES 3	\$14,209	\$14,477	123503
ARTS AND HUMANITIES 4	\$21,021	\$21,417	123504
ARTS AND HUMANITIES 5	\$35,834	\$36,509	123505
ARTS AND HUMANITIES 6	\$38,135	\$38,854	123506
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,311	\$7,449	123507
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,310	\$8,467	123508
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,805	\$11,009	123509
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,842	\$13,084	123510
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,879	\$20,254	123511
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$21,678	\$22,087	123512
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$31,806	\$32,406	123513
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$7,244	\$7,380	123514
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,041	\$10,231	123515
SCIENCE, TECHNOLOGY, ENGINEERING,	\$11,841	\$12,064	123516

MATHEMATICS, MEDICINE

3

SCIENCE, TECHNOLOGY,	\$14,170	\$14,437	123517
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ENGINEERING,

MATHEMATICS, MEDICINE

4

SCIENCE, TECHNOLOGY,	\$19,290	\$19,654	123518
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ENGINEERING,

MATHEMATICS, MEDICINE

5

SCIENCE, TECHNOLOGY,	\$20,814	\$21,206	123519
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ENGINEERING,

MATHEMATICS, MEDICINE

6

SCIENCE, TECHNOLOGY,	\$23,462	\$23,905	123520
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ENGINEERING,

MATHEMATICS, MEDICINE

7

SCIENCE, TECHNOLOGY,	\$36,983	\$37,680	123521
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ENGINEERING,

MATHEMATICS, MEDICINE

8

SCIENCE, TECHNOLOGY,	\$49,923	\$50,864	123522
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ENGINEERING,

MATHEMATICS, MEDICINE

9

Doctoral I and Doctoral II models shall be allocated in	123523
accordance with division (D)(2) of this section.	123524

Medical I and Medical II models shall be allocated in	123525
accordance with divisions (D)(3) and (D)(4) of this section.	123526

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,	123527
AND GRADUATE WEIGHTS	123528



For the purpose of implementing the recommendations of the 123529  
 2006 State Share of Instruction Consultation and the Higher 123530  
 Education Funding Study Council that priority be given to 123531  
 maintaining state support for science, technology, engineering, 123532  
 mathematics, medicine, and graduate programs, the costs in 123533  
 division (B) of this section shall be weighted by the amounts 123534  
 provided below: 123535

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	1.0000	1.0000	123536
ARTS AND HUMANITIES 2	1.0000	1.0000	123537
ARTS AND HUMANITIES 3	1.0000	1.0000	123538
ARTS AND HUMANITIES 4	1.0000	1.0000	123539
ARTS AND HUMANITIES 5	1.0425	1.0425	123540
ARTS AND HUMANITIES 6	1.0425	1.0425	123541
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	123542
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	123543
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	123544
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	123545
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	123546
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	123547
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	123548
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	123549
SCIENCE, TECHNOLOGY, 1	1.0017	1.0017	123550
			123551

ENGINEERING, MATHEMATICS, MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	123552
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	123553
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	123554
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	123555
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	123556
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	123557
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	123558
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			123559
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			123560

(1) Of the foregoing appropriation item 235501, State Share 123561  
of Instruction, 50 per cent of the appropriation for universities, 123562  
as established in division (A)(2) of the section of this act 123563  
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 123564  
2017," in each fiscal year shall be reserved for support of 123565  
associate, baccalaureate, master's, and professional level degree 123566  
attainment. 123567

The degree attainment funding shall be allocated to 123568  
universities in proportion to each campus's share of the total 123569  
statewide degrees granted, weighted by the cost of the degree 123570  
programs. The degree cost calculations shall include the model 123571  
cost weights for the science, technology, engineering, 123572  
mathematics, and medicine models as established in division (C) of 123573  
this section. 123574

For degrees including credits earned at multiple 123575  
institutions, degree attainment funding shall be allocated to 123576  
universities in proportion to each campus's share of the cost of 123577  
earned credits for the degree. Each institution shall receive its 123578  
prorated share of degree funding for credits earned at that 123579  
institution. Cost of credits not earned at a university main or 123580  
regional campus shall be credited to the degree-granting 123581  
institution for the first degree earned by a student at each 123582  
degree level. The cost credited to the degree-granting institution 123583  
shall not be eligible for at-risk weights and shall be limited to 123584  
12.5 per cent of the degree costs. However, the 12.5 per cent 123585  
limitation shall not apply if the student transferred 12 or fewer 123586  
credits into the degree granting institution. 123587

In calculating the subsidy entitlements for degree attainment 123588  
for universities, the Chancellor of Higher Education shall use the 123589  
following count of degrees and degree costs: 123590

(a) The subsidy eligible undergraduate degrees shall be 123591  
defined as follows: 123592

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Chancellor of Higher Education shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the three-year period ending in the prior year.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the

baccalaureate degree funding for the credits earned at that 123624  
institution after the associate degree is awarded. 123625

(iii) If a student earns more than one degree at the same 123626  
institution at the same degree level in the same fiscal year, the 123627  
funding for the highest cost degree shall be prorated among 123628  
institutions based on where the credits were earned and additional 123629  
degrees shall be funded at 25 per cent of the cost of the degrees. 123630

(c) Associate degrees and baccalaureate degrees earned by a 123631  
student defined as at-risk based on academic underpreparation, 123632  
age, minority status, or financial status, shall be defined as 123633  
degrees earned by an at-risk student and shall be weighted by the 123634  
following: 123635

A student-specific degree completion weight, where the weight 123636  
is calculated based on the at-risk factors of the individual 123637  
student, determined by calculating the difference between the 123638  
percentage of students with each risk factor who earned a degree 123639  
and the percentage of non-at-risk students who earned a degree. 123640

(2) Of the foregoing appropriation item 235501, State Share 123641  
of Instruction, up to 11.78 per cent of the appropriation for 123642  
universities, as established in division (A)(2) of the section of 123643  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123644  
2016 and 2017," in each fiscal year shall be reserved for support 123645  
of doctoral programs to implement the funding recommendations made 123646  
by representatives of the universities. The amount so reserved 123647  
shall be referred to as the doctoral set-aside. 123648

In fiscal year 2016, NEOMED shall receive \$150,000 and in 123649  
fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral 123650  
set-aside funding allocation with the remaining doctoral set-aside 123651  
allocated to universities as follows: 123652

(a) 47.50 per cent of the remaining doctoral set-aside in 123653  
fiscal year 2016 and 40 per cent of the remaining doctoral 123654

set-aside in fiscal year 2017 shall be allocated to universities 123655  
in proportion to their share of the statewide total of each state 123656  
institution's three-year average Doctoral I equivalent FTEs as 123657  
calculated on an institutional basis using historical FTEs for the 123658  
period fiscal year 1994 through fiscal year 1998 with annualized 123659  
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 123660  
fiscal year 1998 as adjusted to reflect the effects of doctoral 123661  
review and subsequent changes in Doctoral I equivalent 123662  
enrollments. For the purposes of this calculation, Doctoral I 123663  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 123664  
times the sum of Doctoral II FTEs. 123665

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 123666  
and 40 per cent of the doctoral set-aside in fiscal year 2017 123667  
shall be allocated to universities in proportion to each campus's 123668  
share of the total statewide doctoral degrees, weighted by the 123669  
cost of the doctoral discipline. In calculating each campus's 123670  
doctoral degrees the Chancellor of Higher Education shall use the 123671  
three-year average doctoral degrees awarded for the three-year 123672  
period ending in the prior year. 123673

(c) 17.5 per cent of the doctoral set-aside in fiscal year 123674  
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 123675  
shall be allocated to universities in proportion to their share of 123676  
research grant activity. Funding for this component shall be 123677  
allocated to eligible universities in proportion to their share of 123678  
research grant activity published by the National Science 123679  
Foundation. Grant awards from the Department of Health and Human 123680  
Services shall be weighted at 50 per cent. 123681

(3) Of the foregoing appropriation item 235501, State Share 123682  
of Instruction, 6.41 per cent of the appropriation for 123683  
universities, as established in division (A)(2) of the section of 123684  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123685  
2016 AND 2017," in each fiscal year shall be reserved for support 123686

of Medical II FTEs. The amount so reserved shall be referred to as 123687  
the medical II set-aside. 123688

The medical II set-aside shall be allocated to universities 123689  
in proportion to their share of the statewide total of each state 123690  
institution's three-year average Medical II FTEs as calculated in 123691  
division (A) of this section. 123692

In calculating the core subsidy entitlements for Medical II 123693  
models only, students repeating terms may be no more than five per 123694  
cent of current year enrollment. 123695

(4) Of the foregoing appropriation item 235501, State Share 123696  
of Instruction, 1.48 per cent of the appropriation for 123697  
universities, as established in division (A)(2) of the section of 123698  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123699  
2016 AND 2017," in each fiscal year shall be reserved for support 123700  
of Medical I FTEs. The amount so reserved shall be referred to as 123701  
the medical I set-aside. 123702

The medical I set-aside shall be allocated to universities in 123703  
proportion to their share of the statewide total of each state 123704  
institution's three-year average Medical I FTEs as calculated in 123705  
division (A) of this section. 123706

(5) In calculating the course completion funding for 123707  
universities, the Chancellor of Higher Education shall use the 123708  
following count of FTE students: 123709

(a) The subsidy eligible enrollments by model shall equal 123710  
only those FTE students who successfully complete the course as 123711  
defined and reported through the Higher Education Information 123712  
(HEI) system course enrollment file; 123713

(b) Those undergraduate FTE students with successful course 123714  
completions, identified in division (D)(5)(a) of this section, 123715  
that had an expected family contribution less than 2190 or were 123716  
determined to have been academically underprepared shall be 123717

defined as at-risk students and shall have their eligible 123718  
completions weighted by the following: 123719

(i) Campus-specific course completion indexes, where the 123720  
indexes are calculated based upon the number of at-risk students 123721  
enrolled during the 2012 - 2014 academic years; and 123722

(ii) A statewide average at-risk course completion weight 123723  
determined for each subsidy model. The statewide average at-risk 123724  
course completion weight shall be determined by calculating the 123725  
difference between the percentage of traditional students who 123726  
complete a course and the percentage of at-risk students who 123727  
complete the same course. 123728

(c) The course completion earnings shall be determined by 123729  
multiplying the amounts listed above in divisions (B) and (C) of 123730  
this section by the subsidy-eligible FTEs for the three-year 123731  
period ending in the prior year for all models except Medical I, 123732  
Medical II, Doctoral I, and Doctoral II. 123733

(d) For universities, the Chancellor of Higher Education 123734  
shall compute the course completion earnings by dividing the 123735  
appropriation for universities, established in division (A)(2) of 123736  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 123737  
FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) 123738  
of that section, less the degree attainment funding as calculated 123739  
in division (D)(1) of this section, less the doctoral set-aside, 123740  
less the medical I set-aside, and less the medical II set-aside, 123741  
by the sum of all campuses' instructional costs as calculated in 123742  
division (D)(5) of this section. 123743

(6) In addition to the Access Challenge funding as described 123744  
in divisions (B)(1) and (B)(2) of the section of this act entitled 123745  
"STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," 123746  
doctoral set-aside, medical I set-aside, medical II set-aside, and 123747  
the degree attainment allocation determined in division (D)(1) of 123748



this section and the course completion earnings calculated in 123749  
division (D)(5) of this section, an allocation based on a 123750  
facility-based plant operations and maintenance (POM) subsidy 123751  
shall be made. 123752

(a) In fiscal year 2016, for each eligible university, the 123753  
amount of the POM allocation shall be two-thirds of the POM 123754  
distributed in fiscal year 2015 based on what each campus received 123755  
in the fiscal year 2009 POM allocation. 123756

(b) In fiscal year 2017, for each eligible university, the 123757  
amount of the POM allocation shall be one-third of the POM 123758  
distributed in fiscal year 2015 based on what each campus received 123759  
in the fiscal year 2009 POM allocation. 123760

(c) Any POM allocations required by this division shall be 123761  
funded by proportionately reducing formula earnings, including the 123762  
POM allocations, for all universities. 123763

(d) POM allocations shall expire on June 30, 2017. 123764

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 123765  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 123766

(1) Of the foregoing appropriation item 235501, State Share 123767  
of Instruction, 50 per cent of the appropriation for 123768  
state-supported community colleges, state community colleges, and 123769  
technical colleges as established in division (A)(1) of the 123770  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 123771  
YEARS 2016 AND 2017," in each fiscal year shall be reserved for 123772  
course completion FTEs as aggregated by the subsidy models defined 123773  
in division (B) of this section. 123774

The course completion funding shall be allocated to campuses 123775  
in proportion to each campus's share of the total sector's course 123776  
completions, weighted by the instructional cost of the subsidy 123777  
models. 123778

To calculate the subsidy entitlements for course completions 123779  
at community colleges, state community colleges, and technical 123780  
colleges, the Chancellor of Higher Education shall use the 123781  
following calculations: 123782

(a) In calculating each campus's count of FTE course 123783  
completions, the Chancellor of Higher Education shall use a 123784  
three-year average for course completions for the three year 123785  
period ending in the prior year. 123786

(b) The subsidy eligible enrollments by model shall equal 123787  
only those FTE students who successfully complete the course as 123788  
defined and reported through the Higher Education Information 123789  
(HEI) system course enrollment file. 123790

(c) Those students with successful course completions, that 123791  
are or have been Pell eligible at any time while enrolled at a 123792  
state institution of higher education, meet the definition of 123793  
minority status, are enrolled at a given institution after age 24, 123794  
or are academically underprepared shall be defined as access 123795  
students and shall have their eligible course completions weighted 123796  
by a statewide access weight. The weight given to any student that 123797  
meets any access factor shall be 15 per cent for all course 123798  
completions. 123799

(d) The model costs as used in the calculation shall be 123800  
augmented by the model weights for science, technology, 123801  
engineering, mathematics, and medicine models as established in 123802  
division (C) of this section. 123803

(2) Of the foregoing appropriation item 235501, State Share 123804  
of Instruction, 25 per cent of the appropriation for 123805  
state-supported community colleges, state community colleges, and 123806  
technical colleges as established in division (A)(1) of the 123807  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 123808  
FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved 123809

for colleges in proportion to their share of college student 123810  
success factors as recommended in formal communication from 123811  
community college presidents to the Chancellor of Higher Education 123812  
dated December 31, 2013, using a three year average. 123813

(3) Of the foregoing appropriation item 235501, State Share 123814  
of Instruction, 25 per cent of the appropriation for 123815  
state-supported community colleges, state community colleges, and 123816  
technical colleges shall be reserved for completion milestones as 123817  
identified in formal communication from community college 123818  
presidents to the Chancellor of Higher Education dated December 123819  
31, 2013. 123820

Completion milestones shall include associate degrees, 123821  
certificates over 30 credit hours approved by the Department of 123822  
Higher Education, and students transferring to any four-year 123823  
institution with at least 12 credit hours earned at that community 123824  
college, state community college, or technical college. 123825

The completion milestone funding shall be allocated to 123826  
colleges in proportion to each institution's share of the sector's 123827  
total completion milestones, weighted by the instructional cost of 123828  
the associate degree, certificate, or transfer models. Costs for 123829  
certificates over 30 hours shall be weighted one-half of the 123830  
associate degree model costs and transfers with at least 12 credit 123831  
hours shall be weighted one-fourth of the average cost for all 123832  
associate degree model costs. 123833

(4) To calculate the subsidy entitlements for completions at 123834  
community colleges, state community colleges, and technical 123835  
colleges, the Chancellor of Higher Education shall use the 123836  
following calculations: 123837

(a) In calculating each campus's count of completions, the 123838  
Chancellor of Higher Education shall use a three-year average for 123839  
completion metrics. 123840

(b) The subsidy eligible completions by model shall equal 123841  
only those students who successfully complete an associate degree 123842  
or certificate over 30 credit hours, or transfer to any four-year 123843  
institution with at least 12 credit hours as defined and reported 123844  
in the Higher Education Information (HEI) system. 123845

(c) Those students with successful completions for associate 123846  
degrees, certificates over 30 credit hours, or transfer to any 123847  
four-year institution with at least 12 credit hours, identified in 123848  
division (E)(3) of this section, that are or have been Pell 123849  
eligible at any time while enrolled at a state institution of 123850  
higher education, meet the definition of minority status, first 123851  
enrolled at a given institution after age 24, or are academically 123852  
underprepared, shall be defined as access students and shall have 123853  
their eligible completions weighted by a statewide access weight. 123854  
The weight shall be 25 per cent for students with one access 123855  
factor, 66 per cent for students with two access factors, 150 per 123856  
cent for students with three access factors, and 200 per cent for 123857  
students with four access factors. 123858

(d) For those students who complete more than one completion 123859  
metric, funding for each additional associate degree or 123860  
certificate over 30 credit hours approved by the Department of 123861  
Higher Education shall be funded at 50 per cent of the model costs 123862  
as defined in division (3) of this section. 123863

(F) CAPITAL COMPONENT DEDUCTION 123864

After all other adjustments have been made, state share of 123865  
instruction earnings shall be reduced for each campus by the 123866  
amount, if any, by which debt service charged in Am. H.B. 748 of 123867  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 123868  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 123869  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 123870  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 123871  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 123872

562 of the 127th General Assembly for that campus exceeds that 123873  
campus's capital component earnings. The sum of the amounts 123874  
deducted shall be transferred to appropriation item 235552, 123875  
Capital Component, in each fiscal year. 123876

(G) EXCEPTIONAL CIRCUMSTANCES 123877

Adjustments may be made to the state share of instruction 123878  
payments and other subsidies distributed by the Chancellor of 123879  
Higher Education to state colleges and universities for 123880  
exceptional circumstances. No adjustments for exceptional 123881  
circumstances may be made without the recommendation of the 123882  
Chancellor and the approval of the Controlling Board. 123883

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 123884  
INSTRUCTION 123885

The standard provisions of the state share of instruction 123886  
calculation as described in the preceding sections of temporary 123887  
law shall apply to any reductions made to appropriation item 123888  
235501, State Share of Instruction, before the Chancellor of 123889  
Higher Education has formally approved the final allocation of the 123890  
state share of instruction funds for any fiscal year. 123891

Any reductions made to appropriation item 235501, State Share 123892  
of Instruction, after the Chancellor of Higher Education has 123893  
formally approved the final allocation of the state share of 123894  
instruction funds for any fiscal year, shall be uniformly applied 123895  
to each campus in proportion to its share of the final allocation. 123896

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 123897

The state share of instruction payments to the institutions 123898  
shall be in substantially equal monthly amounts during the fiscal 123899  
year, unless otherwise determined by the Director of Budget and 123900  
Management pursuant to section 126.09 of the Revised Code. 123901  
Payments during the first six months of the fiscal year shall be 123902  
based upon the state share of instruction appropriation estimates 123903

made for the various institutions of higher education and payments 123904  
during the last six months of the fiscal year shall be based on 123905  
the final data from the Chancellor of Higher Education. 123906

**Section 369.160.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123907  
2016 AND 2017 123908

(A) The foregoing appropriation item 235501, State Share of 123909  
Instruction, shall be distributed according to the section of this 123910  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 123911

(1) Of the foregoing appropriation item 235501, State Share 123912  
of Instruction, \$438,707,698 in fiscal year 2016 and \$456,256,006 123913  
in fiscal year 2017 shall be distributed to state-supported 123914  
community colleges, state community colleges, and technical 123915  
colleges. 123916

(2) Of the foregoing appropriation item 235501, State Share 123917  
of Instruction, \$1,464,577,446 in fiscal year 2016 and 123918  
\$1,523,160,544 in fiscal year 2017 shall be distributed to 123919  
state-supported university main and regional campuses. 123920

(B) Of the amounts earmarked in division (A)(2) of this 123921  
section: 123922

(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be 123923  
distributed to university main campuses in proportion to each 123924  
campus' share of the appropriation item 235418, Access Challenge, 123925  
in fiscal year 2009. 123926

(2) In fiscal year 2017, one-third of \$3,923,764 shall be 123927  
distributed to university main campuses in proportion to each 123928  
campus' share of the appropriation item 235418, Access Challenge, 123929  
in fiscal year 2009. 123930

(C) The Chancellor of Higher Education shall develop a 123931  
methodology in each fiscal year to reduce the state share of 123932  
instruction formula allocations of institutions participating in 123933

an undergraduate tuition guarantee program pursuant to sections 123934  
3333.33 and 3345.48 of the Revised Code in recognition of and in 123935  
proportion to the tuition growth that is authorized by the 123936  
undergraduate tuition guarantee program. Formula amounts realized 123937  
by this reduction shall be distributed to each institution not 123938  
participating in an approved tuition guarantee program under 123939  
section 3345.48 of the Revised Code in proportion and in addition 123940  
to those institutions' original allocations. 123941

**Section 369.170. RESTRICTION ON FEE INCREASES** 123942

In fiscal years 2016 and 2017, the boards of trustees of 123943  
state institutions of higher education shall restrain increases in 123944  
in-state undergraduate instructional and general fees. For the 123945  
2015-2016 and 2016-2017 academic years, each state institution of 123946  
higher education shall not increase its in-state undergraduate 123947  
instructional and general fees over what the institution charged 123948  
for the 2014-2015 academic year. 123949

These limitations shall not apply to increases required to 123950  
comply with institutional covenants related to their obligations 123951  
or to meet unfunded legal mandates or legally binding obligations 123952  
incurred or commitments made prior to the effective date of this 123953  
section with respect to which the institution had identified such 123954  
fee increases as the source of funds. Any increase required by 123955  
such covenants and any such mandates, obligations, or commitments 123956  
shall be reported by the Chancellor of Higher Education to the 123957  
Controlling Board. These limitations may also be modified by the 123958  
Chancellor of Higher Education, with the approval of the 123959  
Controlling Board, to respond to exceptional circumstances as 123960  
identified by the Chancellor of Higher Education. 123961

These limitations shall not apply to institutions 123962  
participating in an undergraduate tuition guarantee program 123963  
pursuant to section 3345.48 of the Revised Code. 123964

**Section 369.180.** HIGHER EDUCATION - BOARD OF TRUSTEES 123965

(A) Funds appropriated for instructional subsidies at 123966  
colleges and universities may be used to provide such branch or 123967  
other off-campus undergraduate courses of study and such master's 123968  
degree courses of study as may be approved by the Chancellor of 123969  
Higher Education. 123970

(B) In providing instructional and other services to 123971  
students, boards of trustees of state institutions of higher 123972  
education shall supplement state subsidies with income from 123973  
charges to students. Except as otherwise provided in this act, 123974  
each board shall establish the fees to be charged to all students, 123975  
including an instructional fee for educational and associated 123976  
operational support of the institution and a general fee for 123977  
noninstructional services, including locally financed student 123978  
services facilities used for the benefit of enrolled students. The 123979  
instructional fee and the general fee shall encompass all charges 123980  
for services assessed uniformly to all enrolled students. Each 123981  
board may also establish special purpose fees, service charges, 123982  
and fines as required; such special purpose fees and service 123983  
charges shall be for services or benefits furnished individual 123984  
students or specific categories of students and shall not be 123985  
applied uniformly to all enrolled students. A tuition surcharge 123986  
shall be paid by all students who are not residents of Ohio. 123987

The board of trustees of a state institution of higher 123988  
education shall not authorize a waiver or nonpayment of 123989  
instructional fees or general fees for any particular student or 123990  
any class of students other than waivers specifically authorized 123991  
by law or approved by the Chancellor. This prohibition is not 123992  
intended to limit the authority of boards of trustees to provide 123993  
for payments to students for services rendered the institution, 123994  
nor to prohibit the budgeting of income for staff benefits or for 123995



student assistance in the form of payment of such instructional 123996  
and general fees. 123997

Each state institution of higher education in its statement 123998  
of charges to students shall separately identify the instructional 123999  
fee, the general fee, the tuition charge, and the tuition 124000  
surcharge. Fee charges to students for instruction shall not be 124001  
considered to be a price of service but shall be considered to be 124002  
an integral part of the state government financing program in 124003  
support of higher educational opportunity for students. 124004

(C) The boards of trustees of state institutions of higher 124005  
education shall ensure that faculty members devote a proper and 124006  
judicious part of their work week to the actual instruction of 124007  
students. Total class credit hours of production per academic term 124008  
per full-time faculty member is expected to meet the standards set 124009  
forth in the budget data submitted by the Chancellor of Higher 124010  
Education. 124011

(D) The authority of government vested by law in the boards 124012  
of trustees of state institutions of higher education shall in 124013  
fact be exercised by those boards. Boards of trustees may consult 124014  
extensively with appropriate student and faculty groups. 124015  
Administrative decisions about the utilization of available 124016  
resources, about organizational structure, about disciplinary 124017  
procedure, about the operation and staffing of all auxiliary 124018  
facilities, and about administrative personnel shall be the 124019  
exclusive prerogative of boards of trustees. Any delegation of 124020  
authority by a board of trustees in other areas of responsibility 124021  
shall be accompanied by appropriate standards of guidance 124022  
concerning expected objectives in the exercise of such delegated 124023  
authority and shall be accompanied by periodic review of the 124024  
exercise of this delegated authority to the end that the public 124025  
interest, in contrast to any institutional or special interest, 124026  
shall be served. 124027

**Section 369.190.** STUDENT SUPPORT SERVICES 124028

The foregoing appropriation item 235502, Student Support 124029  
Services, shall be distributed by the Chancellor of Higher 124030  
Education to Ohio's state colleges and universities that incur 124031  
disproportionate costs in the provision of support services to 124032  
disabled students. 124033

**Section 369.200.** WAR ORPHANS SCHOLARSHIPS 124034

The foregoing appropriation item 235504, War Orphans 124035  
Scholarships, shall be used to reimburse state institutions of 124036  
higher education for waivers of instructional fees and general 124037  
fees provided by them, to provide grants to institutions that have 124038  
received a certificate of authorization from the Chancellor of 124039  
Higher Education under Chapter 1713. of the Revised Code, in 124040  
accordance with the provisions of section 5910.04 of the Revised 124041  
Code, and to fund additional scholarship benefits provided by 124042  
section 5910.032 of the Revised Code. 124043

**Section 369.210.** OHIOLINK 124044

The foregoing appropriation item 235507, OhioLINK, shall be 124045  
used by the Chancellor of Higher Education to support OhioLINK, a 124046  
consortium organized under division (T) of section 3333.04 of the 124047  
Revised Code to serve as the state's electronic library 124048  
information and retrieval system, which provides access statewide 124049  
to an extensive set of electronic databases and resources, the 124050  
library holdings of Ohio's public and participating private 124051  
nonprofit colleges and universities, and the State Library of 124052  
Ohio. 124053

**Section 369.220.** AIR FORCE INSTITUTE OF TECHNOLOGY 124054

The foregoing appropriation item 235508, Air Force Institute 124055

of Technology, shall be used to: (A) strengthen the research and 124056  
educational linkages between the Wright Patterson Air Force Base 124057  
and institutions of higher education in Ohio; and (B) support the 124058  
Dayton Area Graduate Studies Institute, an engineering graduate 124059  
consortium of Wright State University, the University of Dayton, 124060  
and the Air Force Institute of Technology, with the participation 124061  
of the University of Cincinnati and The Ohio State University. 124062

**Section 369.230. OHIO SUPERCOMPUTER CENTER** 124063

The foregoing appropriation item 235510, Ohio Supercomputer 124064  
Center, shall be used by the Chancellor of Higher Education to 124065  
support the operation of the Ohio Supercomputer Center, a 124066  
consortium organized under division (T) of section 3333.04 of the 124067  
Revised Code, located at The Ohio State University. The Ohio 124068  
Supercomputer Center is a statewide resource available to Ohio 124069  
research universities both public and private. It is also intended 124070  
that the center be made accessible to private industry as 124071  
appropriate. 124072

Funds shall be used, in part, to support the Ohio 124073  
Supercomputer Center's Computational Science Initiative, which 124074  
includes its industrial outreach program, Blue Collar Computing, 124075  
and its School of Computational Science. These collaborations 124076  
between the Ohio Supercomputer Center and Ohio's colleges and 124077  
universities shall be aimed at making Ohio a leader in using 124078  
computer modeling to promote economic development. 124079

**Section 369.240. COOPERATIVE EXTENSION SERVICE** 124080

The foregoing appropriation item 235511, Cooperative 124081  
Extension Service, shall be disbursed through the Chancellor of 124082  
Higher Education to The Ohio State University in monthly payments, 124083  
unless otherwise determined by the Director of Budget and 124084  
Management under section 126.09 of the Revised Code. 124085

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in fiscal year 2017 shall be used to support salaries and benefits for one after-school 4-H Club at an elementary school in Cleveland and one after-school 4-H Club at an elementary school in Cincinnati.

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$7,000 in each fiscal year shall be used to support mileage, telephone, supplies, and classroom activities costs at after-school 4-H Clubs in Cleveland and Cincinnati. Seventy per cent of this amount shall be spent directly in relation to student involvement in 4-H.

**Section 369.250.** CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Central State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Central State University that the plan is suspended. Upon receiving such notice, Central State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the

suspension of the plan and within sixty days prepare a new plan 124117  
for the use of any remaining funds. 124118

**Section 369.260.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 124119  
MEDICINE 124120

The foregoing appropriation item 235515, Case Western Reserve 124121  
University School of Medicine, shall be disbursed to Case Western 124122  
Reserve University through the Chancellor of Higher Education in 124123  
accordance with agreements entered into under section 3333.10 of 124124  
the Revised Code, provided that the state support per full-time 124125  
medical student shall not exceed that provided to full-time 124126  
medical students at state universities. 124127

**Section 369.270.** FAMILY PRACTICE 124128

The Chancellor of Higher Education shall develop plans 124129  
consistent with existing criteria and guidelines as may be 124130  
required for the distribution of appropriation item 235519, Family 124131  
Practice. 124132

**Section 369.280.** SHAWNEE STATE SUPPLEMENT 124133

The foregoing appropriation item 235520, Shawnee State 124134  
Supplement, shall be disbursed by the Chancellor of Higher 124135  
Education to Shawnee State University in accordance with the plan 124136  
developed by the Chancellor and submitted to the Governor and the 124137  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 124138  
General Assembly. Funds shall be used in a manner consistent with 124139  
the goals of improving course completion, increasing the number of 124140  
degrees conferred, and furthering the university's mission of 124141  
service to the Appalachian region. 124142

The Chancellor shall monitor the implementation of the plan 124143  
and the use of funds. Shawnee State University shall provide any 124144  
information requested by the Chancellor related to the 124145

implementation of the plan. If the Chancellor determines that 124146  
Shawnee State University's use of supplemental funds is not in 124147  
accordance with the plan or if the plan is not having the desired 124148  
effect, the Chancellor may notify Shawnee State University that 124149  
the plan is suspended. Upon receiving such notice, Shawnee State 124150  
University shall avoid all unnecessary expenditures under the 124151  
plan. The Chancellor shall notify the Controlling Board of the 124152  
suspension of the plan and within sixty days prepare a new plan 124153  
for the use of any remaining funds. 124154

**Section 369.290. POLICE AND FIRE PROTECTION** 124155

The foregoing appropriation item 235524, Police and Fire 124156  
Protection, shall be used for police and fire services in the 124157  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 124158  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 124159  
and the City of Nelsonville that may be used to assist these local 124160  
governments in providing police and fire protection for the 124161  
central campus of the state-affiliated university located therein. 124162

**Section 369.300. GERIATRIC MEDICINE** 124163

The Chancellor of Higher Education shall develop plans 124164  
consistent with existing criteria and guidelines as may be 124165  
required for the distribution of appropriation item 235525, 124166  
Geriatric Medicine. 124167

**Section 369.310. PRIMARY CARE RESIDENCIES** 124168

The Chancellor of Higher Education shall develop plans 124169  
consistent with existing criteria and guidelines as may be 124170  
required for the distribution of appropriation item 235526, 124171  
Primary Care Residencies. 124172

The foregoing appropriation item 235526, Primary Care 124173  
Residencies, shall be distributed in each fiscal year of the 124174

biennium, based on whether or not the institution has submitted 124175  
and gained approval for a plan. If the institution does not have 124176  
an approved plan, it shall receive five per cent less funding per 124177  
student than it would have received from its annual allocation. 124178  
The remaining funding shall be distributed among those 124179  
institutions that meet or exceed their targets. 124180

**Section 369.314. HIGHER EDUCATION PROGRAM SUPPORT** 124181

Of the foregoing appropriation item 235533, Higher Education 124182  
Program Support, \$250,000 in each fiscal year shall be used by The 124183  
Ohio State University to support its hosting of the annual Special 124184  
Olympics Ohio Summer Games. 124185

Of the foregoing appropriation item 235533, Higher Education 124186  
Program Support, \$100,000 in each fiscal year shall be used to 124187  
support program development and equipment purchase expenses for 124188  
the Cores + Connections program at the Cleveland Institute of Art. 124189

Of the foregoing appropriation item 235533, Higher Education 124190  
Program Support, \$100,000 in each fiscal year shall be used by 124191  
Eastern Gateway Community College to establish and provide 124192  
scholarships under the Energy Sector Scholarship Pilot Program. 124193  
The program shall seek to incentivize and connect high school 124194  
students with scholarship opportunities to pursue careers in the 124195  
oil and gas industry in Ohio. Staff from Eastern Gateway Community 124196  
College shall provide administration, outreach, and marketing for 124197  
the program. 124198

Of the foregoing appropriation item 235533, Higher Education 124199  
Program Support, \$75,000 in each fiscal year shall be distributed 124200  
to the Ohio University Leadership Project. 124201

Of the foregoing appropriation item 235533, Higher Education 124202  
Program Support, \$75,000 in each fiscal year shall be used to 124203  
establish the Customized Employee Recruitment Workforce Program at 124204

Sinclair Community College. 124205

**Section 369.320.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 124206  
CENTER 124207

The foregoing appropriation item 235535, Ohio Agricultural 124208  
Research and Development Center, shall be disbursed through the 124209  
Chancellor of Higher Education to The Ohio State University in 124210  
monthly payments, unless otherwise determined by the Director of 124211  
Budget and Management under section 126.09 of the Revised Code. 124212  
The Ohio Agricultural Research and Development Center shall not be 124213  
required to remit payment to The Ohio State University during the 124214  
biennium ending June 30, 2017, for cost reallocation assessments. 124215  
The cost reallocation assessments include, but are not limited to, 124216  
any assessment on state appropriations to the Center. 124217

The Ohio Agricultural Research and Development Center, an 124218  
entity of the College of Food, Agricultural, and Environmental 124219  
Sciences of The Ohio State University, shall further its mission 124220  
of enhancing Ohio's economic development and job creation by 124221  
continuing to internally allocate on a competitive basis 124222  
appropriated funding of programs based on demonstrated 124223  
performance. Academic units, faculty, and faculty-driven programs 124224  
shall be evaluated and rewarded consistent with agreed-upon 124225  
performance expectations as called for in the College's 124226  
Expectations and Criteria for Performance Assessment. 124227

**Section 369.330.** STATE UNIVERSITY CLINICAL TEACHING 124228

The foregoing appropriation items 235536, The Ohio State 124229  
University Clinical Teaching; 235537, University of Cincinnati 124230  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 124231  
235539, Wright State University Clinical Teaching; 235540, Ohio 124232  
University Clinical Teaching; and 235541, Northeast Ohio Medical 124233  
University Clinical Teaching, shall be distributed through the 124234



Chancellor of Higher Education. 124235

**Section 369.333.** CENTRAL STATE AGRICULTURAL RESEARCH AND 124236  
DEVELOPMENT 124237

The foregoing appropriation item 235546, Central State 124238  
Agricultural Research and Development, shall be used in 124239  
conjunction with appropriation item 235548, Central State 124240  
Cooperative Extension Services, by Central State University for 124241  
its state match requirement as an 1890 land grant university. 124242

**Section 369.340.** CAPITAL COMPONENT 124243

The foregoing appropriation item 235552, Capital Component, 124244  
shall be used by the Chancellor of Higher Education to provide 124245  
funding for prior commitments made pursuant to the state's former 124246  
capital funding policy for state colleges and universities that 124247  
was originally established in Am. H.B. 748 of the 121st General 124248  
Assembly. Appropriations from this item shall be distributed to 124249  
all campuses for which the estimated campus debt service 124250  
attributable to qualifying capital projects was less than the 124251  
campus's formula-determined capital component allocation. Campus 124252  
allocations shall be determined by subtracting the estimated 124253  
campus debt service attributable to qualifying capital projects 124254  
from the campus's formula-determined capital component allocation. 124255  
Moneys distributed from this appropriation item shall be 124256  
restricted to capital-related purposes. 124257

Any campus for which the estimated campus debt service 124258  
attributable to qualifying capital projects is greater than the 124259  
campus's formula-determined capital component allocation shall 124260  
have the difference subtracted from its State Share of Instruction 124261  
allocation in each fiscal year. Appropriation equal to the sum of 124262  
all such amounts except that of the Ohio Agricultural Research and 124263  
Development Center shall be transferred from appropriation item 124264

235501, State Share of Instruction, to appropriation item 235552, 124265  
Capital Component. Appropriation equal to any estimated Ohio 124266  
Agricultural Research and Development Center debt service 124267  
attributable to qualifying capital projects that is greater than 124268  
the Center's formula-determined capital component allocation shall 124269  
be transferred from appropriation item 235535, Ohio Agricultural 124270  
Research and Development Center, to appropriation item 235552, 124271  
Capital Component. 124272

**Section 369.350. LIBRARY DEPOSITORIES** 124273

The foregoing appropriation item 235555, Library 124274  
Depositories, shall be distributed to the state's five regional 124275  
depository libraries for the cost-effective storage of and access 124276  
to lesser-used materials in university library collections. The 124277  
depositories shall be administrated by the Chancellor of Higher 124278  
Education, or by OhioLINK at the discretion of the Chancellor. 124279

**Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 124280

The foregoing appropriation item 235556, Ohio Academic 124281  
Resources Network, shall be used by the Chancellor of Higher 124282  
Education to support the operations of the Ohio Academic Resources 124283  
Network, a consortium organized under division (T) of section 124284  
3333.04 of the Revised Code, which shall include support for 124285  
Ohio's colleges and universities in maintaining and enhancing 124286  
network connections, using new network technologies to improve 124287  
research, education, and economic development programs, and 124288  
sharing information technology services. To the extent network 124289  
capacity is available, OARnet shall support allocating bandwidth 124290  
to eligible programs directly supporting Ohio's economic 124291  
development. 124292

**Section 369.370. LONG-TERM CARE RESEARCH** 124293

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

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**Section 369.373.** CENTRAL STATE UNIVERSITY - AGRICULTURE EDUCATION

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The foregoing appropriation item 235559, Central State University - Agriculture Education, shall be distributed to Central State University to establish the School of Agriculture Education and Food Science within the College of Education. The School shall use these funds to establish programs to prepare extension educators with a focus on childhood development and agri-science educators for grades 7 through 12; to work with other higher education institutions in Ohio that have agriculture or agriculture education programs in order to establish partnerships that shall result in students enrolled in the School having access to learning labs, pertinent facilities, and collaboration with faculty; to provide, by the fall semester of 2016, a program for students that shall result in a Bachelor of Science in Education with students eligible for an Ohio teaching license in agriculture education for grades 7 through 12 upon passing the appropriate assessments; and to provide a program for students that shall result in a bachelor degree, including the minimum requirements for employment as an extension educator with a focus in childhood development.

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**Section 369.380.** OHIO COLLEGE OPPORTUNITY GRANT

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(A) Except as provided in division (C) of this section:

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Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, \$88,914,884 in fiscal year 2016 and \$91,747,278 in fiscal year 2017 shall be used by the Chancellor of Higher Education to award need-based financial aid to students enrolled

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in eligible public and private nonprofit institutions of higher 124324  
education, excluding early college high school and post-secondary 124325  
enrollment option participants. 124326

The remainder of the foregoing appropriation item 235563, 124327  
Ohio College Opportunity Grant, shall be used by the Chancellor of 124328  
Higher Education to award needs-based financial aid to students 124329  
enrolled in eligible private for-profit career colleges and 124330  
schools. 124331

(B)(1) As used in this section: 124332

(a) "Eligible institution" means any institution described in 124333  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 124334  
Code. 124335

(b) The three "sectors" of institutions of higher education 124336  
consist of the following: 124337

(i) State colleges and universities, community colleges, 124338  
state community colleges, university branches, and technical 124339  
colleges; 124340

(ii) Eligible private nonprofit institutions of higher 124341  
education; 124342

(iii) Eligible private for-profit career colleges and 124343  
schools. 124344

(2) Awards for students attending eligible private nonprofit 124345  
institutions of higher education shall be determined at twice the 124346  
rate of the awards for students attending eligible public 124347  
institutions of higher education. 124348

(3) For students attending an eligible institution 124349  
year-round, awards may be distributed on an annual basis, once 124350  
Pell grants have been exhausted. 124351

(4) If the Chancellor determines that the amounts 124352  
appropriated for support of the Ohio College Opportunity Grant 124353

program are inadequate to provide grants to all eligible students 124354  
as calculated under division (D) of section 3333.122 of the 124355  
Revised Code, the Chancellor may create a distribution formula for 124356  
fiscal year 2016 and fiscal year 2017 based on the formula used in 124357  
fiscal year 2015, or may follow methods established in division 124358  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 124359  
Chancellor shall notify the Controlling Board of the distribution 124360  
method. Any formula calculated under this division shall be 124361  
complete and established to coincide with the start of the 124362  
2015-2016 academic year. 124363

(C) Prior to determining the amount of funds available to 124364  
award under this section and section 3333.122 of the Revised Code, 124365  
the Chancellor shall use the foregoing appropriation item 235563, 124366  
Ohio College Opportunity Grant, to pay for renewals or partial 124367  
renewals of scholarships students receive under the Ohio Academic 124368  
Scholarship Program under sections 3333.21 and 3333.22 of the 124369  
Revised Code. In paying for scholarships under this division, the 124370  
Chancellor shall deduct funds from the allocations made under 124371  
division (A) of this section. Deductions shall be proportionate to 124372  
the amounts allocated to each sector from the total amounts 124373  
appropriated for each sector under the foregoing appropriation 124374  
item 235563, Ohio College Opportunity Grant. 124375

In each fiscal year, with the exception of sections 3333.121 124376  
and 3333.124 of the Revised Code and Section 363.530 of this act, 124377  
the Chancellor shall not distribute or obligate or commit to be 124378  
distributed an amount greater than what is appropriated under the 124379  
foregoing appropriation item 235563, Ohio College Opportunity 124380  
Grant. 124381

(D) The Chancellor shall establish, and post on the 124382  
Department of Higher Education's web site, award tables based on 124383  
any formulas created under division (B) of this section. The 124384  
Chancellor shall notify students and institutions of any 124385

reductions in awards under this section.	124386
On or before August 31, 2015, the Chancellor of Higher Education shall submit award tables to the Controlling Board for the 2015-2016 academic year and allocations of Ohio College Opportunity Grant awards not already specified in section 3333.122 of the Revised Code.	124387 124388 124389 124390 124391
(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.	124392 124393 124394 124395 124396 124397
<b>Section 369.390.</b> THE OHIO STATE UNIVERSITY CLINIC SUPPORT	124398
The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.	124399 124400 124401 124402
<b>Section 369.393.</b> CO-OP INTERNSHIP PROGRAM	124403
Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School of Leadership and Public Affairs.	124404 124405 124406 124407
Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year, shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.	124408 124409 124410 124411
Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.	124412 124413 124414

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University. 124415  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$245,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the Washington Center Internship Program. 124419  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University. 124423  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 124428  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 124431  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$500,000 in each fiscal year shall be used to support the operations of the Wright State Public Policy Institute at Wright State University. 124435  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 124439  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Jack Ford Urban Affairs Center. 124442  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$10,000 in each fiscal year shall be provided to the Ohio College Access Network to support the Ohio Student Education Policy Institute.

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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.

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Of the foregoing appropriation item 235591, Co-op Internship Program, \$250,000 shall be used to establish and support the Wright State Policy Institute at Wright State University and the Workforce Immersion Program at the Wright State Policy Institute. The Wright State Policy Institute shall offer a premier leadership development program designed to identify, educate, and motivate a network of future community leaders and critical workforce as well as increase their capacity to serve their community, state, and country while preparing to enter public service or for in-demand jobs in Ohio. The Workforce Immersion Program shall provide an intensive learning and pre-professional experience in four tracks: local government, state government, federal government, and in-demand jobs as identified by OhioMeansJobs. It shall increase the number of students pursuing careers in public services and in-demand occupations and encourage them to remain in Ohio for their employment.

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Of the foregoing appropriation item 235591, Co-op Internship Program, \$200,000 in each fiscal year shall be allocated to support the Museum of Contemporary Art Cleveland Fellowship Program in collaboration with Cleveland State University.

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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$100,000 in each fiscal year shall be used to support the Children's Museum of Cleveland Fellowship Program in collaboration with Cleveland State University.

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<b>Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM</b>	124477
The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program.	124478
During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).	124479
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<b>Section 369.410. PLEDGE OF FEES</b>	124488
Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2017, to secure bonds or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.	124489
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<b>Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE</b>	124496
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The foregoing appropriation item 235909, Higher Education General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, for obligations issued under sections 151.01 and 151.04 of the Revised Code.	124498
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<b>Section 369.430. SALES AND SERVICES</b>	124503
The Chancellor of Higher Education is authorized to charge	124504

and accept payment for the provision of goods and services. Such 124505  
charges shall be reasonably related to the cost of producing the 124506  
goods and services. Except as otherwise provided by law, no 124507  
charges may be levied for goods or services that are produced as 124508  
part of the routine responsibilities or duties of the Chancellor. 124509  
All revenues received by the Chancellor of Higher Education shall 124510  
be deposited into Fund 4560, and may be used by the Chancellor of 124511  
Higher Education to pay for the costs of producing the goods and 124512  
services. 124513

**Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION 124514**  
ADMINISTRATION 124515

The foregoing appropriation item 235602, Higher Educational 124516  
Facility Commission Administration, shall be used by the 124517  
Chancellor of Higher Education for operating expenses related to 124518  
the Chancellor of Higher Education's support of the activities of 124519  
the Ohio Higher Educational Facility Commission. Upon the request 124520  
of the Chancellor of Higher Education, the Director of Budget and 124521  
Management may transfer up to \$29,100 cash in each fiscal year 124522  
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 124523  
Administration Fund (Fund 4E80). 124524

**Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING 124525**

Of the foregoing appropriation item 235674, Telecommunity and 124526  
Distance Learning, up to \$25,000 in each fiscal year shall be 124527  
distributed by the Chancellor of Higher Education on a grant basis 124528  
to eligible school districts to establish "distance learning" 124529  
through interactive video technologies in the school district. Per 124530  
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 124531  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 124532  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 124533  
Sprint North Central Telephone, VERIZON, and Western Reserve 124534

Telephone Company, school districts are eligible for funds if they 124535  
are within one of the listed telephone company service areas. 124536  
Funds to administer the program shall be expended by the 124537  
Chancellor of Higher Education up to the amount specified in the 124538  
agreements with the listed telephone companies. 124539

Within thirty days after the effective date of this section, 124540  
the Director of Budget and Management shall transfer to Fund 4X10 124541  
in the Dedicated Purpose Fund Group any investment earnings from 124542  
moneys paid by any telephone company as part of any settlement 124543  
agreement between the listed companies and the Public Utilities 124544  
Commission in fiscal years 1996 and beyond. 124545

Of the foregoing appropriation item 235674, Telecommunity and 124546  
Distance Learning, up to \$24,150 in each fiscal year shall be 124547  
distributed by the Chancellor of Higher Education on a grant basis 124548  
to eligible school districts to establish "distance learning" in 124549  
the school district. Per an agreement with Ameritech, school 124550  
districts are eligible for funds if they are within an Ameritech 124551  
service area. Funds to administer the program shall be expended by 124552  
the Chancellor of Higher Education up to the amount specified in 124553  
the agreement with Ameritech. 124554

Within thirty days after the effective date of this section, 124555  
the Director of Budget and Management shall transfer to Fund 4X10 124556  
in the Dedicated Purpose Fund Group any investment earnings from 124557  
moneys paid by any telephone company as part of a settlement 124558  
agreement between the company and the Public Utilities Commission 124559  
in fiscal year 1995. 124560

**Section 369.453. REGIONAL PARTNERSHIP AND TRAINING CENTER** 124561

The foregoing appropriation item 235620, Regional Partnership 124562  
and Training Center, shall be used by Ohio University Southern in 124563  
Ironton to establish the Higher Education Regional Partnership and 124564  
Training Center at the Point Industrial Park to bring necessary 124565

technical degree and training programs to Lawrence County and the 124566  
surrounding region. 124567

**Section 369.455. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 124568**  
INITIATIVE 124569

The foregoing appropriation item 235668, Defense/Aerospace 124570  
Workforce Development Initiative, shall be used by the Applied 124571  
Research Corporation to collaborate with the aviation, aerospace, 124572  
and defense industries, to strengthen job training programs, equip 124573  
Ohio's workforce with needed skills, and strengthen and grow 124574  
research and educational linkages among Ohio's defense and 124575  
aerospace aviation industry, federal agencies, state-assisted Ohio 124576  
universities, and the University System of Ohio. A portion of 124577  
these funds shall be used to support the Aerospace Professional 124578  
Development Center to establish processes necessary to link 124579  
underemployed or unemployed persons to job openings in these 124580  
industries. The funds appropriated in this appropriation item 124581  
shall be matched by private industry or educational partners or 124582  
federal agencies in the aggregate amount of \$4,000,000 over the FY 124583  
2016-FY 2017 biennium. 124584

Of the foregoing appropriation item 235668, Defense/Aerospace 124585  
Workforce Development Initiative, \$100,000 in fiscal year 2016 124586  
shall be awarded to the largest Chamber of Commerce in each 124587  
JobsOhio region to support workforce development and talent 124588  
attraction efforts for in-demand career opportunities in order to 124589  
provide parents, students, and teachers with information about the 124590  
skills needed in targeted industries, with the goal of building a 124591  
strong regional pipeline of future workers who can fill 124592  
high-paying, sustainable positions in the key industries of each 124593  
JobsOhio region. In addition to reaching parents, students, and 124594  
teachers, the projects shall also work to retain the talent 124595  
developed by engaging interns and potential employees from outside 124596

the area in the region's quality of life issues and exploration of 124597  
in-demand jobs within the region's targeted industries. 124598

**Section 369.470.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT 124599  
REVOLVING LOAN PROGRAM 124600

The foregoing appropriation item 235684, OhioMeansJobs 124601  
Workforce Development Revolving Loan Program, shall be used for 124602  
the OhioMeansJobs Workforce Development Revolving Loan Program to 124603  
provide loans to individuals for workforce training. 124604

Of the foregoing appropriation item 235684, OhioMeansJobs 124605  
Workforce Development Revolving Loan Program, up to \$250,000 in 124606  
fiscal year 2016 may be used by the Chancellor of Higher Education 124607  
to administer the program. 124608

An amount equal to the unexpended, unencumbered portion of 124609  
the foregoing appropriation item 235684, OhioMeansJobs Workforce 124610  
Development Revolving Loan Program, at the end of fiscal year 2015 124611  
is hereby reappropriated to the Treasurer of State appropriation 124612  
item, 090610, OhioMeansJobs Workforce Development Revolving Loan 124613  
Program, for the same purpose for fiscal year 2016. 124614

Any unexpended and unencumbered portion of the foregoing 124615  
appropriation item 235684, OhioMeansJobs Workforce Development 124616  
Revolving Loan Program, at the end of fiscal year 2016 is hereby 124617  
reappropriated for the same purpose in fiscal year 2017. To the 124618  
extent that reappropriated funds are available, of the foregoing 124619  
appropriation item 235684, OhioMeansJobs Workforce Development 124620  
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 124621  
used by the Chancellor of Higher Education to administer the 124622  
program. 124623

**Section 369.473.** WORKFORCE AND HIGHER EDUCATION PROGRAMS 124624

Of the foregoing appropriation item 235616, Workforce and 124625  
Higher Education Programs, \$750,000 in fiscal year 2016 shall be 124626

used to support the Ohio State University Agricultural Technical 124627  
Institute. The Institute shall use these funds to obtain and 124628  
upgrade the infrastructure and equipment necessary to offer 124629  
distance education courses in agricultural science through the 124630  
College Credit Plus Program as established in section 3365.02 of 124631  
the Revised Code. 124632

Of the foregoing appropriation item 235616, Workforce and 124633  
Higher Education Programs, \$5,000,000 in fiscal year 2017 shall be 124634  
allocated to The Ohio State University to collaborate with Wright 124635  
Patterson Air Force Base, NASA Glenn Research Center, Ohio's 124636  
research universities, and the private sector to align the state's 124637  
research assets with emerging missions and job growth 124638  
opportunities emanating from the two federal installations, 124639  
strengthen related workforce development and technology 124640  
commercialization programs, and better position the state's 124641  
university system to directly impact new job creation in Ohio. A 124642  
portion of the foregoing appropriation item shall be used to 124643  
support the growth of small business federal contractors in the 124644  
state and expand the participation of Ohio businesses in the 124645  
federal Small Business Innovation Research Program and related 124646  
federal programs. 124647

Of the foregoing appropriation item 235616, Workforce and 124648  
Higher Education Programs, \$750,000 in FY 2017 shall be used by 124649  
Southern State Community College to foster meaningful small 124650  
business development assistance, to provide various types of 124651  
training in an effort to promote sustainable economic growth, and 124652  
to create high-quality jobs through the Southern Gateway 124653  
Innovation Center located in Circleville. 124654

Of the foregoing appropriation item 235616, Workforce and 124655  
Higher Education Programs, \$750,000 in fiscal year 2017 shall be 124656  
used for grants for the STEM Public-Private Partnership Program 124657  
established in Section 733.20 of H.B. 64 of the 131st General 124658

Assembly. 124659

Of the foregoing appropriation item 235616, Workforce and 124660  
Higher Education Programs, \$5,000,000 in each fiscal year shall be 124661  
used by the Chancellor of Higher Education to distribute grant 124662  
awards under section 3333.70 of the Revised Code. 124663

Of the foregoing appropriation item 235616, Workforce and 124664  
Higher Education Programs, up to \$500,000 in each fiscal year 124665  
shall be used by the Chancellor of Higher Education to coordinate 124666  
a statewide effort to promote workforce grant programs. The 124667  
remainder of appropriation item 235616, Workforce and Higher 124668  
Education Programs, shall be used by the Chancellor to distribute 124669  
the grant awards. 124670

**Section 369.475.** NCERCMP 124671

The foregoing appropriation item 235673, NCERCMP, shall be 124672  
used to support the National Center of Education Research on 124673  
Corrosion and Materials Performance at the University of Akron for 124674  
development and validation of an FAA-certified process for the 124675  
dimensional restoration of parts for commercial aircraft using 124676  
Supersonic Particle Deposition. 124677

**Section 369.490.** STATE NEED-BASED FINANCIAL AID 124678

RECONCILIATION 124679

By the first day of August in each fiscal year, or as soon as 124680  
possible thereafter, the Chancellor of Higher Education shall 124681  
certify to the Director of Budget and Management the amount 124682  
necessary to pay any outstanding prior year obligations to higher 124683  
education institutions for the state's need-based financial aid 124684  
programs. The amounts certified are hereby appropriated to 124685  
appropriation item 235618, State Need-based Financial Aid 124686  
Reconciliation, from revenues received in the State Need-based 124687  
Financial Aid Reconciliation Fund (Fund 5Y50). 124688

**Section 369.500.** NURSING LOAN PROGRAM 124689

The foregoing appropriation item 235606, Nursing Loan 124690  
Program, shall be used to administer the nurse education 124691  
assistance program. Up to \$50,000 in each fiscal year may be used 124692  
for operating expenses associated with the program. Any additional 124693  
funds needed for the administration of the program are subject to 124694  
Controlling Board approval. 124695

**Section 369.510.** RESEARCH INCENTIVE THIRD FRONTIER FUND 124696

The foregoing appropriation item 235634, Research Incentive 124697  
Third Frontier Fund, shall be used by the Chancellor of Higher 124698  
Education to advance collaborative research at institutions of 124699  
higher education. Of the foregoing appropriation item 235634, 124700  
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 124701  
fiscal year may be allocated toward research regarding the 124702  
improvement of water quality. Of the foregoing appropriation item 124703  
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 124704  
in each fiscal year may be allocated toward research regarding the 124705  
reduction of infant mortality. 124706

**Section 369.520.** VETERANS PREFERENCES 124707

The Chancellor of Higher Education shall work with the 124708  
Department of Veterans Services to develop specific veterans 124709  
preference guidelines for higher education institutions. These 124710  
guidelines shall ensure that the institutions' hiring practices 124711  
are in accordance with the intent of Ohio's veterans preference 124712  
laws. 124713

**Section 369.530.** (A) As used in this section: 124714

(1) "Board of trustees" includes the managing authority of a 124715  
university branch district. 124716



(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

**Section 369.540. EFFICIENCY ADVISORY COMMITTEE**

The Chancellor of Higher Education shall maintain an efficiency advisory committee for the purpose of generating optimal efficiency plans for campuses, identifying shared services opportunities, streamlining administrative operations, and sharing best practices in efficiencies among public institutions of higher education. The committee shall meet at the call of the Chancellor or the Chancellor's designee. Each state institution of higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By December 31 of each year, the Chancellor of Higher Education shall provide a report to the Office of Budget and Management, the Governor, and the General Assembly compiling efficiency reports from all public institutions of higher education and benchmarking efficiency gains realized over the preceding year. The reports from each institution shall identify efficiencies at each public institution of higher education, and quantify revenue enhancements, reallocation of resources, expense reductions, and cost avoidance where possible in the areas of general operational functions, academic program delivery, energy usage, and information technology and procurement reforms. The reports shall particularly emphasize areas where these reforms are

demonstrating savings or cost avoidance to students. The report 124748  
shall also be made available to the public on the Department of 124749  
Higher Education's web site. 124750

**Section 369.550. AGENCY NAME CHANGE** 124751

On the effective date of this section, the office of the 124752  
Chancellor of the Board of Regents is renamed the Department of 124753  
Higher Education. The office of the Chancellor of the Board of 124754  
Regents' functions, and its assets and liabilities, are 124755  
transferred to the Department of Higher Education. The Department 124756  
of Higher Education is successor to, assumes the obligations and 124757  
authority of, and otherwise continues the office of the Chancellor 124758  
of the Board of Regents. No right, privilege, or remedy, and no 124759  
duty, liability, or obligation, accrued under the office of the 124760  
Chancellor of the Board of Regents is impaired or lost by reason 124761  
of the renaming and shall be recognized, administered, performed, 124762  
or enforced by the Department of Higher Education. 124763

Business commenced but not completed by the office of the 124764  
Chancellor of the Board of Regents or by the Chancellor shall be 124765  
completed by the Department of Higher Education or the Chancellor 124766  
of Higher Education in the same manner, and with the same effect, 124767  
as if completed by the office of the Chancellor of the Board of 124768  
Regents or the Chancellor. 124769

All of the office of the Chancellor of the Board of Regents' 124770  
rules, orders, and determinations continue in effect as rules, 124771  
orders, and determinations of the Department of Higher Education 124772  
until modified or rescinded by the Department of Higher Education. 124773

All employees of the office of the Chancellor of the Board of 124774  
Regents continue with the Department of Higher Education and 124775  
retain their positions and all benefits accruing thereto. 124776

Except as otherwise noted in law, whenever the Board of 124777

Regents or the Chancellor of the Board of Regents is referred to 124778  
in a statute, contract, or other instrument, the reference is 124779  
deemed to refer to the Department of Higher Education or to the 124780  
Chancellor of Higher Education, whichever is appropriate in 124781  
context. 124782

No pending action or proceeding being prosecuted or defended 124783  
in court or before an agency by the office of the Chancellor of 124784  
the Board of Regents or by the Chancellor of the Board of Regents 124785  
is affected by the renaming and shall be prosecuted or defended in 124786  
the name of the Department of Higher Education or the Chancellor 124787  
of Higher Education, whichever is appropriate. Upon application to 124788  
the court or agency, the Department of Higher Education or the 124789  
Chancellor of Higher Education shall be substituted. 124790

**Section 369.560. OHIO TASK FORCE ON AFFORDABILITY AND 124791**  
**EFFICIENCY IN HIGHER EDUCATION REPORT 124792**

Upon submission of the Ohio task force on affordability and 124793  
efficiency in higher education report as established by governor's 124794  
executive order, all boards of trustees for state institutions of 124795  
higher education as defined in section 3345.011 of the Revised 124796  
Code, shall complete, by July 1, 2016, an efficiency review based 124797  
on the report and recommendations of the task force, and provide a 124798  
report to the Director of Higher Education within 30 days of the 124799  
completion of the efficiency review that includes how each 124800  
institution will implement the recommendations and any other cost 124801  
savings measures. 124802

**Section 369.570. WORK EXPERIENCE STRATEGIES 124803**

By December 31, 2015, the Chancellor of Higher Education, in 124804  
consultation with state institutions of higher education as 124805  
defined in section 3345.011 of the Revised Code and nonprofit 124806  
institutions of higher education that have certificates of 124807

authorization under Chapter 1713. of the Revised Code, shall 124808  
develop implementation strategies to embed work experiences, 124809  
including but not limited to internships and cooperatives, into 124810  
the curriculum of degree programs starting in the 2016-2017 124811  
academic year, to explore ways to increase student participation 124812  
in in-demand occupations, including computer sciences, and to 124813  
create industry clusters to develop curriculum that can be used 124814  
for competency based tests. These implementation strategies shall 124815  
also include the use of OhioMeansJobs.com as a central location 124816  
for higher education students to access information on work 124817  
experiences and career opportunities. By December 31, 2015, each 124818  
state institution of higher education as defined in section 124819  
3345.011 of the Revised Code and each nonprofit institution of 124820  
higher education that has a certificate of authorization under 124821  
Chapter 1713. of the Revised Code shall display a link to 124822  
OhioMeansJobs.com in a prominent location on the institution's web 124823  
site. 124824

The Chancellor shall work with state institutions of higher 124825  
education and nonprofit institutions of higher education to have a 124826  
career counseling program in place by December 31, 2015. 124827

**Section 369.580. TECHNOLOGY TRANSFER AND COMMERCIALIZATION** 124828  
RECOMMENDATIONS 124829

By July 1, 2016, the Chancellor of Higher Education shall 124830  
study and make recommendations regarding ways to improve 124831  
technology transfer and commercialization, including the potential 124832  
for intellectual property auctions after a set number of years. 124833

**Section 369.590.** No recommendation of the Ohio Task Force on 124834  
Affordability and Efficiency in Higher Education established on 124835  
February 10, 2015, by Executive Order 2015-01K of the Governor 124836  
shall be implemented without the approval of the General Assembly 124837

or, if a change to Ohio law is necessary for the recommendation to 124838  
take effect, without the enactment of the required changes in Ohio 124839  
law by the General Assembly. 124840

**Section 369.600.** (A) The board of trustees of each state 124841  
institution of higher education shall develop and implement a plan 124842  
to provide all in-state, undergraduate students the opportunity to 124843  
reduce the student cost of earning a degree by five per cent. 124844

(B) The plan may include, but shall not be limited to, the 124845  
following: 124846

(1) Reducing the credit hours required to complete an 124847  
associate or baccalaureate degree offered by the institution; 124848

(2) Offering a tuition discount or rebate to any student that 124849  
completes a full load of coursework, as determined by the board of 124850  
trustees; 124851

(3) Offering a tuition discount or rebate or reduced tuition 124852  
option to students enrolling in a summer semester or quarter; 124853

(4) Offering online courses or degrees; 124854

(5) Reducing the cost of textbooks using cost-saving measures 124855  
identified and implemented by the board of trustees; 124856

(6) Incorporation of remediation in the coursework and 124857  
curriculum of credit-bearing courses; 124858

(7) Offering a fixed rate of instructional and general fees 124859  
for any additional credits taken by students above a full course 124860  
load, as determined by the board of trustees; 124861

(8) Offering fast-track degree completion programs; 124862

(9) Eliminating, reducing or freezing auxiliary fees; 124863

(10) Increased participation in the college credit plus 124864  
program established in Chapter 3365. of the Revised Code; 124865

(11) Offering programs to reduce or eliminate the need for remediation coursework. 124866  
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(C) Not later than October 15, 2015, the board of trustees of each state institution of higher education shall submit the plan required under this section to the Chancellor of Higher Education. 124868  
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(D) As used in this section: 124871

(1) "Auxiliary fees" mean charges assessed by a state institution of higher education to a student for various educational expenses including, but not limited to, course-related fees, laboratory fees, books and supplies, room and board, transportation, enrollment application fees, and other miscellaneous charges. "Auxiliary fees" do not include instructional or general fees uniformly assessed to all students. 124872  
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(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 124879  
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(3) "Tuition" means the instructional and general fees charged by a state institution of higher education. 124881  
124882

**Section 369.610. COMPETENCY BASED PILOT PROJECT** 124883

The Chancellor of Higher Education shall work with state institutions of higher education as defined in section 3345.011 of the Revised Code to develop competency based education programs. Competency based education programs shall measure student success based on competencies instead of credit hours earned. Any state institutions of higher education that choose to offer competency based education programs may submit plans for how the institution would design, develop, structure and implement such programs to the Department of Higher Education by July 1, 2016. State institutions of higher education that choose to develop and submit such a plan shall be granted a reasonable period of time to implement the plan, including the time it takes to seek and 124884  
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receive the necessary approvals, accreditations, and any other 124896  
 conditions that must be met in order to set up, operate, and 124897  
 administer such a program. 124898

**Section 369.620.** Not later than January 31, 2016, the Human 124899  
 Trafficking and Social Justice Institute of the University of 124900  
 Toledo, in conjunction with other state universities, shall 124901  
 develop and submit to the General Assembly in accordance with 124902  
 section 101.68 of the Revised Code, the Governor, and the 124903  
 Chancellor of Higher Education, a plan that outlines how state 124904  
 universities can work with federal, state, and local officials and 124905  
 other organizations and groups to respond to the global problem of 124906  
 human trafficking. The plan shall include methods to ensure that 124907  
 university-level research, legal information, and educational 124908  
 programs are available statewide. 124909

**Section 371.10.** DRC DEPARTMENT OF REHABILITATION AND 124910  
 CORRECTION 124911  
 General Revenue Fund 124912  
 GRF 501321 Institutional \$ 950,215,085 \$ 975,215,085 124913  
 Operations  
 GRF 501405 Halfway House \$ 54,369,687 \$ 56,541,437 124914  
 GRF 501406 Adult Correctional \$ 82,595,700 \$ 79,702,800 124915  
 Facilities Lease  
 Rental Bond Payments  
 GRF 501407 Community \$ 51,477,390 \$ 53,365,890 124916  
 Nonresidential  
 Programs  
 GRF 501408 Community Misdemeanor \$ 14,356,800 \$ 14,356,800 124917  
 Programs  
 GRF 501501 Community Residential \$ 74,491,705 \$ 78,329,955 124918  
 Programs - CBCF

GRF	501503	Residential Grant Program	\$	100,000	\$	100,000	124919
GRF	503321	Parole and Community Operations	\$	73,346,119	\$	75,149,295	124920
GRF	504321	Administrative Operations	\$	21,475,332	\$	21,999,343	124921
GRF	505321	Institution Medical Services	\$	240,000,000	\$	249,000,000	124922
GRF	506321	Institution Education Services	\$	24,586,681	\$	30,454,204	124923
TOTAL GRF	General Revenue Fund		\$	1,587,014,499	\$	1,634,214,809	124924
Dedicated Purpose Fund Group							124925
4B00	501601	Sewer Treatment Services	\$	2,393,506	\$	2,420,848	124926
4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000	124927
4L40	501604	Transitional Control	\$	700,000	\$	700,000	124928
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471	124929
5AF0	501609	State and Non-Federal Awards	\$	2,000,000	\$	2,000,000	124930
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	124931
TOTAL DPF	Dedicated Purpose Fund Group		\$	16,015,670	\$	11,111,319	124932
Internal Service Activity Fund Group							124933
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577	124934
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441	124935
4830	501605	Leased Property Maintenance & Operating	\$	467,844	\$	469,540	124936
5710	501606	Corrections Training Maintenance &	\$	500,000	\$	500,000	124937



		Operating				
5L60	501611	Information	\$	500,000	\$	500,000 124938
		Technology Services				
		TOTAL ISA Internal Activity				124939
		Fund Group	\$	59,099,540	\$	59,534,558 124940
		Federal Fund Group				124941
3230	501619	Federal Grants	\$	4,200,000	\$	4,200,000 124942
3CW0	501622	Federal Equitable	\$	400,000	\$	400,000 124943
		Sharing				
		TOTAL FED Federal				124944
		Fund Group	\$	4,600,000	\$	4,600,000 124945
		TOTAL ALL BUDGET FUND GROUPS	\$	1,666,729,709	\$	1,709,460,686 124946
		ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS				124947
		The foregoing appropriation item 501406, Adult Correctional				124948
		Facilities Lease Rental Bond Payments, shall be used to meet all				124949
		payments during the period from July 1, 2015, through June 30,				124950
		2017, by the Department of Rehabilitation and Correction under the				124951
		primary leases and agreements for those buildings made under				124952
		Chapters 152. and 154. of the Revised Code. These appropriations				124953
		are the source of funds pledged for bond service charges on				124954
		related obligations issued under Chapters 152. and 154. of the				124955
		Revised Code.				124956
		RESIDENTIAL GRANT PROGRAM				124957
		The foregoing appropriation item 501503, Residential Grant				124958
		Program, shall be used by the Department of Rehabilitation and				124959
		Correction to conduct a one-year pilot program to award grants in				124960
		support of community-based residential programs in several				124961
		prisons. The Department shall establish guidelines, procedures,				124962
		and forms by which applicants may apply for grants. These				124963
		guidelines shall establish that grant eligibility is limited to				124964
		faith-based character programs that have been in existence for				124965
		five years or longer, that are not operated by the state of Ohio,				124966

and that have a demonstrated record of successful implementation 124967  
of residential programs that have been shown to reduce violent 124968  
behavior and disciplinary reports of inmate participants while in 124969  
prison and significantly reduce recidivism among graduates once 124970  
they reenter the outside community. 124971

In administering the one-year pilot program, the Department 124972  
shall establish a partnership with an Ohio university or college 124973  
which would provide all necessary and appropriate statistical 124974  
information concerning the implementation of the program. The 124975  
Department shall submit a quarterly report containing that 124976  
information to the Speaker of the House of Representatives and the 124977  
President of the Senate. 124978

OSU MEDICAL CHARGES 124979

Notwithstanding section 341.192 of the Revised Code, at the 124980  
request of the Department of Rehabilitation and Correction, The 124981  
Ohio State University Medical Center, including the Arthur G. 124982  
James Cancer Hospital and Richard J. Solove Research Institute and 124983  
the Richard M. Ross Heart Hospital, shall provide necessary care 124984  
to persons who are confined in state adult correctional 124985  
facilities. The provision of necessary inpatient care shall be 124986  
billed to the Department or the Department of Medicaid at a rate 124987  
not to exceed the authorized reimbursement rate for the same 124988  
service established by the Department of Medicaid under the 124989  
Medicaid Program. 124990

**Section 373.10.** RCB RESPIRATORY CARE BOARD 124991

Dedicated Purpose Fund Group 124992  
4K90 872609 Operating Expenses \$ 572,005 \$ 570,123 124993  
TOTAL DPF Dedicated Purpose 124994  
Fund Group \$ 572,005 \$ 570,123 124995  
TOTAL ALL BUDGET FUND GROUPS \$ 572,005 \$ 570,123 124996

<b>Section 375.10. RDF STATE REVENUE DISTRIBUTIONS</b>				124998
General Revenue Fund Group				124999
GRF	110908	Property Tax	\$ 664,740,000 \$ 675,760,000	125000
		Reimbursement - Local Government		
GRF	200903	Property Tax	\$ 1,181,760,000 \$ 1,201,340,000	125001
		Reimbursement - Education		
TOTAL GRF	General Revenue Fund Group		\$ 1,846,500,000 \$ 1,877,100,000	125002
Revenue Distribution Fund Group				125003
5JG0	110633	Gross Casino Revenue	\$ 123,500,000 \$ 114,100,000	125004
		County Distribution		
5JH0	110634	Gross Casino Revenue	\$ 82,300,000 \$ 76,100,000	125005
		County Student Distribution		
5JJ0	110636	Gross Casino Revenue	\$ 12,100,000 \$ 11,100,000	125006
		Host City Distribution		
7047	200902	Property Tax	\$ 361,773,101 \$ 251,560,497	125007
		Replacement Phase Out-Education		
7049	336900	Indigent Drivers	\$ 2,250,000 \$ 2,250,000	125008
		Alcohol Treatment		
7050	762900	International	\$ 20,000,000 \$ 20,000,000	125009
		Registration Plan Distribution		
7051	762901	Auto Registration	\$ 345,000,000 \$ 345,000,000	125010
		Distribution		
7060	110960	Gasoline Excise Tax	\$ 395,000,000 \$ 395,000,000	125011
		Fund		

7065	110965	Public Library Fund	\$	389,520,000	\$	404,310,000	125012
7066	800966	Undivided Liquor Permits	\$	14,100,000	\$	14,100,000	125013
7068	110968	State and Local Government Highway Distributions	\$	196,000,000	\$	196,000,000	125014
7069	110969	Local Government Fund	\$	383,520,000	\$	399,310,000	125015
7081	110907	Property Tax Replacement Phase Out-Local Government	\$	66,070,450	\$	40,444,766	125016
7082	110982	Horse Racing Tax	\$	100,000	\$	100,000	125017
7083	700900	Ohio Fairs Fund	\$	1,200,000	\$	1,200,000	125018
7102	110644	Production Equipment Property Tax Replacement	\$	95,000,000	\$	95,000,000	125019
TOTAL RDF Revenue Distribution							125020
Fund Group			\$	2,487,433,551	\$	2,365,575,263	125021
Fiduciary Fund Group							125022
4P80	001698	Cash Management Improvement Fund	\$	3,100,000	\$	3,100,000	125023
6080	001699	Investment Earnings	\$	100,000,000	\$	120,000,000	125024
7001	110996	Horse-Racing Tax Municipality Fund	\$	125,000	\$	125,000	125025
7062	110962	Resort Area Excise Tax Distribution	\$	1,200,000	\$	1,200,000	125026
7063	110963	Permissive Tax Distribution	\$	2,356,000,000	\$	2,475,000,000	125027
7067	110967	School District Income Tax Distribution	\$	430,000,000	\$	453,000,000	125028
7085	800985	Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000	125029
7093	110640	Next Generation 9-1-1	\$	2,600,000	\$	2,600,000	125030

7094 110641	Wireless 9-1-1	\$ 28,200,000	\$ 28,200,000	125031
	Government Assistance			
7099 762902	Permissive Tax	\$ 184,000,000	\$ 184,000,000	125032
	Distribution - Auto			
	Registration			
TOTAL FID	Fiduciary Fund Group	\$ 3,105,525,000	\$ 3,267,525,000	125033
	Holding Account Fund Group			125034
R045 110617	International Fuel	\$ 40,000,000	\$ 40,000,000	125035
	Tax Distribution			
TOTAL HLD	Holding Account Fund	\$ 40,000,000	\$ 40,000,000	125036
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 7,479,458,551	\$ 7,550,200,263	125037
	ADDITIONAL APPROPRIATIONS			125038
	Appropriation items in this section shall be used for the			125039
	purpose of administering and distributing the designated revenue			125040
	distribution funds according to the Revised Code. If it is			125041
	determined that additional appropriations are necessary for this			125042
	purpose, such amounts are hereby appropriated.			125043
	GENERAL REVENUE FUND TRANSFERS			125044
	Notwithstanding any provision of law to the contrary, in			125045
	fiscal year 2016 and fiscal year 2017, the Director of Budget and			125046
	Management may transfer from the General Revenue Fund to the Local			125047
	Government Tangible Property Tax Replacement Fund (Fund 7081) and			125048
	the School District Tangible Property Tax Replacement Fund (Fund			125049
	7047) in the Revenue Distribution Fund Group, those amounts			125050
	necessary to reimburse local taxing units and school districts			125051
	under sections 5709.92 and 5709.93 of the Revised Code. Also, in			125052
	fiscal year 2016 and fiscal year 2017, the Director of Budget and			125053
	Management may make temporary transfers from the General Revenue			125054
	Fund to ensure sufficient balances in the Local Government			125055
	Tangible Property Tax Replacement Fund (Fund 7081) and the School			125056
	District Tangible Property Tax Replacement Fund (Fund 7047) and to			125057

replenish the General Revenue Fund for such transfers. 125058

PROPERTY TAX REIMBURSEMENT - EDUCATION 125059

The Superintendent of Public Instruction shall not request, 125060  
and the Controlling Board shall not approve, the transfer of 125061  
appropriation from appropriation item 200903, Property Tax 125062  
Reimbursement - Education, to any other appropriation item. 125063

The foregoing appropriation item 200903, Property Tax 125064  
Reimbursement - Education, is appropriated to pay for the state's 125065  
costs incurred because of the homestead exemption, the property 125066  
tax rollback, and payments required under division (C) of section 125067  
5705.2110 of the Revised Code. In cooperation with the Department 125068  
of Taxation, the Department of Education shall distribute these 125069  
funds directly to the appropriate school districts of the state, 125070  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 125071  
which provide for payment of the homestead exemption and property 125072  
tax rollback by the Tax Commissioner to the appropriate county 125073  
treasurer and the subsequent redistribution of these funds to the 125074  
appropriate local taxing districts by the county auditor. 125075

Upon receipt of these amounts, each school district shall 125076  
distribute the amount among the proper funds as if it had been 125077  
paid as real or tangible personal property taxes. Payments for the 125078  
costs of administration shall continue to be paid to the county 125079  
treasurer and county auditor as provided for in sections 319.54, 125080  
321.26, and 323.156 of the Revised Code. 125081

Any sums, in addition to the amount specifically appropriated 125082  
in appropriation item 200903, Property Tax Reimbursement - 125083  
Education, for the homestead exemption and the property tax 125084  
rollback payments, and payments required under division (C) of 125085  
section 5705.2110 of the Revised Code, which are determined to be 125086  
necessary for these purposes, are hereby appropriated. 125087

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 125088

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (C) of section 131.51 of the Revised Code that the Director of Budget and Management use the percentage calculated in division (A)(2) of section 131.51 of the Revised Code for calculating the credit each month to the Public Library Fund, the Director of Budget and Management shall instead calculate these amounts during fiscal

year 2016 and fiscal year 2017 using 1.70 per cent as the 125121  
percentage. 125122

LOCAL GOVERNMENT FUND 125123

Notwithstanding the requirement in division (C) of section 125124  
5747.50 of the Revised Code that the Tax Commissioner provide for 125125  
payment from the Local Government Fund to each municipal 125126  
corporation of an amount calculated using the total amount 125127  
available for distribution to municipal corporations during the 125128  
current month, as defined in that division, the Tax Commissioner 125129  
shall reduce the total amount available for distribution to 125130  
municipal corporations during the current month by \$1,000,000 in 125131  
each month of fiscal years 2016 and 2017, before calculating the 125132  
amount to be distributed to each municipal corporation. 125133

From the amounts not distributed to municipal corporations, 125134  
\$833,333.33 in each month of fiscal years 2016 and 2017 shall be 125135  
used solely to provide a supplement to townships. The Tax 125136  
Commissioner shall determine amounts to be distributed to each 125137  
county undivided local government fund. Half is to be divided 125138  
among the counties so that each township in the state receives the 125139  
same amount, and half is to be apportioned based on township road 125140  
miles. The Tax Commissioner shall transfer these amounts, and 125141  
shall separately identify to each county treasurer the amount to 125142  
be divided equally among townships in the county and the amount to 125143  
be divided among the townships based on road miles. Each 125144  
appropriate county officer shall transfer cash from the county 125145  
undivided local government fund to townships in the county based 125146  
on this division of funds. 125147

From the amounts not distributed to municipal corporations, 125148  
\$166,666.67 in each month of fiscal years 2016 and 2017 shall be 125149  
used solely to provide a supplement to villages with populations 125150  
under 1,000 residents in the 2010 Census of Population. The Tax 125151  
Commissioner shall determine amounts to be distributed to each 125152



county undivided local government fund. Half is to be divided 125153  
among the counties so that each qualifying village in the state 125154  
receives the same amount, and half is to be apportioned based on 125155  
village road miles. The Tax Commissioner shall transfer these 125156  
amounts, and shall separately identify to each county treasurer 125157  
the amount to be divided equally among qualifying villages in the 125158  
county and the amount to be divided among the qualifying villages 125159  
based on road miles. Each appropriate county officer shall 125160  
transfer cash from the county undivided local government fund to 125161  
qualifying villages in the county based on this division of funds. 125162

**Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION** 125163

Dedicated Purpose Fund Group 125164  
4K90 893609 Operating Expenses \$ 158,250 \$ 153,650 125165  
TOTAL DPF Dedicated Purpose 125166  
Fund Group \$ 158,250 \$ 153,650 125167  
TOTAL ALL BUDGET FUND GROUPS \$ 158,250 \$ 153,650 125168

**Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND** 125170

General Revenue Fund 125171  
GRF 226321 Operations \$ 8,100,000 \$ 8,100,000 125172  
TOTAL GRF General Revenue Fund \$ 8,100,000 \$ 8,100,000 125173  
Dedicated Purpose Fund Group 125174  
4H80 226602 Education Reform \$ 27,000 \$ 27,000 125175  
Grants  
4M50 226601 Work Study and \$ 461,521 \$ 461,521 125176  
Technology Investment  
5NJ0 226622 Food Service Program \$ 9,000 \$ 9,000 125177  
TOTAL DPF Dedicated Purpose 125178  
Fund Group \$ 497,521 \$ 497,521 125179  
Federal Fund Group 125180  
3100 226626 Coordinating Unit \$ 2,527,104 \$ 2,527,104 125181

3DT0	226621	Ohio Transition Collaborative	\$	650,000	\$	650,000	125182
3P50	226643	Medicaid Professional Services Reimbursement	\$	50,000	\$	50,000	125183
TOTAL FED Federal Fund Group			\$	3,227,104	\$	3,227,104	125184
TOTAL ALL BUDGET FUND GROUPS			\$	11,824,625	\$	11,824,625	125185
<b>Section 381.10. OSD OHIO SCHOOL FOR THE DEAF</b>							125187
General Revenue Fund							125188
GRF	221321	Operations	\$	9,804,435	\$	10,228,878	125189
TOTAL GRF General Revenue Fund			\$	9,804,435	\$	10,228,878	125190
Dedicated Purpose Fund Group							125191
4M00	221601	Educational Program Expenses	\$	95,000	\$	95,000	125192
4M10	221602	Education Reform Grants	\$	35,000	\$	35,000	125193
5H60	221609	Even Start Fees and Gifts	\$	35,000	\$	35,000	125194
5NK0	221610	Food Service Program	\$	9,000	\$	9,000	125195
TOTAL DPF Dedicated Purpose Fund Group							125196
			\$	174,000	\$	174,000	125197
Federal Fund Group							125198
3110	221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	125199
3R00	221684	Medicaid Professional Services Reimbursement	\$	160,000	\$	160,000	125200
TOTAL FED Federal Fund Group			\$	2,313,246	\$	2,313,246	125201
TOTAL ALL BUDGET FUND GROUPS			\$	12,291,681	\$	12,716,124	125202
<b>Section 383.10. SOS SECRETARY OF STATE</b>							125204
General Revenue Fund							125205

**Am. Sub. H. B. No. 64**  
**As Reported by the Committee of Conference**

GRF 050321	Operating Expenses	\$	2,144,030	\$	2,144,030	125206
GRF 050407	Poll Workers Training	\$	234,196	\$	234,196	125207
TOTAL GRF	General Revenue Fund	\$	2,378,226	\$	2,378,226	125208
Dedicated Purpose Fund Group						125209
4120 050609	Notary Commission	\$	475,000	\$	475,000	125210
5990 050603	Business Services	\$	14,385,400	\$	14,385,400	125211
Operating Expenses						
TOTAL DPF	Dedicated Purpose Fund	\$	14,860,400	\$	14,860,400	125212
Group						
Internal Service Activity Fund Group						125213
4S80 050610	Board of Voting	\$	7,200	\$	7,200	125214
Machine Examiners						
5FG0 050620	BOE Reimbursement and	\$	80,000	\$	80,000	125215
Education						
TOTAL ISA	Internal Service Activity	\$	87,200	\$	87,200	125216
Fund Group						
Holding Account Fund Group						125217
R001 050605	Uniform Commercial	\$	30,000	\$	30,000	125218
Code Refunds						
R002 050606	Corporate/Business	\$	85,000	\$	85,000	125219
Filing Refunds						
TOTAL HLD	Holding Account Fund	\$	115,000	\$	115,000	125220
Group						
Federal Fund Group						125221
3AS0 050616	Help America Vote Act	\$	502,000	\$	0	125222
(HAVA)						
TOTAL FED	Federal Fund Group	\$	502,000	\$	0	125223
TOTAL ALL BUDGET FUND GROUPS		\$	17,942,826	\$	17,440,826	125224
POLL WORKERS TRAINING						125225
The foregoing appropriation item 050407, Poll Workers						125226
Training, shall be used to reimburse county boards of elections						125227

for poll worker training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training, is hereby reappropriated in fiscal year 2017 for the same purpose.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

HOLDING ACCOUNT FUND GROUP

The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

HAVA FUNDS

At the end of fiscal year 2015, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA) is hereby reappropriated in fiscal year 2016 for the same purpose.

At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA), is hereby reappropriated in fiscal year 2017 for the same purpose.

<b>Section 385.10. SEN THE OHIO SENATE</b>				125259
General Revenue Fund				125260
GRF 020321	Operating Expenses	\$ 12,518,143	\$ 12,518,143	125261
TOTAL GRF General Revenue Fund				125262
Internal Service Activity Fund Group				125263
1020 020602	Senate Reimbursement	\$ 425,800	\$ 425,800	125264
4090 020601	Miscellaneous Sales	\$ 34,497	\$ 34,497	125265
TOTAL ISA Internal Service Activity				125266
Fund Group				125267
TOTAL ALL BUDGET FUND GROUPS				125268
OPERATING EXPENSES				125269
On July 1, 2015, or as soon as possible thereafter, the Clerk				125270
of the Senate may certify to the Director of Budget and Management				125271
the amount of the unexpended, unencumbered balance of the				125272
foregoing appropriation item 020321, Operating Expenses, at the				125273
end of fiscal year 2015 to be reappropriated to fiscal year 2016.				125274
The amount certified is hereby reappropriated to the same				125275
appropriation item for fiscal year 2016.				125276
On July 1, 2016, or as soon as possible thereafter, the Clerk				125277
of the Senate may certify to the Director of Budget and Management				125278
the amount of the unexpended, unencumbered balance of the				125279
foregoing appropriation item 020321, Operating Expenses, at the				125280
end of fiscal year 2016 to be reappropriated to fiscal year 2017.				125281
The amount certified is hereby reappropriated to the same				125282
appropriation item for fiscal year 2017.				125283
<b>Section 387.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM</b>				125284
General Revenue Fund				125285
GRF 866321	CSV Operations	\$ 294,072	\$ 294,072	125286
TOTAL GRF General Revenue Fund				125287

Dedicated Purpose Fund Group				125288
5GN0 866605 Serve Ohio Support	\$	30,000	\$ 30,000	125289
TOTAL DPF Dedicated Purpose Fund Group	\$	30,000	\$ 30,000	125290
Federal Fund Group				125291
3R70 866617 AmeriCorps Programs	\$	7,182,899	\$ 7,178,630	125292
TOTAL FED Federal Fund Group	\$	7,182,899	\$ 7,178,630	125293
TOTAL ALL BUDGET FUND GROUPS	\$	7,506,971	\$ 7,502,702	125294
<b>Section 389.10. CSF COMMISSIONERS OF THE SINKING FUND</b>				125296
Debt Service Fund Group				125297
7070 155905 Third Frontier Research and Development Bond Retirement Fund	\$	79,091,400	\$ 98,712,000	125298
7072 155902 Highway Capital Improvement Bond Retirement Fund	\$	119,937,500	\$ 134,101,700	125299
7073 155903 Natural Resources Bond Retirement Fund	\$	27,079,900	\$ 26,074,400	125300
7074 155904 Conservation Projects Bond Retirement Fund	\$	34,674,900	\$ 39,225,700	125301
7076 155906 Coal Research and Development Bond Retirement Fund	\$	5,991,400	\$ 5,038,700	125302
7077 155907 State Capital Improvement Bond Retirement Fund	\$	234,437,400	\$ 235,303,200	125303
7078 155908 Common Schools Bond Retirement Fund	\$	375,706,700	\$ 386,754,800	125304
7079 155909 Higher Education Bond Retirement Fund	\$	254,970,800	\$ 261,789,500	125305

7080	155901	Persian Gulf, Afghanistan, and Iraq Conflicts Bond Retirement Fund	\$	9,083,700	\$	23,343,400	125306
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	19,384,000	\$	15,735,900	125307
TOTAL DSF Debt Service Fund Group			\$	1,160,357,700	\$	1,226,079,300	125308
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,357,700	\$	1,226,079,300	125309
ADDITIONAL APPROPRIATIONS							125310
Appropriation items in this section are for the purpose of							125311
paying debt service and financing costs during the period from							125312
July 1, 2015 through June 30, 2017 on bonds or notes of the state							125313
issued under the Ohio Constitution and acts of the General							125314
Assembly. If it is determined that additional amounts are							125315
necessary for this purpose, such amounts are hereby appropriated.							125316
<b>Section 391.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY							125317
DEVELOPMENT FOUNDATION							125318
Dedicated Purpose Fund Group							125319
5M90	945601	Operating Expenses	\$	426,800	\$	426,800	125320
TOTAL DPF Dedicated Purpose Fund			\$	426,800	\$	426,800	125321
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	426,800	\$	426,800	125322
<b>Section 393.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &							125324
AUDIOLOGY							125325
Dedicated Purpose Fund Group							125326
4K90	886609	Operating Expenses	\$	508,660	\$	508,660	125327
TOTAL DPF Dedicated Purpose Fund			\$	508,660	\$	508,660	125328
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	508,660	\$	508,660	125329

<b>Section 395.10. BTA BOARD OF TAX APPEALS</b>				125331
General Revenue Fund				125332
GRF 116321	Operating Expenses	\$ 1,700,000	\$ 1,700,000	125333
TOTAL GRF General Revenue Fund				125334
TOTAL ALL BUDGET FUND GROUPS				125335
 <b>Section 397.10. TAX DEPARTMENT OF TAXATION</b>				 125337
General Revenue Fund				125338
GRF 110321	Operating Expenses	\$ 67,777,493	\$ 67,777,493	125339
GRF 110404	Tobacco Settlement	\$ 160,380	\$ 160,380	125340
Enforcement				
TOTAL GRF General Revenue Fund				125341
Dedicated Purpose Fund Group				125342
2280 110628	CAT Administration	\$ 16,100,000	\$ 16,100,000	125343
4330 110602	Municipal Data	\$ 175,000	\$ 175,000	125344
Exchange				
Administration				
4350 110607	Local Tax	\$ 19,006,950	\$ 19,006,950	125345
Administration				
4360 110608	Motor Vehicle Audit	\$ 1,459,609	\$ 1,459,609	125346
Administration				
4370 110606	Income Tax Refund	\$ 38,800	\$ 38,800	125347
Contribution				
Administration				
4380 110609	School District	\$ 5,402,044	\$ 5,402,044	125348
Income Tax				
Administration				
4C60 110616	International	\$ 682,415	\$ 682,415	125349
Registration Plan				
Administration				
4R60 110610	Tire Tax	\$ 244,193	\$ 244,193	125350



		Administration					
5BP0	110639	Wireless 9-1-1	\$	290,000	\$	290,000	125351
		Administration					
5BW0	110630	Tax Amnesty Promotion	\$	2,500,000	\$	0	125352
		and Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	125353
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	125354
		Implementation					
5N50	110605	Municipal Income Tax	\$	150,000	\$	150,000	125355
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	125356
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	125357
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	125358
		Administration					
5V80	110623	Property Tax	\$	11,178,310	\$	11,178,310	125359
		Administration					
5W70	110627	Exempt Facility	\$	49,500	\$	49,500	125360
		Administration					
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000	125361
		Enforcement					
6880	110615	Local Excise Tax	\$	775,015	\$	775,015	125362
		Administration					
TOTAL DPF		Dedicated Purpose Fund	\$	69,012,210	\$	66,512,210	125363
Group							
Fiduciary Fund Group							125364
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	125365
5CZ0	110631	Vendor's License	\$	340,000	\$	340,000	125366
		Application					
6420	110613	Ohio Political Party	\$	267,500	\$	265,000	125367
		Distributions					

7095 110995	Municipal Income Tax	\$ 8,100,000	\$ 7,900,000	125368
TOTAL FID	Fiduciary Fund Group	\$ 1,555,507,500	\$ 1,555,305,000	125369
	Holding Account Fund Group			125370
R010 110611	Tax Distributions	\$ 230,000	\$ 230,000	125371
R011 110612	Miscellaneous Income	\$ 50,000	\$ 50,000	125372
	Tax Receipts			
TOTAL HLD	Holding Account Fund	\$ 280,000	\$ 280,000	125373
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 1,692,737,583	\$ 1,690,035,083	125374
	MUNICIPAL INCOME TAX			125375
	The foregoing appropriation item 110995, Municipal Income			125376
	Tax, shall be used to make payments to municipal corporations			125377
	under section 5745.05 of the Revised Code. If it is determined			125378
	that additional appropriations are necessary to make such			125379
	payments, such amounts are hereby appropriated.			125380
	TAX REFUNDS			125381
	The foregoing appropriation item 110635, Tax Refunds, shall			125382
	be used to pay refunds under section 5703.052 of the Revised Code.			125383
	If it is determined that additional appropriations are necessary			125384
	for this purpose, such amounts are hereby appropriated.			125385
	VENDOR'S LICENSE PAYMENTS			125386
	The foregoing appropriation item 110631, Vendor's License			125387
	Application, shall be used to make payments to county auditors			125388
	under section 5739.17 of the Revised Code. If it is determined			125389
	that additional appropriations are necessary to make such			125390
	payments, such amounts are hereby appropriated.			125391
	INTERNATIONAL REGISTRATION PLAN ADMINISTRATION			125392
	The foregoing appropriation item 110616, International			125393
	Registration Plan Administration, shall be used under section			125394
	5703.12 of the Revised Code for audits of persons with vehicles			125395

registered under the International Registration Plan.	125396
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	125397
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	125398 125399 125400 125401 125402 125403 125404
TOBACCO SETTLEMENT ENFORCEMENT	125405
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	125406 125407 125408 125409
CIGARETTE AND OTHER TOBACCO PRODUCTS TAX ENFORCEMENT	125410
In each of fiscal year 2016 and fiscal year 2017, \$250,000 of the foregoing appropriation item 110321, Operating Expenses, is to be used to hire employees under section 5743.45 of the Revised Code to serve as agents for the purposes of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code, and to support the enforcement activities of such agents.	125411 125412 125413 125414 125415 125416
STARS DEVELOPMENT AND IMPLEMENTATION FUND	125417
The foregoing appropriation item 110638, STARS Development and Implementation, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District	125418 125419 125420 125421 125422 125423 125424 125425

Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 125426  
Property Tax Administration Fund, and the Motor Fuel Tax 125427  
Administration Fund to the credit of the STARS Development and 125428  
Implementation Fund (Fund 5MN0). The transfers of cash shall not 125429  
exceed \$6,000,000 in the biennium. 125430

**TAX AMNESTY PROMOTION AND ADMINISTRATION** 125431

The foregoing appropriation item 110630, Tax Amnesty 125432  
Promotion and Administration, shall be used to pay expenses 125433  
incurred to promote and administer the tax amnesty program to be 125434  
conducted from January 1, 2016, to February 15, 2016, by the 125435  
Department of Taxation. The Department of Taxation and Attorney 125436  
General's Office shall work in close collaboration on promotion 125437  
activities in relation to the Tax Amnesty Promotion and 125438  
Administration program. 125439

**Section 399.10. DOT DEPARTMENT OF TRANSPORTATION** 125440

General Revenue Fund 125441

GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 125442  
- State

GRF 776465 Rail Development \$ 2,000,000 \$ 2,000,000 125443

GRF 777471 Airport Improvements \$ 6,000,000 \$ 6,000,000 125444  
- State

TOTAL GRF General Revenue Fund \$ 15,300,000 \$ 15,300,000 125445

Highway Operating Fund Group 125446

7002 772601 Beachwood Noise Wall \$ 383,000 \$ 0 125447

TOTAL HOF Highway Operating Fund \$ 383,000 \$ 0 125448

Group

TOTAL ALL BUDGET FUND GROUPS \$ 15,683,000 \$ 15,300,000 125449

**Section 399.15. PUBLIC TRANSPORTATION - STATE** 125451

Of the foregoing appropriation item 775451, Public 125452

Transportation - State, not less than \$500,000 in each fiscal year 125453

shall be allocated to rural transit systems.				125454
AIRPORT IMPROVEMENTS - STATE				125455
The foregoing appropriation item 777471, Airport Improvements				125456
- State, shall be used by the Department of Transportation to				125457
continue the Ohio Airport Grant Program in supporting capital				125458
improvements, maintaining infrastructure, and ensuring safety at				125459
publicly owned, public use airports in the state, provided that				125460
the airports receive neither Federal Aviation Administration Air				125461
Carrier Enplanement Funds nor Air Cargo Entitlements.				125462
<b>Section 399.20. BEACHWOOD NOISE WALL</b>				125463
The foregoing appropriation item 772601, Beachwood Noise				125464
Wall, shall be used to construct a noise wall for a section of				125465
Interstate Route 271 in Beachwood stretching from Shaker Boulevard				125466
to Woodland Road.				125467
<b>Section 401.10. TOS TREASURER OF STATE</b>				125468
General Revenue Fund				125469
GRF 090321	Operating Expenses	\$	7,743,553 \$	7,743,553 125470
GRF 090401	Office of the Sinking	\$	502,304 \$	502,304 125471
	Fund			
GRF 090402	Continuing Education	\$	377,702 \$	377,702 125472
GRF 090406	Treasury Management	\$	1,117,400 \$	1,116,800 125473
	System Lease Rental			
	Payments			
GRF 090524	Police and Fire	\$	5,000 \$	5,000 125474
	Disability Pension			
	Fund			
GRF 090534	Police and Fire Ad Hoc	\$	55,000 \$	55,000 125475
	Cost of Living			
GRF 090554	Police and Fire	\$	443,000 \$	443,000 125476
	Survivor Benefits			

GRF 090575	Police and Fire Death Benefits	\$	20,000,000	\$	20,000,000	125477
GRF 090613	ABLE Account Administration	\$	2,000,000	\$	2,000,000	125478
TOTAL GRF General Revenue Fund		\$	32,243,959	\$	32,243,359	125479
Dedicated Purpose Fund Group						125480
4E90 090603	Securities Lending Income	\$	5,200,000	\$	5,200,000	125481
5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000	125482
5C50 090602	County Treasurer Education	\$	170,057	\$	170,057	125483
5NH0 090610	OhioMeansJobs Workforce Development Revolving Loan Program	\$	17,000,000	\$	0	125484
6050 090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000	125485
TOTAL DPF Dedicated Purpose Fund Group		\$	24,120,057	\$	7,120,057	125486
Fiduciary Fund Group						125488
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000	125489
TOTAL FID Fiduciary Fund Group		\$	6,000,000	\$	6,000,000	125490
TOTAL ALL BUDGET FUND GROUPS		\$	62,364,016	\$	45,363,416	125491

**Section 401.20. OFFICE OF THE SINKING FUND** 125493

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds

or notes, including, but not limited to, printing, advertising, 125500  
delivery, rating fees and the procurement of ratings, professional 125501  
publications, membership in professional organizations, and other 125502  
services referred to in division (D) of section 151.01 of the 125503  
Revised Code. The General Revenue Fund shall be reimbursed for 125504  
such costs relating to the issuance and administration of Highway 125505  
Capital Improvement bonds or notes authorized under Ohio 125506  
Constitution, Article VIII, Section 2m and Chapter 151. of the 125507  
Revised Code. That reimbursement shall be made from appropriation 125508  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 125509  
intrastate transfer voucher pursuant to a certification by the 125510  
Office of the Sinking Fund of the actual amounts used. The amounts 125511  
necessary to make such a reimbursement are hereby appropriated 125512  
from the Highway Capital Improvement Bond Retirement Fund created 125513  
in section 151.06 of the Revised Code. 125514

POLICE AND FIRE DEATH BENEFIT FUND 125515

The foregoing appropriation item 090575, Police and Fire 125516  
Death Benefits, shall be disbursed quarterly by the Treasurer of 125517  
State at the beginning of each quarter of each fiscal year to the 125518  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 125519  
Treasurer of State shall certify such amounts quarterly to the 125520  
Director of Budget and Management. By the twentieth day of June of 125521  
each fiscal year, the Board of Trustees of the Ohio Police and 125522  
Fire Pension Fund shall certify to the Treasurer of State the 125523  
amount disbursed in the current fiscal year to make the payments 125524  
required by section 742.63 of the Revised Code and shall return to 125525  
the Treasurer of State moneys received from this appropriation 125526  
item but not disbursed. 125527

ABLE ACCOUNT ADMINISTRATION 125528

The foregoing appropriation item 090613, ABLE Account 125529  
Administration, shall be used for implementation and 125530  
administration of an Achieve a Better Living Experience (ABLE) 125531

account program.	125532
TAX REFUNDS	125533
The foregoing appropriation item 090635, Tax Refunds, shall	125534
be used to pay refunds under section 5703.052 of the Revised Code.	125535
If the Director of Budget and Management determines that	125536
additional amounts are necessary for this purpose, such amounts	125537
are hereby appropriated.	125538
<b>Section 401.30.</b> TREASURY MANAGEMENT SYSTEM LEASE RENTAL	125539
PAYMENTS	125540
The foregoing appropriation item 090406, Treasury Management	125541
System Lease Rental Payments, shall be used for payments during	125542
the period from July 1, 2015, through June 30, 2017, pursuant to	125543
leases and agreements entered into under Section 701.20 of Am.	125544
Sub. H.B. 497 of the 130th General Assembly with respect to	125545
financing the costs associated with the acquisition and	125546
implementation of the Treasury Management System. If it is	125547
determined that additional appropriations are necessary for this	125548
purpose, the amounts are hereby appropriated.	125549
<b>Section 401.40.</b> OHIO MEANS JOBS WORKFORCE DEVELOPMENT REVOLVING	125550
LOAN PROGRAM	125551
The foregoing appropriation item 090610, OhioMeansJobs	125552
Workforce Development Revolving Loan Program, shall be used for	125553
the OhioMeansJobs Workforce Development Revolving Loan Program to	125554
provide loans to individuals for workforce training. The first	125555
loan under this program shall go to Lorain County Community	125556
College to establish and operate the Ready Mix Truck Driver	125557
Training Program. For this purpose, of the foregoing appropriation	125558
item 090610, OhioMeansJobs Workforce Development Revolving Loan	125559
Program, \$76,350 shall be disbursed in FY 2016 to Lorain County	125560
Community College and shall be used by Lorain County Community	125561



College to establish and operate the Ready Mix Truck Driver Training Program. 125562  
125563

Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in fiscal year 2016 may be used by the Treasurer of State to administer the program. 125564  
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Any unexpended and unencumbered portion of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, at the end of fiscal year 2016 is hereby reappropriated for the same purpose in fiscal year 2017. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be used by the Treasurer of State to administer the program. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, \$76,350 shall be disbursed in FY 2017 to Lorain County Community College and shall be used by Lorain County Community College to operate the Ready Mix Truck Driver Training Program. 125568  
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**Section 403.10. VTO VETERANS' ORGANIZATIONS** 125582

General Revenue Fund 125583

VAP AMERICAN EX-PRISONERS OF WAR 125584

GRF 743501 State Support \$ 28,910 \$ 28,910 125585

VAN ARMY AND NAVY UNION, USA, INC. 125586

GRF 746501 State Support \$ 63,539 \$ 63,539 125587

VKW KOREAN WAR VETERANS 125588

GRF 747501 State Support \$ 57,118 \$ 57,118 125589

VJW JEWISH WAR VETERANS 125590

GRF 748501 State Support \$ 34,321 \$ 34,321 125591

VCW CATHOLIC WAR VETERANS 125592

GRF	749501	State Support	\$	66,978	\$	66,978	125593
		VPH MILITARY ORDER OF THE PURPLE HEART					125594
GRF	750501	State Support	\$	65,116	\$	65,116	125595
		VVV VIETNAM VETERANS OF AMERICA					125596
GRF	751501	State Support	\$	214,776	\$	214,776	125597
		VAL AMERICAN LEGION OF OHIO					125598
GRF	752501	State Support	\$	349,189	\$	349,189	125599
		VII AMVETS					125600
GRF	753501	State Support	\$	332,547	\$	332,547	125601
		VAV DISABLED AMERICAN VETERANS					125602
GRF	754501	State Support	\$	249,836	\$	249,836	125603
		VMC MARINE CORPS LEAGUE					125604
GRF	756501	State Support	\$	133,947	\$	133,947	125605
		V37 37TH DIVISION VETERANS' ASSOCIATION					125606
GRF	757501	State Support	\$	6,868	\$	6,868	125607
		VFW VETERANS OF FOREIGN WARS					125608
GRF	758501	State Support	\$	284,841	\$	284,841	125609
TOTAL GRF General Revenue Fund			\$	1,887,986	\$	1,887,986	125610
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986	125611
		RELEASE OF FUNDS					125612
		The Director of Budget and Management may release the					125613
		foregoing appropriation items 743501, 746501, 747501, 748501,					125614
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					125615
		and 758501, State Support.					125616
		<b>Section 405.10. DVS DEPARTMENT OF VETERANS SERVICES</b>					125617
		General Revenue Fund					125618
GRF	900321	Veterans' Homes	\$	26,992,608	\$	26,992,608	125619
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	125620
GRF	900408	Department of	\$	2,567,113	\$	2,567,113	125621
		Veterans Services					
GRF	900901	Veterans Compensation	\$	9,083,700	\$	23,343,400	125622

General Obligation					
Bond Debt Service					
TOTAL GRF	General Revenue Fund	\$	38,750,496	\$	53,010,196 125623
Dedicated Purpose Fund Group					125624
4840 900603	Veterans' Homes	\$	883,523	\$	985,523 125625
Services					
4E20 900602	Veterans' Homes	\$	12,804,826	\$	13,139,648 125626
Operating					
5DB0 900643	Military Injury	\$	2,000,000	\$	2,000,000 125627
Relief Program					
5PH0 900642	Veterans Initiatives	\$	50,000	\$	50,000 125628
TOTAL DPF	Dedicated Purpose Fund	\$	15,738,349	\$	16,175,171 125629
Group					
Debt Service Fund Group					125630
7041 900615	Veteran Bonus Program	\$	359,173	\$	359,173 125631
- Administration					
7041 900641	Persian Gulf,	\$	2,173,139	\$	942,754 125632
Afghanistan, and Iraq					
Compensation					
TOTAL DSF	Debt Service				125633
Fund Group		\$	2,532,312	\$	1,301,927 125634
Federal Fund Group					125635
3680 900614	Veterans Training	\$	730,000	\$	740,000 125636
3740 900606	Troops to Teachers	\$	150,000	\$	150,000 125637
3BX0 900609	Medicare Services	\$	2,475,000	\$	2,846,250 125638
3L20 900601	Veterans' Homes	\$	28,110,159	\$	29,245,411 125639
Operations - Federal					
TOTAL FED	Federal Fund Group	\$	31,465,159	\$	32,981,661 125640
TOTAL ALL BUDGET FUND GROUPS		\$	88,486,316	\$	103,468,955 125641
TRAUMATIC BRAIN INJURY PROGRAMS					125642
Of the foregoing appropriation item 900408, Department of					125643
Veterans Services, \$25,000 in each fiscal year shall be					125644

distributed directly to the Resurrecting Lives Foundation to fund 125645  
the 2015 Employment Initiative, which aids the transition of 125646  
traumatic brain injury affected service members into civilian life 125647  
and employment. 125648

Of the foregoing appropriation item 900408, Department of 125649  
Veterans Services, \$20,375 in each fiscal year shall be 125650  
distributed directly to the Resurrecting Lives Foundation to fund 125651  
the Community TBI Education Program, which provides education and 125652  
awareness for the legal community and lay community about 125653  
traumatic brain injury, its effect on the veteran community, and 125654  
the resulting challenges veterans face in the criminal justice 125655  
system. 125656

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 125657

The foregoing appropriation item 900901, Veterans 125658  
Compensation General Obligation Bond Debt Service, shall be used 125659  
to pay all debt service and related financing costs during the 125660  
period from July 1, 2015, through June 30, 2017, on obligations 125661  
issued under sections 151.01 and 151.12 of the Revised Code. 125662

**Section 405.20.** Effective July 1, 2015, the Director of 125663  
Budget and Management shall cancel any existing encumbrances 125664  
against appropriation item 600637, Military Injury Relief 125665  
Subsidies, and reestablish them against appropriation item 900643, 125666  
Military Injury Relief Subsidies. The reestablished encumbrance 125667  
amounts are hereby appropriated. Any business commenced but not 125668  
completed under appropriation item 600637 by July 1, 2015, shall 125669  
be completed under appropriation item 900643 in the same manner 125670  
and with the same effect as if it were completed with regard to 125671  
appropriation item 600637. 125672

**Section 407.10.** DVM STATE VETERINARY MEDICAL LICENSING BOARD 125673  
Dedicated Purpose Fund Group 125674

4K90 888609	Operating Expenses	\$	372,195	\$	378,195	125675
TOTAL DPF Dedicated Purpose						125676
Fund Group		\$	372,195	\$	378,195	125677
Internal Service Activity Fund Group						125678
5BU0 888602	Veterinary Student	\$	30,000	\$	30,000	125679
Loan Program						
TOTAL ISA Internal Service Activity						125680
Fund Group		\$	30,000	\$	30,000	125681
TOTAL ALL BUDGET FUND GROUPS						125682
<b>Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES</b>						125684
General Revenue Fund						125685
GRF 470401	RECLAIM Ohio	\$	153,087,537	\$	153,087,537	125686
GRF 470412	Juvenile Correctional	\$	25,407,400	\$	21,137,700	125687
Facilities Lease						
Rental Bond Payments						
GRF 470510	Youth Services	\$	16,702,728	\$	16,702,728	125688
GRF 472321	Parole Operations	\$	10,950,100	\$	10,950,100	125689
GRF 477321	Administrative	\$	10,855,389	\$	10,855,389	125690
Operations						
TOTAL GRF General Revenue Fund						125691
Dedicated Purpose Fund Group						125692
1470 470612	Vocational Education	\$	1,700,000	\$	1,700,000	125693
1750 470613	Education	\$	3,600,000	\$	3,600,000	125694
Reimbursement						
4790 470609	Employee Food Service	\$	125,000	\$	125,000	125695
4A20 470602	Child Support	\$	250,000	\$	250,000	125696
4G60 470605	Juvenile Special	\$	115,000	\$	115,000	125697
Revenue - Non-Federal						
5BN0 470629	E-Rate Program	\$	349,000	\$	300,000	125698
TOTAL DPF Dedicated Purpose						125699
Fund Group		\$	6,139,000	\$	6,090,000	125700

Federal Fund Group					125701	
3210 470601	Education	\$	1,000,000	\$	1,000,000	125702
3210 470603	Juvenile Justice	\$	300,000	\$	300,000	125703
	Prevention					
3210 470606	Nutrition	\$	1,033,947	\$	1,033,947	125704
3210 470614	Title IV-E	\$	3,714,548	\$	3,714,548	125705
	Reimbursements					
3CR0 470639	Federal Juvenile	\$	22,000	\$	7,000	125706
	Programs FFY 10					
3FB0 470641	Federal Juvenile	\$	50,000	\$	5,000	125707
	Programs FFY 11					
3FC0 470642	Federal Juvenile	\$	50,000	\$	5,000	125708
	Programs FFY 12					
3GB0 470643	Federal Juvenile	\$	324,000	\$	59,000	125709
	Programs FFY 13					
3V50 470604	Juvenile	\$	1,720,000	\$	1,720,000	125710
	Justice/Delinquency					
	Prevention					
TOTAL FED Federal						125711
Fund Group		\$	8,214,495	\$	7,844,495	125712
TOTAL ALL BUDGET FUND GROUPS		\$	231,356,649	\$	226,667,949	125713
COMMUNITY PROGRAMS						125714
For purposes of implementing juvenile sentencing reforms, and						125715
notwithstanding any provision of law to the contrary, the						125716
Department of Youth Services may use up to forty-five per cent of						125717
the unexpended, unencumbered balance of the portion of						125718
appropriation item 470401, RECLAIM Ohio, that is allocated to						125719
juvenile correctional facilities in each fiscal year to expand						125720
Targeted RECLAIM, the Behavioral Health Juvenile Justice						125721
Initiative, and other evidence-based community programs.						125722
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS						125723
The foregoing appropriation item 470412, Juvenile						125724

Correctional Facilities Lease Rental Bond Payments, shall be used 125725  
to meet all payments during the period from July 1, 2015, through 125726  
June 30, 2017, by the Department of Youth Services under the 125727  
leases and agreements for facilities made under Chapters 152. and 125728  
154. of the Revised Code. This appropriation is the source of 125729  
funds pledged for bond service charges on related obligations 125730  
issued under Chapters 152. and 154. of the Revised Code. 125731

EDUCATION REIMBURSEMENT 125732

The foregoing appropriation item 470613, Education 125733  
Reimbursement, shall be used to fund the operating expenses of 125734  
providing educational services to youth supervised by the 125735  
Department of Youth Services. Operating expenses include, but are 125736  
not limited to, teachers' salaries, maintenance costs, and 125737  
educational equipment. This appropriation item may be used for 125738  
capital expenses related to the education program. 125739

EMPLOYEE FOOD SERVICE AND EQUIPMENT 125740

Notwithstanding section 125.14 of the Revised Code, the 125741  
foregoing appropriation item 470609, Employee Food Service, may be 125742  
used to purchase any food operational items with funds received 125743  
into the fund from reimbursements for state surplus property. 125744

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 125745

In collaboration with the county family and children first 125746  
council, the juvenile court of that county that receives 125747  
allocations from one or both of the foregoing appropriation items 125748  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 125749  
portions of those allocations to a flexible funding pool as 125750  
authorized by the section of Am. Sub. H.B. 153 of the 129th 125751  
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 125752  
FUNDING POOL." 125753

**Section 501.10.** All items set forth in this section are 125754

hereby appropriated for the biennium ending on June 30, 2016, out 125755  
of any moneys in the state treasury to the credit of the Public 125756  
School Building Fund (Fund 7021) that are not otherwise 125757  
appropriated. 125758

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION 125759  
C230W4 Community School Classroom Facilities \$ 25,000,000 125760  
Grants  
TOTAL Public School Building Fund \$ 25,000,000 125761

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 125762

The foregoing appropriation item C230W4, Community School 125763  
Classroom Facilities Grants, may be used by the School Facilities 125764  
Commission to provide grant funding to an eligible high-performing 125765  
community school established under Chapter 3314. of the Revised 125766  
Code. 125767

For purposes of this section, an "eligible high-performing 125768  
community school" means a community school that has available and 125769  
has certified it will supply, at least fifty per cent of the cost 125770  
of the project funded under this section and that meets the 125771  
following other conditions: 125772

(A) Except as provided in division (B) or (C) of this 125773  
section, the school both: 125774

(1) Has received a grade of "A," "B," or "C" for the 125775  
performance index score under division (C)(1)(b) of section 125776  
3302.03 of the Revised Code or has increased its performance index 125777  
score under division (C)(1)(b) of section 3302.03 of the Revised 125778  
Code in each of the previous three years of operation; and 125779

(2) Has received a grade of "A" or "B" for the value-added 125780  
progress dimension under division (C)(1)(e) of section 3302.03 of 125781  
the Revised Code on its most recent report card rating issued 125782



under that section. 125783

(B) If the school serves only grades kindergarten through 125784  
three, the school received a grade of "A" or "B" for making 125785  
progress in improving literacy in grades kindergarten through 125786  
three under division (C)(1)(g) of section 3302.03 of the Revised 125787  
Code on its most recent report card issued under that section. 125788

(C) If the school primarily serves students enrolled in a 125789  
dropout prevention and recovery program as described in division 125790  
(A)(4)(a) of section 3314.35 of the Revised Code, the school 125791  
received a rating of "exceeds standards" on its most recent report 125792  
card issued under section 3314.017 of the Revised Code. 125793

Notwithstanding the definition of an eligible high-performing 125794  
community school under divisions (A) to (C) of this section, a 125795  
newly established community school may be eligible for assistance 125796  
under this section, if it is implementing a community school model 125797  
that has a track record of high quality academic performance, as 125798  
determined by the Department of Education. 125799

The foregoing appropriation may be used for the purchase, 125800  
construction, reconstruction, renovation, remodeling, or addition 125801  
to classroom facilities. A grant may be awarded to an eligible 125802  
high-performing community school that demonstrates that the funds 125803  
will be used to purchase or support classroom facilities 125804  
construction or modifications that increase the supply of seats in 125805  
effective schools, service specific unmet student needs through 125806  
community school education, and show innovation in design and 125807  
potential as a successful, replicable school model. The School 125808  
Facilities Commission may award a grant to an eligible 125809  
high-performing community school upon the approval of a grant 125810  
application by the Executive Director of the Commission and the 125811  
Superintendent of Public Instruction. A facility that is 125812  
purchased, constructed, or modified by the grant funds shall be 125813  
used for educational purposes for a minimum of ten years after 125814

receiving the grant funds. The School Facilities Commission, in 125815  
consultation with the Superintendent of Public Instruction, shall 125816  
develop guidelines and may adopt rules under Chapter 111. of the 125817  
Revised Code for the administration of the grants, including 125818  
provisions for the ownership and disposal of the facilities funded 125819  
under this section in the event the community school closes at any 125820  
time. Notwithstanding any provision of law to the contrary, all 125821  
Revised Code exemptions applicable to grants awarded and projects 125822  
administered by the School Facilities Commission or Facilities 125823  
Construction Commission shall apply to the grants pursuant to this 125824  
section. 125825

**Section 503.10. PERSONAL SERVICE EXPENSES** 125826

Unless otherwise prohibited by law, any appropriation from 125827  
which personal service expenses are paid shall bear the employer's 125828  
share of public employees' retirement, workers' compensation, 125829  
disabled workers' relief, and insurance programs; and the costs of 125830  
centralized financial services, centralized payroll processing, 125831  
and related reports and services; centralized human resources 125832  
services, including affirmative action and equal employment 125833  
opportunity programs; the Office of Collective Bargaining; 125834  
centralized information technology management services; 125835  
administering the enterprise resource planning system; and 125836  
administering the state employee merit system as required by 125837  
section 124.07 of the Revised Code. These costs shall be 125838  
determined in conformity with the appropriate sections of law and 125839  
paid in accordance with procedures specified by the Office of 125840  
Budget and Management. Expenditures from appropriation item 125841  
070601, Public Audit Expense - Intra-State, may be exempted from 125842  
the requirements of this section. 125843

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 125844  
**AGAINST THE STATE** 125845

Except as otherwise provided in this section, an 125846  
appropriation in this act or any other act may be used for the 125847  
purpose of satisfying judgments, settlements, or administrative 125848  
awards ordered or approved by the Court of Claims or by any other 125849  
court of competent jurisdiction in connection with civil actions 125850  
against the state. This authorization does not apply to 125851  
appropriations to be applied to or used for payment of guarantees 125852  
by or on behalf of the state, or for payments under lease 125853  
agreements relating to, or debt service on, bonds, notes, or other 125854  
obligations of the state. Notwithstanding any other statute to the 125855  
contrary, this authorization includes appropriations from funds 125856  
into which proceeds of direct obligations of the state are 125857  
deposited only to the extent that the judgment, settlement, or 125858  
administrative award is for, or represents, capital costs for 125859  
which the appropriation may otherwise be used and is consistent 125860  
with the purpose for which any related obligations were issued or 125861  
entered into. Nothing contained in this section is intended to 125862  
subject the state to suit in any forum in which it is not 125863  
otherwise subject to suit, and is not intended to waive or 125864  
compromise any defense or right available to the state in any suit 125865  
against it. 125866

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 125867

This section specifies an additional and supplemental 125868  
procedure to provide for payments of judgments and settlements if 125869  
the Director of Budget and Management determines, pursuant to 125870  
division (C)(4) of section 2743.19 of the Revised Code, that 125871  
sufficient unencumbered moneys do not exist in the fund to support 125872  
a particular appropriation to pay the amount of a final judgment 125873  
rendered against the state or a state agency, including the 125874  
settlement of a claim approved by a court, in an action upon and 125875  
arising out of a contractual obligation for the construction or 125876  
improvement of a capital facility if the costs under the contract 125877

were payable in whole or in part from a state capital projects 125878  
appropriation. In such a case, the Director may either proceed 125879  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 125880  
or apply to the Controlling Board to increase an appropriation or 125881  
create an appropriation out of any unencumbered moneys in the 125882  
state treasury to the credit of the capital projects fund from 125883  
which the initial state appropriation was made. The amount of an 125884  
increase in appropriation or new appropriation approved by the 125885  
Controlling Board is hereby appropriated from the applicable 125886  
capital projects fund and made available for the payment of the 125887  
judgment or settlement. 125888

If the Director does not make the application authorized by 125889  
this section or the Controlling Board disapproves the application, 125890  
and the Director does not make application under division (C)(4) 125891  
of section 2743.19 of the Revised Code, the Director shall for the 125892  
purpose of making that payment make a request to the General 125893  
Assembly as provided for in division (C)(5) of that section. 125894

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 125895

In order to provide funds for the reissuance of voided 125896  
warrants under section 126.37 of the Revised Code, there is hereby 125897  
appropriated, out of moneys in the state treasury from the fund 125898  
credited as provided in section 126.37 of the Revised Code, that 125899  
amount sufficient to pay such warrants when approved by the Office 125900  
of Budget and Management. 125901

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 125902  
**BALANCES OF OPERATING APPROPRIATIONS** 125903

(A) An unexpended balance of an operating appropriation or 125904  
reappropriation that a state agency lawfully encumbered prior to 125905  
the close of a fiscal year is hereby reappropriated on the first 125906  
day of July of the following fiscal year from the fund from which 125907

it was originally appropriated or reappropriated for the following 125908  
period and shall remain available only for the purpose of 125909  
discharging the encumbrance: 125910

(1) For an encumbrance for personal services, maintenance, 125911  
equipment, or items for resale, other than an encumbrance for an 125912  
item of special order manufacture not available on term contract 125913  
or in the open market or for reclamation of land or oil and gas 125914  
wells, for a period of not more than five months from the end of 125915  
the fiscal year; 125916

(2) For an encumbrance for an item of special order 125917  
manufacture not available on term contract or in the open market, 125918  
for a period of not more than five months from the end of the 125919  
fiscal year or, with the written approval of the Director of 125920  
Budget and Management, for a period of not more than twelve months 125921  
from the end of the fiscal year; 125922

(3) For an encumbrance for reclamation of land or oil and gas 125923  
wells, for a period ending when the encumbered appropriation is 125924  
expended or for a period of two years, whichever is less; 125925

(4) For an encumbrance for any other expense, for such period 125926  
as the Director approves, provided such period does not exceed two 125927  
years. 125928

(B) Any operating appropriations for which unexpended 125929  
balances are reappropriated beyond a five-month period from the 125930  
end of the fiscal year by division (A)(2) of this section shall be 125931  
reported to the Controlling Board by the Director of Budget and 125932  
Management by the thirty-first day of December of each year. The 125933  
report on each such item shall include the item, the cost of the 125934  
item, and the name of the vendor. The report shall be updated on a 125935  
quarterly basis for encumbrances remaining open. 125936

(C) Upon the expiration of the reappropriation period set out 125937  
in division (A) of this section, a reappropriation made by this 125938

section lapses, and the Director of Budget and Management shall 125939  
cancel the encumbrance of the unexpended reappropriation not later 125940  
than the end of the weekend following the expiration of the 125941  
reappropriation period. 125942

(D) Notwithstanding division (C) of this section, with the 125943  
approval of the Director of Budget and Management, an unexpended 125944  
balance of an encumbrance that was reappropriated on the first day 125945  
of July by this section for a period specified in division (A)(3) 125946  
or (4) of this section and that remains encumbered at the close of 125947  
the fiscal biennium is hereby reappropriated on the first day of 125948  
July of the following fiscal biennium from the fund from which it 125949  
was originally appropriated or reappropriated for the applicable 125950  
period specified in division (A)(3) or (4) of this section and 125951  
shall remain available only for the purpose of discharging the 125952  
encumbrance. 125953

(E) The Director of Budget and Management may correct 125954  
accounting errors committed by the staff of the Office of Budget 125955  
and Management, such as reestablishing encumbrances or 125956  
appropriations cancelled in error, during the cancellation of 125957  
operating encumbrances in November and of nonoperating 125958  
encumbrances in December. 125959

(F) The Director of Budget and Management may at any time 125960  
correct accounting errors committed by the staff of a state agency 125961  
or state institution of higher education, as defined in section 125962  
3345.011 of the Revised Code, such as reestablishing prior year 125963  
nonoperating encumbrances canceled or modified in error. The 125964  
reestablished encumbrance amounts are hereby appropriated. 125965

(G) If the Controlling Board approved a purchase, that 125966  
approval remains in effect so long as the appropriation used to 125967  
make that purchase remains encumbered. 125968

**Section 503.60.** RE-ESTABLISHING ENCUMBRANCES THAT USE 125969

OUTDATED EXPENSE ACCOUNT CODES 125970

On or after January 1, 2015, the Director of Budget and 125971  
Management may cancel any existing operating or capital 125972  
encumbrances from prior fiscal years that reference outdated 125973  
expense account codes and, if needed, reestablish them against the 125974  
same appropriation items referencing updated expense account 125975  
codes. The reestablished encumbrance amounts are hereby 125976  
appropriated. Any business commenced but not completed under the 125977  
prior encumbrances by January 1, 2015, shall be completed under 125978  
the new encumbrances in the same manner and with the same effect 125979  
as if it was completed with regard to the old encumbrances. 125980

**Section 503.70.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 125981  
RE-ESTABLISHMENT OF ENCUMBRANCES 125982

Any cash transferred by the Director of Budget and Management 125983  
under section 126.15 of the Revised Code is hereby appropriated. 125984  
Any amounts necessary to re-establish appropriations or 125985  
encumbrances under section 126.15 of the Revised Code are hereby 125986  
appropriated. 125987

**Section 503.80.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 125988

The Director of Budget and Management may transfer 125989  
appropriations between the Third Frontier Research and Development 125990  
Fund (Fund 7011) and Third Frontier Research and Development 125991  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 125992  
exclusion from the calculation of gross income for federal income 125993  
taxation purposes under the "Internal Revenue Code of 1986," 100 125994  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 125995  
issued to fund projects appropriated from the Third Frontier 125996  
Research and Development Fund (Fund 7011). 125997

The Director may also create new appropriation items within 125998

the Third Frontier Research and Development Taxable Bond Fund 125999  
(Fund 7014) and make transfers of appropriations to them for 126000  
projects originally funded from appropriations made from the Third 126001  
Frontier Research and Development Fund (Fund 7011). 126002

**Section 503.90.** INCOME TAX DISTRIBUTION TO COUNTIES 126003

There are hereby appropriated out of any moneys in the state 126004  
treasury to the credit of the General Revenue Fund, which are not 126005  
otherwise appropriated, funds sufficient to make any payment 126006  
required by division (B)(2) of section 5747.03 of the Revised 126007  
Code. 126008

**Section 503.100.** EXPENDITURES AND APPROPRIATION INCREASES 126009  
APPROVED BY THE CONTROLLING BOARD 126010

Any money that the Controlling Board approves for expenditure 126011  
or any increase in appropriation that the Controlling Board 126012  
approves under sections 127.14, 131.35, and 131.39 of the Revised 126013  
Code or any other provision of law is hereby appropriated for the 126014  
period ending June 30, 2017. 126015

**Section 503.110.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 126016  
RESIDENCE 126017

If the Governor's Residence Fund (Fund 4H20) receives payment 126018  
for use of the residence pursuant to section 107.40 of the Revised 126019  
Code, the amounts so received are hereby appropriated to 126020  
appropriation item 100604, Governor's Residence Gift. 126021

**Section 503.120.** APPROPRIATIONS FOR EMPLOYEE COMPENSATION 126022  
CHANGES 126023

Notwithstanding any provision of law to the contrary, 126024  
beginning with the pay period that includes July 1, 2015, each 126025  
state appointing authority is authorized to make expenditures from 126026



current state operating appropriations contained in this act or 126027  
any other act necessary to provide for the one-time pay 126028  
supplements and compensation increases pursuant to approved 126029  
collective bargaining agreements between employee organizations 126030  
and State of Ohio public employers and pursuant to provisions of 126031  
law, as amended by this act, for employees exempt from collective 126032  
bargaining. 126033

On or before July 10, 2015, an authorized representative of 126034  
the Ohio Supreme Court, the General Assembly, the Legislative 126035  
Service Commission, the Secretary of State, the Auditor of State, 126036  
the Treasurer of State, and the Attorney General each shall notify 126037  
the Director of Administrative Services in writing if the 126038  
employees of their respective offices should be eligible for the 126039  
one-time pay supplement pursuant to the provisions of law as 126040  
amended by this act. 126041

Notwithstanding any provision of law to the contrary, on or 126042  
after July 1, 2015, the Director of Budget and Management may 126043  
authorize increased expenditures from General Revenue Fund and 126044  
non-General Revenue Fund appropriation items in this act or any 126045  
other appropriations act of the General Assembly to the extent the 126046  
Director determines necessary to effectuate one-time pay 126047  
supplements and employee compensation increases pursuant to 126048  
approved collective bargaining agreements between employee 126049  
organizations and State of Ohio public employers and pursuant to 126050  
provisions of law, as amended by this act, for employees exempt 126051  
from collective bargaining. Any increases in expenditures 126052  
authorized pursuant to this section are hereby appropriated. 126053

**Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS** 126054

Unless the agency and nuclear electric utility mutually agree 126055  
to a higher amount by contract, the maximum amounts that may be 126056  
assessed against nuclear electric utilities under division (B)(2) 126057

of section 4937.05 of the Revised Code and deposited into the 126058  
 specified funds are as follows: 126059

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
Utility	Department of	\$ 125,000	\$ 125,000	126061
Radiological Safety Fund (Fund 4E40)	Agriculture			
Radiation	Department of	\$ 1,086,098	\$ 1,086,098	126062
Emergency Response Fund (Fund 6100)	Health			
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 298,304	\$ 303,174	126063
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,200,000	\$ 1,200,000	126064

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 126065  
 INTEREST EARNED 126066

Notwithstanding any provision of law to the contrary, the 126067  
 Director of Budget and Management, through June 30, 2017, may 126068  
 transfer interest earned by any state fund to the General Revenue 126069  
 Fund. This section does not apply to funds whose source of revenue 126070  
 is restricted or protected by the Ohio Constitution, federal tax 126071  
 law, or the "Cash Management Improvement Act of 1990," 104 Stat. 126072  
 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 126073

**Section 512.13.** CASH TRANSFER FROM THE HEALTH CARE/MEDICAID 126074  
 SUPPORT AND RECOVERIES FUND TO THE GRF 126075

On July 1 of each fiscal year, or as soon as possible 126076  
 thereafter, the Director of Budget and Management shall transfer 126077

\$7,500,000 cash from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the General Revenue Fund. 126078  
126079

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 126080  
126081

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$60,000,000 in each fiscal year in cash from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year. 126082  
126083  
126084  
126085  
126086  
126087  
126088

**Section 512.30.** FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING BALANCE 126089  
126090

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2015, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and allocate that amount, to the extent of the amount so determined, as follows: 126091  
126092  
126093  
126094  
126095  
126096

(A) First, the Director of Budget and Management shall reserve in the General Revenue Fund a cash amount of up to \$393,000,000 to support personal income tax reductions; 126097  
126098  
126099

(B) Second, the Director shall transfer a cash amount of up to \$425,500,000 to the Budget Stabilization Fund to increase the balance of that fund to an amount equal to five per cent of estimated fiscal year 2017 General Revenue Fund revenue; 126100  
126101  
126102  
126103

(C) Third, the Director shall transfer a cash amount of up to \$42,250,000 to the Straight A Fund (Fund 5RB0), which is hereby created in the state treasury. 126104  
126105  
126106

(D) Fourth, the Director shall transfer a cash amount of up to \$40,000,000 to the Unemployment Compensation Interest Contingency Fund (Fund 5HC0) for payment to the United States Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing;

(E) Fifth, the Director shall transfer a cash amount of up to \$20,000,000 to the Disaster Services Fund (Fund 5E20);

(F) Sixth, the Director shall transfer a cash amount of up to \$7,500,000 to the Systems Transformation Support Fund (Fund 5QM0);

(G) Seventh, the Director shall transfer a cash amount of up to \$12,000,000 to the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury;

(H) Eighth, the Director shall transfer a cash amount of up to \$10,000,000 to the Local Government Innovation Fund (Fund 5KN0).

(I) Ninth, the Director shall transfer a cash amount of up to \$32,900,000 to the School District TPP Supplement Fund (Fund 5RE0).

(J) Tenth, the Director shall transfer a cash amount of up to \$50,000,000 to the Health and Human Services Fund.

(K) Eleventh, the Director shall transfer a cash amount of \$12,750,000 to the Electronic Pollbook Fund (Fund 5RT0).

(L) Twelfth, the Director shall transfer a cash amount of \$1,250,000 to the Absent Voter's Ballot Fund (Fund 5RU0).

(M) Thirteenth, the Director shall transfer a cash amount of up to \$31,250,000 to the Workforce and Higher Education Programs Fund (Fund 5RA0).

(N) Fourteenth, the Director shall transfer a cash amount of \$20 million to the Local Government Safety Capital Grant Fund (Fund 5RD0).

(O) Fifteenth, the Director shall transfer a cash amount of 126137  
\$11,500,000 to the Healthier Buckeye Fund (Fund 5RC0). 126138

(P) Sixteenth, the Director shall transfer a cash amount of 126139  
\$5,000,000 to the Ohio Military Facilities Fund (Fund 5RV0), which 126140  
is hereby created in the state treasury. 126141

(Q) Seventeenth, the Director shall transfer a cash amount of 126142  
\$4,000,000 to the Community Police Relations Fund (Fund 5RS0), 126143  
which is hereby created in the state treasury. 126144

(R) Eighteenth, the Director shall transfer a cash amount of 126145  
\$700,000 to the Hope For A Smile Fund (Fund 5RZ0). 126146

(S) Nineteenth, the Director shall transfer a cash amount of 126147  
\$500,000 to the ODM Maternal and Child Health Fund (Fund 5SA0), 126148  
which is hereby created in the state treasury. 126149

(T) Twentieth, the Director shall transfer a cash amount of 126150  
\$350,000 to the Mentor Stormwater Project Fund (Fund 5SA1), which 126151  
is hereby created. 126152

(U) Twenty-first, the Director shall transfer a cash amount 126153  
of \$250,000 to the Local Public Enhancement Fund (Fund 5SA3), 126154  
which is hereby created. 126155

**Section 512.33. CASH TRANSFER FROM THE GENERAL REVENUE FUND 126156**  
TO THE HEALTH AND HUMAN SERVICES FUND 126157

On July 1, 2016, or as soon as possible thereafter, the 126158  
Director of Budget and Management shall transfer \$150,000,000 cash 126159  
from the General Revenue Fund to the Health and Human Services 126160  
Fund. 126161

CASH TRANSFER FROM THE AUDIT SETTLEMENTS AND CONTINGENCY FUND 126162  
TO THE HUMAN SERVICES PROJECTS FUND 126163

On July 1, 2015, or as soon as possible thereafter, the 126164  
Director of Budget and Management shall transfer up to \$1,000,000 126165

cash from the Audit Settlements and Contingency Fund (Fund 5DM0) 126166  
to the Human Services Projects Fund (Fund 5RY0). 126167

**Section 512.40.** CASINO OPERATOR SETTLEMENT FUND 126168

On July 1, 2015, or as soon as possible thereafter, the 126169  
Director of Budget and Management shall transfer \$4,701,620 cash 126170  
from the Casino Operator Settlement Fund (Fund 5KT0) to the State 126171  
Lottery Fund (Fund 7044). 126172

The Director of Budget and Management, in consultation with 126173  
the Executive Director of the Casino Control Commission, shall 126174  
establish a schedule of transfers totaling \$4,701,620 to the 126175  
Casino Operator Settlement Fund (Fund 5KT0) from the Casino 126176  
Control Commission Fund (Fund 5HS0). 126177

**Section 512.50.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 126178

There is hereby established in the Highway Operating Fund 126179  
(Fund 7002), used by the Department of Transportation, a Diesel 126180  
Emissions Reduction Grant Program. The Director of Environmental 126181  
Protection shall administer the program and shall solicit, 126182  
evaluate, score, and select projects submitted by public and 126183  
private entities that are eligible for the federal Congestion 126184  
Mitigation and Air Quality (CMAQ) Program. The Director of 126185  
Transportation shall process Federal Highway 126186  
Administration-approved projects as recommended by the Director of 126187  
Environmental Protection. 126188

In addition to the allowable expenditures set forth in 126189  
section 122.861 of the Revised Code, Diesel Emissions Reduction 126190  
Grant Program funds also may be used to fund projects involving 126191  
the purchase or use of hybrid and alternative fuel vehicles that 126192  
are allowed under guidance developed by the Federal Highway 126193  
Administration for the CMAQ Program. 126194

Public entities eligible to receive funds under section 126195

122.861 of the Revised Code and CMAQ shall be reimbursed from 126196  
moneys in Fund 7002 designated for the Department of 126197  
Transportation's Diesel Emissions Reduction Grant Program. 126198

Private entities eligible to receive funds under section 126199  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 126200  
direction of the local public agency sponsor and upon approval of 126201  
the Department of Transportation, through direct payments to the 126202  
vendor in the prorated share of federal/state participation. These 126203  
reimbursements shall be made from moneys in Fund 7002 designated 126204  
for the Department of Transportation's Diesel Emissions Reduction 126205  
Grant Program. There shall be no new appropriations from Fund 7002 126206  
for the Diesel Emissions Reduction Grant Program in fiscal year 126207  
2016. New appropriations from Fund 7002 for the Diesel Emissions 126208  
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 126209  
2017. 126210

Any allocations under this section represent CMAQ program 126211  
moneys within the Department of Transportation for use by the 126212  
Diesel Emissions Reduction Grant Program by the Environmental 126213  
Protection Agency. These allocations shall not reduce the amount 126214  
of such moneys designated for metropolitan planning organizations. 126215

The Director of Environmental Protection, in consultation 126216  
with the Director of Transportation, shall develop guidance for 126217  
the distribution of funds and for the administration of the Diesel 126218  
Emissions Reduction Grant Program. The guidance shall include a 126219  
method of prioritization for projects, acceptable technologies, 126220  
and procedures for awarding grants. 126221

**Section 512.60. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 126222

(A) On July 1, 2015, or as soon as possible thereafter, the 126223  
Director of Budget and Management shall transfer the cash balance 126224  
from each of the funds as indicated in the table below to the fund 126225  
also indicated in the table below. Upon completion of each 126226

transfer and on the effective date of its repeal by this act,	126227	
where applicable, the fund from which the cash balance was	126228	
transferred is hereby abolished.	126229	
User Transfer from:	Transfer to:	126230
Agency Fund	Fund	126231
Code Code Fund Name	Code Fund Name	126232
AGR 5750 Agricultural Financing	GRF General Revenue Fund	126233
Commission		
Administration		
DAS 5HU0 Construction Reform	1880 Equal Opportunity	126234
Demonstration Compliance	Division - Operating	
DAS 4P30 Departmental MIS	1330 Information Technology	126235
DAS 5LA0 Building Operation	1320 Building Management	126236
DPS 5CM0 Investigative Unit -	3GT0 Investigative Unit -	126237
Treasury Contraband	Treasury Contraband	
DSA 5HJ0 Motion Picture Tax	4510 Business Assistance	126238
Credit Program Operating		
DSA 5S80 Rural Development	7037 Facilities	126239
Initiative Program	Establishment	
DSA 5AR0 Industrial Sites	5M50 Advanced Energy Loan	126240
Improvements Program	Program	
DSA 4Z60 Rural Industrial Park	7037 Facilities	126241
Loan	Establishment	
EPA 4U70 Construction and	4K30 Solid Waste	126242
Demolition Debris		
EPA 6600 Infectious Waste	4K30 Solid Waste	126243
Management		
FCC 4T80 Cultural Facilities	7030 Cultural and Sports	126244
Administration Fund	Facilities Building	
FCC N087 Education Facilities	7021 Public School Building	126245
Trust		
FCC 5E30 Ohio School Facilities	7021 Public School Building	126246
Commission Fund		



LOT	2310	Charitable Gaming Oversight	7044	State Lottery	126247
MCD	5Q90	Supplemental Inpatient Hospital	5GF0	Hospital Assessment Fund	126248
MCD	5CR0	Children's Hospital - State	GRF	General Revenue Fund	126249
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	126250
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	126251
MHA	4C50	Revolving Loans for Recovery Homes	4P90	Mental Health Trust	126252
MHA	5BR0	Tobacco Use Prevention and Control	4P90	Mental Health Trust	126253
MHA	5DV0	Criminal Justice Prevention and Treatment Collaborative	4P90	Mental Health Trust	126254
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	126255
MHA	5JW0	Board Match Reimbursement	4P90	Mental Health Trust	126256
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	126257
MHA	3J80	Medicaid Legacy Costs Support	3B10	Community Medicaid	126258
PAY	8140	Cost Savings	8060	Accrued Leave	126259
RAC	5640	Quarter Horse Development	5620	Thoroughbred Race Fund	126260
SOS	4130	Information Systems	5990	Corporate and Uniform Commercial Code Filing	126261

(B) On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against each appropriation item as indicated in the table below and reestablish them against the appropriation item also indicated in the table below. In addition, if any other existing encumbrances must be cancelled and reestablished to

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properly close out the funds identified in division (A) of this				126268
section, the Director is hereby authorized to carry out those				126269
necessary transactions. These amounts are hereby appropriated.				126270
Cancel existing encumbrances	Reestablish encumbrances			126271
against:	against:			
Fund	Fund			126272
Code Appropriation Item	Code Appropriation Item			126273
5CM0 767691 - Equitable Share	3GT0 767691 - Equitable Share			126274
Account	Account			
5HU0 100655 - Construction	1880 100649 - Equal			126275
Reform Demo Compliance	Opportunity Division -			
	Operating			
4T80 230603 - Community Project	GRF 230458 - State			126276
Administration	Construction Management			
	Services			
4P30 100603 - DAS Information	1330 100607 - IT Services			126277
Services	Delivery			
5LA0 100660 - Building Operation	1320 100631 - DAS Building			126278
	Management			
6600 715629 - Infectious Waste	4K30 715649 - Solid Waste			126279
Management				
4U70 715660 - Construction and	4K30 715649 - Solid Waste			126280
Demolition Debris				
5E30 230644 - Operating Expenses	GRF 230321 - Operating			126281
	Expenses			
4130 050601 - Information	5990 050603 - Business			126282
Systems	Services Operating			
	Expenses			
(C) The following funds, used by the Department of				126283
Rehabilitation and Corrections, shall be abolished on the				126284
effective date of their repeal by this act: the Laboratory				126285
Services Fund (Fund 5930), the Adult Parole/Probation Service Fund				126286
(Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and				126287

the Confinement Cost Reimbursement Fund (Fund 5D50). 126288

(D) The following funds, used by the Department of Public 126289  
Safety shall be abolished on the effective date of their repeal by 126290  
this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), 126291  
the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice 126292  
Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance 126293  
Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Grant 126294  
Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant 126295  
Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund 126296  
(Fund 3DH0). 126297

**Section 512.70.** MEDICAID RESERVE FUND TRANSFERS AND BALANCE 126298

On July 1, 2015, or as soon as possible thereafter, the 126299  
Director of Budget and Management shall transfer \$158,000,000 cash 126300  
from the Medicaid Reserve Fund (Fund 5Y80) to the General Revenue 126301  
Fund and \$72,000,000 cash from Fund 5Y80 to the School District 126302  
TPP Supplement Fund (Fund 5RE0), used by the Department of 126303  
Education. The remaining balance in Fund 5Y80 shall be transferred 126304  
to the Budget Stabilization Fund. 126305

**Section 512.90.** Notwithstanding any provision of law to the 126306  
contrary, not later than thirty days following the effective date 126307  
of this section, the Director of Budget and Management shall 126308  
transfer \$2,500,000 in cash from the Budget Stabilization Fund 126309  
(Fund 7013) to the Tax Amnesty Promotion and Administration Fund 126310  
(Fund 5BW0), which is hereby created in the state treasury. The 126311  
money shall be used by the Department of Taxation to pay expenses 126312  
incurred in promoting and administering the tax amnesty program 126313  
that is to be conducted from January 1, 2016, to February 15, 126314  
2016, pursuant to Section 757.130 of this act. 126315

After receiving the revenue receipts from the tax amnesty 126316  
program, the Director of Budget and Management shall transfer the 126317

first \$2,500,000 in payments from the amnesty program to the 126318  
Budget Stabilization Fund as repayment, the next \$10,000,000 to 126319  
the General Revenue Fund, and the remaining excess fund balance to 126320  
the Budget Stabilization Fund. 126321

**Section 515.10.** (A) On the effective date of the enactment of 126322  
section 3734.49 of the Revised Code by this act, the functions, 126323  
together with the assets and liabilities, of the Solid Waste 126324  
Management Advisory Council created in section 3734.51 of the 126325  
Revised Code, as repealed by this act, and the Recycling and 126326  
Litter Prevention Advisory Council created in section 3736.04 of 126327  
the Revised Code, as repealed by this act, are transferred to the 126328  
Materials Management Advisory Council created in section 3734.49 126329  
of the Revised Code, as enacted by this act. 126330

(B) Any business commenced but not completed by the Solid 126331  
Waste Management Advisory Council and the Recycling and Litter 126332  
Prevention Advisory Council on the effective date of the transfer 126333  
shall be completed by the Materials Management Advisory Council. 126334  
Any validation, cure, right, privilege, remedy, obligation, or 126335  
liability is not lost or impaired solely by reason of the transfer 126336  
required by this section and shall be administered by the 126337  
Materials Management Advisory Council in accordance with this act. 126338

(C) All of the determinations of the Solid Waste Management 126339  
Advisory Council and the Recycling and Litter Prevention Advisory 126340  
Council in relation to those Advisory Councils continue in effect 126341  
as determinations of the Materials Management Advisory Council 126342  
until modified or rescinded by the Materials Management Advisory 126343  
Council. 126344

(D) Whenever the Solid Waste Management Advisory Council or 126345  
the Recycling and Litter Prevention Advisory Council or the 126346  
chairperson of the applicable Advisory Council is referred to in 126347  
any law, contract, or other document, the reference shall be 126348

deemed to refer to the Materials Management Advisory Council or to 126349  
the chairperson of the Materials Management Advisory Council, 126350  
whichever is appropriate in context. 126351

(E) Any action or proceeding pending on the effective date of 126352  
the enactment of section 3734.49 of the Revised Code by this act 126353  
is not affected by the transfer of the functions of the Solid 126354  
Waste Management Advisory Council and the Recycling and Litter 126355  
Prevention Advisory Council by this act and shall be prosecuted or 126356  
defended in the name of the Materials Management Advisory Council. 126357  
In all such actions and proceedings, the Materials Management 126358  
Advisory Council, upon application to the court, shall be 126359  
substituted as a party. 126360

**Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 126361

Certain appropriations are in this act for the purpose of 126362  
paying debt service and financing costs on general obligation 126363  
bonds or notes of the state issued pursuant to the Ohio 126364  
Constitution and acts of the General Assembly. If it is determined 126365  
that additional appropriations are necessary for this purpose, 126366  
such amounts are hereby appropriated. 126367

**Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE** 126368

Certain appropriations are in this act for the purpose of 126369  
making lease rental payments pursuant to leases and agreements 126370  
relating to bonds or notes issued by the Treasurer of State, or 126371  
previously by the Ohio Building Authority, pursuant to the Ohio 126372  
Constitution and acts of the General Assembly. If it is determined 126373  
that additional appropriations are necessary for this purpose, 126374  
such amounts are hereby appropriated. 126375

**Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM** 126376  
**TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS** 126377

The Office of Budget and Management shall process payments 126378  
from general obligation and lease rental payment appropriation 126379  
items during the period from July 1, 2015, through June 30, 2017, 126380  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 126381  
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 126382  
and Chapters 151., 152., and 154. of the Revised Code. Payments 126383  
shall be made upon certification by the Treasurer of State of the 126384  
dates and the amounts due on those dates. 126385

**Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION** 126386

There is hereby appropriated, from those funds designated by 126387  
or pursuant to the applicable proceedings authorizing the issuance 126388  
of state obligations, amounts computed at the time to represent 126389  
the portion of investment income to be rebated or amounts in lieu 126390  
of or in addition to any rebate amount to be paid to the federal 126391  
government in order to maintain the exclusion from gross income 126392  
for federal income tax purposes of interest on those state 126393  
obligations under section 148(f) of the Internal Revenue Code. 126394

Rebate payments shall be approved and vouchered by the Office 126395  
of Budget and Management. 126396

**Section 521.20. STATEWIDE INDIRECT COST RECOVERY** 126397

Whenever the Director of Budget and Management determines 126398  
that an appropriation made to a state agency from a fund of the 126399  
state is insufficient to provide for the recovery of statewide 126400  
indirect costs under section 126.12 of the Revised Code, the 126401  
amount required for such purpose is hereby appropriated from the 126402  
available receipts of such fund. 126403

**Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT** 126404  
**COST ALLOCATION PLAN** 126405

The total transfers made from the General Revenue Fund by the 126406

Director of Budget and Management under this section shall not 126407  
exceed the amounts transferred into the General Revenue Fund under 126408  
section 126.12 of the Revised Code. 126409

The director of an agency may certify to the Director of 126410  
Budget and Management the amount of expenses not allowed to be 126411  
included in the Statewide Indirect Cost Allocation Plan under 126412  
federal regulations, from any fund included in the Statewide 126413  
Indirect Cost Allocation Plan, prepared as required by section 126414  
126.12 of the Revised Code. 126415

Upon determining that no alternative source of funding is 126416  
available to pay for such expenses, the Director of Budget and 126417  
Management may transfer cash from the General Revenue Fund into 126418  
the fund for which the certification is made, up to the amount of 126419  
the certification. The director of the agency receiving such funds 126420  
shall include, as part of the next budget submission prepared 126421  
under section 126.02 of the Revised Code, a request for funding 126422  
for such activities from an alternative source such that further 126423  
federal disallowances would not be required. 126424

The director of an agency may certify to the Director of 126425  
Budget and Management the amount of expenses paid in error from a 126426  
fund included in the Statewide Indirect Cost Allocation Plan. The 126427  
Director of Budget and Management may transfer cash from the fund 126428  
from which the expenditure should have been made into the fund 126429  
from which the expenses were erroneously paid, up to the amount of 126430  
the certification. 126431

The director of an agency may certify to the Director of 126432  
Budget and Management the amount of expenses or revenues not 126433  
allowed to be included in the Statewide Indirect Cost Allocation 126434  
Plan under federal regulations, for any fund included in the 126435  
Statewide Indirect Cost Allocation Plan, for which the federal 126436  
government requires payment. If the Director of Budget and 126437  
Management determines that an appropriation made to a state agency 126438

from a fund of the state is insufficient to pay the amount 126439  
required by the federal government, the amount required for such 126440  
purpose is hereby appropriated from the available receipts of such 126441  
fund, up to the amount of the certification. 126442

**Section 521.40.** FEDERAL GOVERNMENT INTEREST REQUIREMENTS 126443

Notwithstanding any provision of law to the contrary, on or 126444  
before the first day of September of each fiscal year, the 126445  
Director of Budget and Management, in order to reduce the payment 126446  
of adjustments to the federal government, as determined by the 126447  
plan prepared under division (A) of section 126.12 of the Revised 126448  
Code, may designate such funds as the Director considers necessary 126449  
to retain their own interest earnings. 126450

**Section 521.50.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 126451

Pursuant to the plan for compliance with the Federal Cash 126452  
Management Improvement Act required by section 131.36 of the 126453  
Revised Code, the Director of Budget and Management may cancel and 126454  
re-establish all or part of encumbrances in like amounts within 126455  
the funds identified by the plan. The amounts necessary to 126456  
re-establish all or part of encumbrances are hereby appropriated. 126457

**Section 521.60.** FISCAL STABILIZATION AND RECOVERY 126458

To ensure the level of accountability and transparency 126459  
required by federal law, the Director of Budget and Management may 126460  
issue guidelines to any agency applying for federal money made 126461  
available to this state for fiscal stabilization and recovery 126462  
purposes, and may prescribe the process by which agencies are to 126463  
comply with any reporting requirements established by the federal 126464  
government. 126465

**Section 610.01.** That Section 755.40 of Sub. H.B. 53 of the 126466



131st General Assembly be amended to read as follows: 126467

**Sec. 755.40.** (A) There is hereby created the Joint 126468  
Legislative Task Force on Department of Transportation Issues. The 126469  
Task Force shall consist of three members of the House Finance and 126470  
Appropriations Committee, one of whom is a member of the Minority 126471  
party, all of whom shall be appointed by the Speaker of the House 126472  
of Representatives; and three members of the Senate Transportation 126473  
Committee, one of whom is a member of the Minority party, all of 126474  
whom shall be appointed by the President of the Senate. In making 126475  
Minority party appointments, the Speaker shall consult with the 126476  
Minority Leader of the House of Representatives, and the President 126477  
shall consult with the Minority Leader of the Senate. 126478

(B)(1) The Task Force shall study methods for increasing the 126479  
speed on, and access to, rural highways and freeways in Ohio. ~~The~~ 126480  
~~Task Force also shall study~~ and methods for saving money on 126481  
license plates, including specifically a single license plate 126482  
requirement. 126483

(2) In addition to the areas of study specified in division 126484  
(B)(1) of this section, the Task Force shall study the cost and 126485  
feasibility of establishing a limited driving privilege license 126486  
that: 126487

(a) Contains embedded information, accessible only to law 126488  
enforcement officers, that specifies the period during which the 126489  
license holder may exercise limited driving privileges and the 126490  
purposes for which limited driving privileges have been granted; 126491

(b) Is issued to any person to whom any of the following 126492  
applies: 126493

(i) The person's driver's license has been suspended and the 126494  
person has been granted limited driving privileges under section 126495  
4510.021 of the Revised Code; 126496

(ii) The person's driver's license was previously suspended, 126497  
the period of suspension has ended, and the person is complying 126498  
with a Bureau of Motor Vehicles fee installment plan under O.A.C. 126499  
4501:1-1-45 in order to pay the person's reinstatement fees; or 126500

(iii) The person's driver's license was previously suspended, 126501  
the period of suspension has ended, and the person has been issued 126502  
a court order under division (D)(2) of section 4510.10 of the 126503  
Revised Code that authorizes the person to operate a vehicle until 126504  
the person can pay the reinstatement fees. 126505

(3) Not later than December 15, 2015, the Task Force shall 126506  
issue a report containing its findings and recommendations with 126507  
regard to the areas of study specified in division (B)(1) and (2) 126508  
of this section to the President of the Senate, the Minority 126509  
Leader of the Senate, the Speaker of the House of Representatives, 126510  
and the Minority Leader of the House of Representatives. 126511

(C)(1) The Task Force shall examine the funding needs of the 126512  
Ohio Department of Transportation and shall study specifically the 126513  
issue of the effectiveness of the Ohio motor fuel tax in meeting 126514  
those funding needs. The Task Force also shall study alternative 126515  
methods for funding the construction and maintenance of Ohio's 126516  
roadways and infrastructure. 126517

(2) Not later than December 15, 2016, the Task Force shall 126518  
issue a report containing its findings and recommendations with 126519  
regard to the areas of study specified in division (C)(1) of this 126520  
section to the President of the Senate, the Minority Leader of the 126521  
Senate, the Speaker of the House of Representatives, and the 126522  
Minority Leader of the House of Representatives. At that time, the 126523  
Task Force shall cease to exist. 126524

**Section 610.02.** That existing Section 755.40 of Sub. H.B. 53 126525  
of the 131st General Assembly is hereby repealed. 126526

**Section 610.10.** That Sections 125.10, 125.11, and 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly be amended to read as follows:

**Sec. 125.10.** (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, ~~5168.12~~, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2015~~ 2017.

(B) ~~Any~~ Notwithstanding the repeal by this act of section 5168.12 of the Revised Code, any money remaining in the Legislative Budget Services Fund on ~~October 16, 2015~~, the effective date of the repeal of that section 5168.12 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed ~~under division (A) of this section~~, the fund shall cease to exist.

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2015~~ 2017.

**Sec. 733.40.** (A) The Superintendent of Public Instruction shall appoint three incorporators who are knowledgeable about the administration of public schools and about the operation of nonprofit corporations in Ohio.

(B) The incorporators shall do whatever is necessary and proper to set up a nonprofit corporation under Chapter 1702. of the Revised Code. The articles of incorporation, in addition to meeting the requirements of section 1702.04 of the Revised Code, shall set forth the following provisions:

(1) That the nonprofit corporation is to create and implement a pilot program that provides an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, that will enable these individuals to earn a degree in public school administration, that will enable these individuals to obtain licenses in public school administration, and that promotes the placement of these individuals in public schools that have a poverty percentage greater than fifty per cent.

(2) That the Board of Directors are to establish criteria for program costs, participant selection, and continued participation, and metrics to document and measure pilot program activities.

(3) That the name of the nonprofit corporation is "New Leaders for Ohio Schools."

(4) That the Board of Directors is to consist of the following nine directors:

(a) The Governor or the Governor's designee;

(b) The Superintendent of Public Instruction, or the Superintendent's designee;

(c) The Chancellor of the Ohio Board of Regents, or the Chancellor's designee;

(d) Two individuals to represent major business enterprises in Ohio;

(e) Two individuals appointed by the Speaker of the House of Representatives, one of whom shall be an active duty or retired military officer;

(f) Two individuals appointed by the President of the Senate, one of whom shall be a current or retired teacher or principal.

The Dean of The Ohio State University Fisher College of Business and the Dean of The Ohio State University College of

Education and Human Ecology are to serve as ex-officio nonvoting members of the Board. 126586  
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The individuals on the Board who represent major business enterprises in Ohio are to be appointed by a statewide organization selected by the Governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio. 126588  
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(5) That the Board is to elect a chairperson from among its members, and is to appoint a President of the corporation. 126593  
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(6) That the President of the Corporation, subject to the approval of the Board, is to enter into a contract with The Ohio State University Fisher College of Business. Under the contract, the College is to provide oversight to the corporation, ~~is to serve as fiscal agent for the corporation,~~ and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties. 126595  
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(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation. 126603  
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(8) That the President is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources. 126605  
126606  
126607

(9) That the corporation is to submit an annual report to the General Assembly and Governor beginning December 31, 2013. 126608  
126609

(10) That state financial support for the corporation shall cease on the date that is five years after ~~the effective date of this section~~ June 30, 2013. 126610  
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**Section 610.11.** That existing Sections 125.10, 125.11, and 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly are hereby repealed. 126613  
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**Section 610.14.** That Section 745.10 of Am. Sub. H.B. 483 of the 130th General Assembly be amended to read as follows:

**Sec. 745.10.** (A) There is hereby created the Maritime Port Funding Study Committee. The committee shall consist of the following ten members who shall be appointed not later than thirty days after the effective date of this section:

(1) Two members of the Senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the President of the Senate;

(2) Two members of the House of Representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the Speaker of the House of Representatives;

(3) Two members appointed by the Governor, one of whom shall be from the Ohio Department of Transportation and be knowledgeable about maritime ports and one of whom shall be from the Development Services Agency;

(4) Four members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, each of whom shall represent maritime port interests on behalf of a major maritime port and none of whom shall represent the same maritime port.

(B) The Committee shall select a chairperson and vice-chairperson from among its members. The Committee first shall meet within one month after the effective date of this section at the call of the President of the Senate. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. Members of the Committee are not entitled to compensation for serving on the Committee, but may continue to receive the compensation and benefits accruing from their regular

offices or employments. 126646

(C) The Committee shall study alternative funding mechanisms 126647  
for maritime ports in Ohio that may be utilized beginning in 126648  
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 126649  
Study Committee shall issue a report of its findings and 126650  
recommendations to the Governor, the President of the Senate, the 126651  
Minority Leader of the Senate, the Speaker of the House of 126652  
Representatives, and the Minority Leader of the House of 126653  
Representatives. After submitting the report, the Study Committee 126654  
shall cease to exist. 126655

**Section 610.15.** That existing Section 745.10 of Am. Sub. H.B. 126656  
483 of the 130th General Assembly is hereby repealed. 126657

**Section 610.17.** That Section 10 of Am. Sub. H.B. 487 of the 126658  
130th General Assembly be amended to read as follows: 126659

**Sec. 10.** (A) For the 2014-2015 and 2015-2016 school ~~year~~ 126660  
years, no school district, community school, STEM school, 126661  
college-preparatory boarding school, or chartered nonpublic school 126662  
shall be required to administer in an online format any 126663  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 126664  
Revised Code. However, a district or school may administer any of 126665  
those assessments in an online format at the discretion of the 126666  
district board or school governing authority, or in any 126667  
combination of online and paper formats. The Department of 126668  
Education shall furnish, free of charge, all such assessments for 126669  
that school year regardless of the format selected by the district 126670  
or school. School districts and schools are encouraged to 126671  
administer the assessments in an online format. 126672

(B) Not later than December 31, 2014, the Department shall 126673  
submit a report to the Governor and the General Assembly, in 126674  
accordance with section 101.68 of the Revised Code, on the 126675

security of student data with regard to the administration of 126676  
online assessments. 126677

(C) Not later than July 1, 2015, the Department shall publish 126678  
the number of districts and schools that administered the 126679  
assessments required under sections 3301.0710 and 3301.0712 of the 126680  
Revised Code in all of the following formats: 126681

(1) Completely in an online format; 126682

(2) Completely in a paper format; 126683

(3) In any combination of online and paper formats. 126684

**Section 610.18.** That existing Section 10 of Am. Sub. H.B. 487 126685  
of the 130th General Assembly is hereby repealed. 126686

**Section 610.20.** That Sections 207.70, 207.200, 213.20, 126687  
215.10, 221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 of the 126688  
130th General Assembly be amended to read as follows: 126689

**Sec. 207.70.** CLT CLARK STATE COMMUNITY COLLEGE 126690

Higher Education Improvement Fund (Fund 7034)			126691
C38519	Energy Efficiency Improvements	\$ 2,100,000	126692
C38520	Springfield Downtown Parking Facility	\$ 250,000	126693
C38521	Springfield UAS Hangar	\$ 500,000	126694
C38522	Food and Bioscience Training Center	\$ 1,000,000	126695
TOTAL Higher Education Improvement Fund		\$ 3,850,000	126696
TOTAL ALL FUNDS		\$ 3,850,000	126697

SPRINGFIELD DOWNTOWN PARKING FACILITY 126698

The foregoing appropriation item C38520, Springfield Downtown 126699  
Parking Facility, may be used for transportation and community 126700  
strategic planning, including, but not limited to, construction of 126701  
a parking garage, studies of parking issues, and long-term 126702  
strategic community planning. 126703



<b>Sec. 207.200.</b>	NCC NORTH CENTRAL TECHNICAL COLLEGE			126704
	Higher Education Improvement Fund (Fund 7034)			126705
C38010	Kehoe Center Infrastructure Renovation	\$	350,000	126706
C38014	IT Data Infrastructure Upgrade Project	\$	1,400,000	126707
C38015	Crawford County Higher Education Center	\$	850,000	126708
C38016	MEDAL Talent Innovation Network	\$	500,000	126709
<del>C38017</del>	<del>Ashland University College of Nursing</del>	<del>\$</del>	<del>1,000,000</del>	126710
	TOTAL Higher Education Improvement Fund	\$	<del>4,100,000</del>	126711
			<u>3,100,000</u>	
	TOTAL ALL FUNDS	\$	<del>4,100,000</del>	126712
			<u>3,100,000</u>	

<b>Sec. 213.20.</b>	The Treasurer of State is hereby authorized to	126714
	issue and sell, in accordance with Section 2i of Article VIII,	126715
	Ohio Constitution, and Chapter 154. and other applicable sections	126716
	of the Revised Code, original obligations in an aggregate	126717
	principal amount not to exceed <del>\$120,000,000</del> <u>124,700,000</u> in	126718
	addition to the original issuance of obligations heretofore	126719
	authorized by prior acts of the General Assembly. These authorized	126720
	obligations shall be issued, subject to applicable constitutional	126721
	and statutory limitations, as needed to provide sufficient moneys	126722
	to the credit of the Administrative Building Fund (Fund 7026) to	126723
	pay costs associated with previously authorized capital facilities	126724
	and the appropriations in this act made from Fund 7026.	126725

<b>Sec. 215.10.</b>	AGR DEPARTMENT OF AGRICULTURE			126726
	Administrative Building Fund (Fund 7026)			126727
C70007	Building and Grounds	\$	1,200,000	126728
C70020	Agricultural Laboratory Facilities	\$	400,000	126729
<u>C70022</u>	<u>Agricultural Society Facilities</u>	<u>\$</u>	<u>4,700,000</u>	126730
	TOTAL Administrative Building Fund	\$	<del>1,600,000</del>	126731
			<u>6,300,000</u>	

Clean Ohio Agricultural Easement Fund (Fund 7057)			126732
C70009 Clean Ohio Agricultural Easement	\$	12,500,000	126733
TOTAL Clean Ohio Agricultural Easement	\$	12,500,000	126734
TOTAL ALL FUNDS	\$	<del>14,100,000</del>	126735
		<u>18,800,000</u>	

AGRICULTURAL SOCIETY FACILITIES 126736

The foregoing appropriation item C70022, Agricultural Society 126737  
Facilities, shall be distributed evenly to each county and 126738  
independent agricultural society in accordance with Section 717.10 126739  
of Am. Sub. H.B. 64 of the 131st General Assembly. 126740

**Sec. 221.20.** The Treasurer of State is hereby authorized to 126741  
issue and sell in accordance with Section 2i of Article VIII, Ohio 126742  
Constitution, and Chapter 154. of the Revised Code, particularly 126743  
section 154.20 of the Revised Code, original obligations in an 126744  
aggregate principal amount not to exceed ~~\$40,000,000~~ \$41,000,000 126745  
in addition to the original issuance of obligations heretofore 126746  
authorized by prior acts of the General Assembly. These authorized 126747  
obligations shall be issued, subject to applicable constitutional 126748  
and statutory limitations, as needed to provide sufficient moneys 126749  
to the credit of the Mental Health Facilities Improvement Fund 126750  
(Fund 7033) to pay costs of capital facilities as defined in 126751  
section 154.01 of the Revised Code for mental hygiene and 126752  
retardation. 126753

**Sec. 235.10.** DEV DEVELOPMENT SERVICES AGENCY 126754

Coal Research and Development Fund (Fund 7046)			126755
C19505 Coal Research and Development	\$	3,000,000	126756
TOTAL Coal Research and Development Fund	\$	3,000,000	126757
<u>Service Station Cleanup Fund (Fund 7100)</u>			126758
<u>C19507 Service Station Cleanup</u>	\$	<u>20,000,000</u>	126759
<u>TOTAL Service Station Cleanup Fund</u>	\$	<u>20,000,000</u>	126760

TOTAL ALL FUNDS	\$	3,000,000	126761
		<u>23,000,000</u>	
<u>SERVICE STATION CLEANUP FUND</u>			126762
<u>(A) For purposes of this section:</u>			126763
<u>(1) "Political subdivision" means a county, municipal corporation, township, or port authority.</u>			126764
			126765
<u>(2) "Class C release" has the same meaning as in section 3737.87 of the Revised Code.</u>			126766
			126767
<u>(3) "Property assessment" means a property assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code.</u>			126768
			126769
			126770
			126771
<u>(4) "Property owner" means a political subdivision and an organization that owns publicly owned lands.</u>			126772
			126773
<u>(5) "Cleanup or remediation" means any action at a Class C release site to contain, remove, or dispose of petroleum or other hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances.</u>			126774
			126775
			126776
			126777
<u>(6) "Publicly owned lands" includes lands that are owned by an organization that has entered into a relevant agreement with a political subdivision.</u>			126778
			126779
			126780
<u>(B) The Abandoned Gas Station Cleanup Grant Program is established in the Development Services Agency for the purpose of cleanup and remediation of Class C release sites to provide for and enable the environmentally safe and productive reuse of publicly owned lands by the remediation or cleanup, or planning and assessment for that remediation or cleanup, of contamination or by addressing property conditions or circumstances that may be deleterious to public health and safety or the environment or that preclude or inhibit environmentally sound or economic reuse of the</u>			126781
			126782
			126783
			126784
			126785
			126786
			126787
			126788
			126789

property as authorized by Section 2o of Article VIII of the Ohio 126790  
Constitution. Under this program, the Director of Development 126791  
Services may do either or both of the following: 126792

(1) Award a grant of up to \$100,000 to a property owner for 126793  
purposes of a property assessment on a Class C release site; 126794

(2) Award a grant of up to \$500,000 to a property owner for 126795  
purposes of cleanup or remediation of a Class C release site. 126796

Grants under divisions (B)(1) and (2) of this section shall 126797  
be used by a property owner to create a site that provides 126798  
opportunities for economic impact through redevelopment. The 126799  
Director of Development Services may consult with the 126800  
Environmental Protection Agency, the State Fire Marshal, the Ohio 126801  
Water Development Authority, and the Ohio Public Works Commission 126802  
in connection with this program and the awarding of these grants. 126803  
Sections 122.651 to 122.658 of the Revised Code do not apply to 126804  
this program. 126805

(C) A property owner applying for a grant under division 126806  
(B)(1) or (2) of this section shall submit an application for the 126807  
grant on a form prescribed by the Director of Development 126808  
Services. 126809

An authorized representative of the property owner shall sign 126810  
and submit an affidavit with the application certifying that the 126811  
property owner did not cause or contribute to any prior release of 126812  
petroleum or other hazardous substances on the site. 126813

Upon receipt of an application, the Director shall examine 126814  
the application and all accompanying information to determine if 126815  
the application is complete. If the Director determines that the 126816  
application is not complete, the Director shall promptly notify 126817  
the property owner that the application is not complete, provide a 126818  
description of the information that is missing from the 126819  
application, and return the application and all accompanying 126820

information to the property owner. The property owner may resubmit 126821  
the application. 126822

If the Director approves an application under this section, 126823  
the Director may enter into an agreement with the property owner 126824  
to award a grant to the property owner. The agreement shall be 126825  
executed prior to paying or disbursing any grant funds approved by 126826  
the Director under this section. 126827

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 126828  
created in the state treasury. The fund shall consist of moneys 126829  
transferred to it pursuant to this section from the Clean Ohio 126830  
Revitalization Fund (Fund 7003) created in section 122.658 of the 126831  
Revised Code. Investment earnings of the fund shall be credited to 126832  
the fund. Moneys in the fund shall be used to award grants 126833  
pursuant to the Abandoned Gas Station Cleanup Grant Program 126834  
established in this section. 126835

(E) At the request of the Director of Development Services 126836  
the Director of Budget and Management may transfer up to 126837  
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 126838  
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 126839  
provide for grants awarded by the Director of Development Services 126840  
under this section. 126841

**Sec. 245.10. PWC PUBLIC WORKS COMMISSION** 126842

State Capital Improvements Fund (Fund 7038) 126843

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 126844

TOTAL State Capital Improvements Fund \$ 300,000,000 126845

State Capital Improvements Revolving Loan Fund (Fund 7040) 126846

C15030 Revolving Loan \$ 69,000,000 126847

TOTAL State Capital Improvements Revolving Loan \$ 69,000,000 126848

Fund

Clean Ohio Conservation Fund (Fund 7056) 126849

C15060	Clean Ohio Conservation Program	\$ 75,000,000	126850
TOTAL	Clean Ohio Conservation Fund	\$ 75,000,000	126851
TOTAL ALL FUNDS		\$ 444,000,000	126852

LOCAL PUBLIC INFRASTRUCTURE 126853

The foregoing appropriation item C15000, Local Public 126854  
Infrastructure/State CIP, shall be used in accordance with 126855  
sections 164.01 to 164.12 of the Revised Code. The Director of the 126856  
Public Works Commission may certify to the Director of Budget and 126857  
Management that a need exists to appropriate investment earnings 126858  
to be used in accordance with sections 164.01 to 164.12 of the 126859  
Revised Code. If the Director of Budget and Management determines 126860  
pursuant to division (D) of section 164.08 and section 164.12 of 126861  
the Revised Code that investment earnings are available to support 126862  
additional appropriations, such amounts are hereby appropriated. 126863

If the Public Works Commission receives refunds due to 126864  
project overpayments that are discovered during a post-project 126865  
audit, the Director of the Public Works Commission may certify to 126866  
the Director of Budget and Management that refunds have been 126867  
received. In certifying the refunds, the Director of the Public 126868  
Works Commission shall provide the Director of Budget and 126869  
Management information on the project refunds. The certification 126870  
shall detail by project the source and amount of project 126871  
overpayments received and include any supporting documentation 126872  
required or requested by the Director of Budget and Management. 126873  
Upon receipt of the certification, the Director of Budget and 126874  
Management shall determine if the project refunds are necessary to 126875  
support existing appropriations. If the project refunds are 126876  
available to support additional appropriations, these amounts are 126877  
hereby appropriated to appropriation item C15030, Revolving Loan. 126878

REVOLVING LOAN 126879

The foregoing appropriation item C15030, Revolving Loan, 126880  
shall be used in accordance with sections 164.01 to 164.12 of the 126881

Revised Code. 126882

If the Public Works Commission receives refunds due to 126883  
project overpayments that are discovered during a post-project 126884  
audit, the Director of the Public Works Commission may certify to 126885  
the Director of Budget and Management that refunds have been 126886  
received. In certifying the refunds, the Director of the Public 126887  
Works Commission shall provide the Director of Budget and 126888  
Management information on the project refunds. The certification 126889  
shall detail by project the source and amount of project 126890  
overpayments received and include any supporting documentation 126891  
required or requested by the Director of Budget and Management. 126892  
Upon receipt of the certification, the Director of Budget and 126893  
Management shall determine if the project refunds are necessary to 126894  
support existing appropriations. If the project refunds are 126895  
available to support additional appropriations, these amounts are 126896  
hereby appropriated to appropriation item C15030, Revolving Loan. 126897

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND 126898

Revenues to the State Capital Improvements Revolving Loan 126899  
Fund (Fund 7040) shall consist of all repayments of loans made to 126900  
local subdivisions for capital improvements, investment earnings 126901  
on moneys in the fund, and moneys obtained from federal or private 126902  
grants or from other sources for the purpose of making loans for 126903  
the purpose of financing or assisting in the financing of the cost 126904  
of capital improvement projects of local subdivisions. 126905

If the Public Works Commission receives refunds due to 126906  
project overpayments that are discovered during the post-project 126907  
audit, the Director of the Public Works Commission may certify to 126908  
the Director of Budget and Management that refunds have been 126909  
received. If the Director of Budget and Management determines that 126910  
the project refunds are available to support additional 126911  
appropriations, such amounts are hereby appropriated. 126912

<u>CLEAN OHIO CONSERVATION GRANT REPAYMENTS</u>	126913
<u>Any amount in grant repayments received by the Public Works Commission and deposited into the Clean Ohio Conservation Fund pursuant to section 164.261 of the Revised Code is hereby appropriated through the foregoing appropriation item C15060, Clean Ohio Conservation.</u>	126914 126915 126916 126917 126918

Reappropriations

<b>Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>	126919
Administrative Building Fund (Fund 7026)	126920
C10000 Governor's Residence	\$ 376,384 126921
C10010 Office Services Building Renovation	\$ 776,561 126922
C10011 Statewide Communications System	\$ 199,723 126923
C10015 SOCC Renovations	\$ 333,180 126924
C10016 Hamilton St/Local Government Center - Plan	\$ 57,500 126925
C10019 25 S. Front Street Renovations	\$ 367,932 126926
C10020 North High Building Complex Renovations	\$ 10,685,993 126927
C10021 Office Space Planning	\$ 4,796,323 126928
C10022 Governor's Residence Security Upgrade	\$ 24,250 126929
C10023 eSecure Ohio	\$ 160,043 126930
C10025 eGovernment Infrastructure	\$ 82,675 126931
C10026 DAS Building Security	\$ 11,067 126932
C10031 Operations Facilities Improvement	\$ 191,978 126933
TOTAL Administrative Building Fund	\$ 18,063,609 126934
General Revenue Fund (GRF)	126935
C10008 Urban Areas Community Improvement	\$ 20,000 126936
TOTAL General Revenue Fund	\$ 20,000 126937
TOTAL ALL FUNDS	\$ 18,083,609 126938

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 126939

There is hereby continued a Multi-Agency Radio Communications System (MARCS) Steering Committee consisting of the designees of 126940  
126941



the Directors of Administrative Services, Public Safety, Natural 126942  
Resources, Transportation, Rehabilitation and Correction, and 126943  
Budget and Management, and the State Fire Marshal or the State 126944  
Fire Marshal's designee. The Director of Administrative Services 126945  
or the Director's designee shall chair the Committee. The 126946  
Committee shall provide assistance to the Director of 126947  
Administrative Services for effective and efficient implementation 126948  
of MARCS as well as develop policies for the ongoing management of 126949  
the system. Upon dates prescribed by the Directors of 126950  
Administrative Services and Budget and Management, the MARCS 126951  
Steering Committee shall report to the Directors on the progress 126952  
of MARCS implementation and the development of policies related to 126953  
the system. 126954

The Committee may establish a subcommittee to represent MARCS 126955  
users on the local government level. If the Committee establishes 126956  
such a subcommittee, the chairperson of the subcommittee also may 126957  
serve as a member of the MARCS Steering Committee. 126958

The foregoing appropriation item C10011, Statewide 126959  
Communications System, shall be used to purchase or construct the 126960  
components of MARCS that are not specific to any one agency. The 126961  
equipment may include, but is not limited to, multi-agency 126962  
equipment at the Emergency Operations Center/Joint Dispatch 126963  
Facility, computer and telecommunications equipment used for the 126964  
functioning and integration of the system, communications towers, 126965  
tower sites, tower equipment, and linkages among towers and 126966  
between towers and the State of Ohio Network for Integrated 126967  
Communication (SONIC) system. The Director of Administrative 126968  
Services shall, with the concurrence of the MARCS Steering 126969  
Committee, determine the specific use of funds. 126970

The amount reappropriated for the foregoing appropriation 126971  
item C10011, Statewide Communications System, is the unencumbered 126972  
and unallotted balance as of June 30, 2014, in appropriation item 126973

C10011, Statewide Communications System, plus \$66,092. Prior to 126974  
the expenditure of this reappropriation, the Director of 126975  
Administrative Services shall certify to the Director of Budget 126976  
and Management canceled encumbrances in the Administrative 126977  
Building Fund (Fund 7026) in the amount of at least \$66,092. 126978  
Spending from this appropriation item shall not be subject to 126979  
Chapters 123. and 153. of the Revised Code. 126980

SOCC RENOVATIONS 126981

The amount reappropriated for the foregoing appropriation 126982  
item C10015, SOCC Renovations, is the unencumbered and unallotted 126983  
balance as of June 30, 2014, in appropriation item C10015, SOCC 126984  
Renovations, plus \$36,166. Prior to the expenditure of this 126985  
reappropriation, the Director of Administrative Services shall 126986  
certify to the Director of Budget and Management canceled 126987  
encumbrances in the Administrative Building Fund (Fund 7026) in 126988  
the amount of at least \$36,166. 126989

NORTH HIGH BUILDING COMPLEX RENOVATIONS 126990

The amount reappropriated for the foregoing appropriation 126991  
item C10020, North High Building Complex Renovations, is the 126992  
unencumbered and unallotted balance as of June 30, 2014, in 126993  
appropriation item C10020, North High Building Complex 126994  
Renovations, plus \$845,454. Prior to the expenditure of this 126995  
reappropriation, the Director of Administrative Services shall 126996  
certify to the Director of Budget and Management canceled 126997  
encumbrances in the Administrative Building Fund (Fund 7026) in 126998  
the amount of at least \$845,454. 126999

OFFICE SPACE PLANNING 127000

The amount reappropriated for the foregoing appropriation 127001  
item C10021, Office Space Planning, is the unencumbered and 127002  
unallotted balance as of June 30, 2014, in appropriation item 127003  
C10021, Office Space Planning, plus \$60,126. Prior to the 127004

expenditure of this reappropriation, the Director of 127005  
Administrative Services shall certify to the Director of Budget 127006  
and Management canceled encumbrances in the Administrative 127007  
Building Fund (Fund 7026) in the amount of at least \$60,126. 127008

ESECURE OHIO 127009

The amount reappropriated for the foregoing appropriation 127010  
item C10023, eSecure Ohio, is the unencumbered and unallotted 127011  
balance as of June 30, 2014, in appropriation item C10023, eSecure 127012  
Ohio, plus \$31,590. Prior to the expenditure of this 127013  
reappropriation, the Director of Administrative Services shall 127014  
certify to the Director of Budget and Management canceled 127015  
encumbrances in the Administrative Building Fund (Fund 7026) in 127016  
the amount of at least \$31,590. 127017

**Section 610.21.** That existing Sections 207.70, 207.200, 127018  
213.20, 215.10, 221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 127019  
of the 130th General Assembly are hereby repealed. 127020

**Section 610.22.** That Section 2 of Am. Sub. S.B. 1 of the 127021  
130th General Assembly be amended to read as follows: 127022

**Sec. 2.** (A) As used in this section: 127023

(1) "Institution" means any of the following: 127024

(a) A state institution of higher education, as defined in 127025  
section 3345.011 of the Revised Code; 127026

(b) A private career school, as defined in section 3332.01 of 127027  
the Revised Code; 127028

(c) A private, nonprofit institution in this state holding a 127029  
certificate of authorization pursuant to Chapter 1713. of the 127030  
Revised Code; 127031

(d) A private institution exempt from regulation under 127032

Chapter 3332. of the Revised Code as prescribed in section 127033  
3333.046 of the Revised Code, if the program has a certificate of 127034  
authorization pursuant to Chapter 1713. of the Revised Code; 127035

(e) A career-technical center, joint vocational school 127036  
district, comprehensive career-technical center, or compact 127037  
career-technical center offering adult training. 127038

(2) "Workforce training program" includes any of the 127039  
following: 127040

(a) Courses, programs, or a degree from an institution; 127041

(b) Vocational education classes offered to adult learners; 127042

(c) Any other training program designed to meet the special 127043  
requirements of a particular employer. 127044

(B)(1) The OhioMeansJobs Workforce Development Revolving Loan 127045  
Program is hereby established for the purpose of assisting with 127046  
job growth and advancement through training and retraining. The 127047  
Chancellor of ~~the Ohio Board of Regents~~ Higher Education shall 127048  
~~administer the program and shall~~ award funds to an institution 127049  
that the institution shall use to award loans to participants in a 127050  
workforce training program that is approved by the Chancellor and 127051  
that is administered by the institution. 127052

(2) In awarding funds under this section, the Chancellor 127053  
shall give a preference to an institution for a workforce training 127054  
program in which the institution partners with a business that is 127055  
willing to repay all or part of the loan on behalf of a program 127056  
participant or with a business that also provides funding for the 127057  
program, in comparison to a program that does not have such a 127058  
partnership. The Chancellor shall consider a program that has 127059  
employment opportunities in areas that are in demand, including, 127060  
but not limited to, energy exploration. 127061

(3) The Chancellor also shall consider all of the following 127062

factors when determining whether to award funds under this section 127063  
to an institution for a workforce training program, to the extent 127064  
that these factors apply to the program: 127065

(a) The success rate of the workforce training program 127066  
offered by the institution; 127067

(b) The cost of the workforce training program based upon a 127068  
comparison of similar workforce training programs offered in this 127069  
state; 127070

(c) The rate that the workforce training program participants 127071  
obtain employment in the field in which they receive training 127072  
under the program; 127073

(d) The willingness of the institution to assist a 127074  
participant in paying for the costs of participating in the 127075  
workforce training program; 127076

(e) The extent to which the program has demonstrated support 127077  
from business partners. 127078

(4) After the initial funds are awarded to institutions under 127079  
this section, the Chancellor, in awarding subsequent funds under 127080  
this section, shall give greater weight to the factors listed in 127081  
division (B)(3)(a) of this section in comparison to the other 127082  
factors listed in division (B)(3) of this section, but shall not 127083  
give that factor greater weight than the preference given in 127084  
division (B)(2) of this section. 127085

(C) Funds shall be disbursed to successful applicants using 127086  
moneys from the OhioMeansJobs Workforce Development Revolving Loan 127087  
Fund established in section 6301.14 of the Revised Code. The 127088  
Chancellor shall not award to an institution more than one hundred 127089  
thousand dollars per workforce training program per year under 127090  
this section. An institution receiving funds under this section 127091  
shall establish, in consultation with the ~~Board of Regents~~ 127092  
Department of Higher Education, eligibility requirements that a 127093

participant in the workforce training program for which the 127094  
institution received the funds shall satisfy to receive a loan 127095  
under this section, and the institution shall ~~disburse~~ apply the 127096  
loan proceeds to program costs for those participants who satisfy 127097  
those requirements. A loan ~~awarded~~ applied by an institution to a 127098  
program costs for a participant under this section shall not 127099  
exceed ten thousand dollars per program in which the participant 127100  
participates. 127101

(D) Except as provided in the rules adopted by the ~~Chancellor~~ 127102  
Treasurer of State pursuant to division ~~(E)-(3)-(G)~~ of this section, 127103  
a loan to a program participant shall remain interest-free until 127104  
six months after the date the participant successfully completes 127105  
the workforce training program, if the participant also continues 127106  
to reside in this state. Beginning on the earlier of the date that 127107  
is six months after the individual completes the workforce 127108  
training program for which the participant received a loan under 127109  
this section, the date the individual terminates enrollment in the 127110  
workforce training program without completion, or the date the 127111  
participant ceases to reside in this state, the ~~Chancellor~~ 127112  
Treasurer of State shall assess a rate of interest of not more 127113  
than four per cent per annum on any outstanding principal balance 127114  
of that loan. The ~~Chancellor~~ Treasurer of State shall not assess a 127115  
zero per cent interest rate. The ~~Chancellor~~ Treasurer of State 127116  
shall establish a payment schedule not to exceed seven years after 127117  
the date a participant successfully completes the workforce 127118  
training program. 127119

(E) The Chancellor shall prescribe, by rule adopted in 127120  
accordance with Chapter 119. of the Revised Code, procedures 127121  
necessary to carry out this section, including all of the 127122  
following: 127123

(1) Application procedures for funds under this section, 127124  
which shall require an applicant to include a description of the 127125

workforce training program for which the institution intends to	127126
award loans and the number of individuals who will be	127127
participating in that program;	127128
(2) <del>Terms for repayment of a loan;</del>	127129
(3) <del>Assessment of interest on loans for a participant who</del>	127130
<del>fails to comply with continuing eligibility requirements, who</del>	127131
<del>fails to complete the workforce training program for which the</del>	127132
<del>participant received the loan, or whose participation in the</del>	127133
<del>program is on a staggered basis;</del>	127134
(4) A method to determine the amount of funds awarded to an	127135
institution based on the costs of the workforce training program	127136
for which a program participant receives a loan and the number of	127137
individuals the institution estimates will participate in the	127138
program;	127139
(5) <del>Disbursement of funds to an institution;</del>	127140
(6)(3) The process by which the Chancellor approves workforce	127141
training programs for which loans are granted under this section.	127142
(F) The Treasurer of State shall <del>serve as an agent for the</del>	127143
<del>Chancellor in the</del> <u>be responsible for</u> making of deposits and	127144
withdrawals and <del>maintenance of</del> <u>maintaining</u> records pertaining to	127145
the OhioMeansJobs Workforce Development Revolving Loan Fund.	127146
(G)(1) <del>The Chancellor may designate either the Treasurer of</del>	127147
<del>State or a third party to serve as the Chancellor's agent in</del>	127148
<del>servicing the loans described in this section. The agent</del>	127149
<del>designated by the Chancellor pursuant to this division is</del>	127150
<del>authorized to take such actions and to enter into such contracts</del>	127151
<del>and to execute all instruments necessary or appropriate to service</del>	127152
<del>loans described in this section. If the Chancellor or an agent of</del>	127153
<del>the Chancellor designated by the Chancellor who is not the</del>	127154
<del>Treasurer of State services the loans described in this section,</del>	127155
<del>the Chancellor shall adopt rules in accordance with Chapter 119.</del>	127156

~~of the Revised Code to establish a fee to be charged to a loan recipient to offset the cost of servicing the loan.~~ 127157  
127158

~~(2) If the The Treasurer of State is designated the agent pursuant to this division, the Treasurer of State shall service the loans described in this section and may designate a third party to serve as an agent of the Treasurer of State in servicing the loans. ~~The~~ A third party designated by the Treasurer of State is authorized to take such actions, to enter into such contracts, and to execute all instruments necessary or appropriate to service those loans. ~~If the The Treasurer of State or an agent of the Treasurer of State services the loans pursuant to this division,~~ the Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to ~~establish~~ do all of the following:~~

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(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan; 127170  
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(2) Establish terms of repayment for a loan; 127172

(3) Assess interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis; 127173  
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(4) Disburse funds to an institution. ~~The~~ 127178

(H) The Treasurer of State may adopt any additional rules pursuant to section 111.15 of the Revised Code that the Treasurer of State considers necessary to implement ~~this~~ division (G) of this section. 127179  
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~~(3)~~(I) The loan servicing fee established pursuant to division (G)(1) ~~or (2)~~ of this section shall not exceed the actual cost of servicing the loan. 127183  
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~~(H)~~(J)(1) The Chancellor shall prepare a report outlining the 127186



amount each institution received under this section during the 127187  
previous year, including the amount awarded to each individual 127188  
workforce training program. ~~The Chancellor may include in the 127189  
report any recommendations for legislative changes to the Program 127190  
that the Chancellor determines are necessary to improve the 127191  
functioning and efficiency of the Program.~~ 127192

(2) Beginning on July 1, 2014, and continuing every year 127193  
thereafter for so long as the Chancellor awards funds under the 127194  
Program, the Chancellor shall submit the report prepared in 127195  
division ~~(H)~~(J)(1) of this section to the Governor, the Speaker 127196  
and Minority Leader of the House of Representatives, and the 127197  
President and Minority Leader of the Senate. 127198

**Section 610.23.** That existing Section 2 of Am. Sub. S.B. 1 of 127199  
the 130th General Assembly is hereby repealed. 127200

**Section 610.30.** That Section 5 of Am. Sub. S.B. 314 of the 127201  
129th General Assembly be amended to read as follows: 127202

**Sec. 5.** (A) There is hereby established a five-year pilot 127203  
program to test a new funding mechanism for the state's travel and 127204  
tourism marketing. The funding mechanism shall begin operation in 127205  
fiscal year 2014 and be calculated as follows: 127206

(1)(a) Not later than the twentieth day of October of each 127207  
year, starting in 2013 and ending in 2017, the Tax Commissioner 127208  
shall calculate the growth in fiscal year sales tax revenue from 127209  
certain defined categories that are related to tourism and certify 127210  
that amount to the Director of Budget and Management. 127211

(b) Not later than the twentieth day of October of each year, 127212  
starting in 2013 and ending in 2017, the Commissioner shall 127213  
calculate and certify to the Director the difference, if greater 127214  
than zero, between the revenue collected from the tax imposed 127215

under section 5739.02 of the Revised Code during the twelve-month 127216  
period ending on the last day of the preceding June and the 127217  
revenue collected during the same twelve-month period one year 127218  
earlier, for all vendors classified under the industry codes 127219  
identified in division (A)(2) of this section. On or before the 127220  
last day of October of each year, starting in 2013 and ending in 127221  
2017, the Director of Budget and Management shall transfer from 127222  
the General Revenue Fund to the Tourism Fund created in section 127223  
122.072 of the Revised Code the amount certified by the 127224  
Commissioner under this division, except that the transfer shall 127225  
not exceed ten million dollars for any fiscal year. 127226

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 127227  
Commissioner shall adjust the ten million annual dollar limit on 127228  
transfers to the Tourism Fund. The adjustment shall be made by 127229  
~~adding to the annual limit the product of~~ multiplying the limit 127230  
for the preceding fiscal year by the sum of one plus the 127231  
percentage ~~increase~~ change in the Consumer Price Index for all 127232  
urban consumers for the Midwest region, as determined by the 127233  
United States Bureau of Labor Statistics, for the twelve-month 127234  
period corresponding to the preceding fiscal year. The result 127235  
shall be rounded to the nearest one thousand dollars. The 127236  
calculation of the percentage increase in the Consumer Price Index 127237  
shall be done by taking the average index value over the twelve 127238  
months of the last completed fiscal year and comparing that to the 127239  
average index value over the twelve months of the immediately 127240  
preceding fiscal year. 127241

(2) The following industries included in the industrial 127242  
classification system used by the Tax Commissioner shall be used 127243  
in the computations under division (A)(1) of this section: air 127244  
transportation; water transportation; interurban and rural bus 127245  
transportation; taxi service; limousine service; other transit and 127246  
ground passenger transportation; scenic and sightseeing 127247

transportation; support activities for air transportation; 127248  
automotive equipment rental and leasing; travel arrangement and 127249  
reservation services; performing arts companies; spectator sports; 127250  
independent artists, writers, and performers; museums, historical 127251  
sites, and similar institutions; amusement parks and arcades; 127252  
gambling industries; hotels and motels; casino hotels; 127253  
bed-and-breakfast inns; other travel accommodations; recreational 127254  
vehicle parks and recreational camps; full-service restaurants; 127255  
limited-service eating places; drinking places (alcoholic 127256  
beverages). 127257

(B) The pilot program shall terminate when the last transfer 127258  
of funds made in accordance with division (A)(1)(b) of this 127259  
section occurs in fiscal year 2018, specifically in October 2017. 127260  
At that time, the Director of Development Services, the Director 127261  
of Budget and Management, and the Tax Commissioner shall jointly 127262  
review the pilot program and make recommendations to the Governor 127263  
and the General Assembly on whether to make the funding mechanism 127264  
permanent and, if so, whether any changes should be made to it. If 127265  
the recommendation is to make the funding mechanism permanent, the 127266  
Director of Development Services, the Director of Budget and 127267  
Management, and the Tax Commissioner shall also study and make 127268  
recommendations to the Governor and the General Assembly as to 127269  
whether the Office of TourismOhio and its functions should be 127270  
removed from the Development Services Agency and established as a 127271  
private nonprofit corporation or a subsidiary corporation of 127272  
JobsOhio. 127273

**Section 610.31.** That existing Section 5 of Am. Sub. S.B. 314 127274  
of the 129th General Assembly is hereby repealed. 127275

**Section 610.32.** That Section 9 of Am. Sub. H.B. 386 of the 127276  
129th General Assembly, as amended by Am. Sub. H.B. 59 of the 127277  
130th General Assembly, be amended to read as follows: 127278

Sec. 9. (A) As used in this section, ~~"permit:~~ 127279  
"Permit holder" and "track" have the same meanings as in 127280  
Section 7 of this act. 127281  
"Eligible entity" means a municipal corporation or township 127282  
that received moneys from the Casino Operator Settlement Fund 127283  
under Section 10 of Am. Sub. H.B. 386 of the 129th General 127284  
Assembly, as subsequently amended. 127285  
(B) ~~The Governor, in consultation with the State Racing~~ 127286  
~~Commission, shall discuss, negotiate in good faith, and reach an~~ 127287  
~~agreement with necessary parties regarding providing five hundred~~ 127288  
~~thousand dollars per year, with the first payment by December 31,~~ 127289  
~~2014, and annually thereafter, to the municipal corporations or~~ 127290  
~~townships receiving moneys from the Casino Operator Settlement~~ 127291  
~~Fund under Section 10 of Am. Sub. H.B. 386 of the 129th General~~ 127292  
~~Assembly, as subsequently amended~~ Each eligible entity shall 127293  
receive a total of one million dollars in the following manner: 127294  
(1) The State of Ohio, in accordance with Section 235.20 of 127295  
this act, shall pay five hundred thousand dollars to each eligible 127296  
entity; 127297  
(2) The permit holder of a track located in an eligible 127298  
entity shall pay two hundred fifty thousand dollars to each 127299  
eligible entity not later than December 31, 2015; and 127300  
(3) The permit holder of a track located in an eligible 127301  
entity shall pay two hundred fifty thousand dollars to each 127302  
eligible entity not later than December 31, 2016. 127303  
(C) It is the intent of the General Assembly that all 127304  
payments made according to this section and Section 233.10 of this 127305  
act are made in full, complete, and total satisfaction of any 127306  
payment contemplated or required by any version of this section. 127307

**Section 610.33.** That existing Section 9 of Am. Sub. H.B. 386 of the 129th General Assembly, as amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed.

**Section 610.35.** That Section 7 of Sub. H.B. 532 of the 129th General Assembly be amended to read as follows:

**Sec. 7.** (A) This section applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school.

(B) Notwithstanding ~~section~~ sections 3313.41 and 3313.413 of the Revised Code, the board of education of a school district to which this section applies may offer for sale an athletic field that it owns in its corporate capacity to the chartered nonpublic school that is the current leaseholder of that property prior to offering that property for sale under the provisions of ~~section~~ sections 3313.41 and 3313.413 of the Revised Code.

(C) This section shall expire on December 31, ~~2015~~ 2017.

**Section 610.36.** That existing Section 7 of Sub. H.B. 532 of the 129th General Assembly is hereby repealed.

**Section 610.37.** That Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B. 59 of the 130th General Assembly, be amended to read as follows:

**Sec. 4.** The following agencies are retained under division (D) of section 101.83 of the Revised Code and expire on December 31, 2016:

AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION	
		127332
		127333
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Academic Distress Commission	3302.10	127333
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	127334
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	127335
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	127336
Office of Enterprise Development Advisory Board	5145.162	127337
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	127338
Advisory Committee on Livestock Exhibitions	901.71	127339
Agricultural Commodity Marketing Programs Operating Committees	924.07	127340
Agricultural Commodity Marketing Programs Coordinating Committee	924.14	127341
Alternative Energy Advisory Committee	4928.64(D)	127342
AMBER Alert Advisory Committee	5502.521	127343
Apprenticeship Council	Chapter 4139.	127344
Armory Board of Control	5911.09, 5911.12	127345
Automated Title Processing Board	4505.09(C)(1)	127346
Backflow Advisory Board	3703.21	127347
Banking Commission	1123.01	127348
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	127349
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	127350
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	127351
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	127352
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	127353
Board of Governors of the Medical Liability	3929.64	127354

Underwriting Association		
Board of Voting Machines Examiners	3506.05	127355
Budget Planning and Management Commission	Section 509.10,	127356
	H.B. 1, 128th	
	G.A.	
Brain Injury Advisory Committee	3304.231	127357
Bureau of Workers' Compensation Board of Directors	4121.12	127358
Capitol Square Review and Advisory Board	105.41	127359
Child Care Advisory Council	5104.08	127360
Child Support Guideline Advisory Council	3119.024	127361
Children's Trust Fund Board	3109.15 - 3109.17	127362
Citizen's Advisory Council	5123.092, 5123.093	127363
Clean Ohio Trail Advisory Board	1519.06	127364
Coastal Resources Advisory Council	1506.12	127365
Commission on African-American Males	4112.12, 4112.13	127366
Commission on Hispanic-Latino Affairs	121.31	127367
Commission on Minority Health	3701.78	127368
Committee on Prescriptive Governance	4723.49 - 4723.492	127369
Commodity Advisory Commission	926.32	127370
Consumer Advisory Committee to the Opportunities for Ohioans with Disabilities Commission	3304.16 (3304.14), Section 803.40	127371
Continuing Education Committee	109.80(B)	127372
Council on Alcohol and Drug Addiction Services	3793.09	127373
Council on Unreclaimed Strip Mined Lands	1513.29	127374
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	127375
Credential Review Board	3319.65	127376
Credit Union Council	1733.329	127377

Criminal Sentencing Advisory Committee	181.22	127378
Data Collection and Analysis Group	3727.32	127379
Dentist Loan Repayment Advisory Board	3702.92	127380
Department Advisory Council(s)	107.18, 121.13	127381
Development Financing Advisory Council	122.40, 122.41	127382
Early Childhood Advisory Council	3301.90	127383
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	127384
Education Management Information System Advisory Board	3301.0713	127385
Educator Standards Board	3319.60	127386
Electrical Safety Inspector Advisory Committee	3783.08	127387
Emergency Response Commission	3750.02	127388
Engineering Experiment Station Advisory Committee	3335.27	127389
Environmental Education Council	3745.21	127390
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	127391
Broadcast Educational Media Commission	3353.02 - 3353.04	127392
Ex-Offender Reentry Coalition	5120.07	127393
Farmland Preservation Advisory Board	901.23	127394
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	127395
Financial Planning and Supervision Commission for a school district	3316.05	127396
Forestry Advisory Council	1503.40	127397
Governance Authority for a State University or College	3345.75	127398
Governor's Council on People with Disabilities	3303.41	127399
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	127400
Governor's Residence Advisory Commission	107.40	127401



Grain Marketing Program Operating Committee	924.20 - 924.30	127402
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	127403
Gubernatorial Transition Committee	107.29, 126.26	127404
Help Me Grow Advisory Council	3701.611	127405
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	127406
Homeland Security Advisory Council	5502.011(E)	127407
Hospital Measures Advisory Council	3727.31	127408
Housing Trust Fund Advisory Committee	174.06	127409
Industrial Commission Nominating Council	4121.04	127410
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	127411
Infant Hearing Screening Subcommittee	3701.507	127412
Infection Control Group	3727.312(D)	127413
Insurance Agent Education Advisory Council	3905.483	127414
Interstate Rail Passenger Advisory Council	4981.35	127415
Joint Select Committee on Volume Cap	133.021	127416
Labor-Management Government Advisory Council	4121.70	127417
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	127418
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	127419
Maternity and Newborn Advisory Council	3711.20, 3711.21	127420
Medically Handicapped Children's Medical Advisory Council	3701.025	127421
Midwest Interstate Passenger Rail Compact Commission	4981.361	127422
Milk Sanitation Board	917.03 - 917.032	127423
Mine Subsidence Insurance Governing Board	3929.51	127424
Minority Development Financing Advisory Board	122.72, 122.73	127425
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd	127426

	G.A.	
National Museum of Afro-American History and Culture Planning Committee	149.303	127427
New African Immigrants Commission	4112.31, 4112.32	127428
Ohio Accountability Task Force	3302.021(E)	127429
Ohio Advisory Council for the Aging	173.03	127430
Ohio Agriculture License Plate Scholarship Fund Board	901.90	127431
Ohio Arts Council	Chapter 3379.	127432
Ohio Business Gateway Steering Committee	5703.57	127433
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	127434
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	127435
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	127436
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	127437
Ohio Commission on Fatherhood	5101.34	127438
Ohio Community Service Council	121.40 - 121.404	127439
Ohio Council for Interstate Adult Offender Supervision	5149.22	127440
Ohio Cultural Facilities Commission	Chapter 3383.	127441
Ohio Cystic Fibrosis Legislative Task Force	101.38	127442
Ohio Developmental Disabilities Council	5123.35	127443
Ohio Expositions Commission	991.02	127444
Ohio Family and Children First Cabinet Council	121.37	127445
Ohio Geographically Referenced Information Program Council	125.901, 125.902	127446
Ohio Geology Advisory Council	1501.11	127447
Ohio Grape Industries Committee	924.51 - 924.55	127448
Ohio Historic Site Preservation Advisory Board	149.301	127449
Ohio Historical Society Board of Trustees	149.30	127450
Ohio Judicial Conference	105.91 - 105.97	127451

Ohio Lake Erie Commission	1506.21	127452
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	127453
Ohio Medical Quality Foundation	3701.89	127454
Ohio Parks and Recreation Council	1541.40	127455
Ohio Peace Officer Training Commission	109.71, 109.72	127456
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	127457
Ohio Public Defender Commission	120.01 - 120.03	127458
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	127459
Ohio Quarter Horse Development Commission	3769.086	127460
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	127461
Ohio Soil and Water Conservation Commission	1515.02	127462
Ohio Standardbred Development Commission	3769.085	127463
<del>Ohio Subrogation Rights Commission</del>	<del>2323.44</del>	127464
Ohio Thoroughbred Racing Advisory Committee	3769.084	127465
Ohio Transportation Finance Commission	5531.12(B) to (D)	127466
Ohio Tuition Trust Authority	3334.03, 3334.08	127467
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	127468
Ohio Vendors Representative Committee	3304.34, 20 USC 107	127469
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	127470
Ohio Water Advisory Council	1521.031	127471
Ohio Water Resources Council Advisory Group	1521.19	127472
Ohio Water Resources Council	1521.19	127473
Oil and Gas Commission	1509.35	127474
Operating Committee of the Oil and Gas Marketing	1510.06, 1510.11	127475

Program		
Organized Crime Investigations Commission	177.01	127476
Pharmacy and Therapeutics Committee of the Department of Medicaid	5164.7510	127477
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	127478
Physician Loan Repayment Advisory Board	3702.81	127479
Power Siting Board	4906.02	127480
Prequalification Review Board	5525.07	127481
Private Water Systems Advisory Council	3701.346	127482
Public Utilities Commission Nominating Council	4901.021	127483
Public Utility Property Tax Study Committee	5727.85(K)	127484
Radiation Advisory Council	3748.20	127485
Reclamation Commission	1513.05	127486
Reclamation Forfeiture Fund Advisory Board	1513.182	127487
Recreation and Resources Commission	1501.04	127488
Recycling and Litter Prevention Advisory Council	1502.04	127489
School and Ministerial Lands Divestiture Committee	501.041	127490
Savings and Loan Associations and Savings Banks Board	1181.16	127491
Second Chance Trust Fund Advisory Committee	2108.35	127492
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	127493
Ski Tramway Board	4169.02	127494
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	127495
Solid Waste Management Advisory Council	3734.51	127496
Special Commission to Consider the Suspension of Local Government Officials	3.16	127497
Speed to Scale Task Force	Section 375.60.80, H.B.	127498

	119, 128th G.A.	
State Agency Coordinating Group	1521.19	127499
State Audit Committee	126.46	127500
State Council of Uniform State Laws	105.21 - 105.27	127501
State Criminal Sentencing Commission	181.22 - 181.26	127502
State Fire Council	3737.81	127503
State Library Board	3375.01	127504
State Victims Assistance Advisory Council	109.91(B) and (C)	127505
Statewide Consortium of County Law Library	3375.481	127506
Resource Boards		
STEM Committee	3326.02	127507
Student Tuition Recovery Authority	3332.081	127508
Sunset Review Committee	101.84 - 101.87	127509
Tax Credit Authority	122.17(M)	127510
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	127511
Technical Advisory Council on Oil and Gas	1509.38	127512
Transportation Review Advisory Council	5512.07 - 5512.09	127513
Unemployment Compensation Advisory Council	4141.08	127514
Unemployment Compensation Review Commission	4141.06	127515
Veterans Advisory Committee	5902.02(K)	127516
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	127517
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	127518
Water and Sewer Commission	1525.11(C)	127519
Waterways Safety Council	1547.73	127520
Wildlife Council	1531.03 - 1531.05	127521
Workers' Compensation Board of Directors	4121.123	127522
Nominating Committee		

**Section 610.38.** That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed.

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**Section 610.40.** That Section 20.15 of H.B. 215 of the 122nd General Assembly be amended to read as follows:

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**Sec. 20.15. Departmental MIS**

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The foregoing appropriation item 100-603, Departmental MIS Services, may be used to pay operating expenses of Management Information Systems activities in the Department of Administrative Services.

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Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer in total up to \$683,000 cash from any fund administered by the Department of Administrative Services in the General Services Fund Group or Intragovernmental Service Fund Group to the Departmental MIS Services Fund (Fund 4P3) to pay operating costs of the Departmental MIS program.

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After final payments are made from fiscal year 1997 encumbrances in the Computer Services Fund, the Department of Administrative Services shall reconcile fiscal year 1997 financial activity in the Computer Services Fund and determine the amount of the fund cash balance due to Management Information System program operations.

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Not later than June 30, 1998, the Director of Administrative Services shall make a determination of any cash transfer which is required to finalize the transfer of Management Information Systems program operations from the Computer Services Fund to the Departmental MIS Services Fund. Upon concurrence with this determination, the Director of Budget and Management may transfer

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this amount between the Computer Services Fund and the 127552  
Departmental MIS Fund. 127553

Notwithstanding any other language to the contrary, the 127554  
Director of Budget and Management may transfer up to \$1,530,643 of 127555  
fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 127556  
year 1999 appropriations from appropriation item 100-603 to any 127557  
Department of Administrative Services appropriation item in the 127558  
General Services or Intragovernmental Service Fund Groups. The 127559  
appropriations transferred shall be used to make payments for 127560  
Management Information Systems services. 127561

Notwithstanding any other language to the contrary, the 127562  
Director of Budget and Management may transfer up to \$696,104 of 127563  
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 127564  
1999 appropriations from appropriation item 100-409, Departmental 127565  
Information Services, to any Department of Administrative Services 127566  
appropriation item in the General Revenue Fund. The appropriations 127567  
transferred shall be used to make payments for Management 127568  
Information Systems services. The Department of Administrative 127569  
Services shall establish charges for recovering the costs of 127570  
Management Information Systems activities. These charges shall be 127571  
deposited to the credit of the ~~Departmental MIS Information~~ 127572  
Technology Fund (Fund 4P3 1330), which is hereby created in 127573  
section 125.15 of the Revised Code. 127574

**Section 610.41.** That existing Section 20.15 of H.B. 215 of 127575  
the 122nd General Assembly is hereby repealed. 127576

**Section 610.50.** That Sections 221.10, 223.10, and 223.40 of 127577  
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 127578  
H.B. 483 of the 130th General Assembly, be amended to read as 127579  
follows: 127580

**Sec. 221.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 127581

SERVICES			127582
Mental Health Facilities Improvement Fund (Fund 7033)			127583
C58001	Community Assistance Projects	\$ 15,000,000	127584
C58007	Infrastructure Renovations	\$ 2,000,000	127585
C58021	Providence House	\$ 191,640	127586
C58022	Talbert House	\$ 300,000	127587
C58023	Cornerstone of Hope Butterfly Treehouse	\$ 40,000	127588
C58024	Bellefaire Jewish Children's Home	\$ 1,500,000	127589
C58025	Nancy's Place Replacement	\$ 500,000	127590
C58026	Cocoon Shelter	\$ 47,500	127591
<u>C58027</u>	<u>Ashland University College of Nursing</u>	<u>\$ 1,000,000</u>	127592
TOTAL Mental Health Facilities Improvement Fund		\$ <del>19,579,140</del>	127593
		<u>20,579,140</u>	
TOTAL ALL FUNDS		\$ <del>19,579,140</del>	127594
		<u>20,579,140</u>	
COMMUNITY ASSISTANCE PROJECTS			127595
The foregoing appropriation for the Department of Mental			127596
Health and Addiction Services, C58001, Community Assistance			127597
Projects, may be used for facilities constructed or to be			127598
constructed pursuant to Chapter 340., 3793., 5119., 5123., or			127599
5126. of the Revised Code or the authority granted by section			127600
154.20 of the Revised Code and the rules issued pursuant to those			127601
chapters and shall be distributed by the Department of Mental			127602
Health and Addiction Services subject to Controlling Board			127603
approval. Of the forgoing appropriation item C58001, Community			127604
Assistance Projects, \$5,000,000 shall be used to expand access to			127605
recovery housing in accordance with the guidelines contained in			127606
Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly,			127607
as amended by Am. Sub. H.B. 483 of the 130th General Assembly.			127608
<b>Sec. 223.10.</b> DNR DEPARTMENT OF NATURAL RESOURCES			127609



Wildlife Fund (Fund 7015)			127610
C725K9	Wildlife Area Building	\$ 6,400,000	127611
	Development/Renovations		
TOTAL Wildlife Fund		\$ 6,400,000	127612
Administrative Building Fund (Fund 7026)			127613
C725D5	Fountain Square Telephone Improvements	\$ 2,250,000	127614
C725D7	MARCS Equipment	\$ 2,490,150	127615
C725E0	DNR Fairgrounds Areas Upgrading	\$ 485,000	127616
C725N7	District Office Renovations	\$ 2,000,000	127617
TOTAL Administrative Building Fund		\$ 7,225,150	127618
Ohio Parks and Natural Resources Fund (Fund 7031)			127619
C72549	Facilities Development	\$ 1,250,000	127620
C725C2	Canals Hydraulics Work and Support	\$ 200,000	127621
	Facilities		
C725E1	Local Parks Projects Statewide	\$ 7,945,485	127622
C725E5	Project Planning	\$ 2,749,000	127623
C725J0	Natural Areas/Preserves	\$ 1,000,000	127624
	Maintenance/Facilities		
C725K0	State Park Renovations/Upgrading	\$ 1,027,940	127625
C725N5	Wastewater/Water Systems Upgrades	\$ 12,055,000	127626
C725N8	Operations Facilities Development	\$ 2,500,000	127627
C72501	The Wilds	\$ 500,000	127628
C725T3	Healthy Lake Erie Initiative	\$ 10,000,000	127629
C725U0	Cleveland Zoological Society Savannah	\$ 500,000	127630
	Ridge Project		
TOTAL Ohio Parks and Natural Resources Fund		\$ 39,727,425	127631
Parks and Recreation Improvement Fund (Fund 7035)			127632
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 44,650,000	127633
C725B2	State Park Maintenance Facility	\$ 3,000,000	127634
	Development		
C725B5	Buckeye Lake Dam Rehabilitation	\$ <del>4,000,000</del>	127635
		<u>29,000,000</u>	

C725E2	Local Parks Projects	\$	47,006,120	127636
C725E6	Project Planning	\$	5,901,000	127637
C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$	6,000,000	127638
C725R3	State Park Renovations Upgrades	\$	12,000,000	127639
C725R4	Dam Rehabilitation - Parks	\$	41,100,000	127640
TOTAL Parks and Recreation Improvement Fund		\$	<del>163,657,120</del> <u>188,657,120</u>	127641
Clean Ohio Trail Fund (Fund 7061)				127642
C72514	Clean Ohio Trail Fund	\$	12,500,000	127643
TOTAL Clean Ohio Trail Fund		\$	12,500,000	127644
Waterways Safety Fund (Fund 7086)				127645
C725A7	Cooperative Funding for Boating Facilities	\$	9,200,000	127646
C725N9	Operations Facilities Development	\$	820,000	127647
C725Q6	Facilities Development	\$	5,363,274	127648
TOTAL Waterways Safety Fund		\$	15,383,274	127649
TOTAL ALL FUNDS		\$	<del>244,892,969</del> <u>269,892,969</u>	127650
FEDERAL REIMBURSEMENT				127651
All reimbursements received from the federal government for				127652
any expenditures made pursuant to this section shall be deposited				127653
in the state treasury to the credit of the fund from which the				127654
expenditure originated.				127655
<u>Of the foregoing appropriation item C725B5, Buckeye Lake Dam</u>				127656
<u>Rehabilitation, up to \$25,000,000 shall be used by the Director of</u>				127657
<u>Natural Resources for dam construction projects at Buckeye Lake.</u>				127658
<u>The Director may enter into contracts with qualified construction</u>				127659
<u>companies to complete dam construction projects. Any such contract</u>				127660
<u>shall include incentives for the early completion of construction</u>				127661
<u>projects.</u>				127662

LOCAL PARKS PROJECTS	127663
Of the foregoing appropriation item C725E2, Local Parks	127664
Projects, an amount equal to two per cent of the projects listed	127665
may be used by the Department of Natural Resources for the	127666
administration of local projects, \$15,000,000 shall be used for	127667
the Veterans Memorial, \$5,000,000 shall be used for the City of	127668
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for	127669
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the	127670
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the	127671
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami	127672
Scenic Trail- Bridge Construction, \$500,000 shall be used for the	127673
Shaker Heights Van Aken District, \$500,000 shall be used for the	127674
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy	127675
Greenway Trail Highbanks Connector, \$500,000 shall be used for	127676
Hilliard Station Park, \$500,000 shall be used for the MidPointe	127677
Crossing - Swift Park, \$500,000 shall be used for the Smale	127678
Riverfront Park, \$500,000 shall be used for the Green Township	127679
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used	127680
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall	127681
be used for the City of Sylvania River Trail, \$285,545 shall be	127682
used for the Celina Westview Park Quad, \$250,000 shall be used for	127683
the New Bremen Lions Park Development, \$250,000 shall be used for	127684
the Montgomery County Agricultural Facility Improvements, \$250,000	127685
shall be used for Northam Park, \$250,000 shall be used for the	127686
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for	127687
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel	127688
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike	127689
Path, \$150,000 shall be used for the Logan County Agricultural	127690
Facility Improvements, \$150,000 shall be used for the Help All	127691
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used	127692
for York Township Park, \$150,000 shall be used for Eastview Park,	127693
\$120,000 shall be used for the Shelby County Agricultural Facility	127694
Improvements, \$100,000 shall be used for the Ohio to Erie Trail,	127695

\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 127696  
shall be used for the Shanes Park Expansion, \$92,000 shall be used 127697  
for the Defiance County Agricultural Facility Improvements, 127698  
\$50,000 shall be used for the Moonville Rail Trail Bridges and 127699  
Construction, \$50,000 shall be used for the All-Pro Freight 127700  
Stadium Improvements, \$50,000 shall be used for the Bowling Green 127701  
Nature Center, \$49,000 shall be used for the Lynchburg Old School 127702  
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - 127703  
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill 127704  
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 127705  
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 127706  
shall be used for the Round Town Bike Trail, and \$27,750 shall be 127707  
used for the Shalersville Park Walking Trail, \$3,500,000 shall be 127708  
used for the Flats East Gateway and Riverfront Park, \$1,000,000 127709  
shall be used for the City of Celina Boardwalk, \$1,000,000 shall 127710  
be used for the Middletown River Center, \$1,000,000 shall be used 127711  
for the Voice of America Multi-Purpose Field and Athletic Complex, 127712  
\$1,000,000 shall be used for the Euclid Waterfront Improvements 127713  
Plan - Phase II Implementation, \$875,000 shall be used for the 127714  
Preble County Agricultural Facility Improvements, \$500,000 shall 127715  
be used for the New Economy Neighborhood - Phase II, \$500,000 127716  
shall be used for the Nimisila Spillway Replacement Project, 127717  
\$350,000 shall be used for the Perry Township Park Lakeshore 127718  
Stabilization, \$300,000 shall be used for the Fairfield Sports 127719  
Complex Entrance, \$250,000 shall be used for the Riverfront 127720  
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 127721  
Riverside Park ~~Campground~~ Waterpark, \$150,000 shall be used for 127722  
the Treasure Island River Corridor Improvement, \$150,000 shall be 127723  
used for the Russ Nature Reserve, \$100,000 shall be used for the 127724  
Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall 127725  
be used for the PASA Field Lighting, \$100,000 shall be used for 127726  
the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used 127727  
for the Black River Landing Pavilion, \$50,000 shall be used for 127728

the Loudonville Public Swimming Pool, \$35,000 shall be used for 127729  
the A.S.K. Playground, \$30,000 shall be used for the Medina 127730  
Community Recreation Center, \$25,000 shall be used for the Newbury 127731  
Veterans' Memorial Park, and \$21,525 shall be used for the Black 127732  
Swamp Education Center Parking Lot. 127733

**Sec. 223.40.** The Treasurer of State is hereby authorized to 127734  
issue and sell, in accordance with Section 2i of Article VIII, 127735  
Ohio Constitution, and Chapter 154. of the Revised Code, 127736  
particularly section 154.22 of the Revised Code, original 127737  
obligations in an aggregate principal amount not to exceed 127738  
~~\$165,000,000~~ \$190,000,000, in addition to the original issuance of 127739  
obligations heretofore authorized by prior acts of the General 127740  
Assembly. These authorized obligations shall be issued, subject to 127741  
applicable constitutional and statutory limitations, as needed to 127742  
provide sufficient moneys to the credit of the Parks and 127743  
Recreation Improvement Fund (Fund 7035) to pay the costs of 127744  
capital facilities for parks and recreation as defined in section 127745  
154.01 of the Revised Code. 127746

**Section 610.51.** That existing Sections 221.10, 223.10, and 127747  
223.40 of Am. H.B. 497 of the 130th General Assembly, as amended 127748  
by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby 127749  
repealed. 127750

**Section 610.53.** That Section 239.10 of Am. H.B. 497 of the 127751  
130th General Assembly, as most recently amended by Am. Sub. S.B. 127752  
243 of the 130th General Assembly, be amended to read as follows: 127753

**Sec. 239.10.** FCC FACILITIES CONSTRUCTION COMMISSION 127754  
Lottery Profits Education Fund (Fund 7017) 127755  
C23014 Classroom Facilities Assistance Program \$ 100,000,000 127756  
- Lottery Profits

TOTAL Lottery Profits Education Fund	\$	100,000,000	127757
Public School Building Fund (Fund 7021)			127758
C230V9 School Security Grants	\$	17,345,000	127759
TOTAL Public School Building Fund	\$	17,345,000	127760
Administrative Building Fund (Fund 7026)			127761
C23016 Energy Conservation Projects	\$	3,000,000	127762
C230E5 State Agency Planning/Assessment	\$	500,000	127763
TOTAL Administrative Building Fund	\$	3,500,000	127764
Cultural and Sports Facilities Building Fund (Fund 7030)			127765
C23022 Woodward Opera House Redevelopment	\$	100,000	127766
C23023 OHS - Ohio History Center Exhibit Replacement	\$	840,750	127767
C23024 OHS - Statewide Site Exhibit Renovation	\$	420,000	127768
C23025 OHS - Statewide Site Repairs	\$	1,152,700	127769
C23027 OHS - Zoar Village Building Restoration	\$	502,500	127770
C23028 OHS - Basic Renovations and Emergency Repairs	\$	850,000	127771
C23030 OHS - Rankin House State Memorial	\$	653,000	127772
C23031 OHS - Harding Home State Memorial	\$	250,000	127773
C23032 OHS - Ohio Historical Center Rehabilitation	\$	985,000	127774
C23033 OHS - Stowe House State Memorial	\$	300,000	127775
C23038 OHS - Fort Amanda State Memorial	\$	395,000	127776
C23042 Tecumseh - Sugarloaf Mountain Amphitheatre	\$	33,500	127777
C23044 OHS - Ohio River Museum	\$	52,200	127778
C23045 OHS - Lockington Locks Stabilization	\$	358,900	127779
C23057 OHS - Online Portal to Ohio's Heritage	\$	1,246,000	127780
C23059 Lake Erie Nature and Science Center	\$	300,000	127781
C23068 Huntington House	\$	75,000	127782
C23077 Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	127783

C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	127784
C23091	Ohio Theatre - Toledo	\$	201,000	127785
C23098	Twin City Opera House	\$	400,000	127786
C230A1	Preble County Historical Society	\$	50,000	127787
C230A6	Secrest Auditorium Renovation	\$	125,000	127788
C230B1	Karamu House	\$	1,060,522	127789
C230C5	OHS - Collections Storage Facility	\$	212,000	127790
	Object Evaluation			
C230C6	OHS - Historic Site Signage	\$	300,000	127791
C230C8	OHS - Serpent Mound	\$	397,900	127792
C230D1	OHS - Great Circle Earthworks	\$	75,000	127793
C230D4	OHS - Fort Laurens	\$	45,000	127794
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	127795
C230E7	OHS - Hayes Presidential Center	\$	50,000	127796
C230E8	OHS - Armstrong Air and Space Museum	\$	<del>45,000</del> 295,000	127797
C230E9	OHS - Museum of Ceramics	\$	223,850	127798
C230F1	OHS - Campus Martius Museum	\$	145,200	127799
C230F2	Second Century Project	\$	200,000	127800
C230F3	Stuart's Opera House	\$	500,000	127801
<del>C230F4</del>	<del>The Gordon, Hauss, Folk Company Mill</del>	<del>\$</del>	<del>250,000</del>	127802
C230F5	Thatcher Temple Art Building	\$	37,500	127803
C230F6	Fitton Center for Creative Arts	\$	100,000	127804
C230F7	Oxford Community Arts Center	\$	450,000	127805
C230F8	Gammon House Improvements	\$	75,000	127806
C230F9	Clark State Community College Performing	\$	275,000	127807
	Arts Center			
C230G1	Murphy Theatre	\$	150,000	127808
C230G2	Johnson-Humrick House Museum	\$	57,960	127809
C230G3	Public artPARK	\$	200,000	127810
C230G4	Schines Art Park	\$	357,500	127811
C230G5	Bedford Historical Society	\$	100,000	127812
C230G6	Rainey Institute - Safe Parking	\$	125,000	127813
C230G7	Ukrainian Museum - Archives	\$	125,000	127814

C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	127815
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	127816
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	127817
C230H2	Cozad Bates House	\$	365,131	127818
C230H3	Beck Center	\$	402,349	127819
C230H7	Western Reserve Historical Society	\$	750,000	127820
C230H9	Gordon Square Arts District	\$	1,000,000	127821
C230J4	Cleveland Museum of Natural History	\$	2,500,000	127822
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	127823
C230J6	West Side Market Renovation	\$	500,000	127824
C230J7	Cardinal Center	\$	75,000	127825
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	127826
C230J9	St. Clair Memorial Hall	\$	500,000	127827
C230K1	Historic Strand Theatre Renovation	\$	150,000	127828
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	127829
C230K3	African-American Legacy Project	\$	75,000	127830
C230K4	Ohio Glass Museum Furnace System	\$	10,000	127831
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	127832
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	127833
C230K7	Georgian Museum Storage Facility	\$	30,000	127834
C230K8	Sherman House Museum	\$	35,000	127835
C230K9	Washington Court House Auditorium Project	\$	100,000	127836
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	127837
C230L2	Glass Axis Relocation	\$	150,000	127838
C230L3	Harmony Project	\$	300,000	127839
C230L4	CCAD Cinematic Arts and Motion Capture	\$	750,000	127840



	Studio and Auditorium			
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	127841
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	127842
C230L7	Sauder Village - 1920 Homestead	\$	300,000	127843
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	127844
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	127845
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	127846
C230M2	Geauga County Historical Society	\$	56,000	127847
C230M3	Chardon Lyric Theatre	\$	50,000	127848
C230M4	Chardon Heritage House	\$	200,000	127849
C230M5	Incline Theater Project	\$	550,000	127850
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	127851
C230M7	Hamilton County Memorial Hall	\$	2,000,000	127852
C230M8	Cincinnati Zoo	\$	2,000,000	127853
C230M9	Union Terminal Restoration	\$	5,000,000	127854
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	127855
C230N2	Kan Du Community Arts Center	\$	520,000	127856
C230N3	Findlay Central Auditorium	\$	1,000,000	127857
C230N4	Appalachian Forest Museum	\$	100,000	127858
C230N5	Logan Theater	\$	25,000	127859
C230N6	Willard Train Viewing Platform	\$	50,000	127860
C230N7	Markay Theatre Renovation	\$	150,000	127861
C230N8	Grand Theater Restoration Project	\$	140,000	127862
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	127863
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	127864
C230P2	Ironton Cultural Arts Operations	\$	100,000	127865

	Facility			
C230P3	Sterling Theater Revitalization Project	\$	200,000	127866
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	127867
C230P5	Columbia Station 1812 Block House	\$	28,000	127868
	Project			
C230P6	Avon Isle Renovation Phase 2	\$	82,775	127869
C230P7	Oberlin Gasholder Building/Underground	\$	200,000	127870
	Railroad Center			
C230P8	Carnegie Building Renovation	\$	500,000	127871
C230P9	Toledo Zoo	\$	750,000	127872
C230Q1	Imagination Station Improvements	\$	695,000	127873
C230Q2	War of 1812 Exhibit	\$	35,000	127874
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	127875
C230Q4	Toledo Repertoire Theatre	\$	150,000	127876
C230Q5	Valentine Theatre Initiative	\$	136,000	127877
C230Q6	Southern Park Historic District	\$	250,000	127878
C230Q7	Butler Institute of Art	\$	279,717	127879
C230Q8	Stambaugh Auditorium	\$	500,000	127880
C230Q9	Marion Palace Theatre	\$	731,000	127881
C230R1	Bradford Rail Museum	\$	275,000	127882
C230R2	K12 and TEJAS Building Project	\$	50,000	127883
C230R3	River Run Murals Project	\$	82,500	127884
C230R4	Dayton Contemporary Dance Company Studio	\$	125,000	127885
	Renovations			
C230R5	Wright Company Factory Project	\$	250,000	127886
C230R6	Victoria Theatre and Metropolitan Arts	\$	825,000	127887
	Center			
C230R7	Preserving & Updating the Historic	\$	2,198,500	127888
	Dayton Art Institute			
C230R8	National Ceramic Museum and Heritage	\$	100,000	127889
	Center Renovation			
C230R9	Opera House Project	\$	100,000	127890
C230S1	Tecumseh Theater - Opera House	\$	140,000	127891

	Restoration			
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	127892
C230S3	Hayden Auditorium - Hiram	\$	260,854	127893
C230S4	Majestic Theater Renovation	\$	36,000	127894
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	127895
C230S6	Pumphouse Center for the Arts	\$	130,000	127896
C230S7	Historic Sidney Theatre	\$	500,000	127897
C230S8	Pro Football Hall of Fame	\$	10,000,000	127898
C230S9	Park Theater Renovation	\$	159,078	127899
C230T1	Akron Civic Theater	\$	530,261	127900
C230T2	John Brown House and Grounds	\$	50,000	127901
C230T3	Hale Farm	\$	500,000	127902
C230T4	Urichsville Clay Museum	\$	150,000	127903
C230T5	Mason Historical Society	\$	350,000	127904
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	127905
C230T7	Historic Theatre Restoration	\$	500,000	127906
C230T8	County Line Historical Society	\$	46,000	127907
C230T9	Pemberville Opera House Elevator Project	\$	220,000	127908
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	127909
C230U2	Avon Lake - Folger House	\$	150,000	127910
C230U3	DeYor Performing Arts Center	\$	100,000	127911
TOTAL	Cultural and Sports Facilities Building Fund	\$	74,840,182	127912
	School Building Program Assistance Fund (Fund 7032)			127913
C23002	School Building Program Assistance	\$	575,000,000	127914
TOTAL	School Building Program Assistance Fund	\$	575,000,000	127915
TOTAL ALL FUNDS		\$	770,685,182	127916
	SCHOOL SECURITY GRANTS			127917
	The foregoing appropriation item C230V9, School Security Grants, shall be used by the School Facilities Commission to			127918
				127919

provide funding to all public and chartered nonpublic schools for 127920  
the purchase and installation of one Multi-Agency Radio 127921  
Communications System (MARCS) unit per school building and a 127922  
security door system, consisting of a security camera, an 127923  
intercom, and remote access, at one main entrance per school 127924  
building. If law enforcement agencies with jurisdiction over all 127925  
or a portion of the geographical area of a public or chartered 127926  
nonpublic school do not use MARCS, a public or chartered nonpublic 127927  
school may purchase one emergency communications system compatible 127928  
with the system or systems in use by law enforcement agencies with 127929  
jurisdiction over the school territory. A public or chartered 127930  
nonpublic school may apply to the School Facilities Commission for 127931  
reimbursement up to \$2,000 for one MARCS unit or other emergency 127932  
communications system per school building and up to \$5,000 for 127933  
costs incurred with the purchase of a security door system 127934  
installed on or after January 1, 2013. A public or chartered 127935  
nonpublic school may receive reimbursement for either a MARCS unit 127936  
or another emergency communications system, but not both. A school 127937  
previously awarded funds for one of the grant items under this 127938  
program may not receive a second award for that same grant item. 127939

STATE AGENCY PLANNING/ASSESSMENT 127940

The foregoing appropriation item C230E5, State Agency 127941  
Planning/Assessment, shall be used by the Facilities Construction 127942  
Commission to provide assistance to any state agency for 127943  
assessment, capital planning, and maintenance management. 127944

GEAUGA COUNTY HISTORICAL SOCIETY 127945

Of the foregoing appropriation item C230M2, Geauga County 127946  
Historical Society, \$12,000 shall be used for Geauga Historical 127947  
Society - White Barn Restoration, \$18,000 shall be used for Geauga 127948  
Historical Society - Maple Museum, and \$26,000 shall be used for 127949  
Gauga Historical Society - Lennah Bond Center. 127950

SCHOOL BUILDING PROGRAM ASSISTANCE	127951
The foregoing appropriation item C23002, School Building	127952
Program Assistance, shall be used by the School Facilities	127953
Commission to provide funding to school districts that receive	127954
conditional approval from the Commission pursuant to Chapter 3318.	127955
of the Revised Code.	127956
<b>Section 610.54.</b> That existing Section 239.10 of Am. H.B. 497	127957
of the 130th General Assembly, as most recently amended by Am.	127958
Sub. S.B. 243 of the 130th General Assembly, is hereby repealed.	127959
<b>Section 690.10.</b> That Sections 701.10 and 701.61 of Am. Sub.	127960
H.B. 59 of the 130th General Assembly, Section 13 of Sub. H.B. 477	127961
of the 130th General Assembly, Sections 551.10 and 733.20 of Am.	127962
Sub. H.B. 483 of the 130th General Assembly, and Section 13 of Am.	127963
Sub. H.B. 487 of the 130th General Assembly are hereby repealed.	127964
<b>Section 695.10.</b> That Section 5 of Am. Sub. H.B. 486 of the	127965
130th General Assembly is hereby repealed.	127966
<b>Section 701.05.</b> There is the Grace Commission, a joint	127967
committee of the General Assembly, to review all expenditures of	127968
the state government for fiscal year 2015. The committee shall:	127969
(A) Identify opportunities for increased efficiency and	127970
reduced costs achievable by executive action or legislation;	127971
(B) Determine areas where managerial accountability can be	127972
enhanced and administrative controls improved;	127973
(C) Suggest short-term and long-term managerial operating	127974
improvements; and	127975
(D) Specify areas where further study can be justified by	127976
potential savings.	127977

The commission shall present its findings not later than 127978  
eight months after the effective date of this section, in a 127979  
written report to the General Assembly and to the Governor. 127980

The commission shall consist of ten appointed members. The 127981  
President of the Senate shall appoint one member of the Senate and 127982  
four other individuals to the commission. The Speaker of the House 127983  
of Representatives shall appoint one member of the House of 127984  
Representatives and four other individuals to the commission. The 127985  
vice-chairperson of the Senate finance committee and the 127986  
vice-chairperson of the House finance committee shall be 127987  
ex-officio members of the commission, and shall be co-chairpersons 127988  
of the commission. 127989

Members shall be appointed not later than one month after the 127990  
effective date of this section. 127991

The commission shall convene as summoned by the chairperson. 127992  
The first meeting of the commission shall occur within two months 127993  
after the effective date of this section. Thereafter, the 127994  
commission shall meet not less often than once per month. 127995

The House of Representatives shall provide the commission 127996  
with meeting space and clerical staff support. 127997

**Section 701.07.** The Speaker of the House of Representatives 127998  
and the President of the Senate shall make the initial 127999  
appointments to the Joint Education Oversight Committee not later 128000  
than thirty days after the effective date of section 103.50 of the 128001  
Revised Code. 128002

**Section 701.20. CLASSIFICATION PLAN RULE RESCISSION** 128003

The following Ohio Administrative Code rules in effect on 128004  
June 30, 2015, are hereby permanently rescinded upon the effective 128005  
date of the amendments to sections 124.14 and 124.15 of the 128006  
Revised Code: 128007

Ohio Administrative Code rule 123:1-7-15 (State managerial and supervisory classifications);	128008 128009
Ohio Administrative Code rule 123:1-7-21 (Classifications for the office of the Attorney General);	128010 128011
Ohio Administrative Code rule 123:1-7-24 (Classifications for the office of the Secretary of State);	128012 128013
Ohio Administrative Code rule 123:1-7-25 (Classifications for the Auditor of State);	128014 128015
Ohio Administrative Code rule 123:1-7-26 (Classifications for the office of the Treasurer of State).	128016 128017
<b>Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY</b>	128018
The Department of Administrative Services shall conduct a study of the state's current liability insurance program to determine, generally, whether its statutory framework is protecting and maintaining the financial integrity of the state's assets compared to similar programs in other states. The study shall examine the possibility of expanding the state's self-insurance program to include non-vehicle tort liability claims, including those for which private insurance is either unavailable or is cost-prohibitive, in addition to identifying which types of claims should be covered by a self-insured tort liability program. The study may include an analysis of the current practice by which state agencies pay for unplanned losses from operating funds. Additionally, the study shall include an actuarial analysis of the Risk Management Reserve Fund to determine required reserves should additional tort liability claims be investigated, settled, and paid through the fund. The analysis shall include estimated premium allocations to be paid by state agencies based on each agency's history of paid losses. The study may recommend changes to the current statutory framework to	128019 128020 128021 128022 128023 128024 128025 128026 128027 128028 128029 128030 128031 128032 128033 128034 128035 128036 128037

allow the Office of Risk Management to settle or compromise 128038  
non-vehicle tort liability claims. 128039

**Section 701.40.** The Ohio Geographically Referenced 128040  
Information Program Council, as revised by the amendments of this 128041  
act to section 125.901 of the Revised Code, constitutes a 128042  
continuation of the Ohio Geographically Referenced Information 128043  
Program Council established by section 125.901 of the Revised Code 128044  
as that section existed prior to the effective date of those 128045  
amendments. 128046

**Section 701.80.** JOINT LEGISLATIVE COMMITTEE ON MULTI-SYSTEM 128047  
YOUTH 128048

(A) As used in this section, "multi-system youth" is a youth 128049  
that is in need of services from two or more of the following: 128050

(1) The child welfare system; 128051

(2) The mental health and addiction services system; 128052

(3) The developmental disabilities services system; 128053

(4) The juvenile court system. 128054

(B) There is hereby created the Joint Legislative Committee 128055  
on Multi-system Youth consisting of the following members: 128056

(1) Five members appointed by the President of the Senate, 128057  
three from the majority party and two from the minority party; 128058

(2) Five members appointed by the Speaker of the House of 128059  
Representatives, three from the majority party and two from the 128060  
minority party. 128061

(C) The Committee shall: 128062

(1) Identify the services currently provided to multi-system 128063  
youths and the costs and outcomes of those services; 128064

(2) Identify existing best practices to eliminate custody 128065



relinquishment as a means of gaining access to services for multi-system youths;	128066 128067
(3) Identify the best methods for person-centered care coordination related to behavioral health, developmental disabilities, juvenile justice, and employment;	128068 128069 128070
(4) Identify a system of accountability to monitor the progress of multi-system youths in residential placement; and	128071 128072
(5) Recommend an equitable, adequate, sustainable funding and service delivery system to meet the needs of all multi-system youths.	128073 128074 128075
(D) The Committee, in the performance of its duties, may consult with any of the following:	128076 128077
(1) The Directors of the following:	128078
(a) Office of Health Transformation;	128079
(b) Department of Youth Services;	128080
(c) Department of Mental Health and Addiction Services;	128081
(d) Department of Medicaid;	128082
(e) Department of Developmental Disabilities;	128083
(f) Department of Job and Family Services;	128084
(g) Office of Human Services Innovation;	128085
(h) Ohio Family and Children First Cabinet Council;	128086
(i) Department of Insurance.	128087
(2) The Superintendent of Public Instruction;	128088
(3) Representatives of any of the following organizations:	128089
(a) Public Children Services Association of Ohio;	128090
(b) Ohio Association of Child Caring Agencies;	128091
(c) National Alliance on Mental Illness of Ohio;	128092

(d) Autism Society of Ohio;	128093
(e) Ohio Association of County Boards Serving People with Developmental Disabilities;	128094 128095
(f) Ohio Council of Behavioral Health and Family Services Providers;	128096 128097
(g) Ohio Association of County Behavioral Health Authorities;	128098
(h) Juvenile Justice Coalition;	128099
(i) Children's Defense Fund-Ohio;	128100
(j) Ohio Family Care Association;	128101
(k) Ohio Children's Hospital Association;	128102
(l) County Commissioners Association of Ohio;	128103
(m) Center for Innovative Practices;	128104
(n) Disability Rights Ohio;	128105
(o) The ARC of Ohio.	128106
(E) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section.	128107 128108
Appointments to fill vacancies shall be filled in the same manner as the original appointments.	128109 128110
(F) Meetings of the Committee shall take place at the call of the chairperson, and the first meeting shall occur not later than forty-five days after the effective date of this section. At the first meeting, the Committee shall elect a chairperson and vice-chairperson.	128111 128112 128113 128114 128115
(G) The departments listed in division (D)(1) of this section and the Department of Education shall cooperate with the Committee and provide, upon request, any information that will assist the Committee in the performance of its duties.	128116 128117 128118 128119
(H) Not later than December 31, 2015, the Committee shall	128120

prepare a report of its findings and recommendations and submit 128121  
the report to the General Assembly and the Governor. Upon 128122  
submission of its report, the Committee shall cease to exist. 128123

**Section 701.83.** (A) The Sunset Review Committee, which is 128124  
convened to operate in calendar years 2015 and 2016, shall hold 128125  
hearings to receive the testimony of the public and of the chief 128126  
executive officer of each agency listed below, and otherwise shall 128127  
consider and evaluate the usefulness, performance, and 128128  
effectiveness of the agency: 128129

(1) Motor Vehicle Repair Board; 128130

(2) Ohio Landscape Architects Board; 128131

(3) Architects Board; 128132

(4) State Board of Optometry; 128133

(5) Ohio Optical Dispensers Board; 128134

(6) Barber Board; 128135

(7) State Board of Cosmetology; and 128136

(8) Board of Trustees of the Ohioana Library Association, 128137  
Martha Kinney Cooper Memorial. 128138

(B) The Committee specifically shall consider and make 128139  
recommendations to the General Assembly, by June 1, 2016, 128140  
regarding whether or not continuation of the Motor Vehicle Repair 128141  
Board is necessary or if the board should be eliminated; whether 128142  
or not the Ohio Landscape Architects Board and the Architects 128143  
Board should be combined to improve efficiency and save costs; and 128144  
whether or not the State Board of Optometry and the Ohio Optical 128145  
Dispensers Board should be combined to improve efficiency and save 128146  
costs. 128147

(C) After the completion of the committee's consideration and 128148  
evaluation under this section, the committee shall prepare and 128149

publish a report of its findings and recommendations. The 128150  
committee shall furnish a copy of the report to the President of 128151  
the Senate, the Speaker of the House of Representatives, the 128152  
Governor, and each affected agency. The report shall be made 128153  
available to the public in the offices of the House and Senate 128154  
Clerks during reasonable hours. The committee's report may be in 128155  
the form of a bill prepared for introduction in the Senate or in 128156  
the House of Representatives. 128157

**Section 701.90.** The Third Frontier Commission shall operate, 128158  
for fiscal years 2016 and 2017, the Ohio Third Frontier Internship 128159  
Program to contribute to the expansion of a technologically 128160  
proficient workforce in Ohio, and to encourage the retention in 128161  
Ohio of highly knowledgeable and talented students through 128162  
employing them upon graduation at for-profit companies doing 128163  
business in Ohio. 128164

**Section 701.120.** (A) There is hereby established the Local 128165  
Government Safety Capital Grant Program to be administered by the 128166  
Local Government Innovation Council created in section 189.03 of 128167  
the Revised Code. Under the program, the Council may award grants 128168  
to political subdivisions to be used for the purchase of vehicles, 128169  
equipment, facilities, or systems needed to enhance public safety. 128170  
Applications shall be submitted to the Development Services Agency 128171  
on a form specified by the Director of Development Services. The 128172  
Agency shall provide the application to the Council for evaluation 128173  
and selection. The Council shall award not more than one hundred 128174  
thousand dollars in total grants to an individual political 128175  
subdivision. 128176

(B) Grants awarded under this section shall be made from the 128177  
Local Government Safety Capital Fund, which is hereby created in 128178  
the state treasury. The fund shall consist of money appropriated 128179  
to it. 128180

**Section 703.10.** The amendments to sections 349.01, 349.03, 128181  
349.04, 349.06, 349.07, and 349.14 of the Revised Code enacted by 128182  
this act apply to any proceedings commenced after the amendments' 128183  
effective date, and, so far as their provisions support the 128184  
actions taken, also apply to proceedings that on their effective 128185  
date are pending, in progress, or completed, notwithstanding the 128186  
applicable law previously in effect or any provision to the 128187  
contrary in a prior resolution, ordinance, order, advertisement, 128188  
notice, or other proceeding. Any proceedings pending or in 128189  
progress on the effective date of those amendments shall be deemed 128190  
to have been taken in conformity with the amendment. 128191

**Section 707.10.** (A) Notwithstanding anything to the contrary 128192  
in sections 709.24 and 709.27 of the Revised Code, until January 128193  
1, 2017, in a chartered county with a population of at least one 128194  
million, petitions presented to the legislative authority for an 128195  
annexation under section 709.24 of the Revised Code shall be 128196  
signed by resident electors who voted at the last regular 128197  
municipal election, numbering not less than ten per cent of the 128198  
electors who voted in such election in the territory proposed to 128199  
be annexed. 128200

(B) If, within thirty days after receipt of a certified copy 128201  
of an ordinance from a municipal corporation proposing annexation 128202  
designating its three commissioners, the legislative authority of 128203  
the municipal corporation with which annexation is proposed fails 128204  
to pass an ordinance designating three commissioners to represent 128205  
it in annexation negotiations, then, on receipt of a petition 128206  
signed by resident electors of a number not less than ten per cent 128207  
of the number of electors voting at the last regular municipal 128208  
election of the municipal corporation with which annexation is 128209  
proposed, petitioning the legislative authority to take such 128210  
action as is necessary to initiate proceedings and to appoint 128211

three commissioners to represent it therein, the legislative 128212  
authority shall pass an ordinance appointing those commissioners. 128213

**Section 709.20.** For purposes of the transfer by this act of 128214  
the Agricultural Soil and Water Conservation Program established 128215  
prior to the effective date of the amendment of the statutes 128216  
governing the Program by this act under Chapter 1511. of the 128217  
Revised Code from the Department of Natural Resources to the 128218  
Department of Agriculture, all of the following apply: 128219

(A) The Director of Natural Resources shall enter into a 128220  
memorandum of understanding with the Director of Agriculture 128221  
regarding the transfer of the Program. The Director of Natural 128222  
Resources shall identify in the memorandum of understanding all 128223  
applicable rules regarding the Program. 128224

(B) On the date on which the two Directors sign a memorandum 128225  
of understanding under division (A) of this section, the Director 128226  
of Natural Resources shall provide the Director of Agriculture 128227  
with both of the following: 128228

(1) Copies of all operation and management plans, or 128229  
applicable portions of such plans, developed or approved by the 128230  
Chief of the Division of Soil and Water Resources under Chapter 128231  
1511. of the Revised Code or the supervisors of a soil and water 128232  
conservation district under Chapter 1515. of the Revised Code for 128233  
the abatement of the degradation of the waters of the state by 128234  
residual farm products, manure, and soil sediment, including 128235  
attached substances, that were developed or approved prior to the 128236  
effective date of the amendment of the statutes governing the 128237  
Program by this act; 128238

(2) Copies of all operation and management plans, or 128239  
applicable portions of such plans, and accompanying information 128240  
that were submitted for approval by the Chief or the supervisors 128241  
of a soil and water conservation district under Chapter 1511. or 128242

1515. of the Revised Code, as applicable, prior to the effective 128243  
date of the amendment of the statutes governing the Program by 128244  
this act for the abatement of the degradation of the waters of the 128245  
state by residual farm products, manure, and soil sediment, 128246  
including attached substances. 128247

(C) The Director of Agriculture shall adopt rules in 128248  
accordance with Chapter 119. of the Revised Code that are 128249  
identical to the rules that are identified in the memorandum of 128250  
understanding signed under this section, except that references to 128251  
the Division of Soil and Water Resources in the Department of 128252  
Natural Resources shall be replaced with references to the 128253  
Department of Agriculture, and references to the Chief of the 128254  
Division of Soil and Water Resources in the Department of Natural 128255  
Resources shall be replaced with references to the Director of 128256  
Agriculture. If necessary to ensure the integrity of the numbering 128257  
system of the Administrative Code, the Director of the Legislative 128258  
Service Commission shall renumber the rules to reflect their 128259  
transfer to the Department of Agriculture. 128260

On the effective date of the rules adopted by the Director of 128261  
Agriculture, the rules adopted by the Chief of the Division of 128262  
Soil and Water Resources as identified in the memorandum of 128263  
understanding are abolished. 128264

(D) Any business commenced but not completed by the Chief of 128265  
the Division of Soil and Water Resources relating to the Program 128266  
on the effective date of the amendment of the statutes governing 128267  
the Program by this act shall be completed by the Director of 128268  
Agriculture. Any validation, cure, right, privilege, remedy, 128269  
obligation, or liability is not lost or impaired solely by reason 128270  
of the transfer required by this act and shall be administered by 128271  
the Director of Agriculture in accordance with this act. 128272

(E) All of the orders and determinations of the Chief of the 128273  
Division of Soil and Water Resources relating to the Program 128274

continue in effect as orders and determinations of the Director of 128275  
Agriculture until modified or rescinded by the Director. 128276

(F) Subject to the layoff provisions of sections 124.321 to 128277  
124.328 of the Revised Code or the applicable collective 128278  
bargaining agreement, all of the employees of the Division of Soil 128279  
and Water Resources in the Department of Natural Resources 128280  
relating to the Program are transferred to the Department of 128281  
Agriculture and retain their same positions and all benefits 128282  
accruing thereto. 128283

(G) All equipment and assets relating to the Program are 128284  
transferred from the Division of Soil and Water Resources to the 128285  
Department of Agriculture. 128286

(H) Whenever the Division of Soil and Water Resources or the 128287  
Chief of the Division of Soil and Water Resources, in relation to 128288  
the Program, is referred to in any law, contract, or other 128289  
document, the reference shall be deemed to refer to the Department 128290  
of Agriculture or to the Director of Agriculture, whichever is 128291  
appropriate in context. 128292

(I) Any action or proceeding pending on the effective date of 128293  
the amendment of the statutes governing the Program by this act is 128294  
not affected by the transfer of the functions of that Program by 128295  
this act and shall be prosecuted or defended in the name of the 128296  
Department of Agriculture. In all such actions and proceedings, 128297  
the Department of Agriculture, upon application to the court, 128298  
shall be substituted as a party. 128299

(J) As used in this section: 128300

(1) "Soil and water conservation district" has the same 128301  
meaning as in section 940.01 of the Revised Code as amended by 128302  
this act. 128303

(2) "Manure," "residual farm products," "operation and 128304  
management plan," and "waters of the state" have the same meanings 128305



as in section 939.01 of the Revised Code as enacted by this act. 128306

**Section 709.30.** Operation and management plans that were 128307  
developed or approved under Chapter 1511. or 1515. of the Revised 128308  
Code prior to the amendment of those chapters by this act continue 128309  
in effect as operation and management plans under Chapter 939. or 128310  
940. of the Revised Code as enacted or amended by this act, as 128311  
applicable. 128312

**Section 709.40.** The Agricultural Pollution Abatement Fund 128313  
that is created in section 939.10 of the Revised Code, as enacted 128314  
by this act, is a continuation of the Agricultural Pollution 128315  
Abatement Fund that was created in section 1511.071 of the Revised 128316  
Code prior to its repeal by this act. Money credited to the Fund 128317  
under section 1511.071 of the Revised Code, as repealed by this 128318  
act, shall be used for the purposes specified in section 939.10 of 128319  
the Revised Code, as enacted by this act. 128320

**Section 709.50.** The Ohio Soil and Water Conservation 128321  
Commission created within the Department of Agriculture by section 128322  
940.02 of the Revised Code, as amended and renumbered by this act, 128323  
is a continuation of the Ohio Soil and Water Conservation 128324  
Commission created within the Department of Natural Resources by 128325  
section 1515.02 of the Revised Code prior to its amendment and 128326  
renumbering by this act. 128327

**Section 715.20.** On the effective date of this section and for 128328  
the purposes of Chapters 1521., 1522., and 1523. of the Revised 128329  
Code, as amended by this act, all of the following apply: 128330

(A) The Division of Soil and Water Resources in the 128331  
Department of Natural Resources is renamed the Division of Water 128332  
Resources. 128333

(B) The Division of Soil and Water Resources' functions, and 128334

its assets and liabilities, are transferred to the Division of 128335  
Water Resources. 128336

(C) The Division of Water Resources is successor to, assumes 128337  
the obligations and authority of, and otherwise continues the 128338  
Division of Soil and Water Resources. No right, privilege, or 128339  
remedy, and no duty, liability, or obligation, accrued under the 128340  
Division of Soil and Water Resources is impaired or lost by reason 128341  
of the renaming and shall be recognized, administered, performed, 128342  
or enforced by the Division of Water Resources. 128343

(D) Business commenced but not completed by the Division of 128344  
Soil and Water Resources or by the Chief of the Division of Soil 128345  
and Water Resources shall be completed by the Division of Water 128346  
Resources or the Chief of the Division of Water Resources in the 128347  
same manner, and with the same effect, as if completed by the 128348  
Division of Soil and Water Resources or the Chief of the Division 128349  
of Soil and Water Resources. 128350

(E) All of the Division of Soil and Water Resources' rules, 128351  
orders, and determinations continue in effect as rules, orders, 128352  
and determinations of the Division of Water Resources until 128353  
modified or rescinded by the Division of Water Resources. 128354

(F) The Director of Budget and Management shall determine the 128355  
amount of unexpended balances in the appropriation accounts that 128356  
pertain to the Division of Soil and Water Resources and shall 128357  
recommend to the Controlling Board their transfer to the 128358  
appropriation accounts that pertain to the Division of Water 128359  
Resources. The Chief of the Division of Soil and Water Resources 128360  
shall provide full and timely information to the Controlling Board 128361  
to facilitate the transfer. 128362

(G) Whenever the Division of Soil and Water Resources or the 128363  
Chief of the Division of Soil and Water Resources is referred to 128364  
in a statute, contract, or other instrument, the reference is 128365

deemed to refer to the Division of Water Resources or to the Chief 128366  
of the Division of Water Resources, whichever is appropriate in 128367  
context. 128368

(H) No pending action or proceeding being prosecuted or 128369  
defended in court or before an agency by the Division of Soil and 128370  
Water Resources or the Chief of the Division of Soil and Water 128371  
Resources is affected by the renaming and shall be prosecuted or 128372  
defended in the name of the Division of Water Resources or the 128373  
Chief of the Division of Water Resources, whichever is 128374  
appropriate. Upon application to the court or agency, the Division 128375  
of Water Resources or the Chief of the Division of Water Resources 128376  
shall be substituted. 128377

**Section 715.30.** For purposes of the transfer of the 128378  
Silvicultural Assistance Program established prior to the 128379  
effective date of the amendment of the statutes governing the 128380  
Program by this act under Chapter 1511. of the Revised Code from 128381  
the Division of Soil and Water Resources in the Department of 128382  
Natural Resources to the Division of Forestry in that Department, 128383  
all of the following apply: 128384

(A) On the effective date of this section, the Chief of the 128385  
Division of Soil and Water Resources shall provide the Chief of 128386  
the Division of Forestry with both of the following: 128387

(1) Copies of all operation and management plans, or 128388  
applicable portions of such plans, developed or approved by the 128389  
Chief of the Division of Soil and Water Resources under Chapter 128390  
1511. of the Revised Code or the supervisors of a soil and water 128391  
conservation district under Chapter 1515. of the Revised Code for 128392  
the abatement of the degradation of the waters of the state by 128393  
soil sediment, including attached substances, from silvicultural 128394  
operations that were developed or approved prior to the effective 128395  
date of the amendment of the statutes governing the Program by 128396

this act; 128397

(2) Copies of all operation and management plans, or 128398  
applicable portions of such plans, and accompanying information 128399  
that were submitted for approval by the Chief or the supervisors 128400  
of a soil and water conservation district under Chapter 1511. or 128401  
1515. of the Revised Code, as applicable, prior to the effective 128402  
date of the amendment of the statutes governing the Program by 128403  
this act for the abatement of the degradation of the waters of the 128404  
state by soil sediment, including attached substances, from 128405  
silvicultural operations. 128406

(B) The Chief of the Division of Soil and Water Resources 128407  
shall identify all applicable rules regarding the Program. The 128408  
Chief of the Division of Forestry shall adopt rules in accordance 128409  
with Chapter 119. of the Revised Code that are identical to the 128410  
rules that are identified by the Chief of the Division of Soil and 128411  
Water Resources under this section, except that references to the 128412  
Division of Soil and Water Resources shall be replaced with 128413  
references to the Division of Forestry, and references to the 128414  
Chief of the Division of Soil and Water Resources shall be 128415  
replaced with references to the Chief of the Division of Forestry. 128416  
If necessary to ensure the integrity of the numbering system of 128417  
the Administrative Code, the Director of the Legislative Service 128418  
Commission shall renumber the rules to reflect their transfer to 128419  
the Division of Forestry. 128420

On the effective date of the rules adopted by the Chief of 128421  
the Division of Forestry, the rules adopted by the Chief of the 128422  
Division of Soil and Water Resources as identified by the Chief 128423  
under this section are abolished. 128424

(C) Any business commenced but not completed by the Chief of 128425  
the Division of Soil and Water Resources relating to the Program 128426  
on the effective date of the amendment of the statutes governing 128427  
the Program by this act shall be completed by the Chief of the 128428

Division of Forestry. Any validation, cure, right, privilege, 128429  
remedy, obligation, or liability is not lost or impaired solely by 128430  
reason of the transfer required by this act and shall be 128431  
administered by the Chief of the Division of Forestry in 128432  
accordance with this act. 128433

(D) All of the orders and determinations of the Chief of the 128434  
Division of Soil and Water Resources relating to the Program 128435  
continue in effect as orders and determinations of the Chief of 128436  
the Division of Forestry until modified or rescinded by that 128437  
Chief. 128438

(E) Whenever the Division of Soil and Water Resources or the 128439  
Chief of the Division of Soil and Water Resources, in relation to 128440  
the Program, is referred to in any law, contract, or other 128441  
document, the reference shall be deemed to refer to the Division 128442  
of Forestry or to the Chief of the Division of Forestry, whichever 128443  
is appropriate in context. 128444

(F) Any action or proceeding pending on the effective date of 128445  
the amendment of the statutes governing the Program by this act is 128446  
not affected by the transfer of the functions of that Program by 128447  
this act and shall be prosecuted or defended in the name of the 128448  
Division of Forestry. In all such actions and proceedings, the 128449  
Division of Forestry, upon application to the court, shall be 128450  
substituted as a party. 128451

(G) As used in this section: 128452

(1) "Soil and water conservation district" has the same 128453  
meaning as in section 940.01 of the Revised Code as amended by 128454  
this act. 128455

(2) "Operation and management plan" and "waters of the state" 128456  
have the same meanings as in section 939.01 of the Revised Code as 128457  
enacted by this act. 128458

**Section 715.40.** Operation and management plans regarding 128459  
silvicultural operations that were developed or approved under 128460  
Chapter 1511. or 1515. of the Revised Code prior to the amendment 128461  
of those chapters by this act continue in effect as timber harvest 128462  
plans under sections 1503.50 to 1503.55 and 1503.99 of the Revised 128463  
Code as enacted by this act. 128464

**Section 717.10.** (A) The Agricultural Society Facilities Grant 128465  
Program is hereby created for fiscal years 2016 and 2017 to 128466  
provide grants to county agricultural societies established under 128467  
section 1711.01 of the Revised Code and independent agricultural 128468  
societies established under section 1711.02 of the Revised Code to 128469  
support capital projects that enhance the use and enjoyment of 128470  
agricultural society facilities by individuals. Agricultural 128471  
societies may apply to the Director of Agriculture for monetary 128472  
assistance for the acquisition, construction, reconstruction, 128473  
expansion, improvement, planning, and equipping of such 128474  
facilities. Except as provided in division (D) of this section, 128475  
each county agricultural society and each independent agricultural 128476  
society that applies for assistance shall receive an equal amount 128477  
appropriated for those purposes. 128478

(B) Not later than ninety days after the effective date of 128479  
this section and subject to division (D) of this section, the 128480  
Director of Agriculture or the Director's designee shall establish 128481  
requirements and procedures for the administration of the 128482  
Agricultural Society Facilities Grant Program, including 128483  
establishing a grant application form, procedures for reviewing an 128484  
application, procedures for awarding grant money, and any other 128485  
requirements and procedures the Director or the Director's 128486  
designee determines to be necessary to administer this section. 128487  
The requirements shall include a requirement that each 128488  
agricultural society provide a matching grant. The matching grant 128489

may be any combination of funding, materials, and donated labor. 128490  
Documentation of the matching grant shall be submitted with the 128491  
grant application. 128492

(C) An agricultural society that applies for a grant under 128493  
the Program established in division (A) of this section shall 128494  
submit the grant application and matching grant documentation to 128495  
the Director or the Director's designee not later than July 1, 128496  
2016, in accordance with the requirements and procedures 128497  
established by the Director or the Director's designee and this 128498  
section. 128499

(D) After reviewing a grant application and matching grant 128500  
documentation, the Director or the Director's designee shall 128501  
approve the application unless one of the following applies: 128502

(1) The project or facility that is the subject of the 128503  
application is not a bondable capital improvement project. 128504

(2) The agricultural society does not provide a matching 128505  
grant as required in division (B) of this section. 128506

The Director or the Director's designee shall award all 128507  
grants not later than August 1, 2016, and shall so notify each 128508  
grant recipient. 128509

**Section 731.10.** On the effective date of this section, all 128510  
child abuse and child neglect prevention advisory boards 128511  
established under section 3109.18 of the Revised Code are 128512  
abolished. The board or boards of county commissioners that 128513  
oversee operation of an advisory board shall provide procedures 128514  
for the transfer of any advisory board assets and liabilities. 128515

Any business commenced but not completed by the effective 128516  
date of this section by an advisory board shall be completed by 128517  
the appropriate board or boards of county commissioners. The board 128518  
or boards of county commissioners may delegate to a child abuse 128519

and child neglect regional prevention council any of the duties 128520  
described in this section. 128521

**Section 733.13.** (A) The STEM Public-Private Partnership Pilot 128522  
Program is hereby created. The program shall operate for fiscal 128523  
year 2017 to encourage public-private partnerships between high 128524  
schools, colleges, and the community to provide high school 128525  
students the opportunity to receive education and training in a 128526  
targeted industry, as defined by JobsOhio established under 128527  
section 187.01 of the Revised Code, while simultaneously earning 128528  
high school and college credit for the course. The Chancellor of 128529  
Higher Education shall administer the program and select five 128530  
partnerships, one from each quadrant of the state and one from the 128531  
central part of the state, each to receive a grant of \$150,000. 128532

(B) The Chancellor shall adopt rules for the implementation 128533  
of the STEM Public-Private Partnership Pilot Program, including 128534  
the requirements for applying for program approval. The rules also 128535  
shall include, but not be limited to, all of the following 128536  
operational requirements for the program: 128537

(1) Partnerships shall consist of one community college or 128538  
state community college, one or more private companies, and one or 128539  
more high schools, either public or private. 128540

(2) For purposes of the program, the partnering community 128541  
college or state community college shall pursue one targeted 128542  
industry during the pilot period. However, the college may partner 128543  
with multiple private companies within that industry. 128544

(3) Students that take courses offered under the program 128545  
shall earn college credit for that class from the community or 128546  
state community college. 128547

(4) Students, high schools, and colleges that participate in 128548  
this program shall do so under the College Credit Plus Program 128549



established under Chapter 3365. of the Revised Code. 128550

(5) The curriculum offered by the program shall be developed 128551  
by and agreed upon by all members of the partnership. 128552

(6) The private company or companies that are part of the 128553  
partnership shall provide full- or part-time facilities to be used 128554  
as classroom space. 128555

(C) The Chancellor shall develop an application and review 128556  
process to select the five partnerships to receive grants under 128557  
the program. The community college or state community college 128558  
shall be responsible for submitting the application for the 128559  
partnership to the Chancellor. The application shall include a 128560  
proposed budget for the program. 128561

(D) The Chancellor shall select the five partnerships for the 128562  
program based on the following considerations: 128563

(1) Whether the partnership existed before the application 128564  
was submitted; 128565

(2) Whether the program is oriented toward a targeted 128566  
industry; 128567

(3) The likelihood of a student gaining employment upon 128568  
graduating from high school or upon completing a two-year degree 128569  
in the industry to which the program is oriented in relation to 128570  
its geographic region; 128571

(4) The number of students projected to be served; 128572

(5) The program's cost-per-student; 128573

(6) The sustainability of the program beyond the duration of 128574  
the two-year pilot program; 128575

(7) The level of investment made by the private company 128576  
partner or partners in the program, including use of facilities, 128577  
equipment, and staff and financially. 128578

(E) The partnerships selected may use the grants awarded	128579
under this section for only the following:	128580
(1) Transportation;	128581
(2) Classroom supplies, including, but not limited to,	128582
textbooks, furniture, and technology;	128583
(3) Primary instructors for a course offered under the	128584
program, including, but not limited to, faculty from participating	128585
high schools and community colleges or state community colleges,	128586
including adjunct faculty.	128587
<b>Section 733.30.</b> (A) The Competency-Based Education Pilot	128588
Program is hereby established. Under the Program, the Department	128589
of Education shall provide grants to city, local, and exempted	128590
village school districts, including municipal school districts as	128591
defined in section 3311.71 of the Revised Code, joint vocational	128592
school districts, community schools established under Chapter	128593
3314. of the Revised Code, and STEM schools established under	128594
Chapter 3326. of the Revised Code, and consortia of one or more	128595
school districts, community schools, and STEM schools led by one	128596
or more educational service centers for designing and implementing	128597
competency-based models of education for their students during the	128598
2016-2017, 2017-2018, and 2018-2019 school years.	128599
(B)(1) A district, community school, STEM school, or	128600
consortium shall submit an application to participate in the	128601
Competency-Based Education Pilot Program to the Department not	128602
later than November 1, 2015. The application shall be submitted in	128603
a form and manner prescribed by the Department.	128604
(2) Not later than March 1, 2016, the Department shall select	128605
not more than five districts, schools, or consortia to participate	128606
in the Program. The Department shall require a district, school,	128607
or consortium to agree to an annual performance review conducted	128608

by the Department as a condition of participating in the Program. 128609

(C) The competency-based education offered by a district, 128610  
school, or consortium selected to participate in the Program under 128611  
division (B) of this section shall satisfy all of the following 128612  
requirements: 128613

(1) Students shall advance upon mastery. 128614

(2) Competencies shall include clear, measurable, 128615  
transferable learning objectives that empower students. 128616

(3) Assessments shall be meaningful and a positive learning 128617  
experience for students. 128618

(4) Students shall receive timely, differentiated support 128619  
based on their individual learning needs. 128620

(5) Learning outcomes shall emphasize competencies that 128621  
include application and creation of knowledge, along with the 128622  
development of work-ready skills. 128623

(6) It shall incorporate partnerships with post-secondary 128624  
institutions and members of industry. 128625

(D) A district, school, or consortium selected to participate 128626  
in the Program under division (B) of this section shall remain 128627  
subject to all accountability requirements in state and federal 128628  
law that are applicable to that district, school, or consortium. 128629

(E)(1) If a district is selected to participate in the 128630  
Program or is selected to participate in the Program as part of a 128631  
consortium under division (B) of this section, each student 128632  
enrolled in the district who is participating in competency-based 128633  
education shall be considered to be a full-time equivalent student 128634  
while participating in competency-based education for purposes of 128635  
funding under Chapter 3317. of the Revised Code, as determined by 128636  
the Department. 128637

(2) If a community school is selected to participate in the 128638

Program or is selected to participate in the Program as part of a 128639  
consortium under division (B) of this section, each student 128640  
enrolled in the school who is participating in competency-based 128641  
education shall be considered to be a full-time equivalent student 128642  
while participating in competency-based education for purposes of 128643  
funding under Chapter 3314. of the Revised Code, as determined by 128644  
the Department. 128645

(3) If a STEM school is selected to participate in the 128646  
Program or is selected to participate in the Program as part of a 128647  
consortium under division (B) of this section, each student 128648  
enrolled in the school who is participating in competency-based 128649  
education shall be considered to be a full-time equivalent student 128650  
while participating in competency-based education for purposes of 128651  
funding under Chapter 3326. of the Revised Code, as determined by 128652  
the Department. 128653

(F)(1) Not later than January 31, 2017, the Department shall 128654  
post on its web site a preliminary report that examines the 128655  
planning and implementation of competency-based education in the 128656  
districts, schools, and consortia selected to participate in the 128657  
Program under division (B) of this section. 128658

(2) Not later than December 31, 2018, the Department shall 128659  
post on its web site a report that includes all of the following: 128660

(a) A review of the competency-based education offered by the 128661  
districts, schools, and consortia selected to participate in the 128662  
Program under division (B) of this section; 128663

(b) An evaluation of the implementation of competency-based 128664  
education by the districts, schools, and consortia selected to 128665  
participate in the Program and student outcomes resulting from 128666  
that competency-based education; 128667

(c) A determination of the feasibility of a funding model 128668  
that reflects student achievement outcomes as demonstrated through 128669

competency-based education. 128670

**Section 733.40.** Notwithstanding section 3305.062 of the 128671  
Revised Code, as enacted by this act, if between July 1, 2015, and 128672  
the effective date of section 3305.062 of the Revised Code, as 128673  
enacted by this act, the State Teachers Retirement Board increases 128674  
the percentage of an electing employee's compensation contributed 128675  
to the State Teachers Retirement System by a public institution of 128676  
higher education under division (D) of section 3305.06 of the 128677  
Revised Code, all of the following are the case: 128678

(A) The percentage is four per cent until the amount 128679  
specified in division (B) of this section is repaid to each public 128680  
institution employing an electing employee. 128681

(B) The Board shall repay to each public institution 128682  
employing an electing employee an amount equal to the difference 128683  
between the percentage established by the Board during the time 128684  
period described in this section and the percentage specified 128685  
under section 3305.062 of the Revised Code. 128686

(C) The public institution that employs an electing employee 128687  
shall credit the amount specified in division (B) of this section 128688  
to the investment provider the employee has selected under section 128689  
3305.053 of the Revised Code. 128690

(D) The Board shall reimburse each public institution 128691  
employing an electing employee an amount equal to the reasonable 128692  
costs of reprogramming the institution's computers and other 128693  
administrative expenses related to increasing the percentage. 128694

**Section 737.10.** The Legislative Committee on Public Health 128695  
Futures is re-established. The committee shall review the June 128696  
2012 report of the Public Health Futures Project Steering 128697  
Committee of the Association of Ohio Health Commissioners, and the 128698  
October 2012 report of the previous Legislative Committee on 128699

Public Health Futures that was established by Am. Sub. H.B. 487 of 128700  
the 129th General Assembly. The Legislative Committee shall review 128701  
the effectiveness of recommendations from those reports that are 128702  
being or that have been implemented. And, based on the knowledge 128703  
and insight gained from its reviews, the Legislative Committee 128704  
shall make legislative and fiscal policy recommendations that it 128705  
believes would improve local public health services in Ohio. 128706

The Legislative Committee, not later than January 31, 2016, 128707  
shall prepare a report that describes its review of the reports 128708  
and its review of the recommendations that are being or that have 128709  
been implemented, and that states and provides explanations of the 128710  
Committee's new policy recommendations. 128711

The Legislative Committee shall transmit a copy of its report 128712  
to the Governor, the President and Minority Leader of the Senate, 128713  
and the Speaker and Minority Leader of the House of 128714  
Representatives. Upon transmitting its report, the Legislative 128715  
Committee ceases to exist. 128716

Each of the following associations shall appoint one 128717  
individual to the Legislative Committee: the County Commissioners 128718  
Association of Ohio, the Ohio Township Association, the Department 128719  
of Health, the Ohio Public Health Association, the Ohio 128720  
Environmental Health Association, the Ohio Boards of Health 128721  
Association, the Ohio Municipal League, and the Ohio Hospital 128722  
Association. The Association of Ohio Health Commissioners shall 128723  
appoint two individuals to the Legislative Committee. The 128724  
President and Minority Leader of the Senate each shall appoint two 128725  
members to the Legislative Committee. The Speaker and Minority 128726  
Leader of the House of Representatives each shall appoint two 128727  
members to the Legislative Committee. Of the two appointments made 128728  
by each legislative leader, one shall be a member of the General 128729  
Assembly from the appointing member's chamber. Appointments shall 128730

be made as soon as possible but not later than thirty days after 128731  
the effective date of this section. Vacancies on the Legislative 128732  
Committee shall be filled in the same manner as the original 128733  
appointment. 128734

As soon as all members have been appointed to the Legislative 128735  
Committee, the President of the Senate shall fix a time and place 128736  
for the committee to hold its first meeting. At that meeting, the 128737  
committee shall elect from among its membership a chairperson, a 128738  
vice-chairperson, and a secretary. The Director of Health shall 128739  
provide the Legislative Committee with meeting and office space, 128740  
equipment, and professional, technical, and clerical staff as are 128741  
necessary to enable the Legislative Committee successfully to 128742  
complete its work. 128743

**Section 737.13.** Not later than sixty days after the effective 128744  
date of this section, the director of health shall grant or deny 128745  
all variance applications under section 3702.304 of the Revised 128746  
Code that are pending on that effective date. A variance 128747  
application that has not been granted within sixty days of the 128748  
effective date of this section is considered denied. 128749

**Section 737.20.** The Board of Building Standards shall adopt 128750  
rules pursuant to section 3781.106 of the Revised Code not later 128751  
than one hundred eighty days after the effective date of this 128752  
section. 128753

**Section 737.30.** Any provision of the State Fire Code that is 128754  
in conflict with the amendments by this act to section 3737.84 of 128755  
the Revised Code is unenforceable. 128756

**Section 737.40.** For purposes of the transfer by this act of 128757  
the Storm Water Management Program established prior to the 128758  
effective date of the amendment of the statutes governing the 128759

Program by this act under Chapter 1511. of the Revised Code from 128760  
the Department of Natural Resources to the Environmental 128761  
Protection Agency, all of the following apply: 128762

(A) The Director of Natural Resources may enter into a 128763  
memorandum of understanding with the Director of Environmental 128764  
Protection regarding the transfer of the Program. 128765

(B) The Director of Natural Resources shall rescind rules in 128766  
accordance with Chapter 119. of the Revised Code regarding the 128767  
Program that were in effect immediately preceding the effective 128768  
date of this section. 128769

(C) Any business commenced but not completed by the Chief of 128770  
the Division of Soil and Water Resources relating to the Program 128771  
on the effective date of the amendment of the statutes governing 128772  
the Program by this act shall be completed by the Director of 128773  
Environmental Protection. Any validation, cure, right, privilege, 128774  
remedy, obligation, or liability is not lost or impaired solely by 128775  
reason of the transfer required by this act and shall be 128776  
administered by the Director in accordance with this act. 128777

(D) All of the orders and determinations of the Chief of the 128778  
Division of Soil and Water Resources relating to the Program 128779  
continue in effect as orders and determinations of the Director of 128780  
Environmental Protection until modified or rescinded by the 128781  
Director. 128782

(E) Subject to the layoff provisions of sections 124.321 to 128783  
124.328 of the Revised Code or the applicable collective 128784  
bargaining agreement, all of the employees of the Division of Soil 128785  
and Water Resources in the Department of Natural Resources 128786  
relating to the Program are transferred to the Environmental 128787  
Protection Agency and retain their same positions and all benefits 128788  
accruing thereto. 128789



(F) All equipment and assets relating to the Program are 128790  
transferred from the Division of Soil and Water Resources to the 128791  
Environmental Protection Agency. 128792

(G) Whenever the Division of Soil and Water Resources or the 128793  
Chief of the Division of Soil and Water Resources, in relation to 128794  
the Program, is referred to in any law, contract, or other 128795  
document, the reference shall be deemed to refer to the 128796  
Environmental Protection Agency or to the Director of 128797  
Environmental Protection, whichever is appropriate in context. 128798

(H) Any action or proceeding pending on the effective date of 128799  
the amendment of the statutes governing the Program by this act is 128800  
not affected by the transfer of the functions of that Program by 128801  
this act and shall be prosecuted or defended in the name of the 128802  
Environmental Protection Agency. In all such actions and 128803  
proceedings, the Environmental Protection Agency, upon application 128804  
to the court, shall be substituted as a party. 128805

**Section 745.10.** (A) There is hereby created the Deputy 128806  
Registrar Funding Study Committee. The Committee shall consist of 128807  
six members, three of whom are appointed by the President of the 128808  
Senate and three of whom are appointed by the Speaker of the House 128809  
of Representatives. The President and Speaker, respectively, shall 128810  
appoint the members not later than thirty days after the effective 128811  
date of this section. 128812

(B) The Committee shall select a chairperson and 128813  
vice-chairperson from among its members. The Committee first shall 128814  
meet within one month after the effective date of this section at 128815  
the call of the President of the Senate. Thereafter, the Committee 128816  
shall meet at the call of its chairperson as necessary to carry 128817  
out its duties. Members of the Committee are not entitled to 128818  
compensation for serving on the Committee, but may continue to 128819  
receive the compensation and benefits accruing from their regular 128820

offices or employments. 128821

(C) The Committee shall study the long-term financial 128822  
solvency of deputy registrars in this state and whether the 128823  
existing statutory charges that may be levied by deputy registrars 128824  
are sufficient. Not later than six months after the effective date 128825  
of this section, the Committee shall issue a report of its 128826  
findings and recommendations to the Governor, the President of the 128827  
Senate, the Minority Leader of the Senate, the Speaker of the 128828  
House of Representatives, and the Minority Leader of the House of 128829  
Representatives. After submitting the report, the Committee shall 128830  
cease to exist. 128831

**Section 745.20.** The Director of Transportation shall relocate 128832  
the traffic light that is currently located at the intersection of 128833  
the off ramp of the northeast bound lanes of interstate route 128834  
seventy-one and state route seventy-three to the intersection of 128835  
state route seventy-three and state route three hundred eighty. 128836

**Section 745.30.** The Department of Transportation shall submit 128837  
a quarterly report on MBE/EDGE compliance to the majority and 128838  
minority leaders of the General Assembly and the Governor to 128839  
reaffirm compliance with federal and state mandates. 128840

**Section 747.10.** The intent of the General Assembly, when 128841  
enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to 128842  
amend section 4731.22 of the Revised Code. The inclusion of the 128843  
section in H.B. 394's first repeal clause (Section 2) as an 128844  
outright repeal was a typographical error. The General Assembly's 128845  
intent that section 4731.22 of the Revised Code be amended, rather 128846  
than repealed outright, is demonstrated in H.B. 394's title, the 128847  
first amending clause (Section 1), and the portion of the first 128848  
repeal clause (Section 2) that listed the section among other 128849  
Revised Code sections that were being repealed only to the extent 128850

that their existing versions were being replaced by amended 128851  
versions. This intent is further demonstrated by H.B. 394's 128852  
amendment of a future version of section 4731.22 of the Revised 128853  
Code, effective April 1, 2015 (Sections 3 and 4). 128854

**Section 747.20.** The two hours of study in prepackaged soft 128855  
contact lens dispensing required by division (A)(1) of section 128856  
4725.411 of the Revised Code shall satisfy the requirements of 128857  
division (A)(1)(a)(ii) of section 4725.51 of the Revised Code. 128858

**Section 749.10.** (A) Not later than ninety days after the 128859  
effective date of this section, the Public Utilities Commission 128860  
shall establish a collaborative process with all of the following, 128861  
to address the internet-protocol-network transition: 128862

(1) Incumbent local exchange carriers; 128863

(2) Any competitive local exchange carriers that provide 128864  
basic local exchange service and are affected by the transition; 128865

(3) The Office of the Ohio Consumers' Counsel; 128866

(4) A representative of cable operators, as defined in 128867  
section 1332.21 of the Revised Code; 128868

(5) At the invitation of the Commission, other interested 128869  
parties and members of the General Assembly. 128870

(B) The collaborative process shall focus on the 128871  
internet-protocol-network transition processes underway at the 128872  
Federal Communications Commission and the issues of universal 128873  
connectivity, consumer protection, public safety, reliability, 128874  
expanded availability of advanced services, affordability, and 128875  
competition. The collaborative process shall ensure that public 128876  
education concerning the transition is thorough. 128877

(C) The collaborative process shall include a review of the 128878  
number and characteristics of basic-local-exchange-service 128879

customers in Ohio, an evaluation of what alternatives are 128880  
available to them, including both wireline and wireless 128881  
alternatives, and the prospect for the availability of 128882  
alternatives where none currently exist. The collaborative process 128883  
shall embark on an education campaign plan for those customers' 128884  
eventual transition to advanced services. If the collaborative 128885  
process identifies residential basic-local-exchange-service 128886  
customers who will be unable to obtain voice service upon the 128887  
withdrawal or abandonment of basic local exchange service, the 128888  
Public Utilities Commission may find those customers to be 128889  
eligible for the process under division (B) of section 4927.10 of 128890  
the Revised Code, regardless of whether they have filed petitions 128891  
under that division. 128892

(D) The collaborative process shall, pursuant to the rules of 128893  
the Public Utilities Commission, respect the confidentiality of 128894  
any data shared with those involved in the process. 128895

(E) All officers, boards, or commissions of this state and 128896  
any political subdivision of this state shall furnish to the 128897  
Public Utilities Commission, upon request, any data or information 128898  
that will assist the commission in carrying out this section. 128899

**Section 749.20.** Notwithstanding division (B)(2)(b)(ii) of 128900  
section 4906.20 of the Revised Code and division (B)(2) of section 128901  
4906.201 of the Revised Code, the setback requirement that applies 128902  
to the existing certificate for an electric generating plant, as 128903  
described in section 4906.201 of the Revised Code, or for an 128904  
economically significant wind farm, as defined in section 4906.13 128905  
of the Revised Code, shall apply to an amendment to that 128906  
certificate if all of the following apply regarding the amendment: 128907

(A) The sole purpose of the amendment is to make changes to 128908  
one or more turbines that are approved under the existing 128909  
certificate but have not yet been installed. 128910

(B) The amendment does not increase the number of turbines to be installed under the existing certificate. 128911  
128912

(C) The person seeking the amendment applies to make the amendment on or after the effective date of this section but not later than one hundred eighty days after that date. 128913  
128914  
128915

(D) The type of turbine to be installed is more efficient or otherwise more technologically advanced, as determined by the Power Siting Board, than the type planned to be installed under the existing certificate. 128916  
128917  
128918  
128919

(E) The type of turbine to be installed is not more than eight per cent taller, as measured from its base to the tip of its highest blade, than the height of the type of turbine, measured in the same manner, that is approved to be installed under the existing certificate. 128920  
128921  
128922  
128923  
128924

(F) The amendment applies to an economically significant wind farm or an electric generating plant, as applicable, that is obligated by contract to provide wind energy to one mercantile customer that consumes at least seven million kilowatt-hours per year. For purposes of this section, "mercantile customer" has the same meaning as in section 4928.01 of the Revised Code. 128925  
128926  
128927  
128928  
128929  
128930

(G) The turbine or turbines to be installed will be installed in the same spot where it is or they are approved to be installed under the existing certificate. 128931  
128932  
128933

**Section 751.10. INDEPENDENT PROVIDER STUDY** 128934

(A) As used in this section, "independent provider" means a provider who provides any of the following services on a self-employed basis and does not employ, directly or through contract, another person to provide those services: 128935  
128936  
128937  
128938

(1) Aide services, as defined in section 5164.77 of the Revised Code; 128939  
128940

(2) Nursing services, as defined in section 5164.77 of the Revised Code;	128941 128942
(3) Services covered by a home and community-based services Medicaid waiver component, as defined in section 5166.01 of the Revised Code;	128943 128944 128945
(4) Services covered by the Helping Ohioans Move, Expanding (HOME) Choice demonstration component, as authorized by section 5164.90 of the Revised Code.	128946 128947 128948
(B) It is the intent of the General Assembly to study the issue of Medicaid provider agreements with independent providers and to resolve the issue not later than December 31, 2015.	128949 128950 128951
<b>Section 751.20.</b> Not later than January 1, 2017, the Ohio Department of Medicaid shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, a report evaluating the Medicaid program's effect on clinical care and outcomes for the group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), including the effects on physical and mental health, health care utilization and access, and financial hardship.	128952 128953 128954 128955 128956 128957 128958 128959 128960
<b>Section 751.30.</b> There is hereby created the Workgroup to Study the Feasibility of Medicaid Recipients' ID and Benefits Cards. The Workgroup shall consist of the following members:	128961 128962 128963
(1) The Director of Public Safety or the Director's designee;	128964
(2) The Medicaid Director or the Director's designee;	128965
(3) The Director of Aging or the Director's designee;	128966
(4) The Director of Development Services or the Director's designee;	128967 128968
(5) The Director of Developmental Disabilities or the	128969

Director's designee;	128970
(6) The Superintendent of Public Instruction or the Superintendent's designee;	128971 128972
(7) The Director of Health or the Director's designee;	128973
(8) The Director of Insurance or the Director's designee;	128974
(9) The Director of Job and Family Services or the Director's designee;	128975 128976
(10) The Director of Mental Health and Addiction Services or the Director's designee;	128977 128978
(11) The Executive Director of Opportunities for Ohioans with Disabilities or the Executive Director's designee.	128979 128980
The Director of Public Safety or the Director's designee shall serve as chairperson of the Workgroup. The Department of Public Safety shall provide staff and all other support functions for the Workgroup.	128981 128982 128983 128984
In order to reduce enrollee and provider fraud and abuse, the Workgroup shall evaluate the feasibility of using state-issued licenses and identification cards to establish an individual's eligibility for all state public assistance programs and benefits under them, such as Medicaid, the Home Energy Assistance Program, the Supplemental Nutrition Assistance Program, the Temporary Assistance for Needy Families program, and child care. Upon conclusion of such evaluation, the Workgroup shall develop findings and formulate recommendations.	128985 128986 128987 128988 128989 128990 128991 128992 128993
Not later than July 1, 2018, the Workgroup shall submit a report that contains its findings and recommendations to the General Assembly. The Workgroup shall submit the report in accordance with section 101.68 of the Revised Code. Upon submission of the report, the Workgroup shall cease to exist.	128994 128995 128996 128997 128998

**Section 751.40.** There is hereby created in the state treasury 128999  
the Health and Human Services Fund. The Fund shall consist of 129000  
money appropriated or transferred to it. The Fund shall be used to 129001  
pay any costs associated with programs or services provided by the 129002  
state to enhance the public health and overall health care quality 129003  
of citizens of this state. 129004

If any unexpended, unobligated cash remains in the Fund as of 129005  
June 30, 2017, that cash shall be transferred by the Director of 129006  
Budget and Management to the Budget Stabilization Fund. 129007

**Section 751.61.** The Department of Job and Family Services 129008  
shall enter into an agreement with The Ohio Wilderness Boys Camp, 129009  
registered as a 501(c)(3) wilderness camp at 44642 Zerger Quarry 129010  
Road, Summerfield, Ohio, 43788. This agreement shall authorize the 129011  
wilderness camp to operate. This agreement shall be in effect from 129012  
the date of execution and shall terminate ninety days after the 129013  
effective date of the rules adopted under sections 5103.50 to 129014  
5103.55 of the Revised Code. The agreement shall be prepared by 129015  
the Department and upon mutual agreement to terms signed by both 129016  
parties. 129017

As part of this agreement, the wilderness camp shall provide 129018  
a copy of the executed agreement to the placing parent or legal 129019  
guardian. Acknowledgment of receipt of the agreement by the parent 129020  
or legal guardian must be placed in each child's file. 129021

If the provider fails to comply with any terms or condition 129022  
of the agreement, the Department may immediately terminate the 129023  
agreement. 129024

This agreement to temporarily operate a wilderness camp 129025  
serves as an exception to the certification requirement under 129026  
section 5103.03 of the Revised Code for the period prior to the 129027  
adoption of rules under sections 5103.50 to 5103.55 of the Revised 129028



Code and ninety days after the effective date of the rules. 129029

**Section 753.10.** (A) The Governor is hereby authorized to 129030  
execute a release of any and all rights of reversion for the 129031  
benefit of the state and any deed restrictions and covenants with 129032  
respect to the construction on or use of certain real estate 129033  
located in the City of Moraine, Montgomery County, Ohio, described 129034  
in the deed from the state as follows: 129035

That certain Director's Deed to The City of Moraine, 129036  
Montgomery County, Ohio, as grantee, dated October 4, 1978, and 129037  
recorded in Deed Microfiche 78-578E02 of the Montgomery County, 129038  
Ohio, Records, including rights of reversion, covenants, and 129039  
restrictions set forth in said deed or any prior deeds. 129040

(B) The Auditor of State, with the assistance of the Attorney 129041  
General, shall prepare the release. The release shall be executed 129042  
by the Governor in the name of the state, countersigned by the 129043  
Secretary of State, sealed with the Great Seal of the State, 129044  
presented in the Office of the Auditor of State for recording, and 129045  
delivered to The City of Moraine, Montgomery County, Ohio. The 129046  
City of Moraine, Montgomery County, Ohio, or its designee shall 129047  
present the release for recording in the office of the Montgomery 129048  
County Recorder. 129049

(C) This section expires one year after its effective date. 129050

**Section 753.20.** (A) The Governor may execute a deed in the 129051  
name of the state ("grantor") conveying to the City of Toledo or 129052  
to a grantee to be determined, and to the grantee's heirs and 129053  
assigns or successors and assigns, all of the state's right, 129054  
title, and interest in the following described real estate: 129055

Situate in the City of Toledo, County of Lucas, State of 129056  
Ohio: 129057

All of Lots Number 1051, 1052 and 1053 AND All of Lots 1057, 129058

1058, 1059, and 1409½ in the VISTULA DIVISION in the CITY OF 129059  
TOLEDO, LUCAS COUNTY, OHIO. 129060

Subject to right-of-way, easements and restrictions of 129061  
record. 129062

Prior Instrument Reference: 20120229-0009405 Lucas County, 129063  
Ohio Recorder's Office. 129064

Parcel Number: 15-48072 129065

The foregoing description may be adjusted by the Department 129066  
of Administrative Services to accommodate any corrections 129067  
necessary to facilitate recordation of the deed. 129068

The real estate shall be sold as an entire tract and not in 129069  
parcels. 129070

(B)(1) The conveyance shall include improvements and chattels 129071  
situated on the real property, and is subject to all leases, 129072  
easements, covenants, conditions, and restrictions of record; all 129073  
legal highways and public rights-of-way; zoning, building, and 129074  
other laws, ordinances, restrictions, and regulations; and real 129075  
estate taxes and assessments not yet due and payable. The real 129076  
property shall be conveyed in "as-is, where-is, with all faults" 129077  
condition. 129078

(2) The deed may contain restrictions, exceptions, 129079  
reservations, reversionary interests, and other terms and 129080  
conditions the Director of Administrative Services determines to 129081  
be in the best interest of the state. 129082

(3) Subsequent to the conveyance, any restrictions, 129083  
exceptions, reservations, reversionary interests, or other terms 129084  
and conditions contained in the deed may be released by the state 129085  
or the Department of Administrative Services without the necessity 129086  
of further legislation. 129087

(4) If conveyed to the City of Toledo, the deed to the real 129088

estate shall include the following deed restriction: 129089

Subsequent to the transfer of the deed to Grantee, in the 129090  
event Grantee determines the real estate interest herein described 129091  
shall no longer be needed for Grantee's use and purpose, Grantee 129092  
shall notify Grantor and offer to return title of the real estate 129093  
herein described to Grantor conditioned upon written agreement 129094  
from Grantor to accept said title. Should Grantor decline to 129095  
accept this reversion of title interest not later than ninety days 129096  
after receipt of notice, Grantee shall be authorized to proceed 129097  
with any subsequent transfer, conveyance, or disposal of the real 129098  
estate Grantee determines to be in its best interest. 129099

(C) The Director of Administrative Services shall offer the 129100  
real estate to the City of Toledo, or to a grantee to be 129101  
determined, through a real estate purchase agreement prepared by 129102  
the Department of Administrative Services. Consideration for the 129103  
conveyance of the real estate shall be at a price acceptable to 129104  
the Director. 129105

If the City of Toledo, or the grantee to be determined, does 129106  
not complete the purchase of the real estate within the time 129107  
period provided in the real estate purchase agreement, the 129108  
Director of Administrative Services may offer to sell the real 129109  
estate to an alternate grantee, through a real estate purchase 129110  
agreement prepared by the Department of Administrative Services. 129111  
Consideration for the conveyance of the real estate to an 129112  
alternate grantee shall be at a price acceptable to the Director. 129113

(D) The grantee shall pay all costs associated with the 129114  
purchase, closing, and conveyance, including surveys, title 129115  
evidence, title insurance, transfer costs and fees, recording 129116  
costs and fees, taxes, and any other fees, assessments, and costs 129117  
that may be imposed. 129118

(E) The net proceeds of the sale shall be deposited into the 129119

state treasury to the credit of the General Revenue Fund. 129120

(F) Upon payment of the purchase price, the Auditor of State, 129121  
with the assistance of the Attorney General, shall prepare a deed 129122  
to the subject real estate. The deed shall state the consideration 129123  
and shall be executed by the Governor in the name of the state, 129124  
countersigned by the Secretary of State, sealed with the Great 129125  
Seal of the State, presented in the Office of the Auditor of State 129126  
for recording, and delivered to the grantee. The grantee shall 129127  
present the deed for recording in the office of the Lucas County 129128  
Recorder. 129129

(G) This section expires three years after its effective 129130  
date. 129131

**Section 757.10.** For the purpose of division (A)(18)(d) of 129132  
section 5709.93 of the Revised Code as enacted by this act, the 129133  
county auditor of each county shall certify to the Tax 129134  
Commissioner not later than July 31, 2015, the amount distributed 129135  
from the county library fund in 2014 to each public library that 129136  
received a distribution under section 5727.86 or 5751.22 of the 129137  
Revised Code in 2014. 129138

**Section 757.20.** For the purpose of sections 5709.92 and 129139  
5709.93 of the Revised Code as enacted by this act, a school 129140  
district, joint vocational school district, public library, or 129141  
local taxing unit may appeal a levy classification or any amount 129142  
used in the calculation of total resources as defined under those 129143  
sections. Such an appeal shall be filed in writing, including via 129144  
electronic mail, with the Tax Commissioner. Upon receiving such an 129145  
appeal, the Tax Commissioner shall make a determination of the 129146  
merits of the appeal and, if the appeal is upheld, make necessary 129147  
changes within the classifications or calculations. The 129148  
determination of the Tax Commissioner is final and not subject to 129149

appeal. After June 30, 2016, no changes shall be made in the 129150  
classifications or calculations. 129151

**Section 757.40.** The Tax Commissioner shall evaluate the 129152  
effectiveness of any measures the Commissioner uses to reduce 129153  
fraud with respect to the tax levied under section 5747.02 of the 129154  
Revised Code by requiring a taxpayer to verify information about 129155  
the taxpayer for the purpose of verifying the taxpayer's identity. 129156  
On or before August 30, 2016, the Commissioner shall submit a 129157  
report of that evaluation and recommended improvements to such 129158  
measures to the Speaker of the House of Representatives, the 129159  
President of the Senate, and each member of the House of 129160  
Representatives and Senate standing committees dealing primarily 129161  
with issues related to taxation. 129162

**Section 757.50.** (A) There is hereby created the Ohio 2020 Tax 129163  
Policy Study Commission to review the state's tax structure and 129164  
policies and make recommendations to the General Assembly on how 129165  
to maximize Ohio's competitiveness by the year 2020, on how to 129166  
transition Ohio's personal income tax to a flat tax of three and 129167  
one-half per cent or three and three-quarters per cent beginning 129168  
in tax year 2018, on how to make the tax credit authorized in 129169  
section 149.311 of the Revised Code more efficient and effective, 129170  
including converting it to a refundable tax credit or grant 129171  
program, and on how to reform Ohio's severance tax in a way that 129172  
maximizes competitiveness and enhances the general welfare of the 129173  
state. The Commission shall also review and evaluate every credit 129174  
against a tax levied by the state and authorized in the Revised 129175  
Code. The Commission shall consist of the following members: 129176

(1) Three members of the House of Representatives appointed 129177  
by the Speaker of the House of Representatives who meet the 129178  
following requirements: 129179

(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the House Ways and Means Committee; (a) Two shall be members of the majority party, one of whom shall be the Chairperson of the Senate Ways and Means Committee; (b) One shall be a member of the minority party. (2) Three members of the Senate appointed by the President of the Senate who meet the following requirements: (a) Two shall be members of the majority party, one of whom shall be the Chairperson of the Senate Ways and Means Committee; (b) One shall be a member of the minority party. (3) One person appointed by the governor. (B)(1) The Chairpersons of the House and Senate Ways and Means Committees shall serve jointly as Co-chairpersons of the Commission. (2) Members of the Commission shall serve without compensation or reimbursement. (3) Vacancies on the Commission shall be filled in the same manner as original appointments. (C) The Legislative Service Commission shall provide necessary services to the Commission. (D) To aid in its review, the Commission shall utilize dynamic analytical tools. Not later than October 1, 2015, the Commission shall publish its findings and recommendations regarding Ohio's severance tax and submit its report to the members of the General Assembly. Not later than October 31, 2016, the Commission shall publish its findings and recommendations regarding the tax credit authorized in section 149.311 of the Revised Code and submit its report to members of the General Assembly. Not later than October 1, 2017, the Commission shall publish its findings and recommendations regarding all other matters before the Commission and submit its report to the members of the General Assembly. Upon submission of all three reports, the

Commission shall cease to exist. 129210

**Section 757.60.** The Director of Transportation, in 129211  
collaboration with the aviation industry and other interested 129212  
parties, shall prepare draft legislation to require that all 129213  
revenue from the sales and use tax on sales of aviation fuel be 129214  
used exclusively for the airport improvement-related purposes 129215  
described in section 399.15 of this act. The Director shall submit 129216  
the draft legislation to the Ohio Aerospace and Aviation 129217  
Technology Committee not later than June 30, 2016. 129218

**Section 757.90.** The amendment by this act of section 5727.80 129219  
and division (A) of section 5727.031 of the Revised Code is 129220  
intended to clarify and be declaratory of the law as it existed 129221  
before such amendments. 129222

**Section 757.100.** (A) On or before August 1, 2015, the Tax 129223  
Commissioner, in consultation with the Director of Budget and 129224  
Management, shall do all of the following: 129225

(1) Identify every provision, including every appropriation, 129226  
of this act that was vetoed by the Governor and that would have 129227  
required an expenditure from the General Revenue Fund of at least 129228  
five million dollars in fiscal year 2016 and at least six million 129229  
dollars in fiscal year 2017; 129230

(2) Determine the total amount of expenditures that will not 129231  
be made as a result of the veto of the provisions identified in 129232  
division (A)(1) of this section; 129233

(3) Determine the percentage that the amount determined in 129234  
division (A)(2) of this section is of the amount of revenue the 129235  
Director and Commissioner estimate will be received from the tax 129236  
levied under section 5747.02 of the Revised Code in the current 129237  
fiscal biennium without regard to any reduction in rates under 129238

this section or division (B) of that section. 129239

(B) The income tax rates prescribed in section 5747.02 of the 129240  
Revised Code as amended by this act shall be reduced by the 129241  
percentage certified under division (A)(3) of this section. The 129242  
reduction shall apply to all taxable years beginning on or after 129243  
January 1, 2015. The reduction shall not apply to the rates at 129244  
which employers are required to withhold taxes under section 129245  
5747.06 of the Revised Code before July 1, 2017. 129246

(C) Nothing in this section shall affect the right of the 129247  
General Assembly to reconsider and repass any provision of this 129248  
act in accordance with Section 16, Article II of the Ohio 129249  
Constitution. 129250

**Section 757.110.** (A) The amendment by this act of division 129251  
(B)(42) of section 5739.02 of the Revised Code applies on and 129252  
after the effective date of this section. 129253

(B)(1) Except as provided in division (B)(2) of this section, 129254  
the Tax Commissioner shall abate any unpaid taxes, penalties, and 129255  
interest charged and payable under Chapters 5739. and 5741. of the 129256  
Revised Code for transactions described by division (B)(42)(p) of 129257  
section 5739.02 of the Revised Code occurring before the effective 129258  
date of this section regardless of whether an assessment has been 129259  
issued therefor. The Commissioner shall not make an assessment 129260  
under Chapter 5739. or 5741. of the Revised Code for taxes, 129261  
penalties, and interest charged and payable with respect to 129262  
transactions described by division (B)(42)(p) of section 5739.02 129263  
of the Revised Code and occurring before the effective date of 129264  
this section. 129265

(2) Division (B)(1) of this section does not apply to any 129266  
person that has not, as of September 1, 2015, paid all taxes, 129267  
penalties, and interest charged and payable on or before that date 129268  
under Chapters 5739. and 5741. of the Revised Code for 129269



transactions other than those described by division (B)(42)(p) of 129270  
section 5739.02 of the Revised Code. 129271

**Section 757.120.** The amendment by this act of division 129272  
(A)(31) of section 5747.01 of the Revised Code shall not affect 129273  
the additional deduction authorized by Section 512.70 of Am. Sub. 129274  
H.B. 59 of the 130th General Assembly as amended by Section 610.20 129275  
of Am. Sub. H.B. 483 of the 130th General Assembly. 129276

**Section 757.130.** (A) As used in this section: 129277

(1) "Qualifying delinquent taxes" means any tax levied under 129278  
Title LVII of the Revised Code, including the taxes required to be 129279  
withheld under Chapters 5747. and 5748. of the Revised Code, which 129280  
were due and payable from any person as of May 1, 2015, were 129281  
unreported or underreported, and remain unpaid. 129282

(2) "Qualifying delinquent personal property taxes" means a 129283  
tax for which a return is filed under section 5711.02 of the 129284  
Revised Code. 129285

(3) "Qualifying delinquent taxes" and "qualifying delinquent 129286  
personal property taxes" do not include any tax for which a notice 129287  
of assessment or audit has been issued, for which a bill has been 129288  
issued, which relates to a tax period that ends after the 129289  
effective date of this section, or for which an audit has been 129290  
conducted or is currently being conducted. 129291

(B) The Tax Commissioner shall establish and administer a tax 129292  
amnesty program with respect to qualifying delinquent taxes and 129293  
qualifying delinquent personal property taxes. The program shall 129294  
commence on January 1, 2016, and shall conclude on February 15, 129295  
2016. The Tax Commissioner shall issue forms and instructions and 129296  
take other actions necessary to implement the program. The Tax 129297  
Commissioner shall publicize the program so as to maximize public 129298  
awareness and participation in the program. 129299

(C)(1) During the program, if a person pays the full amount 129300  
of qualifying delinquent taxes owed by that person and one-half of 129301  
any interest that has accrued as a result of the person failing to 129302  
pay those taxes in a timely fashion, the Tax Commissioner shall 129303  
waive or abate all applicable penalties and one-half of any 129304  
interest that accrued on the qualifying delinquent taxes. 129305

(2) During the program, if a person who owes qualifying 129306  
delinquent personal property taxes files a return with the Tax 129307  
Commissioner, in the form and manner prescribed by the Tax 129308  
Commissioner, listing all taxable property that was required to be 129309  
listed on the return required to be filed under section 5711.02 of 129310  
the Revised Code, the Tax Commissioner shall issue a preliminary 129311  
assessment certificate to the appropriate county auditor. Upon 129312  
receiving a preliminary assessment certificate issued by the Tax 129313  
Commissioner pursuant to this division, the county auditor shall 129314  
compute the amount of qualifying delinquent personal property 129315  
taxes owed by the person and shall add to that amount one-half of 129316  
the interest prescribed under sections 5711.32 and 5719.041 of the 129317  
Revised Code. The county treasurer shall collect the amount of tax 129318  
and interest computed by the county auditor under this division by 129319  
preparing and mailing a tax bill to the person as prescribed in 129320  
section 5711.32 of the Revised Code. If the person pays the full 129321  
amount of tax and interest thereon on or before the date shown on 129322  
the tax bill all applicable penalties and one-half of any interest 129323  
that accrued on the qualifying delinquent personal property taxes 129324  
shall be waived. 129325

(3) No payment required under division (G) of section 321.24 129326  
of the Revised Code shall be made with respect to any person who 129327  
pays qualifying delinquent personal property taxes under division 129328  
(C)(2) of this section. 129329

(4) Notwithstanding any contrary provision of the Revised 129330  
Code, the Tax Commissioner shall not furnish to the county auditor 129331

any information pertaining to the exemption from taxation under 129332  
division (C)(3) of section 5709.01 of the Revised Code insofar as 129333  
that information pertains to any person who pays qualifying 129334  
delinquent personal property taxes under division (C)(2) of this 129335  
section. 129336

(D) The Tax Commissioner may require a person participating 129337  
in the program to file returns or reports, including amended 129338  
returns and reports, in connection with the person's payment of 129339  
qualifying delinquent taxes or qualifying delinquent personal 129340  
property taxes. 129341

(E) A person who participates in the program and pays in full 129342  
any outstanding qualifying delinquent tax or qualifying delinquent 129343  
personal property tax and the interest payable on such tax in 129344  
accordance with this section shall not be subject to any criminal 129345  
prosecution or any civil action with respect to that tax, and no 129346  
assessment shall thereafter be issued against that person with 129347  
respect to that tax. 129348

(F) Taxes and interest collected under the program shall be 129349  
considered as revenue arising from the tax to which the payment 129350  
relates, and shall be distributed accordingly. 129351

**Section 757.140.** The amendment by this act of section 5726.01 129352  
of the Revised Code is remedial in nature and is intended to 129353  
clarify the law as it existed prior to the amendment of that 129354  
section by this act. The amendment of that section shall apply to 129355  
tax years beginning on and after January 1, 2014. 129356

**Section 757.150.** The amendment by this act of section 5736.01 129357  
of the Revised Code applies to tax periods beginning on or after 129358  
July 1, 2015. 129359

**Section 757.160.** The amendment by this act of section 5736.02 129360

of the Revised Code applies to tax periods beginning on or after 129361  
July 1, 2015. 129362

**Section 757.170.** (A) As used in this section: 129363

(1) "Certificate owner" and "qualified rehabilitation 129364  
expenditures" have the same meanings as in section 149.311 of the 129365  
Revised Code. 129366

(2) "Taxpayer," "tax period," "excluded person," "combined 129367  
taxpayer," and "consolidated elected taxpayer," have the same 129368  
meanings as in section 5751.01 of the Revised Code. 129369

(3) "Pass-through entity" has the same meaning as in section 129370  
5733.04 of the Revised Code. 129371

(B) A taxpayer that is the certificate owner of a 129372  
rehabilitation tax credit certificate issued under section 149.311 129373  
of the Revised Code may claim a credit against the tax levied by 129374  
section 5751.02 of the Revised Code for tax periods ending on or 129375  
before June 30, 2017, provided that the taxpayer is unable to 129376  
claim the credit under section 5725.151, 5725.34, 5726.52, 129377  
5729.17, 5733.47, or 5747.76 of the Revised Code. 129378

The credit shall equal the lesser of twenty-five per cent of 129379  
the dollar amount of the qualified rehabilitation expenditures 129380  
indicated on the certificate or five million dollars. The credit 129381  
shall be claimed for the calendar year specified in the 129382  
certificate and after the credits authorized in divisions (A)(1) 129383  
to (4) of section 5751.98 of the Revised Code, but before the 129384  
credits authorized in divisions (A)(5) to (7) of that section. 129385

If the credit allowed for any calendar year exceeds the tax 129386  
otherwise due under section 5751.02 of the Revised Code, after 129387  
allowing for any other credits preceding the credit in the order 129388  
prescribed by this section, the excess shall be refunded to the 129389  
taxpayer. However, if any amount of the credit is refunded, the 129390

sum of the amount refunded and the amount applied to reduce the 129391  
tax otherwise due for that year shall not exceed three million 129392  
dollars. The taxpayer may carry forward any balance of the credit 129393  
in excess of the amount claimed for that year for not more than 129394  
five calendar years after the calendar year specified in the 129395  
certificate, and shall deduct any amount claimed in any such year 129396  
from the amount claimed in an ensuing year. 129397

A person that is an excluded person may file a return under 129398  
section 5751.051 of the Revised Code for the purpose of claiming 129399  
the credit authorized in this section. 129400

If the certificate owner is a pass-through entity, the credit 129401  
may not be allocated among the entity's owners in proportions or 129402  
amounts as the owners mutually agree unless either the owners are 129403  
part of the same combined or consolidated elected taxpayer as the 129404  
pass-through entity or the director of development services issued 129405  
the certificate in the name of the pass-through entity's owners in 129406  
the agreed-upon proportions or amounts. If the credit is allocated 129407  
among those owners, an owner may claim the credit authorized in 129408  
this section only if that owner is a corporation or an association 129409  
taxed as a corporation for federal income tax purposes and is not 129410  
a corporation that has made an election under Subchapter S of 129411  
Chapter 1 of Subtitle A of the Internal Revenue Code. 129412

The credit authorized in this section may be claimed only on 129413  
the basis of a rehabilitation tax credit certificate with an 129414  
effective date after December 31, 2013, but before June 30, 2017. 129415

A person claiming a credit under this section shall retain 129416  
the rehabilitation tax credit certificate for four years following 129417  
the end of the latest calendar year in which the credit was 129418  
applied, and shall make the certificate available for inspection 129419  
by the tax commissioner upon request. 129420

**Section 757.180.** As used in this section, "qualified 129421

property" means territory leased by the state under section 129422  
1506.11 of the Revised Code, the lease of which has been assigned 129423  
to a municipal corporation as lessee, and having unpaid taxes, 129424  
penalties, and interest charged against it exceeding the assessed 129425  
value of the property for tax year 2014. 129426

Notwithstanding section 5713.081 and division (F) of section 129427  
1506.11 of the Revised Code, when qualified property used 129428  
exclusively for a public purpose for the purposes of section 129429  
5709.08 of the Revised Code has not received tax exemption under 129430  
that section, the lessee municipal corporation, at any time on or 129431  
before December 31, 2015, may file with the Tax Commissioner an 129432  
application requesting that the property be placed on the 129433  
tax-exempt list and that unpaid taxes, penalties, and interest 129434  
charged and payable after December 31, 1999, on the property be 129435  
abated, provided that taxes, penalties, and interest charged and 129436  
payable for any tax year the property was used in the operation of 129437  
a business may not be abated. 129438

The application shall be made on the form prescribed by the 129439  
Tax Commissioner under section 5715.27 of the Revised Code and 129440  
shall list the name of the county in which the property is 129441  
located; the property's parcel number or legal description; its 129442  
assessed value; the amount in dollars of the unpaid taxes, 129443  
penalties, and interest charged and payable after December 31, 129444  
1999; and any other information required by the Tax Commissioner. 129445  
The county auditor shall supply the required information upon 129446  
request of the applicant. 129447

After receiving and considering the application, the 129448  
Commissioner shall determine if the applicant meets the 129449  
qualifications set forth in this section. If so, the Commissioner 129450  
shall issue an order directing that the property be placed on the 129451  
tax-exempt list of the county and that unpaid taxes, penalties, 129452

and interest charged and payable after December 31, 1999, be 129453  
abated except for taxes, penalties, and interest charged and 129454  
payable for any tax year that the property was used in the 129455  
operation of a business. Such taxes, penalties, and interest shall 129456  
be abated even if the property was subject to more than one lease 129457  
during the period for which the abatement was requested. If the 129458  
Commissioner finds that the property is not now being used for an 129459  
exempt purpose or is otherwise ineligible for abatement of taxes, 129460  
penalties, and interest under this section, the Commissioner shall 129461  
issue an order denying the application. 129462

If the Commissioner finds that the property is not entitled 129463  
to tax exemption and the abatement of unpaid taxes, penalties, and 129464  
interest, the Commissioner shall order the county treasurer of the 129465  
county in which the property is located to collect all taxes, 129466  
penalties, and interest due on the property in accordance with 129467  
law. 129468

The Commissioner may apply this section to any qualified 129469  
property that is the subject of an application for exemption 129470  
pending before the Commissioner on the effective date of this 129471  
section without requiring the property owner to file an additional 129472  
application. 129473

**Section 757.190.** The amendment by this act of section 5709.17 129474  
of the Revised Code applies to applications for exemption that are 129475  
pending on, or are filed on or after, the effective date of this 129476  
section. 129477

**Section 759.10.** (A) The Director of Veterans Services shall 129478  
adopt rules as required by section 5101.98 (5902.05) of the 129479  
Revised Code as amended by this act. Upon the taking effect of 129480  
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 129481  
Administrative Code are void. 129482

(B) Pending the taking effect of rules adopted by the 129483  
Director of Veterans Services under division (A) of this section, 129484  
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 129485  
remain in effect, but the Director and Department of Veterans 129486  
Services, rather than the Director and Department of Job and 129487  
Family Services, shall administer the rules, and references in the 129488  
rules to the Director of Job and Family Services shall be read as 129489  
if they referred to the Director or Department of Veterans 129490  
Services. In applying the rules, the Director of Veterans Services 129491  
shall read the eligibility of an individual for a grant from the 129492  
Military Injury Relief Fund as if it had been expanded to include 129493  
individuals who served after October 7, 2001. 129494

**Section 763.10.** (A) There is hereby established the 129495  
Montgomery County Workforce Study Committee, which shall study all 129496  
of the following: 129497

(1) Workforce development system options for in-demand jobs 129498  
in the Montgomery County region; 129499

(2) Establishing a workforce sector network to develop a 129500  
common agenda and shared performance measures in aerospace and 129501  
manufacturing; 129502

(3) Identifying the supply and demand of in-demand job areas 129503  
over multi-time horizons and using this data to establish 129504  
short-term and long-term targets for the Montgomery County 129505  
region's in-demand jobs that are approved and shared by the 129506  
network's partners; 129507

(4) Identifying and implementing clear pathways and 129508  
incentives for meeting educational and experiential objectives; 129509

(5) Identifying a collaborative strategy to expand the number 129510  
of internships that are available and to recommend targeted 129511  
matching or seed funding to complement existing efforts or to 129512



generate new "gap filler" efforts for students interested in 129513  
careers in aerospace and manufacturing industries; 129514

(6) Creating innovative loan forgiveness programs and 129515  
providing targeted matching or seed funding to complement existing 129516  
efforts or generating new "gap filler" efforts for students who 129517  
are completing a post-secondary credential in a high-demand 129518  
workforce area. 129519

(B) Not later than June 30, 2017, the Committee shall issue a 129520  
report of its findings and shall deliver that report to the 129521  
Governor, the President and Minority Leader of the Senate, and the 129522  
Speaker and Minority Leader of the House of Representatives. 129523

(C) The Committee shall consist of the following members: 129524

(1) Four representatives of the manufacturing industry, two 129525  
of whom shall be appointed by the President of the Senate and two 129526  
of whom shall be appointed by the Speaker of the House of 129527  
Representatives; 129528

(2) Four representatives of the aerospace industry, two of 129529  
whom shall be appointed by the President of the Senate and two of 129530  
whom shall be appointed by the Speaker of the House of 129531  
Representatives; 129532

(3) Six representatives from institutions of higher 129533  
education, three of whom shall be appointed by the President of 129534  
the Senate and three of whom shall be appointed by the Speaker of 129535  
the House of Representatives; 129536

(4) Four representatives of the Department of Higher 129537  
Education, the Governor's Office of Workforce Transformation, the 129538  
Montgomery County Educational Services Center, OhioMeansJobs - 129539  
Montgomery County, or another state or county agency involved with 129540  
education or workforce development, two of whom shall be appointed 129541  
by the President of the Senate and two of whom shall be appointed 129542  
by the Speaker of the House of Representatives. 129543

(D) The President of the Senate and Speaker of the House 129544  
shall appoint members in accordance with division (C) of this 129545  
section within thirty days after the effective date of this 129546  
section. Within thirty days after the last appointment is made to 129547  
the Committee, the Committee shall meet and select a chairperson 129548  
and vice chairperson from among its members. Thereafter, the 129549  
Committee shall meet at the call of its chairperson as necessary 129550  
to carry out its duties. 129551

(E) Members of the Committee are not entitled to compensation 129552  
for serving on the Committee but may continue to receive the 129553  
compensation and benefits accruing to them from their regular 129554  
offices or employment. 129555

(F) The Committee may hire staff in consultation with Learn 129556  
to Earn Dayton. 129557

(G) The Montgomery County Educational Services Center shall 129558  
be the Committee's fiscal agent. 129559

(H) Upon submission of the report required under division (B) 129560  
of this section, the Committee is abolished. 129561

**Section 803.01.** The amendment by this act of section 718.01 129562  
of the Revised Code applies to municipal taxable years beginning 129563  
on or after January 1, 2016. 129564

**Section 803.03.** The amendment by this act of section 718.05 129565  
of the Revised Code applies to municipal taxable years beginning 129566  
on or after January 1, 2016. 129567

**Section 803.05.** The amendment of section 5124.67 of the 129568  
Revised Code is not intended to supersede the earlier repeal, with 129569  
delayed effective date, of that section. 129570

**Section 803.07.** The amendment by this act of section 5725.22 129571

of the Revised Code applies to taxable years ending in and after 129572  
2016. 129573

**Section 803.70.** The amendment by this act of sections 129574  
5747.01, 5747.05, 5747.055, 5747.08, 5747.21, 5747.37, 5747.71, 129575  
and 5747.98 of the Revised Code applies to taxable years beginning 129576  
on or after January 1, 2015. 129577

**Section 803.140.** The amendment by this act of section 5713.30 129578  
of the Revised Code applies to tax year 2015 and every tax year 129579  
thereafter. 129580

**Section 803.160.** The amendment by this act of sections 129581  
718.01, 718.04, and 718.05 of the Revised Code is not intended to 129582  
accelerate the application of the amendment of those sections by 129583  
H.B. 5 of the 130th General Assembly as provided by Section 3 of 129584  
that act. 129585

**Section 803.170.** The repeal by this act of section 5739.212 129586  
of the Revised Code applies to any tax or rate increase imposed 129587  
under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 129588  
5741.023 of the Revised Code on or after July 1, 2015. 129589

**Section 803.180.** The amendment or enactment by this act of 129590  
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 129591  
on and after January 1, 2016. 129592

**Section 803.210.** The amendment by this act of sections 129593  
3769.03, 3769.08, 3769.083, 3769.086, 3769.087, and 3769.101 of 129594  
the Revised Code apply on and after January 1, 2016. 129595

**Section 803.220.** (A) As used in this section, "net additional 129596  
tax" means, in the case of a wholesale dealer, the net additional 129597  
amount of tax resulting from the amendment by this act of section 129598

5743.02 of the Revised Code, less the discount allowed under 129599  
section 5743.05 of the Revised Code as a commission for affixing 129600  
stamps, that is due on all packages of Ohio stamped cigarettes and 129601  
on all unaffixed Ohio cigarette tax stamps that the wholesale 129602  
dealer has on hand as of the beginning of business on July 1, 129603  
2015, and, in the case of a retail dealer, means the net 129604  
additional amount of tax resulting from the amendment by this act 129605  
of section 5743.02 of the Revised Code that is due on all packages 129606  
of Ohio stamped cigarettes that the retail dealer has on hand as 129607  
of the beginning of business on July 1, 2015. 129608

(B) In addition to the return required under section 5743.03 129609  
of the Revised Code, each wholesale dealer and each retail dealer 129610  
shall make and file a return on forms prescribed by the Tax 129611  
Commissioner showing the net additional tax due and any other 129612  
information that the commissioner considers necessary to apply 129613  
sections 5743.01 to 5743.20 of the Revised Code in the 129614  
administration of the net additional tax. On or before September 129615  
30, 2015, each wholesale dealer and each retail dealer shall 129616  
deliver the return to the Commissioner, together with remittance 129617  
of the net additional tax. 129618

(C) Any wholesale or retail dealer who fails to file a return 129619  
or remit net additional tax as required under this section shall 129620  
forfeit and pay into the state treasury a late charge equal to 129621  
fifty dollars or ten per cent of the net additional tax due, 129622  
whichever is greater. 129623

(D) Unpaid or unreported net additional taxes and late 129624  
charges may be collected by assessment in the manner prescribed 129625  
under sections 5743.081 and 5743.082 of the Revised Code. 129626

(E) All amounts collected under this section shall be 129627  
considered revenue arising from the tax imposed by section 5743.02 129628  
of the Revised Code. 129629

**Section 803.230.** The amendment by this act of sections 129630  
5743.02 and 5743.32 of the Revised Code applies on and after July 129631  
1, 2015. 129632

**Section 803.240.** As used in this section, "tax incentive" has 129633  
the same meaning as in division (B) of section 122.942 of the 129634  
Revised Code. 129635

The amendment by this act of section 122.942 of the Revised 129636  
Code applies to all tax incentives approved by the tax credit 129637  
authority on or after the effective date of this section. 129638

**Section 803.250.** The amendments by this act to division (K) 129639  
of section 122.17 and division (J) of section 122.171 of the 129640  
Revised Code apply only to original agreements approved by the tax 129641  
credit authority on or after January 1, 2014, and amendments to 129642  
such agreements under division (R) of section 122.17 of the 129643  
Revised Code. 129644

**Section 803.260.** The amendment by this act of division (I) of 129645  
section 5741.01 and section 5741.17 of the Revised Code applies on 129646  
and after July 1, 2015. 129647

**Section 803.290.** Notwithstanding any other provision of 129648  
Chapter 718. of the Revised Code, the deadline for filing an 129649  
ordinance or resolution to levy the tax authorized in division (G) 129650  
of section 718.04 of the Revised Code with the board of elections 129651  
for the election to be held on November 3, 2015, shall be fifteen 129652  
days after the effective date of the amendment of that section. 129653

**Section 803.300.** The amendment by this act of section 129654  
5747.113 of the Revised Code applies to taxable years beginning on 129655  
or after January 1, 2015. 129656

**Section 803.310.** Subject to the limitations on the time to 129657  
apply for a refund or issue an assessment under section 5751.08 or 129658  
5751.09 of the Revised Code, respectively, the amendment by this 129659  
act of division (F)(2)(jj) of section 5751.01 of the Revised Code 129660  
applies to tax periods beginning on or after July 1, 2011, and 129661  
shall be construed as clarifying the law as it existed prior to 129662  
the effective date of that amendment. 129663

**Section 803.330.** The amendment by this act of division (II) 129664  
of section 5739.01 of the Revised Code applies on and after 129665  
October 1, 2015. 129666

**Section 803.350.** Notwithstanding division (C) of section 129667  
5736.02 of the Revised Code as amended by this act, the Department 129668  
of Taxation shall post the first average wholesale price of a 129669  
gallon of propane not later than July 31, 2015, for the calendar 129670  
quarter that begins July 1, 2015. 129671

**Section 803.353.** The amendment by this act of sections 129672  
5727.06, 5727.11, 5727.15, and 5727.75 and divisions (B) and (C) 129673  
of section 5727.031 of the Revised Code applies to tax years 129674  
beginning on or after January 1, 2016. 129675

**Section 803.360.** The developmental center closure process, 129676  
established in the amendment by this act to section 5123.032 of 129677  
the Revised Code, applies to a developmental center for which the 129678  
Governor has given notice of the Governor's intention to close the 129679  
developmental center, but for which the closure of the center has 129680  
not been completed. Not later than seven days after the effective 129681  
date of the amendment to section 5123.032 of the Revised Code by 129682  
this act, the officials who are to appoint members to a 129683  
developmental center closure commission shall appoint members to a 129684  
developmental center closure commission for each center for which 129685

the Governor has given the closure notice. 129686

**Section 803.370.** The amendment by this act adding division 129687  
(A)(32) to section 5747.01 of the Revised Code applies to taxable 129688  
years beginning on or after January 1, 2015. 129689

**Section 806.10.** The items of law contained in this act, and 129690  
their applications, are severable. If any item of law contained in 129691  
this act, or if any application of any item of law contained in 129692  
this act, is held invalid, the invalidity does not affect other 129693  
items of law contained in this act and their applications that can 129694  
be given effect without the invalid item of law or application. 129695

**Section 809.10.** An item of law, other than an amending, 129696  
enacting, or repealing clause, that composes the whole or part of 129697  
an uncodified section contained in this act has no effect after 129698  
June 30, 2017, unless its context clearly indicates otherwise. 129699

**Section 812.10.** Except as otherwise provided in this act, the 129700  
amendment, enactment, or repeal by this act of a section is 129701  
subject to the referendum under Ohio Constitution, Article II, 129702  
section 1c and therefore takes effect on the ninety-first day 129703  
after this act is filed with the Secretary of State or, if a later 129704  
effective date is specified below, on that date. 129705

The amendment of sections 173.47, 5165.15, 5165.151, 129706  
5165.152, 5165.192, and 5165.23 of the Revised Code takes effect 129707  
July 1, 2016. 129708

The amendment of section 4501.01 of the Revised Code in 129709  
Section 101.01 of this act takes effect January 1, 2016. 129710

For multiple employer welfare arrangements that have a valid 129711  
certificate of authority from the superintendent of insurance on 129712  
the effective date of the amendments to section 1739.13 of the 129713

Revised Code, the requirements imposed by that section as amended 129714  
by this act shall take effect two years from the effective date of 129715  
those amendments. 129716

The enactment of new section 5165.25 of the Revised Code 129717  
takes effect July 1, 2016. 129718

The repeal of sections 5165.25 and 5165.26 of the Revised 129719  
Code takes effect July 1, 2016. 129720

The amendment or enactment of sections 145.56, 145.571, 129721  
742.462, 742.47, 2919.21, 3115.101 3115.102, 3115.103, 3115.104, 129722  
3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 129723  
3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 129724  
3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 129725  
3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 129726  
3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 129727  
3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 129728  
3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 129729  
3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 129730  
3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 129731  
3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 129732  
3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 129733  
3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 129734  
3115.902, 3115.903, 3305.08, 3305.21, 3307.371, 3307.41, 3309.66, 129735  
3309.671, 5505.22, and 5505.261 and the repeal of sections 129736  
3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 129737  
3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 129738  
3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 129739  
3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 129740  
3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 129741  
3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 129742  
3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 129743  
3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 129744  
3115.56, 3115.57, 3115.58, and 3115.59 of the Revised Code take 129745



effect on January 1, 2016. 129746

**Section 812.20.** This paragraph does not apply to the 129747  
amendment by this act of Section 2 of Am. Sub. S.B. 1 of the 130th 129748  
General Assembly. The amendment, enactment, or repeal by this act 129749  
of the sections listed below is exempt from the referendum under 129750  
Ohio Constitution, Article II, section 1d and section 1.471 of the 129751  
Revised Code and therefore takes effect immediately when this act 129752  
becomes law or, if a later effective date is specified below, on 129753  
that date. 129754

Sections 5709.92, 5709.93, 5727.81, 5727.811, 5727.84, 129755  
5727.85, 5727.86, 5751.02, 5751.20, 5751.21, and 5751.22 of the 129756  
Revised Code and Sections 757.10 and 757.20 of this act take 129757  
effect July 1, 2015. 129758

Sections 5741.01 and 5741.03 of the Revised Code take effect 129759  
July 1, 2015. 129760

Sections 5743.02 and 5743.32 of the Revised Code and Section 129761  
803.220 of this act take effect July 1, 2015. 129762

Sections of this act prefixed with section numbers in the 129763  
200s, 300s, 400s, 500s, and 600s. 129764

Sections or parts of sections that state that referenced 129765  
sections in whole or in part are exempt from the referendum. 129766

**Section 812.40.** Section 340.034 of the Revised Code takes 129767  
effect September 15, 2016. 129768

**Section 812.70.** (A) The amendment, enactment, or repeal of 129769  
sections 121.04, 305.31, 717.01, 901.08, 901.21, 901.22, 903.082, 129770  
905.31, 905.323, 931.01, 931.02, 939.01, 939.07, 941.14, 953.22, 129771  
1501.022, 1501.04, 1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 129772  
1503.55, 1503.99, 1506.01, 1511.01, 1511.04, 1511.06, 1511.07, 129773  
1511.08, 1511.99, 1514.08, 1514.13, 1521.03, 1521.031, 1521.04, 129774

1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 129775  
1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 129776  
1521.18, 1521.19, 1522.03, 1522.05, 1522.11, 1522.12, 1522.13, 129777  
1522.131, 1522.15, 1522.16, 1522.17, 1522.18, 1522.20, 1522.21, 129778  
1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 129779  
1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 129780  
1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 3701.344, 129781  
3714.073, 3718.03, 3734.029, 3745.70, 4115.03, 5301.68, 5301.69, 129782  
5537.05, 6109.21, 6111.03, 6111.04, 6111.044, 6111.12, 6111.44, 129783  
and 6131.23 of the Revised Code and Sections 709.20, 709.30, 129784  
709.40, 709.50, 715.20, 715.30, 715.40, and 737.50 of this act 129785  
take effect on January 1, 2016. 129786

(B) The amendment, amendment for the purpose of adopting new 129787  
section numbers as indicated in parentheses, or both of sections 129788  
1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 1511.03 129789  
(939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 (939.08), 129790  
1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 1515.03 129791  
(940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 (940.06), 129792  
1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 1515.092 129793  
(940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 (940.13), 129794  
1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 1515.16 129795  
(940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 (940.20), 129796  
1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 1515.185 129797  
(940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 (940.27), 129798  
1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 1515.22 129799  
(940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 (940.34), 129800  
and 1515.29 (940.35) of the Revised Code takes effect on January 129801  
1, 2016. 129802

(C) The amendment of division (D) of section 3734.02, 129803  
division (VV) of section 5705.19, division (M) of section 6111.01, 129804  
and division (T) of section 6111.03 of the Revised Code takes 129805  
effect on January 1, 2016. 129806

(D) The following amendments take effect on January 1, 2016:	129807
(1) "Chapter <del>1515.</del> <u>940.</u> " in section 505.101 of the Revised Code;	129808 129809
(2) " <del>the division of soil and water resources in the department of natural resources,</del> " and "Chapter <del>1515.</del> <u>940.</u> " in division (A) of section 903.11 of the Revised Code;	129810 129811 129812
(3) " <del>1511.01</del> <u>939.01</u> ", " <del>chief of the division of soil and water resources in the department of natural resources under section 1511.02</del> <u>director of agriculture under section 939.02</u> ", and " <del>1515.08</del> <u>939.02</u> " in section 903.25 of the Revised Code;	129813 129814 129815 129816
(4) " <del>1515.14</del> <u>940.15</u> " in division (A)(2) of section 3734.901 of the Revised Code;	129817 129818
(5) All of the amendments to section 1501.011 of the Revised Code, except <u>a notice published by the department of natural resources regarding an activity, project, or improvement shall be published as contemplated in section 7.16 of the Revised Code.</u>	129819 129820 129821 129822
(6) Renumbering of sections 1515.14 to 940.15 of the Revised Code; and " <del>natural resources agriculture</del> ", " <del>local</del> ", " <del>1515.10</del> <u>940.12</u> ", " <del>local</del> ", " <del>1515.10</del> <u>940.12</u> ", and " <del>local</del> " in division (A) of renumbered section 940.15 of the Revised Code.	129823 129824 129825 129826
<b>Section 815.10.</b> The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	129827 129828 129829 129830 129831 129832 129833 129834
Section 109.572 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly.	129835 129836

Section 122.85 of the Revised Code as amended by both Am.	129837
Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly.	129838
Section 124.181 of the Revised Code as amended by both Am.	129839
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	129840
Section 124.392 of the Revised Code as amended by both Am.	129841
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	129842
Section 321.24 of the Revised Code as amended by both Sub.	129843
S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the	129844
128th General Assembly.	129845
Section 2151.421 of the Revised Code as amended by both Am.	129846
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	129847
Section 3301.57 of the Revised Code as amended by both Am.	129848
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	129849
Section 3314.03 of the Revised Code as amended by Sub. H.B.	129850
264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of	129851
the 130th General Assembly.	129852
Section 3314.08 of the Revised Code as amended by both Am.	129853
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	129854
Section 3319.22 of the Revised Code as amended by both Am.	129855
Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly.	129856
Section 3326.11 of the Revised Code as amended by Sub. H.B.	129857
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	129858
General Assembly.	129859
Section 3328.24 of the Revised Code as amended by Sub. H.B.	129860
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	129861
General Assembly.	129862
Section 3333.048 of the Revised Code as amended by both Sub.	129863
H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly.	129864
Section 3333.0411 of the Revised Code as amended by both Am.	129865

Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	129866
Section 3501.01 of the Revised Code as amended by Am. Sub.	129867
H.B. 59, Am. Sub. S.B. 109, and Am. Sub. S.B. 193 all of the 130th	129868
General Assembly.	129869
Section 3714.073 of the Revised Code as amended by both Am.	129870
Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	129871
Section 4501.21 of the Revised Code as amended by Am. Sub.	129872
H.B. 23, Sub. H.B. 206, Am. H.B. 474, and Am. S.B. 186, all of the	129873
130th General Assembly.	129874
Section 5104.09 of the Revised Code as amended by both Am.	129875
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	129876
Section 5104.38 of the Revised Code as amended by both Am.	129877
Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483	129878
of the 130th General Assembly.	129879
Section 5705.34 of the Revised Code as amended by both Am.	129880
Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly.	129881
Section 5747.113 of the Revised Code as amended by both Am.	129882
Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly.	129883